A LOOK AT HOW THE CONCEPT OF HUMAN RIGHTS HAS EVOLVED OVER TIME

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ABSTRACT: A look at how the concept of human rights has evolved over time.

„Freedom is the oxygen of the soul", as Moshe Dayan said.
Freedom is the most precious gift with which God the Creator endowed and created man.
The subject of human rights is always topical. In everyday life, first the need arises, then the need for regulation arises, in other words, in our way of living in the city, a problem arises at some point, and the legislative area tries to find an appropriate regulation, so that in the future such a problem does not arise, and in the area of human rights things happen the same way. Somewhere, someone sees themselves as unjust and cries because of an injustice done to their human rights, which they should be able to enjoy without fear, and it turns out that this is not always the case. The present study attempts to present a foray back in time in the evolution of the concept of human rights and specific legal instruments.
Keywords: *human rights, freedom, concept, evolution, legal instruments.*

Introduction

In one of the documents drawn up under the aegis of UNESCO[1], it was also stated that „human rights are neither a new morality nor a secular religion; they are much more than a common language of all people". Thus, hu-

1 UNESCO, Doc. 19C/4 p. 7, par. 11-22. apud. Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system),* București, Editura IRDO, 2007, p. 18.

man rights are demands that the human person must study and integrate into his or her culture according to certain rules and methods, regardless of the diversity of his or her concerns.[2]

Man and his imprescriptible rights are humanity's greatest value. This is why his rights have been affirmed, proclaimed and enshrined in various domestic and international legal instruments, with material and institutional legal means being used to defend and protect the individual from the disastrous effects of wars, from the effects of various acts of violence and barbarism, and from ethnic, religious, political and philosophical intolerance. The concept of human rights is generally understood to mean a set of fundamental rules and freedoms, the supreme values of the human being and of humanity, enshrined in international legal instruments such as the *UN Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights* and other international legal instruments of a universal nature.[3]

Speaking of the issue of human rights[4], it has risen in the years following the Second World War to the level of a genuine phenomenon of a political, social and legal nature, with implications for all areas of human activity, with roots and foreshadowing that are lost in the mists of time. The history of human rights can be seen as inextricably linked to the history of human behaviour, and even as a component of it. When we refer to the search for sources, for the rules that govern them, it begins with the study of traditions, customs, the first written testimonies and the traces discovered by archaeology. [5]

The concept of fundamental human rights and freedoms is the result of the philosophical and legal development of the thinking of people organised in a social community, in a society. Moreover, the definition and protection of the fundamental rights and freedoms of every human being

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2 Karel Vasak (rédacteur général), *Les dimensions internationales des droits de l'homme*, UNESCO, Paris, 1978, p. VII et seq.

3 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (Man and his rights)*, București, Editura Enciclopedică, 1998, p. 3; https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights

4 Irina Moroianu Zlătescu, Radu Constantin Demetrescu, *Din istoria drepturilor omului (From the history of human rights)*, București, IRDO, ANUROM, 2005, pp. 3-28.

5 Irina Moroianu Zlătescu, *Drepturile omului – Un sistem în evoluție (Human rights - An evolving system)*, 2nd edition rev., București, Editura IRDO, 2008, p. 9.

has been a constant concern of the thinkers of humanity, with each era enriching the content of this concept. [6]

The origin of human rights, which goes back to the beginnings of antiquity, goes through the centuries of the Middle Ages, developing in particular through the contribution of thinkers of the 17th and 18th centuries, and in the period following the Second World War, is to receive a definitive outline. [7]

Regardless of gender, ethnic or religious affiliation, from the moment of their birth, of their appearance in the world, people naturally, inherently linked to their quality of human being, have certain rights that cannot be unrecognised, restricted or withdrawn, precisely because they represent the foundation of their physical existence, of their intellectual and material development, together with the possibility of their involvement and participation as active citizens in the political and administrative machinery of the state. These rights are based on the desire for people to live well in a world in which all things are governed by justice and dignity, and in which the dignity and well-being of each individual is to be ensured, respected and protected. A situation in which these rights were challenged would lead to political and social unrest, with consequences in the form of conflict, discontent and violence. [8]

Eleanor Roosevelt, speaking about human rights said the following words: „Where do universal human rights really begin? In mundane places, close to home - so close and so mundane that they cannot be seen on any map of the world. They are part of each person's everyday life: the neighbourhood where they live; the school or college where they study; the factory, farm or office where they work. They are the places where every man, woman and child hopes to enjoy equality before the law, equal opportunities and equal dignity, without discrimination. They are places where rights must have meaning in order to have meaning everywhere. If citizens don't take care to respect these rights in the places around them, we will try in vain to

6 Ovidiu Predescu, *Protecția internațională a drepturilor omului (International protection of human rights)*, Brașov, Editura Omnia Uni S.A.S.T., 2010, p. 7.

7 Irina Moroianu Zlătescu, *Drepturile omului – Un sistem în evoluție (Human rights - An evolving system)*, 2nd edition rev., *cit. supra*, p. 9.

8 Mihai Rodan, *Drepturile omului – drepturi naturale și legale consolidate juridic (Human rights - natural and legal rights legally consolidated)*, 2015. https://www.ziaruldevaslui.ro/drepturile-omului-drepturi-naturale-si-legale-consolidate-juridic/ ; acc. 11.06.2020.

make progress in the wider world."[9] In conclusion, Irina Moroianu Zlătescu says that human rights are an ever-continuous creation, just as reality, in its complexity and constant evolution, refuses immutable patterns.[10]

1. Evolution of the concept of „human rights" over time

1.1. Developments in political and legal philosophy

It is not possible to date the earliest traces of human rights precisely because their decipherment must first be sought in people's conception of the world and of life, in man's relationship with divinity and in man's relationship with power and authority. From these two categories of relationship, namely man's relationship with divinity and man's relationship with power or authority, moral commandments first emerged, i.e. those human attitudes which define either good or bad conduct and which prescribe the rules of conduct, of behaviour, to which people must conform and obey in their relations with one another.[11]

Approaching this problem from a scientific perspective has to start from the observation of the natural sociability of man and the fact that force is inherent in any form of human organisation. Thus the history of human emancipation comprises a long and often dramatic process, which has embraced all peoples, with a few principles of liberty and justice, which are in fact the moral heritage of mankind, as the driving force, the driving force, to move things forward, and which have matured in the minds of reforming scholars, principles which, over the course of time, have been established, ordered and concretised into coherent systems from which modern law was born, thus establishing the privileges of man within his set of duties, and this was achieved by a slow and ponderous but progressive passage towards what was later to be truly called a triumph of human rights. The passage through time of these moral and just norms and principles has been a very difficult one, because the history of mankind has been a history of conflict, full of struggle and violence between people, nations, states

9 Eleanor Roosevelt, *In Our Hands („Depinde de noi", discurs pronunțat în 1958 cu ocazia celei de-a zecea aniversări a Declarației Universale a Drepturilor Omului) („It's up to us", speech delivered in 1958 on the tenth anniversary of the Universal Declaration of Human Rights).*

10 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - An evolving system),* București, Editura IRDO, 2007, p.198.

11 Irina Moroianu Zlătescu, *Drepturile omului – Un sistem în evoluție (Human rights - An evolving system),* 2nd edition rev., *cit. supra,* p. 9.

and alliances of states. This progressive transition has marked all areas of human activity, namely the social, political, scientific, economic and technological spheres of life, progress which has sometimes been hampered by certain injustices, suffering and all kinds of discontinuities. And yet, thanks to this progress, the element of brute force, under the rule of reason, was gradually replaced by principles of justice, equality, freedom and solidarity, and human society itself, through the thinkers of the time, came to realise that real progress, lasting in character, could only be achieved by overcoming any difficulties that arose. [12]

At the beginning of human history, human rights were referred to by the phrase „natural rights", but with the passage of time, in the practice of certain countries, this phrase underwent certain changes regarding the terms used, in order to express the content of the respective notion as clearly and precisely as possible. [13]

Speaking about the history of the emancipation of man in terms of the recognition of his rights, it must be seen primarily as a history of human thought, more than as a history of institutions of a social, political or economic nature. [14]

The evolution over time of the concept of „human rights" is the natural result of the long evolution of thought from philosophical, political, legal and social perspectives, inseparably linked to social democratic traditions. The concept of ‚human rights', which originated in ancient times, has come a long, arduous and arduous way. Having emerged as the political platform of the bourgeois revolutions, the concept of „human rights" took on a new dimension in contemporary history, when „the question of the existence, maintenance and perpetuation of the human species on earth, mutual cooperation, the affirmation of general human ideas and values was starkly placed before mankind".[15]

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12 Ibid., pp. 9-10.

13 Kéba Mbaye, „Les droits de l'homme et des peuples", in *Droit International, Bilan et Perspectives*, Mohammed Bedjaoui (coord.), Paris, Editura Pedone, 1991, p. 1119;

14 Irina Moroianu Zlătescu, *Drepturile omului - un sistem de evoluție (Human rights - An evolving system)*, 2nd edition rev., *cit. supra*, pp. 10 et seq. ; Ramona-Gabriela PARASCHIV, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, pp. 318-319.

15 Eugen Ciobota, *Evoluția în timp a conceptului drepturile ale omului (Evolution over time of the concept of human rights)*. file:///C:/Users/User/Desktop/drepturile%20omului.pdf ; acc. 11.06.2020.

Thus, the enshrinement of the obligation that the individual, the human being as such, should not have certain rights violated, came to be achieved as a result of a very long evolutionary process, a process during which certain anachronistic, elitist, totalitarian concepts were overcome, concepts which were opposed to the need to recognise the equality of all people and the idea of respect for fundamental human rights and freedoms. Thus, the modern concept of ‚human rights' is the result of a process of synthesis, bringing together advanced ideas from various parts of the world, some of them with a rich moral and political content, ideas developed and formulated by highly prestigious legal experts. The concept of ‚human rights' is basically a combination and updating of the principles of humanist philosophical thought, with the addition of some conceptual elements from religious thought and from the general desire of people for freedom, particularly in the 17th and 18th centuries. [16]

Talking about the specialist doctrine, or the situation of specialist meetings at specialist level, or at governmental or non-governmental level, alongside the concept of human rights other formulations or notions are used such as: universal rights, fundamental rights, fundamental freedoms, common rights, citizens' rights, human duties, fundamental duties, peoples' rights, individual rights or the phrase human rights is used. [17]

The concept of „human rights", from a legal point of view, refers to the subjective rights of the individual, i.e. those rights that concern his position in relation to public power and other people, but they also constitute a genuine legal institution, made up of a set of domestic and international rules, rules that have as their regulatory object the promotion and guarantee of human rights and freedoms, as well as their protection against abuses by States and dangers of any kind. At global or regional level, human rights are established by international conventions, and at national level by constitutions and laws - at the heart of the concern of the bodies which enshrine them are those rights which guarantee the equality of all people, together with the possibility of their unrestricted manifestation[18], on the

16 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 318.

17 Ibid.

18 Ibid.

basis of dignity and freedom, because man, according to his nature, is a dignified and free being. [19]

Human rights have thus emerged in history as an instrument to protect the individual in his relations with the collectivity, with the multitude, having as their main function the limitation of political power for the free and full manifestation of the human being.

1.1.1. Epic of Gilgamesh

In Babylonian culture, man was viewed from a humanistic perspective, a fact we find in the Epic of Gilgamesh[20] of Uruk, the Babylonian area, considered to be the oldest known literary writing, possibly of Sumerian origin, dating from the first half of the 3rd millennium BC. In this epic one can find the existential drama of man, his struggle with occult forces and the prospect of their defeat, the relationship between man and woman, together with the relationship of friendship between men, the fear of death, together with the desire for immortality, the desire to live perpetually and to exist forever. The epic contains allegorical aspects of the history of human development and their destiny as a society, linked to specific survival activities, those of hunter-gatherers: hunting, herding, fishing, gathering. Alongside these kinds of activities, the epic also includes aspects relating to the establishment of the archaic state, urban civilisation, natural or cosmic catastrophes and, most importantly, the great questions of human thought. [21]

1.1.2. Laws of Eșnunna

Regarding the Laws of Eșnunna, also known as the Laws of Bilalama, it is believed that the king of Eșnunna, Bilalama, is the author of the law that actually bears his name. [22] Lygia Negrier Dormont, speaking of the Laws

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19 Nicolae Popa, *Teoria generală a dreptului (General theory of law)*, București, Editura All Beck, 2002, p. 51; Nicolae Popa, *Teoria generală a dreptului (General theory of law)*, București, Editura C.H. Beck, 2012, pp. 44, et seq.

20 *Epopeea lui Ghilgameș (The Epic of Ghilgames)*, București, Editura Gramar, 2014.

