DEVELOPMENT OF
THE HUMAN RIGHTS CONCEPT

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In the article the evolution of human rights both as a moral and legal concept is traced. The authors give an overview of historical changes in the social context and the emergence of different ideas on the human individual, human personality, equality, unity as well as on human community and society as a whole. Different approaches to law and legal institutions are explored and sources of legal standards and institutions on human rights are explained.

Introduction

The development of human rights has a long history which can be seen in two different but not separate dimensions: axiological (as a moral notion) and normative (as a legal category). If the former is based on reflection on the human being, one's dignity, and organisation of private and public life in the respective society; the latter touches upon institutional expression, legal formulations and norms in which the idea and ethos of the moral dimension is explicated and by which it is implemented.

Axiological development of human rights

The idea of human rights as a moral category traces its genealogy from the idea of the human being. The anthropological issue has been raised from the very beginning of human society. In many respects, the notion of the human being was influenced significantly by the

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social organisation of individuals and at the same time the plurality of human being's images and multiple approaches to anthropology in the framework of the same society or tradition must be admitted. Philosophical and theological ideas often were not embodied in the actual social praxis and could have been reinterpreted to fit dominating political discourse. What is a human being and human dignity; are all people equal, having the same value, or is their dignity different and derived from their personal and social characteristics, activities or origin; what is the basis for evaluation of the social order as right and good? These questions have existed since the early history of humankind.

The concept of the human being as a self-reflective one has emerged initially to differ humans and their communities from their natural surroundings, to find self-understanding in the difference from animals and the rest of nature. Being integrated into nature through the biological dimension, human beings from the primitive era of the human race tended to differ themselves from other biological species. This belonging to the natural and animal world and distinction from it at the same time formulated the idea of humanity. Although in archaic cosmological views, the biological world was attached by metaphysical and anthropomorphic features and other specific objects of the natural world such as natural elements and phenomena, certain plants or animals could have higher status than human beings; while the dignity of individual human beings as well as groups of humans could be identified with different natural objects or phenomena and could differ in dependence on the status of the attached object. This reflection in archaic societies could have had but actually did not have a reflective sense but rather an interpretative character: actual social order and organisation of the life of human beings were seen to be of primordial origin and initially determined by nature or by supernatural forces.

On the other hand, we can remark on the emergence of the concept of a human individual different from other human individuals as a unique being and at the same time belonging to the community as an integrity and collective being and the whole human race as a generic group.

In prehistoric societies, the social system was based on kinship - clan or tribal relations, and being human had the meaning of belonging to the group based on origin from the same ancestors and sharing in the group of responsibilities and common welfare. Belonging to the native group was evaluated higher than being a stranger, while the former was attributed with positive features and the latter with negative (or at least less positive) ones, often even with ascribing inhuman peculiarities to the very image of the strangers.

With an extension of smaller groups, the beginning of the division of labour and welfare in pre-modern societies, not only belonging to an ethnic community, was laid down as a determination of the human being but also social status and belonging to a social group, each of which had a different place in the social hierarchy, a different level of welfare and participation in power. Individuals of different ethnicities as well as social groups were even considered to differ in their nature and their dignity. The dignity of a concrete human being was derived from belonging to the group or specific political community with its own social system (dignity of citizens vs. non-citizens, strangers, barbarians); from the origin of (a) specific ancestor(s) of a family or wider group who were believed to be a great figures, heroic or godly persons, possessing supernatural origin or virtues, and this relation

transmitted dignity to the descendants; from political belonging to a specific political community, from social position - having its hierarchy in dignity while a large group of human beings - slaves - were deprived of human dignity, rather having material value and being considered as property (res in Roman law). The same idea of hierarchical dignity, depending on belonging to social estate, was presented in the Hammurabi code where all the people had different rights and different dignities, being patricians, plebeians or slaves which was fixed in the legal provisions. The caste system in Ancient and Medieval times, as well as even in modern India of colonial times (both in varna or jatis manifestation) with its rigid belonging of the human being to some strict group which had not only a social but also a religious sense and which was sacralised by religion. Different norms and a different social order were applicable in the framework of different groups, making universal norms impossible for everyone. Traditional norms, such as social regulators, were laid down on the basis of social order in such societies and law and legal institutions were based on these traditional norms.

