

THE FUTURE OF THE EUROPEAN CONCEPT OF HUMAN RIGHTS

Magdalena Sitek

Alcide De Gasperi University of Euroregional Economy in Józefów

Summary. Since more than two centuries, Europe has been largely built on the French Revolution value system – on the freedom, the equality, and the fraternity. Many people consider this event to be epochal and of great importance to the history of world. The human rights, which have become a new decalogue of European culture are product of this revolution. The concept of human rights, based on revolutionary values, is not accepted by everyone. Furthermore, the accusation can be heard that this instrument is used to Europeanize Africa and Asia. The lack of acceptance for the value of the French Revolution on these continents leads to the rejection of the very concept of human rights. It is necessary to seek new axiological foundations for this concept. The human needs set according to the Maslow's pyramid are the right foundation here. These changes may lead to a new consensus within the European Union on the construction of a new structure of society, politics and economy. Such a consensus can give the European Union and entire Europe a chance to live peacefully for the next few centuries.

Key words: European Union, human rights, the future of Europe, multiculturalism, European communities

1. INTRODUCTION

The XX century was a very difficult time for Europe. Two World Wars, in a short time, were characterized by unprecedented atrocities in the history of the world, which its source had in the economic crises, the cultural changes, the unbridled desire to rule by one nation over another and in the implementation to life of the criminal ideologies such as: communism, fascism or extreme nationalism. All this was accompanied by technological progress, most often used for the mass extermination of people. In addition, the disintegration of European unity was accompanied by the instrumentalization of the law¹. The consequence of the wars of the past century was a new division of the world

¹ More about the phenomenon of instrumentalization of the law see: B. Sitek, *Bezpieczeństwo prawne a wertykalna wielowarstwowość systemów prawnych*, "Journal of Modern Science" 1 (12) 2012, pp. 167–186.

into zones of political, economic and military influence which could cause new wars in the future². Millions of people had to leave their native land.

The subject of this paper is not only to present the reasons for the return to the concept of human rights in the 20th century, but first of all to define the future of this concept in Europe and in the world in the 21st century. As a research hypothesis, the assumption should be made that human rights in essence are extremely important for humanity, however, their changing political, normative and cultural environment causes the lack of their universal acceptance. The work will use the legal-historical method and the method of analysis of the historical and legal events.

2. THE RETURN TO CONSOLIDATE EUROPE AFTER WORLD WAR II

The humanity, aware of the cruelty of the two world wars, immediately after the end of World War II, undertook numerous actions aimed at eliminating the causes of potential future conflicts in Europe and in the world. On the basis of the vision of Alcide de Gasperi, Conrad Adenauer and Robert Shuman, a legal, institutional and, above all, political framework for a united Europe was established³. Three European communities were set up. The Coal and Steel Community was established as the first (1952-2002). The political need for its existence was the need to regulate the rules for the extraction and trade of coal and steel, particularly at the borders of France and Germany. The lack of such rules was one of the causes of the outbreak of World War II⁴. The European Atomic Energy Community (it has been existing since 1957) has been established as a regulator of the rapidly growing field of economy, which was the production of nuclear energy⁵. Finally, the European Economic Community was established (it was operating from 1958 to 2009, it was re-named to the European Community in 2002-2009)⁶.

² The climate and causes of the outbreak of World War II was described in a very evocative way by N. Davies in *Europa. Rozprawa historyka z historią*, Znak, Kraków 2007, pp. 1004–1058. This period in both world wars was described by this author in his book as the tenebrae – the period of darkness.

³ See: M. Sitek, *Problemy ekologii w polityce prawnej i prawie Wspólnoty Europejskiej. Wkład do Europejskiej kultury prawnej*, Wit-Graf, Toruń 1997, p. 15.

⁴ See: Z.M. Doliwa-Klepacki, *Integracja Europejska (łącznie z uczestnictwem Polski w UE i Konstytucją dla Europy)*, Temida2 – Wydawnictwo Stowarzyszenia Absolwentów Wydziału Prawa Uniwersytetu w Białymstoku, Wyższa Szkoła Biznesu i Przedsiębiorczości, Białystok–Ostrowiec Świętokrzyski 2005, pp. 95–96.

⁵ Ibidem, pp. 97–99.