21 Victor Kernbach, *Dicționar de mitologie generală (Dictionary of general mythology)*, București, Editura Albatros, 1983, p. 189.

22 Sergiu Brînză, *Evoluția reglementărilor privind protecția penală a proprietății pe teritoriul Republicii Moldova (Evolution of regulations on criminal protection of property on the territory of the Republic of Moldova)*, Universitatea de Stat din Moldova, Facultatea de Drept, Editura ARC, Chișinău, 2001, pp. 11-15.

of Eșnunna, said that „one of the oldest civilizations, perhaps the first to issue laws, lived on the banks of the Euphrates in the 5th millennium BC: Sumerians. The province of Esnunna issued a law, containing 60 articles. Its translation into Akkadian appears to be the earliest known legislative document." [23]

The city-state of Eshunna was located on the site of the present-day Iraqi city of Tell-Asmar, and is believed by scholars to have appeared no earlier than the third millennium BC, and the Laws of Eshunna, which appeared in the 20th century BC, thus appearing 2 centuries before the Code of Hammurabi [24] The city-state of Eshunna was situated in the area of interference of three ethnic elements, namely Hurrites, Elamites and Akkadians, which is reflected in the character of the law of Eshunna, which had a number of particular features compared to the rules adopted in Mesopotamia, together with a number of archaic features, possibly linked to the peripheral location of the kingdom. The text of these laws, the Laws of Esnunna, was carved into two clay tablets and written in Akkadian (Semitic), due to the fact that the Semitic population (Amorites) had almost completely merged with the native populations of the area. The content of the Eșnunna laws[25] is very varied, with 60 articles containing various legal provisions (civil, criminal, commercial, family and other), which are intermixed, without being systematised. [26]

1.1.3. Code of Hammurabi

Hammurabi (or Hammurapi) who was the sixth sovereign of the Amorite dynasty founded in 1894 BC by Samuabum, ruled from 1792-1749 BC. and had the great merit of laying the foundations of the Babylonian empire, which came to dominate the whole of Mesopotamia, uniting for the

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23 Lygia Negrier Dormont, *Criminologie (Criminology)*, Paris, Litech, 1992, pp. 10-11; See and S.N. KRAMER, *Istoria începe la Sumer (History begins in Sumer)*, București, Editura Științifică și Enciclopedică, 1962.

24 Horia C. Matei, *Civilizațiile Orientului Antic (Ancient Eastern Civilizations)*, București, Editura Albatros, 1990, p. 90.

25 Vladimir Hanga, *Mari legiuitori ai lumii (Great legislators of the world)*, București, Editura Științifică și Enciclopedică, 1977, p. 23.

26 Sergiu Brînză, *Evoluția reglementărilor privind protecția penală a proprietății pe teritoriul Republicii Moldova (Evolution of regulations on criminal protection of property on the territory of the Republic of Moldova)*, Universitatea de Stat din Moldova, Facultatea de Drept, Chișinău, Editura ARC, 2001, pp. 12-13.

first time in history the „land between the waters" under a single ruler, who towards the end of his reign (he reigned for 43 years) said he considered himself entitled to the title „King of the Universe". In addition to all the political, military and social merits of this emperor, he will go down in history as a great legislator, like Justinian[27] and Napoleon. Hammurabi, from the second year of his reign, wanted to establish law in the country over which he ruled. [28]

Part I of the Code, the Prologue, begins with King Hammurabi's declaration that the gods have entrusted him with the royal sceptre and, on the basis of this entrustment, he promulgates the text of the Code, stating: „They have empowered me, Hammurabi, the proud and adored ruler of the gods, to bring forth legislation in the land to destroy evil and lawlessness, so that the strong will no longer persecute the weak." [29]

The Code of Hammurabi[30] impresses by the brevity and clarity of its statements, by the modernity of its spirit and by its systematisation, a code in which rules of social justice are promoted, permeated by a humanitarian spirit[31] without equal at the time. [32]

1.1.4. Bible. Old Testament

The human being is also found in the Holy Scriptures of the Old Testament, permeated by ethical principles of social and legislative organization, based on a high religiosity. [33]

Viewed from a Judeo-Christian perspective, justice is measured by an absolute standard, the source of which is in God, leading to the logic

27 Wolf Scheider, *Omniprezentul Babilon (Omnipresent Babylon)*, București, Editura Politică, 1968, p. 35.

28 Ibid., pp. 18-19. Vladimir Hanga, *Mari legiuitori ai lumii (Great legislators of the world)*, București, Editura Științifică și Enciclopedică, 1977, pp. 83-84.

29 *Codul lui Hammurapi (Code of Hammurapi)*, preface and introduction by Diacon T. Negoiță, București, Tip. „Fântâna Darurilor", 1935, p. 1.

30 *Codul lui Hammurapi (Code of Hammurapi)*, preface and introduction by Diacon T. Negoiță, Tip. „Fântâna Darurilor", București, 1935.

31 Irina Moroianu Zlătescu, R. Demetrescu, *Din istoria drepturilor omului (From the history of human rights)*, Institutul Român pentru Drepturile Omului, București, 2003, p. 5, apud R. Miga-Beșteliu, C. Brumar, op. cit., p. 5 (footnote 1).

32 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 319.

33 Ibid.

that divine justice is the model of human justice. Under these conditions true human justice must be a reflection of divine justice. In other words, horizontal justice must conform to and mirror vertical justice. And conformity with divine justice means that man must uphold justice in all areas of his life: social, legal, political[34], etc.[35]

From a Judeo-Christian perspective, Professor Ioan-Gheorghe Rotaru said that "the God of justice requires that people also do justice in an impartial way. The divine requirement is addressed to judges, to those who work in the administration or in any institution, as well as to every person: 'I have given the following commandment to your judges: "You shall listen to your brothers, and you shall judge the disagreements of each one with his brother or with the stranger according to justice. You shall not look to the face of men in your judgments; you shall listen to the small as well as to the great; you shall fear no one, for it is God who does justice...." (Deut. 1:16-17); "But if you have regard for the face of man, you commit sin and are condemned by the law as transgressors." (James 2:9). God wants people to learn justice and for it to "flow of its own accord": "Hate evil and love good, let justice reign in the gate of the city... But let justice flow like running water, and righteousness like a stream that never runs dry!" (Amos 5:15,24) ; "...You go forth before those who gladly fulfill justice!..." (Isaiah 64:5)."[36]

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34 Corin Mihăilă, „Dreptatea din perspectivă teologică. Dumnezeu sursa dreptății absolute" („Justice from a theological perspective. God the source of absolute justice"), in *Dreptatea - abordare juridică, politică, socială și teologică,* prof. univ.dr. Cristinel Murzea, conf.univ.dr. Carmen Adriana Gheorghe, David Emanuela Laura, dr. Nelu Burcea (coord.), Editura Universitară, București, 2012, p.145.

35 For a comprehensive treatment of Christian ethics in all its aspects see e.g., Christopher J.H. Wright, *Old Testament Ethics for the People of God*, Downers Grove, Illinois, IVP, 2004. For a brief treatment of righteousness as found in the Bible, see also: Temba Mafico, „Just, Justice", in *The Anchor Yale Bible Dictionary,* ed. David Noel Freedman, vol.3, Doubleday, NY, 1992, pp.1127-1128; Vincent Bacote, „Justice", in *Dictionary for Theological Interpretation of the Bible*, ed. Kevin J. Vanhoozer, Baker, Grand Rapids, Michigan, 2005, pp.415-416; M. Burch „Justice," in *Evangelical Dictionary of Theology*, second edition, ed. Walter A. Elwell, Baker, Grand Rapids, Michigan, 2007, pp. 641-643.

36 Ioan-Gheorghe Rotaru, "Conceptul de dreptate divină prin prisma celor Zece Porunci" („The Concept of Divine Justice through the Ten Commandments"), in *Dreptatea - abordare juridică, politică, socială și teologică,* prof. univ.dr. Cristinel Murzea, conf.univ.dr. Carmen Adriana Gheorghe, David Emanuela Laura, dr. Nelu Burcea (coord.), București, Editura Universitară, 2012, p.154.

Speaking of the significance of the Decalogue, theologians state that „the moral law of the Ten Commandments is the principle and the embodiment of order in the universe. As a principle, the moral law of the Ten Commandments is expressed in the form of prescribed rules. As a process, however, the Moral Law of the Ten Commandments expresses the dependence and purpose of all relationships in the Universe. In this broad sense, the Moral Law of the Ten Commandments is equal to the cosmic, social and moral order in the world. The moral law of the Ten Commandments has a particular meaning for man. The human aspect of the Law is twofold: external and internal. In its outward aspect, the moral Law of the Ten Commandments operates for man in the form of prohibitions. In its inner aspect, man's response to the demands of the moral Law of the Ten Commandments is a sense of obligation, which is the wellspring of human consciousness An imagination of a freedom without any restriction of the Law is an absurdity, as if we imagined that we could live without the law of gravity or without the laws of optics and acoustics." [37]

The function of the moral law of the Ten Commandments, on the one hand, is to make a clear distinction between right and wrong[38] and, on the other, to condemn any conduct that deviates from this standard. Thus the law can neither make the guilty person righteous nor give him the power or desire to live in perfect harmony with its precepts. [39]

Talking about the concept of justice, fairness or equity has always been, according to Corin Mihăilă's thought, a subject of interest for the philosopher, the religious man, the statesman, as well as the common man. This is because justice and injustice are concepts that affect both society and the individual. Without justice a society destabilises and disintegrates. Without justice, said Professor Mihăilă, human relations degenerate and become dehumanised. Thus John Rawls stated that "justice is the crowning virtue of a society".[40] It is not for nothing that man, when he has always

37 Wilhelm Moldovan, *Manualul Doctrinelor Biblice A.Z.S. (Handbook of Bible Doctrines A.Z.S.)*, București, Editura Curierul Adventist, 1982, p. 87.

38 *Învățătura de credință creștină ortodoxă. Catehism (Orthodox Christian teaching. Catechism)*, Cluj-Napoca, Arhidiecezana Cluj, 1993, p. 328.

39 Lucian Cristescu, *Galileanul (The Galilean)*, București, Casa de Editură Viață și Sănătate, 2002, p. 479.

40 John Rawls, *A Theory of Justice*, Revised Edition, Harvard University Press, Cambridge 1999, p. 4.

had the opportunity to express his desires regarding the state of the individual in society, has also demanded justice, considering it an absolutely necessary good and a foundation without which a healthy society cannot be built, an inalienable right of the individual. [41]

In conclusion, "the Bible (Old Testament) enshrines fundamental prerogatives of the human being and a new conception of the relationship between rights and duties." [42]

1.1.5. Great Indian epics

The presentation of the human being as having certain rights in a moral society can also be found in the great Indian epics[43]: the Vedas, the Upanishads (c. 560-480 BC), the Sutras (of which a kind of handbook of legal notions forms part), the *Mahabharata*, the *Ramayana* and the *Purana*. [44]

1.1.6. Manu's Law

The Law of Manu[45] is the most important ancient code of laws of ancient India, attributed by Hindu tradition to Manu, which was written in Sanskrit, the ancient language spoken in India. The provisions of Manu's Law are clearly religious in nature. They include principles of metaphysics and cosmogony, theology, pedagogy, morality, economics and commerce. [46]

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41 Corin Mihăilă, „Dreptatea din perspectivă teologică. Dumnezeu sursa dreptății absolute" („Justice from a theological perspective. God the source of absolute justice"), in *Dreptatea - abordare juridică, politică, socială și teologică*, prof. univ.dr. Cristinel Murzea, conf.univ.dr. Carmen Adriana Gheorghe, David Emanuela Laura, dr. Nelu Burcea (coord.), București, Editura Universitară, 2012, pp. 139-140.

42 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights), Course notes*, 5th ed., București, Editura Universul Juridic, 2010, p. 6.

43 M. Bădescu, *Introducere în filozofia dreptului (Introduction to the philosophy of law)*, București, Editura Lumina lex, 2003, p. 174.

44 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p.319.

45 Irineu, Mitropolitul Moldovei și Sucevei, *Manava-Dharma-Sastra (Cartea Legii lui Manu*, translation, Editura Antet Revolution, 2006, pp. 5-277.

46 Sergiu Brînză, *Evoluția reglementărilor privind protecția penală a proprietății pe teritoriul Republicii Moldova (Evolution of regulations on criminal protection of property on the territory of the Republic of Moldova)*, Universitatea de Stat din Moldova, Facultatea de Drept, Chișinău, Editura ARC, 2001, pp. 25-26.