Plato in Republic (415) illustrates this differentiating approach with the allusion of metals of different value: governors having an admixture of gold, which makes them to be more worthy, their assistants - of silver, and farmers and craftsmen - of iron and copper, and each of these groups have their own virtues. Also Aristotle in Politics argues that people differ in their nature having different parts of the soul and possessing different moral virtues: free people differ from slaves; male from female; man from a child; and the perfection of the citizen depends on how perfect the state is which he belongs to. These concepts of dignity were coming from the social order, and dignity was determined by the value of the community, which naturally was seen as greater in comparison with the value of one individual life. Both philosophers not only evaluated existing social organisation but also reinterpreted and proposed political projects of how societal life should be organised to correspond with human nature and cosmic order. In his Nicomachean Ethics Aristotle distinguished between 'natural justice' and 'legal justice': 'The natural is that which has the same validity everywhere and does not depend upon acceptance' (189) giving an idea of order deriving from nature itself, not from the tradition or established order, and claimed universality of natural justice. It was a formulation of natural law, which is based on natural justice coming from the very nature of the human being and cosmic order, while actual existing law coming from the will of the ruler could be different.

Several ancient philosophical schools tried to overcome approaches of community being prevailing over individual being when social norms and obligations determined the life of an individual opposed to life according to nature, while perfection of the human being was seen through his personal moral behavior and ascetics (Cynics), affirming equality of all human beings in front of universal reason and therefore a universal value of all people. Stoics claimed the existence of a universal moral community established through common sharing relations with god, whose will touches all human beings equally. Cicero in De officiis (XVI, 50) argues, that all the people are bound in the same humankind (natural society) being different from animals and having intellect and faculty of speech; (XXX, 105, 107) and every human being has double roles: as belonging to the universal human race (having common human dignity) and at the same time as having a unique individual nature (differentiated dignity linked with specific achievement of position). Still, even Cicero pays attention to differences between males and females, elders and young, citizens and foreigners, people of

different professions and different qualities having a different place in the social system and different responsibilities living in a political community. Roman jurist Ulpianus expressed this dichotomy of the individual being and collective rights through the understanding that individually everyone is born free, but slavery comes from the nation's law, from the social order.

The universality of the human race could be traced also in the Hebraic tradition deriving from Biblical cosmogony - according to Genesis, the whole world was created by God and the first human beings were created in the image and likeness of God Himself. All the people born on the earth originated from the same parents who, on the one hand, being created by God, possess His image and likeness and, on the other hand, inherit from Adam and Eve human nature with the consequences of sin. The universality of human kind was claimed by the Bible, though this universality is mainly the later interpretation through the vision of Jesus Christ's teaching, New Testament and modernity. In the Old Testament society there was also differentiation of people in dignity and people were seen as divided into different humanities. Origin from a specific ancestor had ethical and substantial impact on an individual belonging to the "semen": three sons of Noah gave birth to different races, which were attributed with the personal character of their ancestors; religious belonging to the chosen people and relation to God depended not only on personal behavior and virtues but on consanguinity with the righteous and pious ancestor Abraham whose personal relationship to God becomes blessing to the next generations of the Hebrews, semen of Abraham. Considering themselve a nation chosen by God and having a special relationship with Him, the Israelite people viewed themselves as having a higher dignity in comparison with the neighbouring people. The same clan relationship based on kinship was applied in the society and slavery continued to exist as a social institution as well as gender inequality.

Christianity, which emerged in the context of both the Hebraic world and Hellenic oikumene, reveals a new idea of human value through the universality of Christ's Sacrifice and Gospel. Like in Adam all humanity was fallen, in Christ all humanity was embodied and redeemed. In kenosis and the Sacrifice of the Son of God Himself, the human being was revealed in the highest value and dignity. The universality of the Christian message postulated the inclusivity of the human race and importance of every human being regardless of biological or social characteristics and belongings. Also Christ is presented in the Gospel as breaking the traditional social order, by putting a human being at the center of the faith itself and claiming that the human being is more important than the sacred day of Saturday; and by being open also to people not from Israelite origin, or from bad social positions and to sinners, which is more important than to follow religious purity.

Moreover Christian theology, in trying to explain Trinitarian and Christological dogmas, elaborated the notion of the human person as a unique being non-reducible to nature which influences philosophical anthropology of future centuries. Quite a revolutionary message of being neither Jew nor Greek, slave nor free, circumcised nor uncircumcised, barbarian, Scythian, male nor female but all one in Christ Jesus (Gal. 3:28, Col. 3:11) was pronounced but the real social praxis of Christianity and societies where Christian faith was accepted as the official one were still far from that idea of universality. Still it can be admitted that in the Middle Ages the social structure of feudal society was based on the approach of a different social and personal dignity for those who had different social positions. In the religious

sense, all human beings were considered to be equal and their righteous or sinful actions made them more or less "similar" to Christ but, in reality, the social system was still based to a great extent on social position rather than equality. It was also clearly expressed in the legal system where for murder of feudal or upper class members punishment was much higher than for murder of peasants; not to mention the fact of the legal feudal dependence of peasants. The Medieval Church was also a part of feudal society and did not contribute much to social equality and universal dignity issues.

