

HUMAN RIGHTS – FACTS AND MYTHS

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Purpose of the study: Indication of the essence – value, universality and necessity of being which are human rights. Drawing attention to the changing reality - what human rights were supposed to be and what they are in reality. Drawing attention to the fact that the great achievements devoted to human rights become fiction, illusion and illusion, and myths and optimistic ideas as well as wishful thinking are not able to remove paradoxes.

Project/methodology/approach: The research method is the analysis of historical sources and legal, scientific studies of interdisciplinary scope, supplemented by the observations and experience of the author. The research procedure included the analysis of information sources, a review of Polish and foreign literature, an analysis of scientific studies in the field of: general history, law, philosophy, sociology, religion, theology, psychology of others, the method of analysis and synthesis and logical deductive reasoning in the time space yesterday – today – tomorrow – always.

Conclusions: Human rights are the basic norms to which each of us is entitled to the very fact of being human. Man as a value - a rational being has always been aware that his existence depends on others. Creating new generations of human rights, adopting new conventions, adopting resolutions and debating seem to be empty talk about the fact that nothing has happened, that it cannot or should not be done. In a situation where man's life is worth less than economic and political interests, and the world enters the realm of mysticism, usurpation and delusion, man has no guarantee of respecting his rights. All regulations, regardless of which authorities they come from, what area they concern and how many people they apply, are only a determinant of how it should be, not how it should be, because it is worth it.

Originality/Value: There are no more important issues than human rights. All over the globe there are people who are affected by human rights. The presented research, suggestions, conclusions and analyses provide practical and theoretical clues – what human rights are and what they should be, how these rights are not respected and why. Emphasising that human rights issues boil down to debating, consulting and creating a vast, intricate and incomprehensible law, which in principle cannot be enforced. Why does humanity need a seemingly universal law that does not work, can do little and only promises a lot. It seems less important to the average person to give rights a universal and inalienable character. What is more important is its certainty and effectiveness, especially when a person expects it from the law.

Keywords: Law – man – facts and myths.

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Introduction

If we believe that man, as a rational being, realizes that his existence depends on others, why does he act against others and against himself? What human rights and human rights can be said when there are daily attacks on one another, armed conflicts drag on for years and defenceless people die, there is a shortage of water and medicines, slavery reaches the highest rates in the history of the world because the slave has never been so cheap, hunger, poverty and violence are the order of the day, prostitution and drug trafficking are untouchable, School shootings are commonplace, and priests call for humility and prayer for a better tomorrow. Without awareness of coexistence and the resulting dependencies, without respect for freedom taking into account the natural state, little will change. An animal in a free state kills for survival, man kills without inhibition – all for power, commerce and pleasure.

If we believe that people are equal, free, free in the choices they make, then who needs total surveillance, collecting and collecting information about everyone and everyone? So what if according to the Universal Declaration of Human Rights, human rights are basic norms enjoyed by each of us, resulting from the very fact of being human, e.g. the right to life, freedom of speech, association or the right to education; the source of all rights and freedoms is the dignity of every human being, and human rights are **universal** – they are the same for every human being, regardless of values, views or religion; **natural** – they exist independently of the will of the authorities or the law, the state only creates a system of their protection; **inalienable** – no authority can take them away from us, they cannot be renounced; **inviolable** – exist independently of the authority and cannot be arbitrarily regulated by it; **natural** – we have them because of humanity, not because of someone's decision or bestow; **indivisible** – they all constitute an integral and interdependent whole, although to a small extent these rights are respected in their pure form.

If we believe that *ius est ars boni et aequi* (from Latin law is the art of what is good and right), one of the main sentences of Roman law, which finds its reference in many European legal orders, is respected and fulfilled by humanity, then why so many contradictory human behaviors and uncertainty that it is not known whether the law is an illusion or reality. People say and believe that the law is supposed to safeguard justice, to be a guarantee in situations in which the law does not work at all, acts selectively and opportunistically or against themselves. Is the law for man or man for the law?

Why does man need such laws, which are seemingly haughty, universal and omnipresent, and which do not work and only seemingly protect and defend man?

Theory of being in outline

Being is the basic philosophical concept of ontology and metaphysics, understood by philosophers over the centuries in many different ways, as absolute, purely intentional, ideal, intentional, necessary, thoughtful, real, although individual philosophies confirm or deny the existence of particular categories of beings (Stępień, 2001).

Parmenides, the creator of the first definition of the concept of being, says that being is and non-being is not. To the question "what exists?" Parmenides replied: "everything" (Stróżewski, 2004, p. 23).

Plato says that some things exist in this way and others in another. In addition, he pointed out that not necessarily those things to which we ascribe existence on the basis of sense experience are necessarily those that truly exist. He introduced the problem of defining what really exists (Reale, 2008).

Aristotle defined the field for metaphysics and ontology as a science dealing with being as being and non-being, he introduced the term substance – that which exists in the first sense of the word "exist", and in opposition to it the term accidents. Being is a general concept, because everything that is being. Being is an indefinite concept, because its content is an abstraction of particular features. Being is an undefinable concept, because there is no genus to which this concept belongs (Krokiewicz, 1974).

In St. Thomas Aquinas the idea arose that the possibility of its existence can be considered a necessary and sufficient condition for being a being. If we recognize the identity between the expression "being" and the expression "that which exists in any way," then we can distinguish between two aspects of being: emotional and existential being. Everyone agrees that nothing in this world is absolute goodness, love or beauty, but nevertheless we have an idea of these values as perfect, realized in the highest degree, and we have them because there is a being who possesses them in the highest degree, e.g. the good of man (Barron, 1996).

Porphyry claimed that the starting point was a concrete object. By means of the negation of its name we obtain a species, and as a result of the negation of a species, a genus, etc., up to the most general concept of being (1959).