1.1.7. Edict of Cyrus the Great

The first written testimony to the legal recognition of fundamental human rights is the small clay cylinder engraved with cuneiform signs, where King Cyrus the Great (Cyrus) (534 BC), after the conquest of Babylon by the Medo-Persians, granted the Jews, brought into slavery by King Nebuchadnezzar, freedom of worship and the possibility of returning to their country to practice their religion and rebuild the Temple. [47]

King Cyrus (Cyrus), impressed by the value and content of the prophecies that the Jews had, especially those in the book of the prophet Isaiah, issued the edict concerning the deliverance of the Jews: „When the king saw the words that had prophesied more than a hundred years before his birth, how Babylon was to be taken; when he read the message addressed to him by the Ruler of the Universe: ‚I have girded you before you knew Me. That it may be known from the rising of the sun to the going down of the sun, that there is no God beside Me"; when he saw before his eyes the declaration of the eternal God: „For love of My servant Jacob, and of Israel My chosen, I have called you by name, I have spoken kindly to you, before you knew Me"; when he followed the inspired words, „I have raised up Cyrus in My righteousness, and I will make all his paths straight. He shall build my city again, and let my prisoners of war go without ransom" (Isaiah 45:5,6,4,13), his heart was deeply moved and he determined to fulfil the mission entrusted to him by heaven. He would leave the Jewish servants and help rebuild Jehovah's temple." [48]

The same author, Ellen G. White speaking about the edict of King Cir said: „In a written proclamation, published ‚throughout his kingdom,' Cyrus made known his desire to take steps for the return of the Jews and the rebuilding of their temple. „The Lord, the God of heaven, has given me all the kingdoms of the earth," the king acknowledged in this public proclamation, „and commanded me to build him a house in Jerusalem in Judah. Who among you is of his people? His God be with him, and let him go up to Jerusalem ... and build there the house of the Lord, the God of Israel! He is the true God who dwells in Jerusalem. Wherever the remnant

47 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 319.

48 Ellen G. White, *Profeți și Regi (Prophets and Kings),* 5th edition, București, Casa de Editură "Viață și Sănătate", 2011, p. 385.

of the Lord's people dwell, let the people of that place give them silver, gold, wealth, and cattle, as well as free gifts." [49]

King Cyrus also gave clear instructions for the rebuilding of the Temple in Jerusalem, so that religious worship could be restored and practiced again: ‚The house shall be built again,' he further directed regarding the temple, ‚that it may be a place of sacrifice, and that it may have strong foundations. Let it be sixty cubits high, sixty cubits wide, three rows of hewn stones, and one row of new wood. The expenses shall be paid out of the king's house. Moreover, the gold and silver vessels of the house of God, which Nebuchadnezzar had taken from the temple at Jerusalem and brought to Babylon, shall be returned, brought to the temple at Jerusalem." [50]

1.1.8. Buddhist thought

Buddhist thought[51] was founded by the Sakyamuni Buddha, who lived in India some 2500 years ago, and was concerned to seek spiritual remedies for the evils that plagued people, believing that equality should not only embrace people but all beings, believing that all people are entitled to respect and that nothing can justify acts of violence, exploitation and humiliation. According to Buda's conception, he rejected discrimination between human beings, and the existing differences were interchangeable. He believed that rich and poor, kings and beggars, men and women, should be equal, the only criteria for ranking being age and personal merit. [52]

In conclusion, we can say that Buddhist thought promotes a view that all beings are equal in dignity and value, all have the right to respect, and nothing can justify the violation of their lives, exploitation and humiliation. [53]

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49 Ibid., p. 386.

50 Ibid.

51 Nicolae Sfetcu, *Filosofie. Noțiuni de bază (Philosophy. Getting started)*, Drobeta Turnu Severin, MultiMedia Publishing, 2020, p. 84.

52 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 319.

53 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights)*. Course notes, 5th ed., București, Editura Universul Juridic, 2010, p. 6.

1.1.9. The Book of the Dead and the Teachings of Ptah-Hotep

In ancient Egyptian civilisation and culture, the Book of the Dead[54] appeared, considered to be a true moral code of human behaviour in life, and then in the Book of the Teachings of Ptah-Hotep (a book written around 2300-2150 BC), considered to be older than the Book of the Dead and the medical papyri. Thus, the Book of the Teachings of Ptah-Hotep[55] referred to the deep realities of the human soul's experiences. It was also stated that violence, force should not be used against people in any way because „.... they are born from the eyes of the sun, they are the flock of God".[56]

1.1.10. Ancient China. Confucius Thought (Kung Fu Tzi)

In ancient China, Confucius (Kung Fu Tzi - ca. 551-479 BC), because of his thought, argued that a harmonious society can only be possible if the people who compose it are guided by principles of high morality, because everything must be a continuous effort towards the good. Man, considered to be at the centre of his philosophical and moral system, must love his fellow man and respect him, considering morality to be the first principle of the universe. The Chinese thinker, Confucius, considered moderation in all things, justice and above all humanity to be the main virtues he recommended to all. Thus, in the 17th century, the Confucius In the 1st century AD, Chinese Buddhism, which encouraged the practice of charity and love of man, saw in this concept the way to save man from suffering and need.[57]

Lao-Tzi, another famous Chinese philosopher and moralist, founder of Daoism, a contemporary of Confucius, had the merit of extending Confucian concepts to the human-universe relationship, whereby man was considered to be the bridge between the material world and the spiritual world, which in Lao-Tzi's thinking, must be associated with social harmo-

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54 *Cartea egipteană a morților* (*Papirusul Ani*) (*The Egyptian Book of the Dead* (*Papyrus Ani*)), translation by Maria Genescu, 3rd edition, București, Editura Herald, 2010, pp. 10-376.

55 Ptahhotep, *The Teachings of Ptahhotep: Or, the Instruction of Ptah-Hotep and the Instruction of Ke'gemni: The Oldest Books in the World*, Battiscombe George Gunn (Translator), African Tree Press, Clfton NJ, 2015, pp. 7-8; M. Bădescu, *Introducere în filozofia dreptului (Introduction to Philosophy of Law)*, București, Editura Lumina lex, 2003, p.197.

56 J. Ki-Zerbo, *Histoire de l'Afrique noire*, Paris, 1978, p. 75.

57 Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 320.

ny, but also with heavenly harmony, and from which derives the need for moral perfection of inter-human relations. [58]

1.1.11. Ancient Greek thought

Ancient Greek philosophical thought[59] generated a set of reflections on man as a citizen, a participant in the management of public life in which public institutions (polis - city) were subject to rational judgement and constitutive authority was viewed critically. [60] Ancient Greece promoted a certain right of citizenship, consisting in the participation of citizens in the drafting of laws and in the running of society by holding public office. Individual rights were also an instrument to guarantee civil liberties, but not an individual guarantee against the state. Later Greek thinkers saw human rights as fundamental, eternal and immutable rights, inherent in the nature of the human being. [61]

The Greek philosophers considered human rights to be fundamental, eternal and immutable, which every society must respect, since they derive from the nature of things, and the law is but the expression of that nature. [62] Among the great thinkers who had a strong influence on the formation of modern conceptions of the world and society in general and of human rights in particular, we find Pythagoras of Abdera, more than 2 400 years ago, who considered that ‚man is the measure of all things', a summary of a whole series of reflections which, through the anthropocentric conception affirmed, also implied some humanist ideas, suggesting the idea of human rights. [63]

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58 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system), cit.supra,* p. 9.

59 G. Del Vecchio, *Lecții de filozofie juridică (Lessons in legal philosophy),* București, Editura Europa nova, 1994, p. 49.

60 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms).* https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc. 14.06.2020.

61 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (Protecția internațională a drepturilor omului).* Course notes, 5th ed., *cit. supra,* p. 6.

62 Ionel Cloșcă, Ion Suceavă, *Tratat de drepturile omului (Human Rights Treaty),* București, Editura Europa Nova, 1995, pp. 25-26;

63 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Drepturile omului – un sistem în evoluție), cit.supra,* p.9. Gh. Dănișor, *Filozofia drepturilor omului (Philosophy of human rights),* București, Universul juridic, 2011, p. 17. Vezi: Valeriu Baeșu, *Originea și*

Thus, according to the thought of the Greek philosophers, human rights spring from natural law, being natural rights, natural rights, rights inherent in the nature of human finitude. In the context of the expansion of economic, political and cultural relations in ancient Greece, the Sophist philosophers put forward the theory, revolutionary for the time, that man is the master of his own destiny and that he is not at the discretion of the gods, as was believed even then, and is not subject to supernatural forces. [64] They argued that man has rights inherent in his nature, prior to any legal consecration, precisely because he is human, and disregarding them would be detrimental to that nature. Later came the Stoic thinkers, Greeks and Romans, who, formulating a doctrine of natural rights, saw all men enjoying them, regardless of their social condition or where they were. Rights were never to be confused with privileges, because they belonged to everyone, bearing in mind that all were human beings endowed with reason. [65]

The first ancient Greek philosophers to discuss human rights were Hesiod, Solon and Pericles. Plato shows that the idea of justice is found both in each individual and in the organization of the city, and that man must not respond„to one injustice with another, nor to wrong with wrong, whatever another man does to him." [66]

The great thinker Plato, in his work The State, asks a question whose resonance has reached our times: „In every state, is not the ruler the greatest?", immediately answering the question: „Every ruler makes laws according to his own interests; democracy brings democratic laws; despotism

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evoluția istorică a drepturilor fundamentale ale omului (The origin and historical development of fundamental human rights). https://ibn.idsi.md/sites/default/files/imag_file/105-116.pdf ; acc.20.06.2020.

64 Marin Voiculescu, *Drepturile omului și problemele globale contemporane (Human rights and contemporary global issues)*, București, Casa Editorială Odeon, 2003, p. 29. apud. Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, pp. 320-321.

65 Irina Moroianu Zlătescu, Radu C. Demetrescu, *Din istoria drepturilor omului (From the history of human rights)*, București, Institutul Român pentru Drepturile Omului, Tiparul: Regia Autonomă Monitorul Oficial, 2003, p. 10, apud. Ramona-Gabriela Paraschiv, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 321.

66 Platon, *Opere complete (Complete works)*, vol. I, Criton, București, Editura Humanitas, 2001, p. 57.

despotic laws and so on. And when they bring in laws these do not prove that only what is for the benefit of the master is just for the subjects." In the analysis that the thinker makes in his work, Plato comes to the conclusion that „justice is in fact good for anyone other than the just." [67]

Plato, in his thought, also distinguishes between the nature of men (phúsis) and the convention between them (nomos), in the sense that by their nature human beings are similar, but by convention, that is, by law, they are differentiated. Aristotle, for his part, said that „Only by law does one become a slave or be free, but by nature people are not different"[68]; the city is a natural reality, and man, being by nature destined to live in the city, is „a political living being"[69], showing that it is precisely this natural situation of man that has led him to have recourse to certain rules of behaviour. [70] According to the doctrine set out, it is possible to identify in this text „the first germ of the idea of natural law".[71]

Aristotle's idea that man is a social being places the individual in the position of a human being with needs, not only of a natural-biological nature, but also of a social nature, needs that can only be satisfied within a social community. As a natural, natural characteristic of the human being, sociability is an element which confers equality between the members of a community and from which the moral commandments of life in the community, in society, arise, commandments to which people must conform and accept, generating certain attitudes which differentiate individuals.[72] Accordingly, man, according to the principle of Aristotle and the

67 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc.14.06.2020.

68 Aristotel, *Politica (Policy)*, București, Editura IRI, 2001, p. 41.

69 Ibid., p. 37.

70 Dumitru Mazilu, *Drepturile omului (Human rights)*, București, Editura Lumina Lex, 2000, p.43.

71 N. Purdă, N. Diaconu, *Protecția juridică a drepturilor omului (Legal protection of human rights)*, 2nd edition, revised and added, București, Editura Universul Juridic, 2011, p. 65.

72 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc.14.06.2020.

Stoic thinkers, is considered to be a sociable and free being, protected by natural law.[73]

1.1.12. Thinking in Ancient Rome

Alongside the recognition of the right of Romanian citizens to participate in public life, there were already the rudiments of individual rights imposed on the state in the form of guarantees granted to many Romanian citizens, as opposed to a legal status with fewer guarantees granted to foreigners.[74]

The path to the ideas of human rights can also be found in the Institutes (Codex Justinianus) of Emperor Justinian (ca. 482-565), in which justice was defined as „the constant and perpetual desire to give every man his due." The Constitutio Antoniana (212 AD) which extended the right to citizenship, granting it to all free men in the Roman Empire, or the Edict of Milan, by which Emperor Constantine the Great granted freedom of religious worship to Christians (313 AD).[75]

Marcus Tullius Cicero and Seneca developed notions such as „individual liberty" and „equality among men." Starting from the germs of human rights thinking in Greek society, Roman jurists built on the theory of natural rights (ius naturale) and came to make a clear distinction between natural and civil law. Roman jurists considered natural law to be applicable to all people, while civil law was applicable only to equal members of the citizenry. Also in line with this line of thought, the Stoic philosophers held that men are born equal and have equal rights in the cultivation of wisdom and virtue as expressions of a natural and universal law; from the philosophers Epictetus and Seneca we have the idea that human law has value only when it corresponds to universal law.[76] Seneca, Epictetus and Domitian, by their argumentation, overturned the arguments put forward by Aristotle concerning the natural inequality of man and out-

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73 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system), cit.supra,* p.10.