⁶ See: J. Justyński, *Podstawy prawne polityk gospodarczych Unii Europejskiej na tle orzecznictwa Europejskiego Trybunału Sprawiedliwości*, Towarzystwo Naukowe Organizacji i Kierownictwa “Dom Organizatora”, Toruń 2001, p. 15.

Following the Single European Act adopted in 1986, the European Union was established in 1992 under the Treaty of Maastricht. The European Union is today one of the leading economic, political and social centres in the world. It has increasingly influenced the various areas of life, including the shaping of human rights through their reinterpretation. The basic legal act in this respect is the Charter of Fundamental Rights of 2000.

3. THE RETURN TO THE CONCEPT OF HUMAN RIGHTS AS THE UNIVERSAL AXIOLOGICAL SYSTEM

Human rights, which began to be conceived in the seventeenth century on the basis of ancient philosophical thinking⁷, gained a normative and practical significance only after the Second World War⁸. In 1948, the United Nations adopted a resolution along with the Universal Declaration of Human Rights. Although this is not a binding act but merely a recommendation, it has gained great popularity and importance in international law, and the specific provisions of the Declaration have been reflected in many acts of international law and in modern constitution⁹. The internationalization and the Europeanization of human rights have contributed to the universally accepted recognition of them as a universally unified value system¹⁰.

Human rights have become a behaviour model of: the human towards another human being, the public institutions towards the individual, and an evaluation criterion for the behaviour of individual states. Hence, we can talk about the group of countries respecting human rights and those which do not respect these rights. In the case of negative assessments, the political or economic sanctions may be implemented, such as in the case of the political and economic blockade of North Korea.

As a consequence, in 1950 the Council of Europe also adopted the European Convention on Human Rights. On the basis of this legal act, the European Court of Human Rights, based in Strasbourg, was established. In this way legal and institutional foundations have been created to promote and enforce the European human rights system¹¹.

⁷ See: M. Sitek, *Prawa (potrzeby) człowieka w ponowoczesności*, Wydawnictwo C.H. Beck, Warszawa 2016, p. 49; S. Riccobono, *L'idea di "humanitas" come fonte di progresso del diritto*, Studi Biondi 2, Milan 1965, pp. 583–614.

⁸ C. Mik, *Koncepcja normatywna europejskiego prawa praw człowieka*, Uniwersytet Mikołaja Kopernika, Toruń 1994, pp. 17–18.

⁹ See: M. Chmaj (ed.), *Wolność i prawa człowieka w Konstytucji Rzeczypospolitej Polskiej*, Zakamycze, Kraków 2006, p. 16.

¹⁰ See: C. Mik, *Koncepcja normatywna*, pp. 17–18.

¹¹ See: R. Kuźniar, *Prawo człowieka. Prawo, instytucje, stosunki międzynarodowe*, Scholar, Warszawa 2000, p. 46.

The final product of the process of the Europeanization of human rights is the Charter of Fundamental Rights adopted in Lisbon in 2000, in the framework of so called Treaty of Lisbon. However, this document raised a lot of anxiety. Firstly, the marriage is not defined as a union between a man and a woman, thus opening the way to the legalization of same-sex relationships (the article 9 of the Charter of Fundamental Rights)¹². Without going into details of these protests, which took place, among others in Poland and Ireland, the current discourse on human rights allows us to see the changes that have taken place in Europe and in the world at the turn of the 20th and 21st centuries, and see how the future of Europe will look like¹³.

4. THE CHARACTERISTICS OF CHANGES OCCURRING IN EUROPE AND IN THE WORLD AT THE TURN OF THE XX AND XXI CENTURIES

There is no doubt that the content of human rights largely depends on the environment of their formulation. With the beginning of the 1970s, the era of globalization began. It started with the unification of technical standards. Undoubtedly, this phenomenon was very needful and necessary in view of the diversity of measurement and weights systems at that time. The European integration began in the 1950s, started to accelerate in the 1970s and 1980s. In Europe, the concept of a European space without not only political, but also economic, legal and cultural borders was born.

Together with the introduction of direct and general elections to the European Parliament in 1979, the process of creating a European identity began. This was followed by the slow abolition of borders between Member States, which were eventually abolished by the 1985 Schengen Agreement. In this way, the freedom of people's movement not only for the purpose of tourism, but also for looking for work or just a better place on the earth, has become real.