If we assume that human rights are a universal value and fall within the ontology of social being, then in the first place we should answer the question of what social being is. According to John Rawls, the ontology of social being is a theoretical individual that takes into account the values sought by Aristotle, St. Augustine, St. Thomas, Th. Hobbes, G.W.F. Hegel and many others (Bocheński, 1986). Every person has an equally indisputable claim to a fully adequate system of equal fundamental freedoms and values. A solution whose area of action covers the whole world can be described as humanity. "Public Good" is a game that has numerous counterparts in everyday life (Grzelak, 2006).

In a global society, we have much more opportunities, but we also have greater needs and greater difficulties in reaching an agreement. If we assume that a system of equal values and principles is equivalent to the principles of justice, equality and solidarity in relation to structures more general than a single state, then it would be necessary to examine to what extent these values and principles influence the factor synthesizing nations to be humanity and their rationalism (Wenar, "John Rawls", 2021).

For many centuries, the historical dispute about the theory of being has been about what is real, visible, tangible, and what is invisible and elusive. This dispute, essentially unresolvable, is known in the controversy between materialism and idealism (Tyburski et al., 2002). E.L. Mascall points to the intelligibility of the mysteries of faith and the existential concept of being, according to which being is that which has the act of existence (Kingston, 1966). According to Mascall, material things are accessible to man in a primal, more clear, direct and certain way than one's own "I". The affirmation of the existence of a necessary being is the only way to rationally explain the existence of beings. To deny the existence of a necessary being would force us to accept an intrinsically contradictory view, namely that contingent beings exist despite the non-existence of being which is the necessary, or even the only possible reason for their existence (1968). The contingency of the world, or that "the world might not exist", presupposes as a condition of its reasonableness the Christian doctrine of creationism. As L. Velecky has argued, the philosopher either believes in God and then tries to prove his existence, or he does not believe and tries to prove his non-existence (Zuberbier, 1988)¹. The key issue seems to be to ask the question: is the world rational in itself or only for the human mind? Does man have such a method that provides a rational explanation of this question? As Nielsen argued, "the explanation of why the world exists by reference to the absolute is ineffective or unfounded" (Kowalczyk, 1975, p. 38). No being, as Mascall emphasized, explains the existence of the world more than the world explains itself. The understanding of God's creative relationship to the world is to serve not so much to discover the *raison d'être* of the world as to a theistic interpretation of it (Farrer, 1964, 1972).

Today there is no need to wonder why the world exists. Knowing the motive or purpose of God in making the decision to create the world seems impossible to achieve, because only God knows the answer and it is he who can give it to man, for example, in the form of some revelation (Gilson, 1958, 1965, 2003). According to Mascall and St. Thomas, it is not so much a question of unraveling the ultimate mysteries, but rather of pointing out where they are.

Man does not appreciate the fact that he occupies a special position in the world. The essence of his being is not who he is, but who he can be, and therefore uniqueness consists in constantly becoming and developing the inner world. "When we ask about man, the problem is not his indisputable animality, but the riddle of what he actually does because of and despite

¹ Natural reason, devoid of supernatural grace, is a fiction that does not really exist. Hence, one cannot speak of philosophical cognition as being based solely on the "natural faculties" of cognition.

his animality, what he does with it and what he does in spite of it" (Heschel, 2018, p. 4). Man perceives multiplicity and diversity in the world, and human egoism results from the fact that man perceives in the world a great difference between himself and the other. There is only one essence of the world, and that is the all-encompassing irrational will to be and the drive. Man can afford to say *no* to his interests and selfish desires, but does he realize it?

Abraham Joshua Heschel argues that the tragedy of modern man stems from the fact that he is a being who has forgotten the question: who is man? Whether contemporary disputes, mainly political ones, will allow us to define and validate our moral conviction, establish a universal system of human values and duties – will be decided by the future.

One can argue about the origin of the world, but why? What is the result of this and what would it change? It was long ago established that the cradle of civilization is Greek philosophy, Roman law, and the Christian religion, and that every completed philosophical system should have a general theory of existence—the science of being, the general science of knowledge, and the general science of values. Without the philosophy of the Greeks, Roman law and the Christian religion, it would be difficult for me to understand the foundations of our civilization and culture, it would be difficult to build a future on values. What can the law really do? It seems that maybe not much, because it is not the law that can, but man through the law, provided that he wants. Man "is worth only as much as the matters he deals with are worth" (Stabryła, 2005, p. CI).

There are people who deal with the affairs of others because they live from it, there are those who, under the auspices of great socially noble projects publicized in the media, do their business for public money, there are also those who do nothing, although they criticize everything and everyone. There are also those who do heroic work in the service of others, whom we do not know by name and surname. The moral of this is that apart from the idea of man to man, man to man, everyone has his own private interest in it, the difference is that for the majority it is a material interest, and for a few an intellectual and spiritual interest. The world of existence of the future is a world of comparable consciousness among people, the perception of reality without eternal unjustified reservations and mysteries.

Myth theory at a glance

According to the *PWN Dictionary of the Polish Language*, "myth" is a story about gods, demons, legendary heroes and supernatural events, which is an attempt to explain the eternal issues of being, the world, life and death, good and evil, and the destiny of man. A story embellished with invented details about a character or an event. A false opinion of someone or something recognized without proof. The myth responds to the basic human drive, which is the

desire for meaning, which for many people remains and is the most reliable source of knowledge (Napiórkowski, 2018).

Before the emergence of philosophy, there was common knowledge, religious beliefs, moral convictions, art, and legends among people. The key questions of man were answered mainly by religion, which was associated with myths, poetry and mysticism. The earliest Greek, Roman and Chinese poets collected and passed on to the next generations old stories about gods and deities ruling the world and people, and about how the world came into being and why it is the way it is (Krokiewicz, 1959).

The ancient myth, despite the interest of various scientific disciplines in it, has not lived to see an unambiguous and consistent definition and probably will not wait, because the myth will always remain only a myth.