74 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights).* Course notes, 5th ed., *cit. supra,* p. 6.
Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra,* pp. 2-3.

75 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system), cit.supra,* p.10.

76 Ionel Cloșcă, Ion Suceavă, *Tratat de drepturile omului (Human Rights Treaty),* București, Editura Europa Nova, 1995, p. 26.

lined the idea of the natural right of men as human beings endowed with reason.[77]

The concept of natural equality, a concept that arose from the similarity of men (free and endowed with reason), was the starting point in Roman law. Cicero, a Roman statesman and great orator, believed that ‚one law should govern all peoples and one god should be the guide of all'. In his view, „of all means, nothing is more suitable to acquire and preserve your authority than to make yourself loved, and nothing more harmful than to inspire fear". Seneca, one of the greatest philosophers of ancient Rome, believed that „man is something sacred to his fellow man" (Homo sacra res homini), each man being a value that no other man has the right to harm. „Despise no one!" (Neminem despexieris!), Seneca asked. What is required of one's neighbour is respect, „which, if you give it, is given in return."[78]

Ulpian (?-228 A.D.) remarked that natural law is that which nature grants to all human beings, without any kind of discrimination, because natural rights belong to all people, whether they are Roman citizens or not.

1.1.13. Christianity

According to the thoughts of professors Ionel Cloșcă and Ion Suceavă, during the Christian period some very valuable ideas are discussed, written and formulated, ideas that are found in modern conceptions, namely: equality of people before God, the dignity of the human being arising from a conception of the divine origin of man; regarding fundamental rights, Christianity proclaims a lack of differentiation between master and slave, the conception of limiting political power, i.e. the power of the state in relation to the individual.[79] According to Professor Corneliu Bîrsan, neither the philosophical ideas of Antiquity nor the Christian ideas on man and

77 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc. 14.06.2020.

78 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc. 14.06.2020.

79 Ionel Cloșcă, Ion Suceavă, *Tratat de drepturile omului (Human Rights Treaty), cit. supra*, pp. 6-7.

his rights saw the human being as a social value in itself, and the recognition of human dignity was not considered a principle of social organisation[80], according to Professor Ovidiu Predescu, more of an abstract nature, since they could not be translated into economic, social, political or cultural terms (for example, under slavery there could be no rights that could be opposed to power, since society functioned on the basis of a hierarchical, unequal natural order). [81] Christianity could no longer tolerate slavery, gladiatorial combat or wrestling with wild beasts. The pages of the Holy Scriptures contain elements of natural human rights. Any kind of act that is against natural (divine) law must be rejected, as well as any laws that infringe the natural rights of the human person. [82]

1.1.14. Thinking in the Middle Ages

In the Middle Ages are found the roots of the philosophy of natural law, which was to be promoted as a political and legal doctrine in the period of modern history. [83] Analyzing the historical development of human society during the Middle Ages, Christian philosophers sought to develop ideas about the equal condition of people, starting from the Decalogue with the Ten Commandments, thereby announcing the fundamental individual rights, characteristic of every human being. The individual, in this context, according to the theory of Thomas d` Aquino, is at the centre of a just social and legal order, but divine law has absolute preeminence, or primacy, over secular law, as defined by the king. [84] "The Christian Church has even established a hierarchy of the various sources of law in matters, giving pri-

80 Corneliu Bîrsan, *Convenția europeană a drepturilor omului. Comentariu pe articole (European Convention on Human Rights. Comment on articles).* Vol. I. Drepturi și libertăți (Rights and freedoms), București, Editura All Beck, 2005, p. 20.

81 Ovidiu Predescu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law),* București, Editura Lumina Lex, 2006, p. 26; Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law),* București, Editura Hamangiu, 2014, p. 3.

82 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system), cit.supra,* p. 9.

83 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra,* p. 3.

84 Eugen Ciobota, *Evoluția în timp a conceptului drepturile ale omului (Evolution over time of the concept of human rights), cit. supra,* p. 48.

ority to divine law, on secondary positions placing natural law and only on the third place positive law as a right derived from the primary (divine) and secondary (natural), being nothing more than the usual norms of relations in society." [85]

Thus, in the opinion of Professor Ovidiu Predescu, the roots of the philosophy of natural law were found in the Middle Ages, philosophies which were to be promoted as a political and legal doctrine in the period of modern history. The concept of human rights was first formulated in the eighteenth century, in the philosophy of „natural and gender law." [86]

According to the opinions of university professors Predescu and Vlădoiu, at the end of the Middle Ages two doctrines about the status of the governed in their relations with the authorities crystallize.The first doctrine – authored by Jean Bodin – "promotes the protection of human rights by denying them, i.e. the sovereignty of the king cannot be questioned by anyone, he being obliged to observe only divine commandments, natural law and general principles of law.Among the supporters of this doctrine was Thomas Hobbes (1588-1679), who believed that, left alone, in anarchy, the individual would attack his neighbors. (*homo homini lupus*)." [87]

According to the second doctrine – the doctrines of the social contract – "people freely consent to exit from the natural state in order to find legal security and prosperity in the state.For example, John Locke (Essay on civil governance – 1690) states that man has imprescriptible rights (e.g., right of property, right to personal freedom, right of legitimate defence), which society does not create, but defends, citizens giving to the state only the right to punish, which derives from the right of legitimately defending." [88]

1.1.15. French Enlightenment

The French Enlightenment (18th and 19th centuries), according to university professors Predescu and Vlădoiu, is the basis of the most coherent

85 Ionel Cloșcă, Ion Suceavă, *Tratat de drepturile omului (Human Rights Treaty)*, *cit. supra*, p. 18.

86 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law)*, *cit. supra*, p. 3.

87 Ibid., pp. 3-4.

88 Ibid., p. 4. On the issue of human rights in the Middle Ages, see extensively, Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights)*. Course notes, 5th ed., *cit. supra*, pp. 7-8.

theories on human rights, which inspired the ideals of the two great revolutions[89]: French and American.[90] For example, in the thought of Voltaire, considered to be the first philosopher to use the notion of "human rights", the social contract creates the political society and transforms man into a citizen, beneficiary of an equality and a freedom superior to freedom and natural equality.[91] Jean-Jacques Rousseau[92], in his work The Social Contract (1762), presents the fact that „man is born free, but everywhere he is in chains", which means, in the philosopher's view, the elimination of any political structures or mechanisms that would be likely to affect human dignity.[93] Jean-Jacques Rousseau, in his contract, believes that each „commonly puts his person and all his power under the supreme direction of the general will. The most important value is freedom, which can only be guaranteed by laws capable of preventing righteous people from being oppressed by the wicked. Thus, by contract, people confer their natural rights on the state, in order to receive them back in the form of civil rights, which are original natural rights accompanied by guarantees of the exercise of rights.[94] Also Jean-Jacques Rousseau said that a dangerous freedom is

89 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law)*, *cit. supra*, p. 3.
Ibid., p. 4.

90 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights).* Course notes, 5th ed., *cit. supra*, p. 8.

91 Corneliu Bîrsan, *Convenția europeană a drepturilor omului. Comentariu pe articole (European Convention on Human Rights. Comment on articles).* Vol. I. Drepturi și libertăți (Rights and freedoms), București, Editura All Beck, 2005, p. 21.apud. Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law)*, *cit. supra*, p. 4.

92 Jean-Jacques Rousseau, having lived through unpleasant experiences in the system of inequality and social discrimination, considered that „freedom is the most edifying expression of the rights that people should have. In order to have the rights we are entitled to, we must enjoy freedom, and freedom is not begged for, but won." apud. Dumitru Mazilu, *Drepturile omului (Human rights)*, *cit. supra*, p. 48.

93 Victor Luncan, Victor Duculescu, *Drepturile omului (Human rights).* Part I, București, Editura Lumina Lex, 1993, p. 13. apud. Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international law of rights)*, *cit. supra*, p. 4.

94 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law)*, *cit. supra*, p. 4.

more desirable than a quiet slavery. [95] Montesquieu, for his part, the great French writer, jurist and philosopher of the Enlightenment, in his work On the Spirit of Laws, states that freedom is "the right to do whatever the laws allow", so if a citizen could do what the laws forbid, he would no longer have freedom, because others could do the same. [96] „He also developed the principle that power must be superseded by power, showing that naturally the man who holds power is inclined to abuse it. [97] According to Montesquieu, "the separation of powers is the only means by which the law can be enforced in a state where the existence of a legitimate government is possible" [98], which, in his opinion, "is the best, if not the only guarantee of respect for the freedom of individuals by the state authorities.[99] Professor Mazilu said that Maximilien de Robespierre stated that „everyone's law is freedom, which ends where the freedom of another begins. The French Revolution started its claims from the fundamental theses of natural law and considered these rights to be inherent to the human being, from birth to death. [100]

Speaking of the international legal institution of human rights, it is not even new, but talking about the protection of the human rights we must mention that it took a very special turn and scale at the end of our century, shaping itself, in the opinion of some specialists, as the philosophy, religion[101] and the dominant institution of our end of the century as well as of the next century. [102]

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95 Dumitru Mazilu, *Drepturile omului* (*Human rights*), *cit. supra*, p. 48.

96 Ionel Cloșcă, Ion Suceavă, *Tratat de drepturile omului (Human Rights Treaty), cit. supra*, pp. 26-27.

97 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra*, p. 4.

98 C. Călinoiu, V. Duculescu, *Drept constituțional și instituții politice (Constitutional law and political institutions)*, revised and completed edition, București, Editura Lumina Lex, 2005, p. 116.

99 Corneliu Bîrsan, *Convenția europeană a drepturilor omului. Comentariu pe articole (European Convention on Human Rights. Comment on articles)*. Vol. I, *cit. supra*, p.21. apud. Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra*, pp. 4-5.

100 Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, p. 48.

101 Adrian Năstase, *Drepturile Omului, religia sfârșitului de secol* (*Human rights, the religion of the end of the century*), București, IRDO, 1992, p. 1.

102 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights)*, București, Editura Enciclopedică, 1998, p. 4.

1.1.16. Natural law in the conception of Hugo Grotius

The protection of human rights has been outlined on the basis of the philosophical ideas of the theory of natural law, theory formulated by the illustrious humanist Hugo Grotius (Hugo van Groot), who has numerous references to human rights, specifically formulated in his book De jure belli ac pacis, in which the following specific references are found:

- *Alieni abstinence*, that is, respect for everything that belongs to another, to life, honour, property, properties, etc. This principle constitutes a prefiguration of the legal regulations on property, the right of everyone to acquire a property and the obligation of all others to respect the belonging of the property to a particular person. Hugo Grotius, according to his thinking, considered it to be one of the most important principles of law, which postulates the life of man in the social community. [103]

- *Promissorum implendorum obligatio,* that is, compliance with the commitments made. Thus, Professor Dumitru Mazilu commented on this principle in the sense that man in his usual, natural relationships with the other members of the community, must assume certain obligations, respect the commitments made, respect his own word. The obligations assumed, whether to do a certain thing or not to do something, to the extent of their non-compliance had as consequences all sorts of disruptions. This principle has been established in all branches of law and is an indispensable principle in bilateral or multilateral legal relations. [104]

- *Damni culpa dati reparatio,* that is, compensation for damages and damages caused to others. The principle of reparation of damages, a fundamental principle in natural law, required that the damages caused should be repaid. Thus, Hugo Grotius has come to the conclusion that beyond the motivations of people regarding their attitude towards the damage caused to others, the reparation of these damages caused must be accomplished, because only in this way the causation of damage will be discouraged and the fact that people will feel protected from certain acts or acts committed against them, acts and acts of nature to cause them damage. [105]

- *Poenae inter homines meritum,* that is, the punishment or bringing to justice by the authorities those guilty of violating this principle. [106] This

103 Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, p. 44.