The elimination of borders has contributed to the creation of new areas of freedom in Europe – it means the flow of capital, services and goods. In

¹² More about the controversies related to the Charter of Fundamental Rights see: M. Piechowiak, *Karta Praw Podstawowych UE a tradycyjne wartości*, in: *Zmagania początku tysiąclecia*, eds. M. Gierycz, J. Grosfeld, Oficyna Wydawnicza Łośgraf, Warszawa 2012, pp. 199–205.

¹³ It is impossible to list all the acts of international law that repeat the text of the Declaration of Human Rights. Also, it is necessary to refer to numerous conventions and declarations of a local or regional character, covering Asia, Africa or America, such as: the American Declaration of the Rights and Duties of Man of 1948. See: C. Migliore, *Aktywność Kościoła w obszarze obrony praw człowieka*, "Teki Komisji Prawniczej. Oddział PAN w Lublinie" vol. V (2012), pp. 96–101; J. Jaskiernia (ed.), *Amerykański system ochrony praw człowieka. Aksjologia – instytucje – efektywność*, Wydawnictwo Adam Marszałek, Fundacja Nowe Teraz, Toruń 2015.

this perspective, the barriers in banking legal regulation have been changed, making it possible to invest in any country in this sphere of common economy. Most of the Member States also adopted the common currency, which was undoubtedly beneficial to the citizens of these countries. They did not have to exchange one currency for another using the freedom of movement within the Community¹⁴.

The European Union has started to develop a common policy in various areas of life, such as defence policy, common foreign and environmental policy, and sectoral policies in various areas of the economy. Thus, a common market and monetary union were created. It is difficult to miss the far-reaching integration of law in the field of companies, consumer protection or competition.

The European Union, but also the whole of Europe, has become multicultural in recent years, not only due to the influx of large numbers of refugees, but also, perhaps, primarily due to changes in the mentality and the way of life. The tolerance has led to an increase in the importance of minority groups, including national and worldview groups. Some European and non-European countries made legal the marriage of same-sex couples and they legalized the abortion or euthanasia. In many European schools and universities, the gender theory in addition to theology is taught¹⁵.

These changes in the continent of Europe, as well as in the Anglo-Saxon states, have a profound impact on shape of human rights.

5. FROM EUROPEANIZATION OF HUMAN RIGHTS TO ITS CONTENTION ON OTHER CONTINENTS

The concept of human rights is not only the result of the experience of the twentieth century, but also reflects the seventeenth and eighteenth century philosophical thoughts, especially such thinkers as J. Locke, B. Spinoza and J.J. Rousseau¹⁶. But the idea and the doctrine of the French Revolution had the greatest influence on the modern concept of human rights. This event has had a huge impact on the history of modern Europe. There is no doubt that, with the French Revolution, feudalism ended. The absolute monarchs claiming to be enlightened emerged¹⁷. In 1793, three basic slogans of the French

¹⁴ See: P. Sitek, *Zintegrowany sektor bankowy Unii Europejskiej. Studium finansowo-prawne*, Vizja Pres & IT, Warszawa 2012, p. 33.

¹⁵ See: J. Krukowski, *Kultura a prawo w społeczeństwie pluralistycznym*, "Teki Komisji Prawniczej. Oddział PAN w Lublinie" vol. VIII (2015), pp. 63–75.

¹⁶ See: C. Levi-Strauss, *Jan Jakub Rousseau – twórca nauk humanistycznych*, in: *Wiedza o kulturze. Część I: Antropologia kultury. Zagadnienia i wybór tekstów*, ed. A. Mencwel, Wydawnictwo Uniwersytetu Warszawskiego, Warszawa 1996, pp. 569–576.

¹⁷ See: A. Zahorski, *Trzy syntezy Wielkiej Rewolucji Francuskiej: Albert Mathiez, Georges*

Revolution were formulated: equality, freedom and fraternity (fr. *Liberté, Égalité, Fraternité*). The first two of these values were recorded earlier, on 26th August 1789, in the article I of the Declaration of Human and Citizenship, which stated that people are born and remain free and equal in rights¹⁸.