In antiquity, two methods of interpreting myth were initiated – allegorical and historical. French Enlightenment rationalists discredited him, believing him to be incredible creations of unenlightened minds. Herder put it on a par with philosophy and poetry, and Creuzer drew attention to the possibility of a symbolic interpretation of myth (Dammann, 1957). The last view prevailed in the study of myth until the mid-nineteenth century. The discovery of Sanskrit and ancient Near Eastern civilizations made natural, astral and astronomical interpretation of myth possible. At that time, numerous schools dealing with this phenomenon from the sociological, psychological, phenomenological and structuralist sides were also established. Each of these theories tried to show in its perspective the various functions of myth, especially ontological, soteriological and semantic, although none of them exhausts the essence of the phenomenon to the end.

The concept of myth has become common in use. Currently, myth can be found not only in literature, mainly sacred, but also in genetics, all kinds of structures, ideologies, doctrines, politics and economics, thanks to which it gains a universal dimension, and also regains the lost "existential reality".

Mircea Eliade claimed that the myth "is the story of 'creation', the account of how something came into being, began to be". The myth speaks only of what actually happened, of what manifested itself in a clear way (1998, p. 11). As Eliade points out, the medieval millennial movement, the colonization of America, and utopian movements have a restorative structure. The scholar finds a nostalgic longing for paradise *in myths containing coincidentia oppositorum*, divine myths, human androgyny, in the conceptually advanced mystical doctrine of East and West, in the unconscious layers of the psyche described by Carl Gustav Jung (1998)².

² Cf. Rega, A. (2001). *Man in the World of Symbols. Mircea Eliade's Philosophical Anthropology*. Kraków, pp. 113-114.

Artur Rega in his work *Man in the world of symbols. Mircea Eliade's philosophical anthropology gives seven functions of myth: it is the absolute basis of social life and culture; it provides models for all meaningful human activities; it gives meaning to the world and human life; it has an educational function; it expresses metaphysical and theological convictions; it allows one to read and understand the sacred message; it provides man with the means by which he can free himself from the terror of his own transience*" (2001, p. 105).

Unlike legends and fantastic stories, myths are treated by their followers as true stories, an intrusion of the sacred into sensory reality and role models that secular stories do not possess (Eliade, 1997).

In every society there are many myths, they are a common phenomenon and an element of culture. Myths affect society, causing concrete actions. A myth exists when it influences specific social actions, and over time, other myths are created around the myth (Szacka, 2009). As Ernest Cassirer rightly pointed out, myths arise mostly in crisis situations.

According to Vilfredo Pareto's concept, if the people to whom the myth is addressed believe in it, it will become an important element of their daily activities. They will consider it completely true, justified and rational. Roland Barthes drew attention to the sphere in which myth works – communication that makes myth arise, disseminate, change. The myth of messianism, as Tadeusz Biernat noted, contains and strongly exposes three ideological threads: the idea of sacrifice, faith in providence and optimistic treatment of dialectics (1989).

In the context of reasoning, myth is considered to be something untrue, something that replaces real knowledge is associated with fiction. In the context of valuation, myth refers to emotions and is based on them, it is an attempt to refer to reality. It was risky to assume that a myth could be positive in some sense. If it presents some "false" reality, one cannot talk about the positive effects of a false presentation of reality (Domański, 1999, p. 164).

Law – illusion or reality

Ius est ars boni et aequi (from Latin law is the art of what is good and right) – this is the essence of Roman law, which finds its reference in many European legal orders and not only. According to the Bible, man is protected by God's law and should be protected by human law. The ideal of law and justice, guided by the ethics of the Old Testament, was the defense of the weaker by legislation. *Be concerned for justice, help the oppressed, give justice to the orphan, stand up for the widow!* (Is 1:17; cf. Dt 24:17) (Ahern, 1984). *Do the law and justice, free the oppressed from the hands of the oppressor, and do not oppress the stranger, the orphan and the widow* (Jer 22:3; cf. Jer 21:12) (Grabska, 1978).

Ancient Greece and Rome were convinced of the divine origin of laws, which guaranteed the "naturalness" of law.

For Empedocles, the law was an expression of truth and goodness, which are self-evident, which do not need to be learned, and therefore the law is something universal.

Plato believed that law and the state are related to the concept of man. The philosopher made the essence of justice dependent on compatibility with nature. The changing earthly reality participates only in the immutable contents of ideas. The contents of the changing world have no value in themselves, they are only a reflection of the true values contained in ideas (1958).

Aristotle deduced the concept of law from the existential structure of man – law is revealed in man through his inclinations and actions. The human soul strives for what is good. The evaluation of what is good is given by reason. In turn, the quality of man, which distinguishes him from other living creatures, is the ability to distinguish good from evil, justice.

Marcus Tullius Cicero affirmed that the true law is the right reason, according to nature, everywhere spread, constant, eternal, which imposes duties, forbids deception, which does not in vain command or forbid the honest, and does not move the dishonest, commanding or prohibiting. This right cannot be abolished, partially repealed or completely removed from its force.

Thanks to Roman jurists, a definition of natural law was introduced: "The law of nature is that of which nature teaches all living things."

Ius in the tradition of Roman law is a set of legal norms (public and private law) and the rights of someone. As a result of the organization of societies, the understanding of law as "lex" (from Latin *legere*, *ligare*, *eligere*) developed and became widespread, i.e. as a norm of conduct. The establishment of legal norms became a necessary factor organizing a given community.

In order to understand the very essence of law, it is first necessary to look at the concepts of *ius* and *lex* and their mutual relations. The fundamental question is whether the legal norms functioning in societies are valid only because they were enacted by the legislature, or whether these norms are justified by human nature, which is able to constitute real states of existence between people. Law as a conduct in accordance with justice (*ius sive iustum est aliquod opus*), as opposed to *lex*, which means a juridical rule binding man in his conduct, imposed on man (by himself, by society and by God). The terms *licitum* and *potestas* mean what is permitted, what is acceptable, i.e. subjective right.