104 Ibid., p. 45.

105 Ibid.

106 V.I.Hatnianu, *Istoria doctrinelor juridice (The history of legal doctrines),* București, Editura Fundației „România de Mâine", 1996, p. 65 et seq.

principle refers to the equitable, deserved punishment applied in relation to the gravity of the offence committed, which is the basic principle of the whole punitive principle." [107]

Hugo Grotius referred to natural law as „the set of principles which reason dictates to man's natural inclination to social life.He also said that „man is free but he can abdicate from this freedom by contract or lose it by war." [108]

The principles of natural law, with regard to human rights, „constitute a natural framework for the emancipation and affirmation of the individual.The human being is the bearer of reason, and „the principles of natural law are dictated by reason to satisfy man's natural inclination for social life.Natural law is considered, in the opinion of some specialists, theoreticians of law, as a „right concealed in the form of general principles or principles of equity." [109]

1.1.17. Romanian Thought

Transylvanian Diet (Legislative Assembly) - 1543-1568. The legislative body of the Principality of Transylvania, Dieta, known at that time as the Legislative Assembly, assembled in Cluj, adopted for the first time in 1543 a law concerning religious freedom, a law which it then improved with various legislative amendments, which at the time were unique not only in Europe, but also in the world[110], and the text of the law adopted stipulated that „everyone should remain in the faith received from God, without disturbing each other." [111]

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107 Costică Bulai, „Pedepsele principale, pedepsele complementare, pedepsele accesorii" („Main penalties, supplementary penalties, accessory penalties"), in *Manual de Drept Penal. Partea generală (Manual of Criminal Law. General Part)*, București, Editura ALL, 1997, p. 293 et seq.

108 Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, p. 44.

109 Michel Villey, „Le Droit Natural", in *Revue de Synthese*, 118-199, 1985, pp. 179 et seq. apud. Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, p. 47.

110 Ioan-Gheorghe Rotaru, "The principle of religious freedom in terms of the Transylvanian Legislative Assemblies decisions from the XVI Century", *European Journal of Science and Theology*, October 2013, Vol.9, No.5, Ecozone Publishing House, Iași, pp. 11-21.

111 Joszef Szabo, *A protestantizmus Magyarorszagon*, Budapest, 1928, p. 25; Wilhelm Moldovan, "Mișcarea Sabatariană în Transilvania" („Sabbatarian Movement in Transylvania"), *Curierul Adventist*, (1986), an LXIV, nov-dec., p. 16.

The consequences of the adoption of the principle of religious freedom by the Dieta of Cluj (1543), in the opinion of Professor Rotaru[112] were as follows:

- The legal recognition of a new cult, a new church.
- Permission to expose the ideas of one's own faith, to do a Christian mission, to share the faith by various means and to others.
- Public functions could no longer be bound, in terms of their attribute, by criteria of religious affiliation.
- The term „nova religio" (new religion) becomes part of religious legislation.
- Permission to conduct theological debates freely and openly.
- Public debates on religious subjects were held with the support of the prince, that is, the political power at the time.
- Increased importance of the decision-making authority of local church synods.
- Tolerance for those with religious opinions other than those of legally accepted religions.

Law theorists found that „the ideas of freedom and equality spread in the Romanian countries with greater intensity only in the eighth century, under the influence of the changes in Western Europe and, in particular, those that occurred in France in the years of the Revolution.Mihai Emninescu said that "a people – whatever it is – has the right to regulate their needs and transactions that necessarily result from those needs. The laws of a people, their rights, can only proceed from themselves." [113]

The issue of human rights and freedoms has also been a serious concern for national scientists. The ideas promoted by them were determined by the historical context of their time. The idea of justice and equality, until 1812, was most widely reflected in Andronache Donici's own work of

112 Ioan-Gheorghe Rotaru, *Om-Demnitate-Libertate. Adoptarea pentru prima dată pe pământ românesc, în Principatul Transilvaniei, a Principiului Libertății Religioase și evoluția acestuia într-un timp relativ scurt de 25 de ani (1543-1568) (Man-Dignity-Freedom. The adoption for the first time on Romanian soil, in the Principality of Transylvania, of the Principle of Religious Freedom and its evolution in a relatively short time of 25 years (1543-1568))*, Cluj-Napoca, Editura Risoprint, 2019, pp. 247-253.

113 Mihai Eminescu, *Echilibrul (The balance)*, in *Op.cit.*, p. 33. apud. Dumitru MAZILU, *Drepturile omului (Human rights)*, *cit. supra*, p. 68.

codification. [114] In his opinion, „righteousness exists who gives what he deserves to take, just as the canons of the lawmakers determine", and the way of behavior in society presupposes: „The essence of justice stands for the life of man to be honored, for no one to harm, and the strange thing to give it to whom it stands". Gheorghe Asachi, was also an active human rights activist, presenting the fact that the fundamental right of every man is to be able to speak in his mother tongue in all public courts, as well as his right to learn books in his native language, as valid, not only for some, but for all social classes. For his part, Mihail Kogălniceanu advocated the equal and unpaid right to education. According to his thinking, the people are the sole source of all activities, he is the creator of all goods. It is imperative that the laws of the country, together with morality, express the will of society. Nicolae Bălcescu, distinguishing himself by his political activism, considered, in turn, that one cannot talk about happiness if there is no freedom, only the free man can be happy. In his conception, the ideal was the arrangement in which people, uniting themselves, will determine their fate independently, and every citizen, who has reached the age prescribed by law, will be granted the right to vote for the election of a general assembly. Simion Barnutiu, an active supporter of the republican idea as a form of government, believed that its purpose was that only justice and equity should rule and rule over the entire territory of the state. [115]

Mihai Eminescu considered that one of the „causes of violation of the rights and freedoms" stipulated in the Constitution was „bad administration and management of public affairs. Eminescu observed that "the multitude of semidocts and carcasses, which were produced by the sacrifices made to the rural populations, the countless plebs of unnecessary scribes do not compensate for the poverty and mortality of our people." [116]

The Islaz Proclamation of 1848 represents a true Declaration of Human Rights, containing provisions of a constitutional nature in the field,

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114 C. Georgescu-Vrancea, *0 sută de ani de la moartea pravilistului Andronache Donici (One hundred years since the death of the pravilist Andronache Donici)*, Chișinău, Editura Cartea Românească, 1930, pp. 1-20.

115 **Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms). https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului** ; acc. 17.06.2020.

116 Mihai Eminescu, *Bună gospodărire bătrânească (Good old housekeeping)*, in *op. cit.* p. 62.

decreed civil and political rights "which the citizen has always had", and the people declared during the Revolution of 1848, that "all Romanians are free," and the disgraceful and humiliating punishments had to be abolished. [117]

Nicolae Titulescu presented his philosophy on human rights, on ensuring equality in rights of national minorities, on the need to strengthen national cohesion and solidarity of all, people, irrespective of race or nationality, philosophies presented in a communication at the International Diplomatic Academy in Paris, communication in which he presented the fact that: „the proximity to all people, whom only language, religion or race separates...for morality is one for all and man is equal to man wherever they are. [118] Also Nicolae Titulescu stated in a conference held at the University of Cambridge the following aspect: "The awareness that what binds man to man is more important than what can separate him on the ground of national, ethnic, religious or philosophical interests." [119]

Also Nicolae Titulescu in his communication entitled The Society of Nations and Minorities, presented in 1929 at the International Diplomatic Academy in Paris, with reference to the states on whose territory there are minorities, along with their obligations towards these minorities. The Romanian diplomat emphasized that this philosophy related to respect for human rights and equality in the rights of minorities is well known to him, because he learned it from Western democracies: „I do not think that the states with minority obligations, which have taught human rights at the French school, constitutional freedoms at the British school, the principle of nationalities at the Italian school can think of turning against their teachers the sacred teachings received from them." [120]

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117 Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, pp. 69-70.

118 Nicolae Titulescu, *Societatea națiunilor și minorităților (Society of nations and minorities).* Paper presented at the International Diplomatic Academy in Paris, 15 March 1929, in *Documente diplomatice (Diplomatic documents),* p. 286. apud. Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights),* București, Editura Enciclopedică, 1998, p. 14.

119 Nicolae Titulescu, *Progresul ideii de pace (Progress of the idea of peace).* Conference given at the University of Cambridge, 19 November 1930, in *Documente diplomatice (Diplomatic documents),* p. 354. apud. Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra*, p. 14.

120 Nicolae Titulescu, *Societatea națiunilor și minorităților (Society of nations and minorities),* in *Documente diplomatice (Diplomatic documents),* p. 285. apud. Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra,* p. 14.

In 1932, while in Geneva, Nicolae Titulescu met a young Romanian philosopher with whom he had a discussion on human rights, to which he said, among other things: "I am also a philosopher, I believe in the imprescriptible rights of man, of the human being and of the peoples, in the right to the free existence of all the people and consequently in the rights of my people. I consider these rights to be eternal values acquired at the cost of heavy struggles and blood sacrifices by all civilized peoples, values that must be affirmed and defended against those who deny them and first and foremost defended by the Organization of Peace." [121]

"The United Nations has earned its title of glory by promoting human rights in the world, by its policy of effectively implementing in the lives of peoples and States the norms and principles of international law that protect and uphold human rights, and by its condemnation of practices and policies of disregard and non-respect for human rights." [122]

1.1.18. Islamic concept of human rights

In Islamic conception, man has as his entrusted purpose, the obligation to save the world.„The ideal of human rights is to confer honour and dignity on all mankind, to eliminate injustice, exploitation and oppression. The rights of man are given by Allah, who is the author of the Law. Having a divine origin, no one, no ruler or authority can restrict, abrogate or violate them; They are an integral part of the Islamic order, have a universal and normative character and, as such, all Muslim bodies are obliged to apply them in the letter and spirit of the Divine Law. Man has debts to Allah and these debts become rights to others. The will of Allah, transmitted through the Koran, the holy book, and through the Sunna, the Muslim tradition, and concretized in Islamic law, in the Sariat, is the fundamental justification of these duties and therefore also of rights. Each such right is legitimized by quotes from the Quran and the Sunna. In Islamic conception, human rights have peculiarities that distinguish them from those enshrined in universally recognized texts as a result of their entry into a specific culture and history. Some of these rights are characteristic of the

121 D.D. Roșca,„Nicolae Titulescu. O scurtă evocare" („Nicolae Titulescu. A brief evocation"), *Steaua*, Cluj, 1966, no. 3, p. 98.

122 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra*, p. 15.

Islamic religion, others are modified according to the precepts of this religion."[123]

0.1. Evolution in the legal plane

0.1.1. English acts enshrining human rights

The English acts enshrining human rights are some of the first legal enshrines of individual rights and freedoms.[124] Human rights and public freedoms, in the Anglo-Saxon system, are promoted and defended through a legal structure established over time. This structure has three main components, namely: *Common Law, Equity, Statutary-law.* [125]

0.1.2. Magna Carta Libertatum

The Magna Charta Libertatum was signed on 15 June 1215 by King John the Landless, at the pressure of the English nobility and church, being considered, according to the opinion of several specialists in law, as the first European document, but at the same time the first document in history, in which the elements of legal protection concerning the human person are created. [126] The Charter signed by the King and P.P. Etienne, Archbishop of Canterbury, Primate of England and Cardinal of the Holy Roman Church, along with 10 prelates and 16 barons, explicitly stipulated important rights and freedoms, which the King undertook to respect. The Charter stipulated that „the Church of England is free to exercise all its rights and freedoms without restriction"[127] and that these rights, as well as the liberties,„have a perpetual character."[128] The signatories of the Charter agreed to grant the free people of the Kingdom all the rights and freedoms enshrined in the Charter. [129] In the City of London and in all other cities, villages and municipalities it was agreed that all customary rights and free-

123 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system),* București, Editura IRDO, 2007, p. 11.

124 Ovidiu Predescu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law), cit. supra,* p.28.

125 Dumitru Mazilu, *Drepturile omului (Human rights),* București, Editura Lumina Lex, 2000, p. 50.

126 Raluca Miga-Beșteliu, C. Brumar, *Protecția internațională a drepturilor omului (International protection of human rights).* Course notes, 5th ed., *cit. supra,* p. 9.

127 *Magna Carta Libertatum,* article 11.

128 Ibid.

129 *Magna Carta Libertatum,* article 11.

doms could be exercised. [130] *The Magna Carta Libertatum* is considered to be the first English Constitution. [131]

0.1.3. The Petition of Rights (Petiția Drepturilor)

The Petition of Rights was addressed to the King by the English Parliament and contains the following provisions: a free man cannot be forced to pay tax without the consent of the Parliement; a free person cannot be summoned against the law; soldiers and sailors cannot enter private houses. Thus, this act enshrines the inviolability of the domicile and the principle of the legality of the obligation to contribute to public expenditure. [132]

0.1.4. Habeas Corpus Act

The *Habeas Corpus Act* is a law adopted by the English Parliament in 1679, which guarantees the inviolability of the person, as well as respect for the rights of the accused or detained person, in the sense of the obligation of the state to present a detainee before a judge to decide on the legality of his detention. The *Habeas Corpus Act* is considered to be the second English Constitution. [133]

0.1.5. Bill of Rights (Law proclaiming the rights and liberties of subjects and regulating the succession to the throne)

The law was adopted on 13 February 1689, and provides, among other rights, freedom of speech, the right to free elections, bail, the prohibition of illegal and cruel punishment, the obligation to immediately communicate to the detainee the reasons for arrest, etc. [134]

0.1.6. Declaration of Independence of the English Colonies of America, adopted on 4 July 1776 in Philadelphia

The *Declaration of Independence of the English Colonies of America*, adopted in 1776 in Philadelphia, contains certain provisions concerning: the equality of all persons before the law, the right to participate directly in the draft-

130 *Magna Carta Libertatum*, article 13. apud Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, pp. 50-51.