The ideas of the French Revolution were not entirely original. Such values as freedom and equality were the guiding principles of the American Declaration of Independence of July 4, 1776. The fundamental difference, however, is that in the American Declaration as the source of these values sees in the Creator, while the French Revolution fundamentally rejected the ideas of God the Creator. The values of the French Revolution were largely derived from the Freemason ideology.

5.1. Equality only under the law

Feudalism was based on the existence of three social states – the nobility, the clergy and the peasantry. The transfer of people between groups was almost impossible. Hence, over time, the sense of social inequality grew. In addition, there has been a growing power of bourgeoisie since the thirteenth century, which was completely devoid of participation in the distribution of not only material but also non-material goods, especially the access to public offices. The gentry and magnates were the most powerful, and the most important positions in the various states or regions of Europe were occupied by them. The land and its products were the basis of their economic power.

Meanwhile, with the development of trade began in the twelfth century, as well as with the development of technology and with the formation of the substitutes of mass society, the merchants and entrepreneurs were already the richest social group in the early 18th century. Their source of wealth was not land but capital. But they did not have the access to public offices. Hence, this new social group became the root of social revolt, including the French Revolution.

The equality of all people was one of the slogans of the French Revolution. In other words, programmatically, the abolition of the existing social differences deriving from the feudal system was planned. This solution only gave the bourgeoisie the chance of accessing to the public bureaucracy. This value – equality, being in theory a very noble value, has become, in practice, accessible only to the richest people – in this case only to the bourgeois. In

Leïebvre, Albert Soboul, "Przegląd Historyczny" 55 (1) 1964, pp. 22–45.

¹⁸ Since the 19th century, the achievements of the French Revolution has been evaluated very positively. This thinking created a new world historiography, considering that the revolution was one of the most important events in the history of the world. This thinking was represented for example by: J. Michelet, *Histoire de la Révolution française*, Gallimard, Angers 1952, p. 991. It is also important to point out the critical trend of thinking about the achievements of the revolution, see: A. Aulard, *Taine, historien de la Révolution française*, A. Colin, Paris 1907.

fact, with the French Revolution, this equality did not come. Big grievances and unequal treatment have been experienced by those who previously held power, especially by the nobility and the clergy. In this way *ancien régime* collapsed, and in its place the new order with very similar mechanisms and effects, but in a different order came. A group of people desiring access to power has satisfied their desires at the expense of others.

The idea of social equality in the following years penetrated into other 19th and 20th century ideas, such as Marxism. But this time the idea of equality became a tool for fighting the kulaks and the bourgeoisie by the next social group it means by the workers. It was related to the dynamic development of the industry in the 19th century and the creation of the largest social group – workers. As in the case of the French Revolution, here too, the realization of this concept of social equality has brought with it persecution and unequal treatment for the particular ruling groups, this time for the bourgeoisie – the driving force of the French Revolution.

Nowadays, the principle of equality of all people is exercised essentially as equality before the law. It is a reflection of the Christian concept of equality, namely the equality of all people to God¹⁹. In other words, it is about the equality of treatment of people in the same way by all sectors of public authority. Consequently, the freedom of action of the administrative authority – discretion is being limited. The concept of equality understood in this way is now reflected in international law and in contemporary constitutions, including in the article 32 § 1 of the Constitution of the Republic of Poland, which stated that all persons shall be equal before the law and all persons shall have the right to equal treatment by public authorities. The same statement is in the article 3 of the Italian Constitution, where it was decided that all citizens have the same social dignity and are equal before the law. Limiting the concept of equality before the law to Italian citizens results from the fact that the constitution was enacted in 1948, when still a fundamental category of rights were civil rights and not human rights in isolation from citizenship.

Thus, it can be said that the current concept of equality is a reference to equality understood not as an independent but interrelated value. One cannot speak of mathematical equality, nor should it be instrumentalized for political purposes, as it was in the nineteenth and twentieth centuries. As a consequence, people are different, only in the face of the law and consistently for the authorities are equal.

¹⁹ This is a reference to the concept of the childhood of God. For Christianity, the notion that all people are children of God is fundamental. Rom. 8.16. See: X. Leon-Dufour, *Słownik Teologii Biblijnej*, Polish translation K. Romaniuk, Pallottinum, Poznań–Warszawa 1982, pp. 242–243.