Inequality in dignity among different members of society was not just caused by natural inequality but also by social institutions which reproduced and strengthened it through tradition, ideology and legal status, the content of which was granted by higher authority, and society was vertically based. According to the Christian view, the human being was considered as a value in itself, but this idea had a very low level of social implication even in those societies which claimed to be based on Christian faith and ethics.

With modernisation of social structures, pluralisation of identities and belonging and further development of humanities and sciences, a new shift was made concerning the image of the human being. The human being was not any more seen to depend on group of belonging, but rather was seen as a creative and rational individual. Two intellectual, cultural and social movements – the humanistic focus of the Renaissance and the theological ideas of the Reformation - made an important impact on the concept of the human being in this respect. The oration De hominis dignitate by Mirandola manifested the moral autonomy and freedom of the human being who could choose their fundamental identity and destiny, their image - to be like a plant, like an animal or to have the likeness of angels or God, the latter being the most relevant to human dignity. It is not the belonging to any group which determines a person's identity but their personal vision. The proclaimed freedom of the individual, however, had a different interpretation in the Reformation which also has put the human being not in determination by belonging to Church or any group but by one's faith and relationship with God. The doctrines of salvation by faith not by deeds and of predestination by the main leaders of the Reformation Luther and Calvin also had an impact on the idea of the moral autonomy of a human being. However they opposed the humanist concept of the human being as having an absolute free will. At the same time, ethical autonomy did not mean ethical egoism of own interest. The Reformation with its conflict with the ruling Catholic Church has actualised freedom of belief and its practice, i.e. in daily activities, and its necessity to be protected from any intervention. A special role belongs here to Castellio, who opposed persecution of heretics by Calvin in Geneva which was an example of the lack of correspondence of initial ideas of moral autonomy of a person and the social practice of their persecution. Deriving the idea of ethics based on personal salvation and relationship with God from the Reformation, we can evaluate also the understanding of the role of social institutions and the state in ethics.

The enlightenment project with its ideas and social implications put the values of natural rights, moral autonomy, human dignity and equality on the humanitarian agenda. One of the most prominent moral philosophers of New Times, Immanuel Kant, claiming fundamental equality of all human beings and moral autonomy of the rational human being formulated his categorical imperative: 'act only on that maxim through which you can at the same time will that it should become a universal law' and 'act in such a way that you treat

humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.' The human person – and, since New Times, personality and personhood became more welcomed notions coming to human being - was recognised as the center of ethics attributed with ultimate dignity. Kant also made the distinction between dignity as an absolute value inherited by a person as a moral being endowed with reason and price as a relative, differentiated value assigned to an object: 'In the kingdom of ends everything has either price or a dignity. What has a price can be replaced by something else as its equivalent; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity'. So to say, human dignity in such an understanding is derived from the fact of existing and has an objective character and must be recognised and respected. Kant's formulation was closely connected with the ethical principal found in different religions, cultures and traditions famous as a 'golden rule' where others were considered as a value. This shift to personality was significant in moral philosophy, but the presented approach was only applicable to the individual moral being and action and could not be directly institutionalised as a social paradigm.

The modern era proclaiming ideals of human dignity at the same time gave a quite specific social and economic order of capitalistic society where many people were indeed means and not ends and deprived of the common welfare. Moreover, the new economic system gave birth to urban culture with people leaving their roots and local communities and moving to industrialised cities. Secularisation started which diminished the social role of Church organisations and norms. Disintegration of local communities caused an even more individualistic approach to life. Marxist critics of capitalism also touched upon alienation and egoism caused by individualistic values and practice. This criticism was not without a reason, but egoism or hedonism were not something new for the modern era, and depended not on the social order, but on the moral approaches of the person, one's own values and one's own interests. Modern countries based on ethics of New Times, such as the United States, having a Constitution and proclaiming human rights and dignity as a modern concept still practiced slavery and discrimination against Afro-Americans. Discriminative practices were institutionalised. On the European continent, two highly repressive and discriminatory regimes appeared - Nazism and the communist regime. The former proclaimed the values of one distinctive national group of people and tried to create a new society of high moral values combined with oppression and annihilation of other groups. The latter based on Marxist collectivistic ideas interpreted by the Soviet regime and social-economic rights for the working class, built on the State where millions of people were murdered or oppressed in the name of the working class and in the name of human dignity. Following Marx in criticising capitalism of egoism and alienation, communistic ideologists linked human rights recognised in Western society with this egoism and negative phenomena of Western civilization, which was attributed as capitalistic and trying to impose its capitalistic values (i.e. human rights) against the real values proclaimed in the communistic society of collective dignity rather than an individual one.