131 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra*, p. 5.

132 Ovidiu Predescu, *Protecția internațională a drepturilor omului (International protection of human rights), cit. supra*, p. 12.

133 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra*, p. 5.

134 *Ibidem*. Dumitru Mazilu, *Drepturile omului (Human rights), cit. supra*, pp. 52-53.

ing of laws, guarantees with regard to detention, arrest and prosecution, freedom of expression and the press, etc.These declarations gave expression to the concept of natural law, stipulating rights and freedoms from an individualist and liberal perspective, human rights being thus presented as subjective rights, which each person can use against the state. [135]

The *Declaration of Independence* stated that„all men are created equal and are endowed by the Creator with certain inalienable rights. Among the rights mentioned are: "the right to life, to freedom and to the pursuit of happiness", and governments are set up by people precisely "to guarantee these rights. [136]

In the U.S. state of Virginia, on 12 June 1776, the *State of Virginia Declaration of Rights* was adopted, a document which stipulated that „all people are born equal, free and independent; they have inherent rights of which they cannot, when entering into social relations, be deprived or deprive by any contract, namely the right to enjoy life and freedom, with the possibility of acquiring and possessing property and to seek and obtain personal happiness and security." [137]

0.1.7. Declaration of the French Revolution on the Rights of Man and Citizen of 26 August 1789

The *Declaration of the French Revolution on the Rights of Man and Citizen*, adopted on 26 August 1789, contains certain provisions relating to: the equality of all persons before the law, the right to participate directly in the drafting of laws, guarantees with regard to detention, arrest and prosecution, freedom of expression and freedoms of the press. [138] The Declaration enshrined, even in its first article, the provision that „people are born and remain free and equal in rights. [139] In article IV it was stipulated that "freedom consists in the ability to do everything that does not harm others", with the clarification that "the practice of natural human rights has no other margins than those that ensure the other members of society the realization of the same rights.In article V of the Declaration was inserted

135 Ovidiu Predescu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law), cit. supra,* p. 30.

136 Dumitru Mazilu, *Drepturile omului (Human rights), cit.supra,* p. 56.

137 Eugen Ciobota, *Evoluția în timp a conceptului drepturile ale omului (Evolution over time of the concept of human rights), cit. supra,* p. 49.

138 Ovidiu Predescu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law), cit. supra,* p. 30.

139 Dumitru Mazilu, *Drepturile omului (Human rights), cit.supra,* pp. 62-63.

the provision that "the law has no right but to stop actions harmful to society, with the stipulation that everything that is not prohibited by the law cannot be prevented and no one can be forced to do what the law does not order. The Declaration also enshrines the full freedom of ideas, opinions, providing that „no one must be disturbed for his opinions even religious, so that the manifestations of these opinions do not disturb the public order established by law. Thus, under the provisions of the Declaration, "every citizen may speak, write, print freely, remaining liable for the abuse of this freedom in the cases determined by law. The Declaration also stipulates that a public power is necessary in order to "assert the rights of man and of the citizen and that this power must be founded for the benefit of all and not for the private use of those to whom it is entrusted." [140]

0.1.8. Adoption of written constitutions – USA, France, Netherlands (1798), Sweden (1809), Spain (1812), Belgium (1831) [141]

0.1.9. Swiss Federal Constitution of 1874

The Swiss Federal Constitution of 1874 stipulated that: „All Swiss are equal before the law." The text of the federal Constitution also specifies that in Switzerland there are no privileges determined by birth, family, locality, etc., equality before the law not being affected by certain conditions and modalities. [142]

1. The concept of international protection of human rights

Human rights derive from the universal identity of the human person, being merely a human being and not conferred by international law. [143] International protection of human rights is that „part of public international law whose rules regulate the subjective rights essential to the human person, their content and existing guarantees for their observance and exercise at the international level." [144]

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140 Ibid., pp. 64-66.

141 Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra*, p. 6.

142 Dumitru Mazilu, *Drepturile omului (Human rights), cit.supra*, p. 67.

143 Ovidiu Predescu, *Protecția internațională a drepturilor omului (International protection of human rights), cit. supra*, p. 12.

144 Ovidiu Predescu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law), cit. supra*, p. 30.

1.1. The Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted as a text on 10 December 1948 in Paris by resolution 217 A at the third session of the United Nations General Assembly. In the drafting committee of the Declaration were found John Peters Humphrey (Canada). René Cassin (France), Pen Chun Chang (China), Charles Malik (Lebanon), Hansa Jivraj Mehta (India) and Eleonor Rooseveslt (Statele Unite ale Americii). The declaration was drafted and constituted as a necessity of that period, after six years of war and millions of human lives slaughtered during the Holocaust. It was adopted by 58 countries, members of the UN General Assembly, but there were several countries that abstained: The USSR, the countries of Eastern Europe, South Africa and Saudi Arabia. [145]

The Declaration does not constitute an international treaty which would imply certain legal consequences in the event of a violation of its provisions, because the Declaration was conceived as a „common ideal achieved for all peoples and nations". With the passing of time, it has become a reference document to which States tend and according to which it is also checked how human rights are respected in different countries of the world: The provisions of the Declaration were subsequently taken up and extended in the framework of international treaties. The rights stipulated and guaranteed by the Declaration, according to Parajurist.md, can be structured as follows:[146]

- civil rights – the right to life, freedom and security of the person, private and family life, the inviolability of the home, the secret of correspondence, honour and dignity, free movement, marriage and family founding, peaceful assembly;
- political rights – the right to asylum, citizenship, elections;
- economic rights – the right to property, equal pay for equal work;
- procedural rights – the right to be a subject of law, the right of effective recourse, to a fair trial;
- social rights – social security, work, the right to establish trade un-

145 https://ro.wikipedia.org/wiki/Declarația_Universală_a_Drepturilor_Omului#Bazele_drepturilor_omului ; acc. 20.06.2020.
Romania signed the Declaration on 14 December 1955 when, by R 955 (X) of the UN General Assembly, it was admitted to membership.

146 https://ro.wikipedia.org/wiki/Declarația_Universală_a_Drepturilor_Omului ; acc. 20.06.2020.

ions, right to rest and leisure time, a decent standard of living, sickness insurance, unemployment, widowhood, old age, education.

"The Universal Declaration of Human Rights, in its first article, solemnly proclaims that all human persons are born free and equal in dignity and rights, are endowed with reason and conscience and must act towards each other in a spirit of fraternity, solidarity and cooperation. [147] Equality in rights is considered one of the most important, because it is considered to be the very foundation of guaranteeing human rights. [148]

2.2. International Covenant on Civil and Political Rights (PIDCP) [149]
The civil and political rights regulated by this Pact[150] are programmatically binding and have a stronger political connotation and must be respected without any discretion on the part of States. [151]

2.3. General comment No. 23
General comment No. 23 was adopted by the United Nations Committee on Human Rights, on the basis of article 40, paragraph 4, of the International Covenant on Civil and Political Rights, at its 1314th meeting (fifth session), on 6 April 1994. *"Article 27 of the Covenant provides that, in those States in which there are ethnic, religious or linguistic minorities, the right of persons belonging to such minorities to enjoy, together with other members of the group, their own culture, to profess and practice their own religion or to use their own language shall not be violated..."*

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147 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra,* p. 7.

148 Ion Diaconu, *Drepturile Omului (Human Rights),* București, Institutul Român pentru Drepturile Omului,1993, p. 29.

149 Adopted and opened for signature by the General Assembly of the United Nations on 16 December 1966. Entered into force on 23 March 1976, cf. art. 49, for all provisions except those of art. 41; on 28 March for the provisions of art. 41. Romania ratified the Covenant on 31 October 1974 by Decree No 212, published in the Official Gazette of Romania, Part I, No 146 of 20 November 1974.

150 Irina Moroianu Zlătescu, Emil Marinache, Rodica Șerbănescu (coord.), *Principalele instrumente internaționale pentru Drepturile omului la care Romania este parte. Instrumente regionale (The main international human rights instruments to which Romania is party. Regional instruments),* vol. II., București, IRDO, 2006, pp. 24-45.

151 Al. Bolintineanu, A. Năstase, B. Aurescu, *Drept internațional contemporan (Contemporary International Law),* Second edition revised and added, București, Editura ALL BECK, 2000, p. 155.

2.4. European Convention on Human Rights (ECHR) (1950)[152]

The citizens of the member countries of the Council of Europe benefit from the fact that the European Convention on Human Rights (ECHR) guarantees international protection of human rights of a legal nature based on clearly defined rights, and provides for legal control mechanisms.

2.5. Helsinki Final Act

The Final Act of the Conference on Security and Cooperation in Europe[153], held in Helsinki, occupies a special place among human rights documents[154], being appreciated as„a turning point in the evolution of European thinking in this field."[155] Respect for human rights is also enshrined in the Helsinki Final Act of 1975 on the occasion of the Conference on Peace and Security, as one of the ten basic principles on the cooperation of European States in their activities on international peace and security. The Final Act provides that:„The participating States recognize the universal importance of fundamental rights and freedoms, the respect of which is an essential factor of peace, justice and prosperity necessary to ensure the development of trade relations and cooperation between them, as well as between all States." [156]

2.6. Paris Charter for a New Europe

This international legal instrument was adopted on 21 November 1990, on the occasion of the Conference of States for Security and Cooperation in Europe, and contained numerous human rights provisions.

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152 Voted on 4 November 1950. It was ratified by the Romanian Parliament by Law 30 of 18 May 1994 and published in the Official Gazette, Part I, No 135 of 18 May 1994.

153 *Helsinki Final Act*, adopted by the Conference on Security and Cooperation in Europe on 1 August 1975,14ILM125 [Problems relating to security in Europe,1 (a) VII].

154 Victor Duculescu, *Protecţia juridică a drepturilor omului. Mijloace interne şi internaţionale (Legal protection of human rights. Domestic and international means)*, Bucureşti, Editura Lumina Lex, 1999, p. 88.

155 Raluca Miga-Beşteliu, *Drept internaţional – Introducere în dreptul internaţional public (International Law - Introduction to Public International Law)*, Bucureşti, Editura All, p. 189.

156 Valentiu Lipatti, *Conferinţa pentru securitate şi cooperare în Europa (Conference for Security and Cooperation in Europe)*, Bucureşti, Editura Politică, 1985, p. 225.

3. Legal content of the principle of international promotion and protection of human rights

This content lies in the obligations enshrined in this area of human rights by the international practice of States. From this content there are several mandatory directions, respectively[157]:

1. The obligation of States, in accordance with the Charter, to promote and encourage respect for human rights for all citizens, without any kind of discrimination; to ensure that States participate in better knowledge, rapprochement, affirmation and observance of human rights, through studies and research activities, international investigations, reports, the conclusion of treaties, the organization of debates on this subject at international conferences, in partnership or with the participation of international bodies.
2. The obligation of States, with regard to the promotion of human rights, to take legislative, administrative and judicial measures at the national level, in accordance with the provisions of the international treaties in force.
3. International protection of human rights through mechanisms and procedures of entities with mandates of consultation and recommendation, supervision and control. For example, the UN Commission on Human Rights, the United Nations High Commissioner for Refugees, the Council of Europe. [158]

The next century and millennium will mean and mark a special concern of all institutional actors interested in the field of human rights, respectively: States, inter-State organizations, non-governmental organizations and so on, with a view to a real and effective protection and implementation of Human Rights, not only under the contribution of social practices, or the means and instruments used in the desire to accomplish them, but also in order to constitute a true mentality, philosophy and culture of universal human rights due to the fact that man is and must be equal to man wherever he is, and the rights deriving from his human nature are no longer ignored or forgotten. [159]

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157 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra,* pp. 16-17.

158 Ion Grecescu, Vasile Popa, *Principii de Drept Internațional Public (Principles of Public International Law),* București, Editura Getic, 1997, p. 96.

159 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra,* p. 17.