Thomas Aquinas wrote: "Nomen ius primo impositum est ad significandam ipsam rem iustam, postmodum autem derivatum est ad artem, qua cognoscitur quid sit iustum", which translates: "The name ius means the right-just thing itself, which has been transferred to the art of knowing what is right-just" (Andrzejuk, 2019). Every person who uses the cognitive trait he possesses knows that what exists is real. It is the act of existence that determines the reality of each content, which, as existing, is always in itself ultimately determined and ordered to its proper action.

Thomas Hobbes in *Leviathan*, creating the concept of *philosophia civilis*, believed that man is an egoist whose goal is only his own good, which causes "the war of all against everything" (Latin: *bellum omnium contra omnes*). Man, however, has reason and this indicates that peace must be sought in order to preserve life (1954).

The eminent legal theorist G.W. Leibniz believed that the law of nature does not appear in the form of ready-made rules, but is formed and perfected by an ever better awareness of what is contained in nature, and therefore the basic legal order is based on: justice – *neminem laedere* (from Latin do not harm anyone); equality, *suum cuique tribuere* (Latin for give to each, what is due to him); *pietas* – respect for what is divine and human; honest life – *honeste vivere* (Asmus, 1968).

Jean-Jacques Rousseau took utility and justice as the basis of law, and freedom and equality as the main ethical postulates. True freedom is never self-destructive. Freedom consists not so much in manifesting one's own will as in not being subject to the will of others. A correct reading of the natural rights of man can help man to live with dignity and to develop in his humanity (1988).

Montesquieu, the author of *De l'esprit des lois* (*On the Spirit of Laws*, vols. I-II, Warsaw 1927), published in 1749, was the first to examine law in a historical context and on this basis stated its variability and relativity as effects of physical and mental influences (Tatarkiewicz, 2007).

Kant's law is related to the realm of practical reason, where man is not dependent on empiricism and therefore has knowledge of things in themselves. In the practical field we are not in the field of necessity, but in the field of freedom and the resulting duty, that is, the sense of duty, which is reduced to the so-called moral sense. Act out of a sense of duty, so that you may always desire that the maxim of your will become a universally binding principle.

Friedrich Puchta believed that rights are rooted in the spirit of the nation, and people are carriers of these rights. Léon Duguit sought the sources of law in the rule of social solidarity, claiming that one should do everything that is consistent with social solidarity and not do what is contrary to it. Hans Kelsen argued that reality cannot be the basis of law; The only basis can be an immanent field. He adopted the hypothesis of the existence of a basic norm, which is: "one should obey the authority". Leon Petrażycki searched for the dependence of causal legal phenomena in the psyche of people realizing that someone is obliged to something and that someone is entitled to something from someone. He considered the method of self-observation, or introspection, to be the appropriate and only possible way of observing legal phenomena. Without reference to reality, the law becomes something a priori, unreal, and therefore non-existent independently of the will of the legislator, and the will of the legislator can be not only changeable, but sometimes irrational and even criminal.

Conclusion

Reality is created not only by existing subjects, it is also created by properties existing in something. The relations between subjects are also a reality. In the real world, we see four existences: existence by itself, existence in one's own subject, substantial beings, and existence between subjects. This creates reality.

Human life is made up of innumerable duties, of action, omission and abstention from an action that harms or is likely to harm another human being.

The existing legal order, closer or further to democracy, should not harm anyone, it should help, support and protect. This seems so obvious that there can be no excuse for not taking action or not stopping it.

No written law, of the highest rank, can replace the natural legal imperative, which is based on the fact that man is obliged in certain cases to act correctly or to cease acting for the sake of the good of another person, which in the legal and philosophical tradition is called the order of natural law – Latin *ius naturale* (Znamierowski, 1934).

In the life of every human being there are important, less important and unimportant actions, but in proportion to these actions there is a scale of values – the scale of good, and perhaps the scale of evil, since the construction of the world is opposites. Thomas Aquinas defined the added value of a juridical norm (*lex*): "ordinatio rationis ad bonum commune, ab eo qui curam communitatis habet, promulgata" (from Latin, disposition of reason for the common good, promulgated by the one who has custody of the community).

Law becomes law because it regulates interpersonal relations in a community for the good of man. A legal norm is nothing more than a record of the content of the law read in the nature of interpersonal relations. Natural law is more understandable and normatively acceptable to society as a whole. A norm of conduct loses its binding force and becomes a pseudo-law at the moment when it violates the personal good of man, which in the current international situation entitles us to ask: how much is such a law worth, which no one respects and bears no consequences for it? How much are people worth when they realize they are doing wrong? How much are the institutions and organizations worth, whose fear and powerlessness gradually leads to the catastrophe of humanity, perhaps in the future the destruction of civilization.

The answer seems simple – every decision, ruling, judgment and decision is worth as much as their justification is worth.

Human rights

No one today can deny that the genesis of human rights dates back to antiquity, because from that period the idea of individual rights developed. The origin of human rights must be sought above all in the Decalogue, in the ancient philosophy of Greece and Rome. The religious truths of human rights in the Bible were not systematized. Religious truths relating to historical events have been expressed narratively. The laws, views, customs, and institutions described in the Bible correspond to the views of the epoch in which they arose or functioned. The apparitions were perfected, they acquired theologically correct content. "God spoke to the state of culture proper to different epochs" (Latin: *Deus locutus est secundum culturam diversis aetatibus propriam*) (Homer, 1979).

In the Book of Genesis there are two accounts of the creation of man. "Man is the culmination of all the work of creation, all other beings were brought into existence for him and subordinated to him (...)", "... man, as the last in the series of emerging beings, is therefore the crown of creation" (Wajs, 1978, p. 1076). Dominion can be caring, caring, even servile, or imperious, possessive, selfish. Man must serve the earth, enrich it with his work, be its protector and caring steward. For many centuries, the Bible's records concerning the relationship between man and the world were read in the sense of the superiority and domination of man over the world: "man is the master, almost the owner of the world and by divine origin" (Kowalski, 1973). The Bible contains an extremely important theological command to love strangers as well as one's fellow countrymen. The Bible upholds the human rights to stable family ties (Wojciechowski, 2010).