5.2. Freedom of all people

The freedom in the subjective dimension of all people was the second motto of the French Revolution. The intention of the creators of this concept during the French Revolution was to assume that feudal restrictions on freedom by belonging to a particular state should be abolished. The peasants were the worst in society and they were obliged to provide various services to the feudal. In addition, there was a fairly difficult situation for the growing number of bourgeoisie, who, despite the increase in wealth, were not free – they could not pursue in the field of power²⁰.

The freedom was also limited by a stronger position of rulers in the provisions of substantive procedural law. The vassal's position was always weaker. Consequently, this situation had to give rise to a variety of feelings of injustice. Therefore, the creators of the French Revolution easily referred to the idea of the freedom of all men, thus gaining many sympathizers. Undoubtedly, the revolution brought freedom primarily in the subjective dimension.

Already at that time, the ideas advocated by many French revolutionaries were controversial for many thinkers. E. Burke in 1790 issued a work entitled "Reflections on the revolution in France"²¹. The creator of European conservatism pointed out many of the negative sides of the revolution and its accompanying ideology. He stated, however, that the final outcome of the revolution should be waited. In fact, as a result of the French Revolution, about 100 thousand people lost their freedom, and at least 40,000 of them lost their lives, mainly on a guillotine, a technical invention adapted to the needs of the revolution, and allowing for the mass deprivation of life of political opponents. The law provisions, which today are considered to be a manifestation of totalitarianism and a restriction of the freedom and innocence of the individual, were introduced. Pursuant to the decree of the National Convention, a decree on suspicion (*Loi des suspects*) was introduced on 17th September 1793, containing the principle that the accused had to prove his innocence. On the basis of this law, the revolutionaries themselves, including its principal leader, the Parisian lawyer, M. de Robespierre, also lost their lives²².

The idea of freedom in an individual dimension, but only for the ruling elites, was also reflected in the October Revolution and in the doctrines of the communist or Nazi states. The concept of the working class (Marxist doctrine) or the category of superhumans (Fascist ideology, especially in Fascist

²⁰ See: K. Warchałowski, *Zakres podmiotowy ochrony prawa do wolności sumienia i religii w Europejskiej Konwencji o Ochronie Praw i Podstawowych Wolności*, "Teka Komisji Prawniczej. Oddział PAN w Lublinie" vol. V (2012), pp. 162–172.

²¹ Polish translation of the work E. Burke see: on-line: <http://liceumxv.edu.pl/historia/PDF/Burke.pdf> [accessed: 15.08.2016].

²² See: S. Schama, *Citizens. A Chronicle of the French Revolution*, Alfred A. Knopf, New York 1989, p. 15.

Germany) has led to the actual enslavement of hundreds of millions of people and the extermination of at least tens of millions of people.

This experience has ensured that, in the course of international law, after the Second World War, all people, not just citizens, were guaranteed genuine freedom regardless of worldview, party affiliation, race, colour, sex or religion. In the article 31 § 1 of the Constitution of the Republic of Poland is decided that freedom is subject to legal protection. At the same time, every human being is obliged to respect the freedom and rights of others. Public authorities, as well as private entities, cannot use coercion against anyone. According to the article 31 § 3, the restrictions on this freedom may be exercised only on the grounds of the need to protect public safety and order, of the protection of the environment, public health and morals or of the freedoms and rights of other persons, such as children or persons with disabilities. In turn, the article 15 of the Italian Constitution states that freedom of the individual is inviolable. The restriction can only be made by a court decision issued under a statutory law resulting from the Act.

So what does the freedom mean today? The freedom can be considered in the subjective aspect. In this dimension, the state or public institutions must guarantee the freedom “from”: coercion, discrimination, pauperization, hunger or disease. In this respect, all people are equal. It must be borne in mind, however, that individual freedom nowadays is in conflict with many other values. Among them, the safety today is the most important. In the case of danger or prevention of danger, the public authorities may introduce a number of restrictions on freedom, such as luggage, living place, correspondence, telephone calls controls²³. The health is another value that can be in the conflict with freedom. The parental movements that oppose vaccination of children may be an example of such situation. In this case, the administrative obligation may be used in order to ensure the safety of the children and their surroundings. The freedom is therefore an important value, but in conflict with others can experience significant limitations.