Modernity caused reformation and destruction of many traditional institutions; pluralistic identities resulted in alienation and demolishing of kinship ties. It posed new questions - what is the basis which unites individuals into one society, what makes social order? Return to the belonging to group as a basis of solidarity, the kind which Durkheim called a mechanical one, was not any more possible. He also proposed another kind of

solidarity such as a shared value - organic one, which is coming from the independence of people and is based on their complementarity. Such solidarity cannot be imposed by any corporation or state but only achieved by society and its individual members through dialogue, negotiating, sharing, discussion of norms, coming from the independence of all the members and at the same time from the need to live in common.

The moral universalism of Western ethics of human dignity as a universal category in the context of XX century has been repeatedly interpreted as Western imperialism, eurocentrism, as an element of confrontation between the capitalistic and socialistic world. The latter proposed values of alternative universal ethics based on class theory. Apart from this ideological opposition, moral relativism was claimed in the framework of a civilizational approach, which was based on assuming the existence of different social structures and understanding of relations of human being, society and state; so different values would derive from this social context, and these civilizations and their ideas about social order are to be respected and accepted as an alternative to Western universalism. On the other hand, there are different approaches in different cultures and societies towards human dignity and human personality, so it is also a question of legitimacy of who can represent a particular culture of the human race. It must be admitted that in this context it is important to have legitimated representation and articulation, which can be done by normative recognition. The UN Declaration of Human Rights drafted by representatives of different countries and traditions was one of the examples of a legitimate response to the issue of moral relativism. At the World Summit 2005 (par.121) it was clearly underlined: the universal nature of human rights and freedoms is beyond question.

Human rights as a legal concept

2.1 Rights of the individual impose obligations on the state

The advent of the age of Enlightenment in Europe and its rationalistic doctrine of natural law meant that individual human beings were recognised as being endowed with rights against state. The individual was seen as having natural, inherent and inalienable rights. This brought about a paradigm shift in the understanding of the state and its functions. The state no longer got its justification from the divine order, but only from the need to protect the natural rights of the individual, which were inherent in the nature of human beings.

The idea of natural law was not so new for that time, finding its roots in antiquity and early Christian works. But the real shift was endorsed by the theory of the social contract. The theory had its roots in the writings of especially John Locke, Thomas Paine, Charles de Montesquieu, Jean-Jacques Rousseau and other philosophers of the 17th and 18th century. The theory was a driving force behind the French and American Revolutions at the end of the 18th century. As a result, many of the natural rights found legal expression. The U.S. Declaration of Independence (1776), the French Declaration of the Rights of Man and Citizen (1789) and the U.S. Bill of Rights (the first ten amendments ratified in 1791) articulated rights to be enjoyed by all citizens, first and foremost of which were liberty and equality. Especially the French Declaration has had a wide impact on the constitutions of other

European countries as well as the European Convention of Human Rights and Fundamental Freedoms.

Wiktor Osiatyński lists six fundamental ideas, of which the modern concept of human rights consists:
1. The power of the ruler is not unlimited;
2. Subjects have a sphere of autonomy that no power can invade and certain rights and freedoms that must be respected by a ruler;
3. There exist procedural mechanisms to limit the arbitrariness of a ruler and protect the rights and freedoms of the ruled who can make valid claims on the state for such protection;
4. The ruled have rights that enable them to participate in the decision-making;
5. The authority has not only powers but also certain obligations that may be claimed by the citizens;
6. All these rights and freedoms are granted equally to all persons.

Human rights are both moral and legal. The source of human rights is a person's moral nature. The law can decide whether or not to recognise people's pre-existing human rights, but it does not of itself grant such rights. The power of the moral principles justifies human rights, not the influence of legal institutions. Claiming a human right therefore involves exercising a right that one already has, in addition to suggesting that one ought to have or enjoy a respective legal right.