Speaking of human rights in the Bible, one cannot fail to emphasize man's right to freedom: "Today I lay before you life and happiness, death and misfortune" (Tischner, 1983, p. 392).

In Francis Bacon's *Novum Organum* there is a sentence: "The human race has its rights over nature, which are due to it by divine grant, and has complete freedom in its use". In *New Atlantis*, "the goal of human endeavor is defined in words as far as possible of the limits of human dominion over nature". In Book VI of the Cartesian *Discourse on Method*, the goal of human activity uses the phrase: "to become masters and possessors of nature" (Wajs, 1978, p. 1076).

The foundation of the social legislation of the Old Testament is the equality in the order of dignity of all members of society. An appeal is made for justice in social life, which is the privilege of all. The equality of men in the order of inherent dignity presupposes the text: "There is neither Jew nor Gentile, there is neither slave nor free, there is neither male nor female, for we are all one in Christ" (Wojciechowski, 2010)³.

³ Cf. Mroczkowski, I. (1991-1992). Biblical foundations of human rights. *Studia Płockie*, "No. 19-20, pp. 49-65.

None of the studies dealing with the origin and development of the world, including the Bible, were and are not moral codes or legal codes, but books of life, books of development and survival of a being defined by humanity. Religious truths are woven into certain historical events, expressed on or through those events, and are given in narrative rather than systematized form. The laws, views, customs, institutions described in them bear the imprint of the views of the epoch in which they arose or in which they functioned or function.

The catastrophic consequences of domination in every period of civilization's development did not have a positive effect on humanity. With each age, the areas of poverty and poverty, slavery and human trafficking, the phenomenon of intolerance, the explicit subordination of one to the other, increased.

The lack of respect for man and contempt for his rights led to a situation that must have shaken man's conscience, which caused the coming of a world in which man will begin to exercise freedom of speech and belief, cease to be afraid, inequality and deprivation will disappear among people, fear of whether he will live to see tomorrow. Human rights will be protected by law, the recognition of the inherent dignity and equal and inalienable rights of people will become the basis of freedom, justice and peace in the world, which is to be guaranteed by biblical laws protecting every human being, especially people exposed to harm, which have a universal and timeless value, because they are guarded by the Law of God.

In the Middle Ages, the concept of human rights was confirmed and expanded in the writings of St. Thomas Aquinas – *Summa Theologica* (1972) and *Magna Charta Libertatum* (Latin: *Magna Charta Libertatum*) of 1215 (Janowski, 2006), published by King John the Landless.

The concept of human rights first appeared in a normative act in 1776, in Virginia, referred to as *The Virginia Declaration of Rights* (Tomczyk, 2016) and was a product of Enlightenment thought. They were understood at the time as the rights of the individual in relation to the state and society. December 2019 marked 70 years since the UN General Assembly adopted the Universal Declaration of Human Rights. This document became the basis of the treaty system of human rights protection and is the starting point for all subsequent acts devoted to the issue of observance and effective provision of human rights protection.

In the history of the world there are countless examples of the fact that man has always been subordinate to someone or something, he was worth as much as they wanted to pay for him. What is the difference between cannibalism among the peoples living in the Amazon basin and today's level of poverty, hunger, mass killing of people, in a situation in which there are no brave people, it is difficult to find decisive actions on the part of those who guard the protection of man, say that they protect and defend, and so far it has been so, it is and probably will be so.

During the so-called Cold War, the world was predictable as a rule. Despite a number of restrictions, people could plan their lives and felt probably more secure. What has happened that the current situation in the world is in no way and under no circumstances comparable to that period? What happened and what influenced that humanity is increasingly becoming

addicted, suffering from depression, many are unable to function without a personal trainer, man becomes more aggressive and demanding.

For many years, the Universal Declaration of Human Rights as a system of human rights protection was a hope for victims of persecution and repression, including people living in communist countries.

Human rights are inalienable, intrinsic, and what follows from this, since we have a progressive crisis of the idea of human rights and the institutional apparatus established to protect them. Examples of "human rights inflation" are given, the creation of new rights, many of which arouse controversy, which often contradict those previously declared. It can be seen that fundamental rights are relativised and national and international mechanisms for their protection often turn out to be illusory.

On the wave of disillusionment with the ideology of legal positivism, the Universal Declaration of Human Rights was supposed to cause a change in the way of thinking, and through its universality it was to ensure legal certainty. For decades, the system of human rights protection initiated by the Declaration has been a hope for those who have fallen victim to unjust persecution and repression, including the nations behind the Iron Curtain. It also became the model for most post-war constitutions, starting with the German one of 1949.

The Universal Declaration of Human Rights was not created in an atmosphere of calm and unity. The document, which defined the identity of the newly established United Nations, caused a number of disputes, raised doubts on the part of those who were cautious about the abstract nature of the Enlightenment concept of human rights, and their conviction by the supporters of change was not so obvious.

In the draft Declaration prepared by bishops from the United States, the argument was raised that rights are integrally related to duties and responsibilities towards the community, and including in the draft document only the dimension of powers would be ideologically motivated and in the long run could lead to a crisis of social life, which was contrary to the ideology of legal positivism, which in its basic formula proposed by John Austin assumed, that the law is the "order of the sovereign," that is, any norm that has been correctly established by the legislator.

This solution was also opposed by Gustav Radbruch, who claimed that positivism makes lawyers, as well as the nation, defenseless against cruel, criminal and evil laws. "There are principles of law that are stronger than any legal provision – a law that contradicts them is devoid of binding force – these principles are referred to as the law of nature or the law of reason" (2015, p. 11). This position served as arguments of the German courts, the Constitutional Court and the Supreme Court; was the starting point of many philosophical-theoretical and legal disputes between H.L.A. Hart, L.L. Fuller, R. Dworkin, R. Alexy and many others.