4. Specific features of international protection of human rights

International protection of human rights has the following characteristics [160]:

- the exclusion of exclusive national competence in human rights matters – the State party to an international convention proclaiming the protection of human rights is obliged to guarantee both the rights protected for its own citizens and those of all individuals who are on its territory, regardless of nationality;
- the existence of international judicial or non-judicial mechanisms to monitor how States respect human rights, aimed at protecting human rights and which can be triggered directly by the individual;
- the exclusion of the rule of reciprocity and the creation of an international regime of public order – the issue of human rights is not a contractual matter, but an objective one, which is part of the international public order.
- the subsidiarity of the international recognition and guarantee of human rights with respect to their establishment and guaranteeing at the domestic level – the international level of protection is a minimum standard, i.e. States cannot, at the internal level, derogate downwards from it; However, they can ensure greater protection of human rights at the national level.
- direct application of international human rights norms – the ability of an international norm to directly create rights and obligations for the benefit / burden of individuals is the direct effect of that norm.
- the position of the individual refers to the individual's ability to be the holder of rights and obligations and to be a party to a series of judicial and non-judicial proceedings in matters of international law.

Conclusions

Speaking of the international legal institution of human rights, it is not even new, but talking about the protection of the human rights we must mention that it took a very special turn and scale at the end of our century, shaping itself, in the opinion of some specialists, as the philosophy, reli-

160 Features taken from the opinion of prof. Predescu and Vlădoiu. apud. Ovidiu Predescu, Nasty Marian Vlădoiu, *Drept european și internațional al drepturilor omului (European and international human rights law), cit. supra,* pp. 10-11.

gion[161] and the dominant institution of our end of the century as well as of the next century. [162]

"The history of human rights is confused with the history of mankind, because the rights that have been affirmed over time have been articulated around the ideas and the reference theses that society has conveyed. Knowing them helps us to better understand the concept of human rights in all its positions and dimensions, paying due attention to the promotion and guarantee of these rights today." [163]

According to the positivist doctrine, the only right is the positive one, and it is useless to seek the origins of human rights in natural law, but the starting point of any reflection on freedom and rights is, as a rule, in the theories of natural law.[164] If we only take into account the fact that human rights and freedoms are based solely on positive law - their recognition depending only on state authority - the way would be opened for arbitrariness and totalitarianism[165], which can only be blurred by the recognition as such of natural law, a concept that seeks to link human rights with ‚higher principles' and with human nature, because these rights are considered inherent to the human being. Alongside the classical doctrine of natural law - which places human rights, from an ontological point of view, before the birth of the individual - and the doctrin of positivism, which, positioning itself at the other extreme, considers that rights are bound exclusively by the will of the state. There is, however, an opinion that the genesis of these rights is of a social nature, but that it is in a pre-legal and extrajudicial phase, acquiring only subsequently, through the establishment and legal protection of the respective values, a normative character. The assertion that human rights originate only in nature, we consider to cover only

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161 Adrian Năstase, *Drepturile Omului, religia sfârșitului de secol (Human rights, the religion of the end of the century)*, București, IRDO, 1992, p. 1.

162 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights)*, București, Editura Enciclopedică, 1998, p. 4.

163 *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc. 14.06.2020.

164 Yves Madiot, *Droits de l'homme,* Paris, Masson, 2nd edition, 1991, p. 17; Emmanuel Dreyer, *La fonction des droits fondamentaux, dans l'ordre juridique,* Paris, Chron, 2005, p. 748.

165 Claude-Albert Colliard, *Libertés publiques,* 8th edition, Paris, Précis Dalloz, 2005, p. 11.

partially the reality, since the scope of the rights enshrined refers only to the positive part of the human nature, which implies rights and freedoms beneficial to everyone, but also to others and society in general, and not to the negative part of human nature. It should also be noted that there are some rights that are not dictated by the laws of nature, but may have their origin, for example, in the "social contract", being regulated by the need for the coexistence of individuals in common, and others may derive from the development of science or technology, the human nature to adapt to them. In conclusion, it could be pointed out that, in their evolution, human rights are based on positive human nature as well as the laws of nature, but their regulation is also carried out according to the needs concerning social coexistence, general progress, the development of various communities (which also generate some characteristic rights), and the goals of the evolution of human societies concerning development of human civilization. [166]

There is no other alternative to ensuring human rights outside the national state. Jurist Hugo Grotius highlights the fact that human rights are inseparably linked to states, because they form a magna universitas. We mention that human rights are international, universal in nature, but they are exercised only within States. [167] About the state, Victor dan Zlătescu, stated that it is „the one who sanctifies and guarantees the rights and freedoms", and that only within the state „rights and liberties become perennial, they must resist all vicissitudes, a fundamental principle for human rights." [168]

"Laws must be merely declarations of natural rights and of natural evils...and everything that is indifferent from the point of view of the laws of nature will be left unspecified by human law...And legal tyranny arises whenever deviations from this simple principle occur." [169]

The more effective the promotion of human rights will be and the education in respect of these rights, of human dignity, will bear fruit on a

166 Ramona-Gabriela Paraschiv, *Mecanisme internaționale de protecție a drepturilor omului (International human rights mechanisms)*, București, Editura Pro Universitaria, 2014, p. 221; Ibid., „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014, p. 328.

167 Vasile Popa, Ioan Grecescu, Corneliu Popeți, *Omul și drepturile sale (The man and his rights), cit. supra*, p. 5.

168 Victor Dan Zlătescu, Irina Moroianu Zlătescu, *Repere pentru o filosofie a drepturilor omului (Milestones for a philosophy of human rights)*, București, Editura IRDO, 1996, p. 28.

169 Elisha P. Hurlbut, *Essays on Human Rights and Their Political Guarantees*, 1845, cited by Wright in *American Interpretations*, p. 257 et seq.

wider scale of society as a whole, the less will be the situations of violations of those rights along with the need to protect them and repair the damage caused. [170]

In W. Zajdlic's view, the most important task of „political science", or, rather, of „policy philosophy", is to raise the building of the moral law, which is pertinent to the area of the world's political scene. [171]

As a brief conclusion, but also as an appeal to the contemporary world, Murray N. Rothbard, in his work *The Ethics of Freedom*, concluded: „But in the modern world, in the name of a false „science", political theory has turned aside ethical philosophy, then becoming itself sterile in terms of its ability to guide citizens. The same course was followed by all the disciplines of social sciences and philosophy, due to the abandonment of the methods of natural law. Let us therefore remove the gnomes of the so-called neutrality of values (*Wertfreiheit*), of positivism and of scientism. Ignoring the imperative requirements of an arbitrary *status-quo*, let us set up – even if it seems an outdated cliché – criteria of natural law and natural rights, to which man with reason and honesty can relate. Specifically, let us seek to clarify the political philosophy of freedom and its own sphere of law, property rights and the state." [172]

Selective bibliography:

- *** **Cartea egipteană a morților (Papirusul Ani) (The Egyptian Book of the Dead (Papyrus Ani)),** translation by Maria Genescu, 3rd edition, Editura Herald, 2010.
- *** *Codul lui Hammurapi (The Code of Hammurapi),* preface and introduction by Diacon T. Negoiță, București, Tip.„Fântâna Darurilor", 1935.
- *** *Epopeea lui Ghilgameş (The Epic of Ghilgames),* București, Editura Gramar, 2014.

170 Irina Moroianu Zlătescu, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system),* București, Editura IRDO, 2007, p. 6.

171 W. Zajdlic,„The Limitations of Social Sciences", *Kyklos* 9 (1956), pp. 68-71.

172 M. N., Rothbard, *The Ethics of Liberty,* New York University Press, New York, 1998; Murray N. Rothbard, *Etica libertății. Partea întâi. Institutul Ludwig von Mises – România pentru versiune on-line în limba română (Ethics of freedom. Part 1. Ludwig von Mises Institute - Romania for the online version in Romanian).* https://mises.ro/154/5-sarcina-filosofiei-politice ; acc.20.06.2020.

- *** *Învățătura de credință creștină ortodoxă. Catehism (Orthodox Christian teaching. Catechism)*, Cluj-Napoca, Arhidiecezana Cluj, 1993.
- ARISTOTEL, *Politica (Policy)*, București, Editura IRI, 2001.
- BĂDESCU, M., *Introducere în filozofia dreptului (Introduction to the philosophy of law)*, București, Editura Lumina lex, 2003.
- BÎRSAN, Corneliu, *Convenția europeană a drepturilor omului. Comentariu pe articole (European Convention on Human Rights. Comment on articles)*. Vol. I. Drepturi și libertăți (Rights and freedoms), București, Editura All Beck, 2005.
- BOLINTINEANU, Alexandru; NĂSTASE, Adrian, *Drept internațional contemporan (Contemporary International Law)*, București, Regia autonomă „Monitorul Oficial", 1995.
- BOULOUIS, Jean, *Droit institutionel des communautés européenes*, 4th edition, Paris, Montchrestien, 1993.
- BRÎNZĂ, Sergiu, *Evoluția reglementărilor privind protecția penală a proprietății pe teritoriul Republicii Moldova (Evolution of regulations on criminal protection of property on the territory of the Republic of Moldova)*, Universitatea de Stat din Moldova, Facultatea de Drept, Editura ARC, Chișinău, 2001.
- BULAI, Costică, „Pedepsele principale, pedepsele complementare, pedepsele accesorii" („Main penalties, supplementary penalties, accessory penalties"), in *Manual de Drept Penal. Partea generală*, București, Editura ALL,1997.
- BULGARU, Adrian, *Standarde și măsuri la nivel național și european privind protecția internațională în materia azilului (National and European standards and measures on international asylum protection)*, București, ProUniversitaria, 2013;
- CĂLINOIU, C., DUCULESCU, V., *Drept constituțional și instituții politice (Constitutional law and political institutions)*, revised and completed edition, București, Editura Lumina Lex, 2005.
- CLOȘCĂ, Ionel, SUCEAVĂ, Ion, *Tratat de drepturile omului (Human Rights Treaty)*, București, Editura Europa Nova, 1995.
- COLLIARD, Claude-Albert, *Libertés publiques*, 8th edition, Paris, Précis Dalloz, 2005.
- CORNU, Gerard, *Vocabulaire juridique*, Paris, Presses Universitaires de France, 1987.

- CRISTESCU, Lucian, *Galileanul (The Galilean)*, București, Casa de Editură Viață și Sănătate, 2002.
- DĂNIȘOR, Gh., *Filozofia drepturilor omului (The philosophy of human rights)*, București, Universul juridic, 2011.
- DEL VECCHO, G., *Lecții de filozofie juridică (Lessons in legal philosophy)*, București, Editura Europa nova, 1994.
- DIACONU, Ion, *Drepturile Omului (Human Rights)*, București, Institutul Român pentru Drepturile Omului, 1993.
- DIMA, Viorel, *Libertatea religioasă. Ghid de apărare a drepturilor și libertăților religioase (Religious freedom. Guide to defending religious rights and freedoms)*, București, Editura Conștiință și libertate, 2004.
- DORMONT, Lygia Negrier, *Criminologie (Criminology)*, Paris, Litech, 1992.
- DREYER, Emmanuel, *La fonction des droits fondamentaux, dans l'ordre juridique*, Paris, Chron, 2005.
- DUCULESCU, Victor, *Protecția juridică a drepturilor omului. Mijloace interne și internaționale (Legal protection of human rights. Domestic and international means)*, București, Editura Lumina Lex, 1999.
- EAGLETON, T. *The Meaning of Life*, Oxford, Oxford University Press, 2007.
- GEORGESCU-VRANCEA C., *0 sută de ani dela moartea pravilistului Andronache Donici (One hundred years since the death of the pravilist Andronache Donici)*, Chișinău, Editura Cartea Românească, 1930.
- GRECESCU, Ion; POPA, Vasile, *Principii de Drept Internațional Public (Principles of Public International Law)*, București, Editura Getic, 1997.
- HANGA, Vladimir, *Mari legiuitori ai lumii (Great legislators of the world)*, București, Editura Științifică și Enciclopedică, 1977.
- HANGA, Vladimir, „Morala și dreptul în concepția filosofilor greci" („Morality and Law in the Conception of Greek Philosophers"), in *Studia Napocensia*, Drept, București, Editura Academiei Române, 1974.
- HATNIANU, V.I., *Istoria doctrinelor juridice (The history of legal doctrines)*, București, Editura Fundației „România de Mâine", 1996.
- HEGEL, G.W.Fr., *Principiile filosofiei dreptului (Principles of philosophy of law)*, București, Editura Academiei Române, 1969.