Not all human rights can be enforced, for example due to the lack of suitable mechanisms or the absence of political will. Some rights remain as moral rights due to their nature (e.g. the right of a child to be loved). As Orend remarks, human rights can however be and have been used as a mechanism through which new moral claims can thrust their way into the legal order. They also function in a negative capacity by helping to delete from law those norms that violate human rights standards (e.g. ban on torture and outlawing corporal punishment). Human rights therefore play a role of conveyance between morality and positive laws. Human rights are not a mechanism of relationship between two equal persons and they emerge in the vertical relationship with the presence of power, and this is different from moral claims of justice. Still, in violations from private parties the state has a responsibility to protect the victim of violation.

Human rights have become international legal rights. Their implementation, however, remains almost exclusively national. Human rights obligations are imposed only on states and states have human rights obligations only to their own nationals and foreign nationals in their territory or otherwise subject to their jurisdiction or control. Human rights have first and foremost a vertical application between the individual and the state. Rights are also applicable horizontally as states are obliged to protect individuals against human rights violations by private parties. As Donnelly points out, the modern state is therefore both the principal threat to the enjoyment of human rights and the essential institution for their effective implementation and enforcement. A set of human rights can be seen as a standard of political legitimacy. To the extent that governments protect human rights, they are legitimate.

2.2. Universal Declaration as the basis of internationally recognised rights

The concept of human rights has evolved in waves and has brought about an increased scope of freedom. As a result, the content of rights has also been evolving. The 18th century idea of rights was outlined by the needs of an emerging market economy and was thus limited to civil and political rights. Civil and political rights claim various freedoms and legal protection. In the 19th century, the evolving concept of economic and social rights reflected the needs of the industrial society. They claim concrete material goods and various social benefits. Since in the 20th century, sovereignty over land and resources has been becoming a fundamental part of the concept of rights.

The 1948 Universal Declaration of Human Rights (UDHR) established the contemporary consensus on international human rights. The main impetus for formulating the Declaration was the Nazi Holocaust. The systemic discrimination and genocide carried out by the state directed against its citizens and citizens of occupied states on the basis of their ethnic or religious background, sexual orientation or disability etc. forced the international community to react.

The Declaration became both a compromise and a synthesis of various traditions and values articulated for the first time in the language of rights. For example, the concept of civil and political rights came from the liberal Anglo-American tradition, whereas the notion of dignity was taken from Christian thought. For many, human rights mean the same as what is written in the Universal Declaration. The UDHR includes a short but essential list of rights. It has been developed further, with modest additions, in a variety of later treaties, especially the 1966 International Human Rights Conventions. The Declaration treats human rights in a holistic way. The rights form an interdependent and indivisible whole rather than a menu from which one can choose.

The rights in the UDHR, with the exception of the right to self-determination of peoples, are rights of individuals, not groups. Many individual human rights are however exercised and can only be enjoyed through collective action. Many rights, like the freedom to practice one's own religion, would be of little significance without a community. Even where group membership is essential to the definition of a human right, the rights are held by individual members of these groups and not by the group as a collective entity. Donnelly underlines that the very idea of respecting and violating human rights rests on the idea of the individual as part of a larger social group. Rights-bearing individuals alone cannot effectively implement their rights. Nonetheless, a human rights conception of human dignity rests on the fact that human beings have an essential, irreducible moral worth and dignity independent of the social groups to which they belong and the social role they occupy.

2.3 From generations of rights to indivisibility of rights

During the cold war the human rights were divided, primarily for ideological reasons, into three generations or dimensions. The Western countries claimed that the first generation rights, namely civil and political rights, constituted the only real individual rights in the sense of individual rights enforceable by law against the state. Socio-economic rights were regarded as merely desirable goals defined in the form of human rights. Socialist states

for their part argued that the practical enjoyment of civil and political rights was dependent on a sufficient level of development in the enjoyment of the second generation of economic, social and cultural rights. The countries of the South argued that the full enjoyment of individual human rights was possible only in a society in which the collective rights of the so-called third generation, especially the right to development and self-determination, were fully secured.

The split between the first and second generation of rights found normative expression in the Convention on civil and political rights and the Convention on social, economic and cultural rights adopted in 1966. The third generation rights became visible especially in the 1981 African Charter on Human and Peoples' Rights. With the end of cold war, these ideological concepts gradually gave way to an understanding which stresses the equality and interdependence of all human rights. The division of rights into generations was not therefore based on real substantial differences between rights but has been used as an ideological construction.