In its final wording, the Declaration defines human rights as inalienable and derives them from the dignity of the human person, which it says in the preamble is "inherent". It is clearly indicated that the attribute of dignity cannot be deprived of man by any authority, which was repeated 18 years later in the International Covenants on Human Rights.

The meaning of "human dignity" opened man to a higher order of the natural law, making it possible to distinguish between good and evil to an elementary extent. At the level of basic legal implications, there was no doubt that a system with an "anchor" in the concept of dignity is based on more than just a convention that can be changed in any way. The Declaration speaks of the "natural" character of the social community which is the family, and recalls the duties that man has towards the collective.

In the following years, many binding international agreements protecting human rights were adopted, the number of cases increased tenfold. The catalogue of human rights has been extended to include reproductive and sexual rights, group rights, and there are postulates undermining the identity of basic social institutions, including the family. According to the horizontal model, human rights are also to oblige other citizens, indicating what preferences they should follow when making decisions about their own lives.

Attempts to give further claims the character of "human rights" have revealed a number of contradictions within the system, and the relativisation of fundamental rights has deepened. Attempts to reinterpret the term "human dignity" give it a meaning that is blatantly detached from the text of the Declaration and the intentions of its creators. A new understanding of human dignity will not include every human being without exception. Human dignity is identified only with the autonomy of the will of an adult. An example of this phenomenon were the judgments of the German Constitutional Court, which stated that although the principle of legal protection of human life covers the earliest stage of its development, the principle of human dignity excludes the criminality of abortion in the first weeks after conception. A similar position was presented by constitutional courts in Canada and South Africa.

Commentary on Article 6 adopted by the UN Human Rights Committee. The International Covenant on Civil and Political Rights states that "everyone has the right to life." That provision imposes an obligation on States to ensure 'safe, legal and effective access to abortion'. The Committee sees no contraindications for euthanasia, which it describes as "death with dignity". A number of countries, including Poland, are under ideological pressure. International humanitarian aid to poorer countries is often conditional on submission to ideological dictates.

At the level of non-binding documents, one can observe a problem that John Paul II defined as "the use of human rights against man". There is a lack of response or delayed response to human rights violations: persecution of Christians, acts of Christianophobia and racism, criminal assaults and genocide, slavery, human trafficking and drug trafficking.

Human rights, devoid of values in the original sense, have become susceptible to ideological instrumentalization, procrastination. Departing from the pattern outlined by the mother, they are a means to achieve power, make a political and business career, serve to exert pressure.

This would not have been possible if some of the institutions established to defend human rights had not begun to push through the model of creating new norms of international law at their own discretion, against the interests of the Member States.

As a result of a clear increase in the awareness of societies, today it is impossible to hide and cover up irregularities, distortions and mismanagement. The fundamental shortcoming of our time is that institutions and organizations established for the protection and defence of human rights have been transformed into bureaucratic structures that serve themselves above all.

There is not a month in which a scandal does not break out, irregularities, corruption or nepotism have been revealed. Error after error. This error is one of the main reasons why these institutions are increasingly treated as bureaucratic structures that primarily serve themselves.

Europe is becoming economically irrelevant. Of the 20 largest technology companies in the world, only two are European, and American capital is unimaginably ahead of Europe. The European Union and its representatives do not learn from their mistakes. Europe seems to be forgetting the mistakes that have already weakened it once. You don't have to be a prophet to see what awaits institutions and organizations if you don't change your approach to things.

Throughout the history of the global and European institutional legal culture devoted to human rights, one of the most important areas of dispute about the essence of law has been whether its validity depends only on force or also on justice and equality. World order, like political correctness, is based mainly on standards – but what standards are we talking about? Many of the natural rights of the human being do not fit into the standards of today. Some of the rights are not adopted by modern societies, while others that are often incomprehensible are among them. Around the world, disillusionment with human rights institutions is clearly on the rise and little is being done.

For more than 70 years of functioning of the Universal Declaration of Human Rights, despite many changes and many related turbulences, at the level of basic legal implications, there has been no doubt that a system based on the concept of human dignity and the dignity of law is based on something more than just a convention, which can be freely amended, replaced and transformed according to particular needs in the political and economic area. The prototype of human rights was understood as the rights of the individual in relation to the state and society, and not the other way around, as some politicians now think (Piechowiak, 1997).

In the opinion of Fr J. Tischner, "human rights indicate what is due to man by virtue of the principle of justice. That is why these rights are called natural, innate, inalienable, inviolable, always and everywhere valid" (1998, p. 30).

According to C. Mika, the concept of human rights means specifically stratified, natural human possibilities, essentially individual, but socially determined, equal, inalienable, temporally permanent, universal subjectively, objectively and territorially always flowing from the inherent personal dignity of every human being (2000, nb. 1075).

According to A. Łopatka, human rights are rights assigned to every individual, resulting from his inherent dignity (2002, p. 13).

According to R. Kuźniar, human rights are an area of constitutional and international law, whose task is to defend the rights of a human person – an individual in an individualized way. National legislation is of greater importance for the protection of human rights, because it is closer to these rights (2000). In turn, W. Osiatyński defines human rights as universal moral rights of a fundamental nature, belonging to every individual in contacts with the state (Jurczyk, 2009). According to the author, man has been naturally equipped, among other things, with cognitive abilities, two hemispheres of the brain, one responsible for reason and the other for emotions, the whole art is to use as much reason as emotions.

Summary

Regardless of the views of which of the great of this world one would not invoke, the idea is the keynote determining the goal and direction of action in principle of every human creativity. It is a view, pattern or attitude typical of an era, culture or group of people, it is revolution and evolution, it is a state of affairs in past, present and future terms, the key element of which is art and the ability to know.

Many people at all costs follow the good they imagine, which is not good, some do not see the good at all, there are also those for whom the only good and the only value is themselves.