5.3. Brotherhood (fraternity) and solidarity of people

Brotherhood is not an independent value, just as equality. It assumes the existence of family, professional, intra-group ties and even bonds between members of the criminal group. The reference to the value of brotherhood (fraternity) always entails the question of the kind of human group that connects it.

²³ The food security is an important element in the area of respecting human rights in today's globalized World. The human individual dealing with large corporations producing or distributing food is in a much worse situation. See: J. Kraciuk, *Bezpieczeństwo żywnościowe w procesie globalizacji sektora rolnego*, “Journal of Modern Science” 1 (28) 2016, pp. 251–262.

The fraternity as a value of the French Revolution begins in the 17th century the Masonic doctrine, where members of the fraternity were joined just by fraternity, and therefore by special bonds, often sealed literally with their own blood. During the French Revolution, it was about combining the fraternity of the social groups which were supporting the idea of destruction of *ancien régime*.

It is difficult nowadays to find in the acts of international law or in the constitutions of individual countries a clear reference in to the concept of “brotherhood”. Indirectly, the reference may be seen in the article 20, section 1 of the Universal Declaration of Human Rights, according to which everyone has the right to freedom of peaceful assembly and association. The similar provisions are contained in other acts of international law. In the Constitution of the Republic of Poland, the article 57 refers to the freedom of assembly and the article 58 states about the freedom of association.

Currently, the term brotherhood has been replaced by the notion of solidarity, a concept that is associated with events in Poland from the 1980s which led to a peaceful transition from the totalitarian system to the democracy. Undoubtedly, the idea of this solidarity had its Christian roots, and therefore those who shared the idea of solidarity were striving for peaceful change. Extremely rare is that there is a change in the political system through peaceful talks and agreements.

Today, we may also talk about the solidarity between nations in the perspective of local armed conflicts, natural disasters or other macroeconomic events.

6. IN SEARCH OF AN OBJECTIVE MODEL OF FUTURE HUMAN RIGHTS IN EUROPE

The above-presented intricate history of the value of the French Revolution, which is widely considered to be the cornerstone of the current European culture and therefore the foundation of human rights, is undoubtedly the cause of the contradiction of this assertion and thus the concept of human rights, especially in Asia and Africa. Opponents believe that Europe is primarily a legacy of Greek, Roman and Christian culture with elements of Judaism. The human rights in the present shape are the implementation of the value of the French Revolution to the existing European culture. Thus, they remain foreign to non-European cultures²⁴.

²⁴ The need to educate people about human rights in today's globalized world is described among other by: T. Graca, *Spoleczne funkcjonowanie człowieka w złożonej współczesnej rzeczywistości*, “Journal of Modern Science” 2 (29) 2016, pp. 11–26.

In Europe itself, it is more and more clearly noticed the tendency to cut off from the tradition of the French Revolution, for which it was important to destroy the old world and to build a new one based primarily on the concept of the secular state. The number of Christians and the dynamics of their actions show that they do not identify themselves with values such as fraternity or liberty in the libertarian point of view or with the equality in the sense of relativization of all other values, including moral, economic and political values²⁵.

This is evidenced by the recent more and more clearly negative attitude towards the European Union, which has been built since the 1980s on the socialist values, and indirectly on the values of the French and October revolutions. Nor, the implementation of certain patterns of solutions to social or political problems coming from the Soviet Union is needed. It is unfortunate that the Union has forgotten about the values of the founding fathers – Alcide De Gasperi, Conrad Adenauer and Robert Schuman. Indeed, the origins of the European communities, and therefore the European Union, are Christian.

Today's Europe is undoubtedly multicultural, but with a clear element of Christianity, which cannot be forgotten. It is necessary to discuss the shape of the European Union, but already in isolation from this historically short and not necessarily happy for Europe, the history of the French Revolution. Moving out from the foundation of the French Revolution, it will be possible to rebuild the consensus identifying the European majority on various levels, especially in the social, political and economic areas.

At the social level, changes to the concept of human rights are needed. Leaving the value of the French Revolution as the cornerstone of the concept of human rights, one should shape for the new foundation and the new systematization. This foundation must be the result of a certain social consensus. As for their systematization, it can be based on the need pyramid of A. Maslow. Only after providing the basic necessities such as hunger, thirst, security, the human being begins to think about satisfying needs / values such as the right to election, freedom of assembly, etc. This will allow moving away from the construction of a monocultural society modelled on the example of Soviet society in the USSR. The mutual acceptance of existing cultures is typical for the European culture from ancient Roman times through the Middle Ages up to modern times.