The Second World Conference of Human Rights, held in 1993 in Vienna, advanced a new and common understanding of human rights. In the Vienna Declaration and Programme of Action it was confirmed that "all human rights are universal, indivisible and interdependent and interrelated." The doctrine of indivisibility of human rights has thus put an end to the 'three generations' theory. It is now widely accepted that no set of human rights can claim priority over other human rights.

Human rights have gained universal status in international law. Human rights conventions are a form of positive law and enjoy nearly a universal status as a result of their ratification by most states. The UDHR, which was approved as a political declaration, is increasingly recognised as an important source of customary law. Moreover, international law includes principles and norms, like the prohibition of slavery, torture and genocide, which cannot be violated or set aside for any reason or in any circumstance. These ius cogens norms have gained general acceptability in world opinion. Human rights are universal also in their generality. The same rights apply to and are available to everyone. They embody a political ideal which is attractive for groups and individuals in their struggle for emancipation. They provide powerful arguments against justifying political exclusion or subordination and for campaigning for equal freedom and dignity for all.

Even though human rights are universal in a legal sense and in their applicability, the moral universality of human rights continues to be contested. There is no consensus on the philosophical foundations of human rights as there are only a few cross-culturally valid moral norms. It can be argued, however, that the universality of rights does not require finding a consensus on the foundations for rights. The universality does not either mean that all parts of the world should subject itself to the Western philosophy of rights or the Western cultural model. Internationally- recognised human rights have become uniform rules and standards of behaviour, which should be observed even without knowing and sharing of their philosophical foundations. These fundamental rights cannot be violated by any government, regardless of philosophical, cultural, religious differences, and these rights cannot be abused in the name of these differences.

2.4 Mechanisms as a means to exercise human rights

Since the adoption of the UDHR and the above-mentioned two conventions, a large number of general and single-issue, universal and regional human rights conventions have been adopted. However, standard- setting activities still continue in order to meet new challenges. The adoption of the Convention on the Rights of Persons with Disabilities (2006) is an example of a more recent development.

The biggest challenge of the international human rights system is not to prepare new standards but to put them into practice and monitor their implementation more effectively. As a result of the formidable normative framework, a multitude of procedures on the promotion and protection (implementation) of human rights and the prevention of human rights violations have been developed. Whereas the 1945 UN Charter only talked about the promotion of human rights, in the second half of the 20th century states have committed themselves to protect internationally binding human rights as specified in these conventions. By ratifying one or several of these treaties, all the states in the world have obligated themselves internationally to respect, fulfill and protect the human rights contained in them.

The protection or implementation is however relevant only when international bodies can effectively monitor states' compliance with these obligations. For these procedures to be effective, a monitoring body's decisions or recommendations should be enforced against the state in question. This is one of the biggest challenges and weaknesses of the current international human rights regime. Also, effective prevention strategies are still needed. The global civil society, including churches, has a role to play in developing them. In the end, the aim of human rights protection must be to prevent human rights violations as much as possible.

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The language of rights has become the lingua franca of the modern moral discourse. Osiatyński claims that there is a need to revitalise the idea of human rights. This requires understanding the nature of rights: they are not a magic key to justice and happiness. Rather, they are just one of many principles and instruments that need to coexist in a democratic state ruled by law.

References:

Aristotelis. Nicomachean Ethics

At the centre: Human dignity. Christian responsibility as a basis for the practice of politics. Christian ethics as a guide. - Ed. by Vogel, Bernhard. - published by Konrad Adenauer Foundation, 2007.

Cicero. De officiis

Donnelly, Jack. Universal human rights in theory and practice. Second edition. Ithaca, N.Y.: Cornell University Press, 2003.

Kant, Immanuel. Groundwork of the Metaphysic of Morals. - Translated by James W. Ellington [1785] 3rd ed. Hackett, 1993.

Mirandola, Pico. De hominis dignitate.

Nowak, Manfred. Introduction to the International Human Rights Regime. The Raoul Wallenberg Institute Human Rights Library; 14. Leiden/Boston: Martinus Nijhoff, 2003.

Orend, Brian. Human rights: concepts and context. Peterborough, Ont.: Broadview Press, 2002.

Osiatyński, Wiktor. Human rights and their limits. Cambridge & New York: Cambridge University Press, 2009.

Plato. Republic.

Smith, Rhona K. M. Textbook on International Human Rights. Third edition. Oxford & New York: Oxford University Press, 2007.

Smith, Rhona K. M. & van den Anker, Christien. The essentials of…human rights. London: Hodder Arnold, 2005.