As a rule, human rights cease to be accepted in contemporary societies as determinants of moral, ethical and obligation standardization, and critics of negative trends of recent decades are described as populists and demagogues. Those on whom everything depends do not react decisively when the situation demands it, repeatedly downplaying the warnings and reservations of the increasingly visible disappointment with the growing alienation of international institutions. In many cases, it is forgotten and not enforced that the absolute rights of the individual are the limits of the power of the state and international organizations.

According to the creators' assumptions, the essence of human rights was to obtain the universal good, peace, harmony, the common good. And what is now?

The use of power to satisfy one's own needs has never served, does not serve and will not serve the common good, and unfortunately there are more and more such cases.

In politics, culture, economics and sport, in all areas with which man comes into contact, scandal follows scandal, sensation overtakes sensation, tragedy follows tragedy – this is the sad picture of our reality, to which we have access every day through the mass media.

Powers are shaking, for some no epoch and its achievements count, lack of respect for the achievements of civilization, parliamentarism becomes a tool for settling scores, in a relationship, democracy becomes a fiction, and monarchy a stereotype, because only

strength counts. Soon no one will respect anyone, but only fear him. This seems to be the picture for the universal value of human rights and their sad future, unless a person wakes up in time.

All over the world, man is officially disregarded. Quite often it happens that political will and so-called political correctness precede overriding goals. Many people do not have access to basic health services. In hospitals, doctors and nurses are trying their best, but the system is in terrible shape and no one has tried to fix it for decades. According to the World Health Organization WHO, the world is missing-over-10-million-medics-by-2030-r-the-number-will-increase-to-15-million. In sub-Saharan Africa alone, there is a shortage of 3.7 million doctors and midwives. In Venezuela, medical care is practically non-existent. Due to the lack of medical care, 2.5 million newborns die annually in the world.

In June 2023, due to numerous thefts of humanitarian aid, the FAO (Food and Agriculture Organization of the United Nations) and USAID (United States Agency for International Development), suspended the distribution of food in Tigray, where the war with the federal army of Ethiopia lasted until November.

Great famine in North Korea – people die of malnutrition, eat bark, abandon children and parents. In the years 1995-1999, nearly 2.5 million people died of starvation.

At that time, the highest dignitaries of the Korean Workers' Party lived in great splendor, importing luxury goods from China and Europe.

In Spain, 4 million people live in poverty, 2.4 million of whom are without financial support.

The food crisis has affected even the inhabitants of the richest countries. The British Food Foundation warned in September 2022 that almost one in five families in the UK is experiencing food insecurity, and that hunger levels have more than doubled since January 2023.

UN Secretary-General António Guterres put the Russian army on a "list of shame". Russia is responsible for the deaths of 136 children in Ukraine in 2022.

In the Haitian capital of Port-au-Prince, a group of 13 men suspected of belonging to a gang were beaten and burned alive by a mob that snatched them from the police. As of 2021, Port-au-Prince has been plunged into lawlessness and gang warfare that control 60 percent of the city.

The sheikh tortured the man, despite the evidence, he was acquitted.

In Kherson, the Russians had a torture chamber for children.

Iranian authorities vote for death penalty for protesters.

Cutting off fingers, cutting off ears, stinging in the groin and joints – this is how the Russians treat Ukrainian prisoners of war.

Massacre of prisoners of war from Mariupol.

In Afghanistan, it is forbidden for women to travel unaccompanied by close male relatives for a distance of more than 72 km. Transport companies and private carriers will be punished if they break this ban. Women without a hijab are not allowed.

A war that they had forgotten in the West. "Tigray is one big nothing". Reports from the Ethiopian region of Tigray sound like those from the war in Ukraine. Thousands killed, more than 5 million starving, children dying of diarrhea and completely cut off from the outside world. However, the West does not want to look at this dramatic situation in East Africa.

Kim Jong-un's regime ruthless for Christians. A two-year-old boy from North Korea will spend his whole life in a concentration camp because a Bible was found in his parents' house. This is just one of the many repressions that fall on Christians living under the communist regime.

Afghanistan – Women disappeared from Kabul streets. Even men in jeans are no longer there. On May 7, 2022, the interim head of the Ministry of Virtue and Vice Khalid Hanafi announced that "women in public must cover their bodies and faces" – the rules of Islam are more important than anything else. It was forbidden to educate girls above the sixth grade, admit women to universities or work in non-governmental organizations. They were ordered to wear blue burqas. Women should quit their jobs and "not leave the house unnecessarily". Women are sold as sex slaves.

In Honduras, a woman is killed every 36 hours and no one is held responsible. Violence against women is fuelled by gangs and drug cartels, poverty and corruption. The nature and frequency of killings indicate that we are dealing not only with an epidemic of violence, but even with femicide.

In Sumatra, a woman fainted after receiving 100 lashes for premarital sex. In the conservative province of Aceh, she was sentenced to flogging by a religious tribunal along with the man who was supposed to be her lover.

In 1994, Hutu militias murdered more than a million Tutsis in a 100-day massacre. When the militants took to the streets to methodically murder their neighbors from 9 a.m. to 5 p.m., their wives, sisters and mothers did not remain passive. They stole the property of the murdered. They cooked meals for their husbands and encouraged them to further persecution.

Systemic killing of indigenous peoples of North America.

The transplant business is booming, in Brazil you can buy an eye for 500 dollars, in Turkey there are many clinics dealing with weekend transplantation, in China even organs are taken from prisoners.

Inhumane living conditions of children in the Cameroonian orphanage of the Polish monk Dariusz Godawa. There are no doctor's appointments. Children are locked up as punishment for the night in the toilet, they get one meal a day and eat leftovers from the monk's table.

The Swiss city of Basel offers a one-way ticket to the homeless. He sends them anywhere in Europe in exchange for a pledge that they will not return to Switzerland for a certain period of time.