The consensus is also needed in the political dimension. For a long time, there has been the debate on the legal form of the European Union. Two thought streams are strongly present in this discussion. According to one, the Union should be transformed into strongly centralized state although modelled on German principles. In the second thought stream, one has to give up thinking

²⁵ See: B. Sitek, *Od antropocentryzmu prawniczego do ekonomizacji prawa*, in: *Człowiek pomiędzy prawem a ekonomią w procesie integracji europejskiej*, eds. G. Dammacco, B. Sitek, O. Cabaj, Uniwersytet Warmińsko-Mazurski w Olsztynie, Olsztyn–Bari 2008, pp. 66–78.

about the construction of a European state and start building a federation of free states.

Finally, the new consensus is needed in the economic area. The excessive public administration at various levels will cost the taxpayer more and more. The effect is slowing down the pace of economic development, the new investments, the rising unemployment especially among the younger generation, the excessive enrichment of a narrow group of owners of means of production. An additional deterrent is the over-expansion of the legal system and the over-regulation of the market and the continuous change of the law. This situation discourages many people to take up business and others to abandon it. Without considering the needs of the business, it will be difficult to build a common European home.

In this perspective, the question about the shape of future Europe arises, The answers to this question cannot be unambiguous or shortened. There is certainly a need for a common discussion among many social, political and economic groups on how to develop a vision of a future Europe that can at least be accepted by most European Union citizens.

7. CONCLUSIONS

Since more than two centuries, Europe has been largely built on the French Revolution value system – on the freedom, the equality, and the fraternity. Many people consider this event to be epochal and of great importance to the history of world. The human rights, which have become a new decalogue of European culture are product of this revolution. The concept of human rights, based on revolutionary values, is not accepted by everyone. Furthermore, the accusation can be heard that this instrument is used to Europeanize Africa and Asia. The lack of acceptance for the value of the French Revolution on these continents leads to the rejection of the very concept of human rights. It is necessary to seek new axiological foundations for this concept. The human needs set according to the Maslow pyramid are the right foundation here.

These changes may lead to a new consensus within the European Union on the construction of a new structure of society, politics and economy. Such a consensus can give the European Union and entire Europe a chance to live peacefully for the next few centuries²⁶.

²⁶ See: A. Bałandynowicz, *Świadomość na rzecz pokoju predykatorem zdrowia psychicznego*, "Journal of Modern Science" 2 (33) 2017, pp. 87–114.

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PRZYSZŁOŚĆ EUROPEJSKIEJ KONCEPCJI PRAW CZŁOWIEKA

Streszczenie. Od ponad dwóch wieków Europa budowana jest w dużej mierze na systemie wartości rewolucji francuskiej, tj. wolność, równość i braterstwo. Wielu uznaje to wydarzenie za epokowe i o ogromnym znaczeniu dla historii świata. Wytworem tej rewolucji są m.in. prawa człowieka, które stały się nowym dekalogiem europejskiej kultury. Koncepcja praw człowieka powstała na bazie wartości rewolucyjnych nie jest jednak akceptowana, a wręcz daje się słyszeć zarzuty, że za pomocą tego instrumentu próbuje się europeizować Afrykę i Azję. Brak akceptacji na tych kontynentach wartości rewolucji francuskiej prowadzi do odrzucenia samej koncepcji praw człowieka. Konieczne jest poszukiwanie nowych podstaw aksjologicznych dla tej koncepcji. Odpowiednim fundamentem są potrzeby człowieka ustawione według piramidy Masłowa. Te zmiany mogą prowadzić do zawarcia nowego konsensusu w ramach Unii Europejskiej co do budowy nowej struktury społeczeństwa, polityki i gospodarki. Tak wypracowany konsensus może dać szansę na pokojowe przetrwanie Unii/Europie przez kolejne być może najbliższe wieki.

Słowa kluczowe: Unia Europejska, prawa człowieka, przyszłość Europy, wielokulturowość, wspólnoty europejskie