- IRINEU - Mitropolitul Moldovei și Sucevei, *Manava-Dharma-Sastra (Cartea Legii lui Manu (Book of the Law of Manu)*, translation, Editura Antet Revolution, 2006.
- KANGER, H., *Human Rights in the United Nations Declaration*, Uppsala University, Upsala, 1984.
- KELSEN, Hans, „Justice et droit naturel", in *Le droit naturel - Annales de philosophie politique*, Presess Universitaires de France, 3, Paris, 1959.
- KERNBACH, Victor, *Dicționar de mitologie generală (Dictionary of general mythology)*, București, Editura Albatros, 1983.
- KI-ZERBO, J., *Histoire de l'Afrique noire*, Paris, 1978.
- KRAMER, S.N., *Istoria începe la Sumer (History begins in Sumer)*, București, Editura Științifică și Enciclopedică, 1962.
- LIPATTI, Valentiu, *Conferința pentru securitate și cooperare în Europa (Conference for Security and Cooperation in Europe)*, București, Editura Politică, 1985.
- LUNCAN, Victor, DUCULESCU, Victor, *Drepturile omului (Human rights)*, Part I, București, Editura Lumina Lex, 1993.
- MADIOT, Yves, *Droits de l'homme*, Masson, 2nd edition, Paris, 1991.
- MATEI, Horia C., *Civilizațiile Orientului Antic (Ancient Eastern Civilizations)*, București, Editura Albatros, 1990.
- MATEI, Horia C., *Enciclopedia Antichității (Encyclopedia of Antiquity)*, 6th edition, București, Meronia, 2007.
- MATTHIEU, B., *The Right to Life in European Constitutional and International Case-law*, Strasbourg, Council of Europe Publishing, 2006.
- MAZILU, Dumitru, *Drepturile omului (Human rights)*, București, Editura Lumina Lex, 2000.
- MAZILU, Dumitru, *Proclamația Revoluției Române (The Proclamation of the Romanian Revolution)*, București, Editura Lumina Lex, 1999.
- MBAYE, Kéba, „Les droits de l'homme et des peuples", in *Droit International, Bilan et Perspectives*, Mohammed BEDJAOUI (coord.), Paris, Editura Pedone, 1991.
- MIGA-BEȘTELIU, Raluca; BRUMAR, C., *Protecția internațională a drepturilor omului (International protection of human rights)*. Course notes, 5th ed., București, Editura Universul Juridic, 2010.

- MIHĂILĂ, Corin, „Dreptatea din perspectivă teologică. Dumnezeu sursa dreptății absolute" („Justice from a theological perspective. God the source of absolute justice"), in *Dreptatea - abordare juridică, politică, socială și teologică*, prof. univ.dr. Cristinel Murzea, conf.univ.dr. Carmen Adriana Gheorghe, David Emanuela Laura, dr. Nelu Burcea (coord.), București, Editura Universitară, 2012, pp. 139-150.
- MOLDOVAN, Wilhelm, *Manualul Doctrinelor Biblice A.Z.S. (A.Z.S Bible Doctrine Handbook)*, București, Editura Curierul Adventist, 1982.
- MOROIANU ZLĂTESCU, Irina, *Drepturile omului – un sistem în evoluție (Human rights - an evolving system)*, București, Editura IRDO, 2007.
- MOROIANU ZLĂTESCU, Irina, *Drepturile omului – Un sistem în evoluție (Human rights - an evolving system)*, 2nd revised edition, București, Editura IRDO, 2008.
- MOROIANU ZLĂTESCU, Irina, *Drepturile omului, idealuri, realități, perspective (Human rights, ideals, realities, perspectives)*, București, Editura ANDRE, 1993.
- MOROIANU ZLĂTESCU, Irina, *Protection against racism and discrimination*, București, IRDO, 2011.
- MOROIANU ZLĂTESCU, Irina; DEMETRESCU, R., *Din istoria drepturilor omului (From the history of human rights)*, București, Institutul Român pentru Drepturile Omului, 2003.
- MOROIANU ZLĂTESCU, Irina; DEMETRESCU, Radu C., *Din istoria drepturilor omului (From the history of human rights)*, Institutul Român pentru Drepturile Omului, București, Tiparul Regia Autonomă Monitorul Oficial, 2003.
- MOROIANU ZLĂTESCU, Irina; DEMETRESCU, Radu Constantin, *Din istoria drepturilor omului (From the history of human rights)*, București, IRDO, ANUROM, 2005.
- MOROIANU ZLĂTESCU, Irina; MARINACHE, Emil; ȘERBĂNESCU, Rodica (coord.), *Principalele instrumente internaționale pentru Drepturile omului la care Romania este parte. Instrumente regionale (The main international human rights instruments to which Romania is party. Regional instruments)*, vol. II., București, IRDO, 2006.
- MURDOCH, Jim, *Protecting the right to freedom of thought, conscience and religion under the European Convention on Human Rights*, Council of Europe human rights handbooks, Council of Europe, Strasbourg, 2012.

- NĂSTASE, Adrian, "Viziune asupra viitorului Europei – Contribuția României" („Vision for Europe's Future - Romania's Contribution"), in the volume *România și Viitorul Europei,* București, Editura Monitorul Oficial, 2001.
- NĂSTASE, Adrian, *Destinul contemporan al dreptului internațional. Reflecții dintr-o perspectivă europeană (The contemporary destiny of international law. Reflections from a European perspective),* București, Editura Universitatea „Nicolae Titulescu", 2004.
- PARASCHIV, Ramona-Gabriela, „Evoluții privind recunoașterea și respectarea drepturilor omului" („Developments in the recognition and observance of human rights"), *Acta Universitatis George Bacovia. Juridica* - Volume 3. Issue 2/2014.
- PARASCHIV, Ramona-Gabriela, *Mecanisme internaționale de protecție a drepturilor omului (International human rights mechanisms),* București, Editura Pro Universitaria, 2014.
- PLATON, *Opere complete (Complete works),* vol. I, Criton, București, Editura Humanitas, 2001.
- POPA, Nicolae, *Teoria generală a dreptului (General theory of law),* București, Editura All Beck, 2002.
- POPA, Vasile; GRECESCU, Ioan; POPEȚI, Corneliu, *Omul și drepturile sale (The man and his rights),* București, Editura Enciclopedică, 1998.
- POPA, Vasile; MIHAI, G., *Care sunt drepturile omului și cum le putem noi proteja ? (What are human rights and how can we protect them?),* București, Editura Helicon, 1994.
- PREDESCU, Ovidiu, *Convenția europeană a drepturilor omului și dreptul penal român (The European Convention on Human Rights and Romanian criminal law),* București, Editura Lumina Lex, 2006.
- PREDESCU, Ovidiu, *Protecția internațională a drepturilor omului (International protection of human rights),* Brașov, Editura Omnia Uni S.A.S.T., 2010.
- PREDESCU, Ovidiu; VLĂDOIU, Nasty Marian, *Drept european și internațional al drepturilor omului (European and international human rights law),* București, Editura Hamangiu, 2014.
- PTAHHOTEP, *The Teachings of Ptahhotep: Or, the Instruction of Ptah-Hotep and the Instruction of Ke'gemni: The Oldest Books in the World,* Battiscombe George Gunn (Translator), African Tree Press, Clfton NJ, 2015.

- PURDĂ, N.; DIACONU,N., *Protecția juridică a drepturilor omului (Legal protection of human rights)*, 2nd edition, revised and added, București, Editura Universul Juridic, 2011.
- RAMCHARAN, B.G. (ed.), *The Right to Life in International Law*, Dordrecht, Martinus Nijhoff Publishers, 1985.
- RAWLS, John, *A Theory of Justice*, Revised Edition, Cambridge, Harvard University Press, 1999.
- REȘCEANU Ștefan, *Mesopotamia – istorie, cultură, religie (Mesopotamia - history, culture, religion)*, București, Editura Universitaria, 2006.
- ROBBERS, Gerhard (ed.), *Etat et Eglises dans l'Union européenne*, Baden-Baden, Nomos, 1997.
- ROTARU, Ioan-Gheorghe, "Conceptul de dreptate divină prin prisma celor Zece Porunci" („The Concept of Divine Justice through the Ten Commandments"), in *Dreptatea - abordare juridică, politică, socială și teologică*, prof. univ.dr. Cristinel Murzea, conf.univ.dr. Carmen Adriana Gheorghe, David Emanuela Laura, dr. Nelu Burcea (coord.), București, Editura Universitară, 2012, pp. 151-165.
- ROTARU, Ioan-Gheorghe, "The principle of religious freedom in terms of the Transylvanian Legislative Assemblies decisions from the XVI Century", *European Journal of Science and Theology*, October 2013, Vol.9, No.5, Iași, Ecozone Publishing House, pp. 11-21.
- ROTARU, Ioan-Gheorghe, *Om-Demnitate-Libertate. Adoptarea pentru prima dată pe pământ românesc, în Principatul Transilvaniei, a Principiului Libertății Religioase și evoluția acestuia într-un timp relativ scurt de 25 de ani (1543-1568) (Man-Dignity-Freedom. The adoption for the first time on Romanian soil, in the Principality of Transylvania, of the Principle of Religious Freedom and its evolution in a relatively short time of 25 years (1543-1568))*, Cluj-Napoca, Editura Risoprint, 2019.
- ROTHBARD, M. N., *The Ethics of Liberty, New York, New York University Press, 1998.*
- RUYT, Jean de, *L'acte unique européen*, Bruxelles, Editions de l'Université de Bruxelles, 1989.
- SCĂUNAȘ, Stelian, *Dreptul internațional al drepturilor omului (International human rights law)*, București, Editura All Beck, 2003.
- SCHEIDER, Wolf, *Omniprezentul Babilon (Omnipresent Babylon)*, București, Editura Politică, 1968.

- SELEJAN-GUȚAN, Bianca, *Spațiul european al drepturilor omului. Reforme. Practici. Provocări (European area of human rights. Reforms. Practices. Challenges)*, București, Editura C.H. Beck, 2008.
- SFETCU, Nicolae, *Filosofie. Noțiuni de bază (Philosophy. Getting started)*, Drobeta Turnu Severin, MultiMedia Publishing, 2020.
- TRVES, Renato, *Introduzione alla Sociologia del Diritto*, Torino, 1977.
- VASAK, Karel (rédacteur général), *Les dimensions internationales des droits de l'homme*, UNESCO, Paris, 1978.
- VĂLLIMĂRESCU, Alexandru, *Enciclopedie a dreptului (Encyclopedia of Law)*, vol. I, București, Editura Doicescu, 1932.
- VĂLLIMĂRESCU, Alexandru, *Pragmatismul juridic (Legal Pragmatism)*, București, Editura Doicescu, 1929.
- VĂLLIMĂRESCU, Alexandru, *Studiu asupra raporturilor dreptului cu alte discipline (Study on the relationship between law and other disciplines)*, București, Editura Doicescu, 1929.
- VOICULESCU, Marin, *Drepturile omului și problemele globale contemporane (Human rights and contemporary global issues)*, București, Casa Editorială Odeon, 2003.
- WHITE, Ellen G., *Profeți și Regi (Prophets and Kings)*, 5th edition, București, Casa de Editură "Viață și Sănătate", 2011.
- YSAAC, G., *Droit communautaire general*, Paris, Masson, 1994.
- ZLĂTESCU, Victor Dan; MOROIANU ZLĂTESCU, Irina, *Drepturile omului în acțiune (Human Rights in Action)*, București, IRDO, 1994.
- ZLĂTESCU, Victor Dan; MOROIANU ZLĂTESCU, Irina, *Repere pentru o filosofie a drepturilor omului (Milestones for a philosophy of human rights)*, 2nd revised edition, București, Editura IRDO, 2003.
- ZLĂTESCU, Victor Dan; MOROIANU ZLĂTESCU, Irina, *Repere pentru o filosofie a drepturilor omului (Milestones for a philosophy of human rights)*, București, Editura IRDO, 1996.
- **Webography:**
- Eugen CIOBOTA, *Evoluția în timp a conceptului drepturile ale omului (Evolution over time of the concept of human rights)*. file:///C:/Users/User/Desktop/drepturile%20omului.pdf ; acc. 11.06.2020.
- Mihai RODAN, *Drepturile omului – drepturi naturale și legale consolidate juridic (Human rights - natural and legal rights legally consolidated)*, 2015. htt-

ps://www.ziaruldevaslui.ro/drepturile-omului-drepturi-naturale-si-legale-consolidate-juridic/ ; acc. 11.06.2020.

- Valeriu BAEȘU, *Originea și evoluția istorică a drepturilor fundamentale ale omului (The origin and historical development of fundamental human rights)*. https://ibn.idsi.md/sites/default/files/imag_file/105-116.pdf; acc. 20.06.2020.
- *Scurt istoric privind conceptul de drepturi și libertăți fundamentale ale omului (A brief history of the concept of fundamental human rights and freedoms)*. https://administrare.info/domenii/drept/173-scurt-istoric-privind-conceptul-de-drepturi-și-libertăți-fundamentale-ale-omului ; acc. 14.06.2020.
- https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights ; acc. 14.06.2020.