On March 15, 2022, by virtue of the decision of the Committee of Ministers of the Council of Europe in connection with a gross violation of Article 3 of the Statute of the Council of Europe, the Russian Federation ceased to be a member of the Council of Europe. As a result,

it will no longer be possible to bring complaints against the Russian Federation to the European Court of Human Rights on the basis of the European Convention on Human Rights ("Human Rights", 2022). This will have negative consequences for the monitoring and enforcement of the relevant human rights standard on the territory of the Russian Federation and the possibility of seeking their respect. As a consequence, the Russian Federation will no longer be obliged in practice to comply with the European Convention on Human Rights, including Article 1 of Protocol No. 13 to the European Convention on Human Rights, which prohibits the use of the death penalty (Ukraine Torture, 2021, Humanitarian Impact, 2022, Russia Criminalizes, 2002, Russian Federation, 2022).

Iranian authorities aggressively dispersed demonstrations in dozens of cities across the country. Iranian police opened fire on people at a metro station in Tehran. Police officers beat women in subway cars with truncheons. The Iranian parliament has voted to impose the death penalty on all those who were detained during anti-government protests and taken into custody. According to estimates, this may affect up to 15,000 people.

The Chinese communist authorities use US-developed electronic control tools to mass surveillance of citizens so that they feel constantly under surveillance. It should be added that almost all such technologies were invented in Silicon Valley by Google, Facebook and Amazon and improved by them, and it can be considered that they were more effectively used by them in collecting data and using it to analyze and predict human behavior.

The International Court of Justice in The Hague said Russia's attack on Ukraine was illegal. A request to this effect was submitted by the Ukrainian government on 26th February. The ICJ ordered Russia to immediately refrain from hostilities. What if he does not comply with this decision? The answer seems simple – nothing.

All this entitles the author to claim that human rights in the world are not good. Despite the expansion of the universe, the seizure of nature by man, the exorbitant effects of technological thought, the widespread use of artificial intelligence, the creation of new institutions, offices and bodies, the mass creation of law, the application of which does not result much, man through greed, narcissism, conceit and arrogance based on the desire for imaginary precedence, omnipotence and domination, is either a slave to himself or a thoughtless subservient subject.

The proceeding, adoption and admission to international circulation of the next generations of human rights, as well as the next phase of technological development without tolerance, respect and recognition of human rights as spiritual and moral sanctity, and not the subordination of man by man, will not change anything for the better.

The difficulty in understanding is not the geographical sides, language, culture, customs or conditions in which we live, the difficulty is the impossibility of reaching agreement and its enforcement in its pure form, the essence of which Winston Churchill has already mentioned: "Where there is wisdom, there is no greatness, and where there is greatness, there is no wisdom".

From the formal and legal point of view, human rights are an example of institutional bureaucratization developed to the maximum with a great message, broad powers in design, mainly on paper, which many do not respect and are not responsible for, there are also those for whom these rights mean little at all.

From the institutional point of view, man has a right to something, man is guaranteed by the law for something, man is obliged by law to something, and what follows from it? It results all or nothing, because it is not the law that decides how it is, but the man who is its creator and at the same time its executor.

In order for people to behave rationally, ethically, and civilly, norms of behavior cannot be anchored only in law and religion. They must be supported by a multicultural and moral society. They must become an informal consensus that finds its origin in the public consciousness. People accept and honor what they understand, what they want, and what they respect, not what is imposed on them.

In conditions of degradation of institutions, authorities and values, every community loses moral points of reference and the ability for sophisticated reflection. It begins to accept cynicism, mercantilism and selfishness as the norm, it becomes amorphous and indifferent. The paradoxical dimension combines feelings of narcissism and humiliation, indifference to others, and at the same time the desire to obtain respect and justice from them.

The recent wars in Ukraine and Syria have exposed the weakness of almost everything, including mainly international institutions and organizations acting for and on behalf of man.

If it were not for organizations such as Caritas, the courage and spontaneity of many people coming to the aid of the war in Ukraine would have a completely different face.

In many situations, especially in the Ukrainian conflict International mediators proved powerless. Humanitarian law is slowly dying. The mechanisms of the Geneva Conventions do not provide for sanctions for obstructing the activities of the International Committee of the Red Cross (ICRC) (Prisoners of War Convention, 1929). The Red Cross is not allowed to enter places of detention, which is definitely provided for in the provisions of the Convention. The UN-operated system of security levers seems even less effective in conditions of clear sabotage of humanitarian law. During this time, awards and distinctions are awarded, monetary gratuities for service to humanity.

The author's reflection consists of three parts.

The first part – a man is the average of those whom he meets in life, and what kind of people he meets, this is his average.

The second part is a reminder of the message of St. Alexis: "Live honestly, do not harm others, give everyone what is rightfully due to him" (Sosnowski, 2023, p. 214).

The third part in decision-making bodies on such important issues does not have unanimity. The members of the Security Council ignore international law and the decisions of monitoring bodies. The possibility of coercion, for example against Russia, as a key player in the UN

system is unrealistic⁴. What does that mean? It means that without a radical reform of the international system of peace and security in terms of firmness and speed of action, it seems impossible to oppose such tragedies in the future, which makes the best law a fiction – boredom iuris, and this is probably not what humanity of the twenty-first century is after.

The principle of contradiction is the foundation of the world. Valid worldwide in many areas. Without contradictions, there is no division into truth and falsehood, myth, mysticism and fantasy. In many ways, the world will always be diverse, which should not directly concern human rights, which are a universal entity. The improvement of the human rights situation seems to be not the number of established institutions, bodies and organizations dealing with human rights, but the social awareness of Human Rights, their inevitability and consistency in their enforcement without exception, which is not good in many regions of the world. Wherever politics enters the court, justice comes out of the court. It is similar with human rights, where in many cases it is not ruthlessness and courage that decide, but agreements and the so-called correctness (...) at the cost of human life.

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⁴ The Third Session of the United Nations General Assembly, held in Paris, adopted the Universal Declaration of Human Rights on December 10, 1948.

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