

Human rights in the age of value conflict

Selected Issues

Abstract

The subject of the study is to show the conflict of values. The global world is built on the basis of various value systems, among which, the human rights system is the dominant one. The system of these rights, however, is dynamic and the contents of individual human rights are gradually being transformed. This leads to the conflicts between individual values, which are reflected on the level of global values in the collision with local values. The research also discusses the conflict between two global values, it is – the progress and the protection of the natural environment. The work uses the legal-dogmatic analysis method, description and functional method.

Keywords: human rights, natural environment, global values, local values, resolving value conflicts.

1. Attempt to define the terms “value” and “conflict of values”

In various types of scientific discussions, ranging from philosophy, religion and ethics, through the media and political discussions, the term “value” or the plural “values” is used as a specific “spell”. It is often instrumentalized to achieve temporary benefits, such as the integration of a specific social group or the elimination, or at least the stigmatization of those who profess different values.

Moreover, it is often, that the certain values are a priori assigned to certain ideologies or philosophical trends, in order to create conflicts between various social groups. Without any reflections, in the public discussion, the opposite adjectives such as: progressive and backward, liberal and conservative, or the

Middle Ages and the 21st century are used such. However, the most important issue is omitted, namely – what is the nominal meaning of these terms, and what is their significance in the public discourse. Understanding of individual values is usually intuitive and the interlocutor is unable to define the concepts used by him or her.

Hence, it is necessary to look for answers to the question – what is the meaning of the term values? How to define and organize them? And finally, the question arises – what exactly is the conflict of values and does it actually occur? It can be fictitiously created for the immediate, public or economic needs of specific groups.

The answers to these issues have been formulated by various thinkers since the 1960s. To a large extent, they were collected and presented by K.A. Zupa in a Ph. D dissertation titled: *Values, Conflicts & Value Conflict Resolution: An Investigation of the Experiences of Educational Administrators*, defended in 2012 at the University of Toronto¹.

According to the author of this dissertation, there is no one comprehensive definition of the term “value” nor there is not any closed set of values. The number of them is uncountable. It should be assumed that the values are a projection of desires of specific social groups or their ideas about how it should be. Many values are a reflection of the order of nature – it has already been noticed by the ancient Romans² and what is the foundation of Christian values³. Values are also a symbol of belonging to a specific social, political, cultural or religious group.

K. A. Zupa also presents quite numerous definitions of the term “conflict of values” that function in the doctrine. The common denominator of these definitions is the element of contrast between the behaviour of individual human

¹ This PHD thesis paper can be found at: https://tspace.library.utoronto.ca/bitstream/1807/32858/1/Zupan_Krista_A_201206_EdD_thesis.pdf [access: 21.02.2018].

² Ulp. 1 inst. (D. 1.1.1.3): *Ius naturale est, quod natura omnia animalia docuit: nam ius istud non humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est. Hinc descendit maris atque feminae coniunctio, quam nos matrimonium appellamus, hinc liberorum procreatio, hinc educatio: videmus etenim cetera quoque animalia, feras etiam istius iuris peritia censerit.* See M. Bretone, *Tecniche e ideologie dei giuristi romani*, Napoli 1984, p. 33.

³ Recourse to the law of nature is already in the Old Testament. Numerous references are also found in the New Testament. The concept of divine law (*ius divinum*) and natural law (*ius naturale*) in Christian doctrine was developed by Saint. Thomas Aquinas. Human law should be a reflection of divine and natural law. See: J. Salij, *Prawo naturalne i prawa stanowione w ujęciu św. Tomasza z Akwinu*, Łódzkie Studia Teologiczne 26/2/2017, pp. 103-110.

groups⁴. The effect of conflicts of value can be: the isolationism, the sense of injustice, the impossibility of cooperation, the discrimination, the reporting and the lack of social communication⁵. However, some definitions of this concept also indicate its positive side, namely – the conflict of values can also be an impulse to take action aimed at solving it and working out the principles of social coexistence of the people with different value systems.

The subject of this study is to show the conflict of values in the relation to human rights in the area of the relationship of global and local values and in the area of progress in relation to the natural environment. The analysis of these issues will allow showing inside-civilization conflict and various ways to solve it. A possible proposal must be far from populist or even political neo-traditional speeches, typical for extremely liberal and extremely conservative circles. Such a study is extremely important, because of the current polarization of views in Europe that may become the fuel of one or another war, and certainly the cause of the breakup of the European Union.

2. Global values and identity

The first and probably the most important area of the conflict today is the divergence of global and local values. At the very beginning, it is necessary to clarify the meaning of both concepts. It should be noted that the global values are not synonymous with the universal values of the ancient world, based mainly on Roman law⁶ or the universal values of the medieval world, based essentially on Christian values.

A characteristic feature of global reality is the widely understood tolerance for the diversity of different views. You can even talk about a kind of Tower of Babel. Globalization is a consequence of technical progress (ease of movement – migration on an unprecedented scale), computerization, which creates, among others, through social media, new communities, greater integration or closer cooperation between states, which results in the abolition of borders, or at least

⁴ *Ibidem*, pp. 17-20.

⁵ See: A. Bodanko, P. Kowolik, *Konflikty w świetle teorii psychologicznych*, Nauczyciel i Szkoła 304(36-37) 2007. p 86. Online: [http://bazhum.muzhp.pl/media/files/Nauczyciel_i_Szkola/Nauczyciel_i_Szkola-r2007-t3_4_\(36_37\)/Nauczyciel_i_Szkola-r2007-t3_4_\(36_37\)-s81-98/Nauczyciel_i_Szkola-r2007-t3_4_\(36_37\)-s81-98.pdf](http://bazhum.muzhp.pl/media/files/Nauczyciel_i_Szkola/Nauczyciel_i_Szkola-r2007-t3_4_(36_37)/Nauczyciel_i_Szkola-r2007-t3_4_(36_37)-s81-98/Nauczyciel_i_Szkola-r2007-t3_4_(36_37)-s81-98.pdf) [access: 18.05.2018].

⁶ See: B. Sitek, *Novus ordo rerum Augusta. Pierwsza próba zjednoczenia Europy*, [in:] Materiały Pokonferencyjne I-go Forum Unii Walutowej. Unia Walutowa a przyszłość Polski i krajów Europy Środkowoschodniej, Olsztyn 2000, pp. 185-201.

in the liberalization of border traffic, the ease and universality of foreign language learning, which eliminates natural communication barriers between people⁷.

The material effects of globalization are visible almost everywhere in the world. It is enough to point to its effects, such as: the unification of fashion (in fact there are several global fashion creation centres in the world), the unification of nutrition – almost anywhere in the world you can meet McDonald, KFC or several types of pizzerias, which are basically produced by global corporations. The same can be said about the drink production, especially for beer, which is also produced only by several large brewing concerns, such as AB InBev, SABMiller or Heineken.

Advertising is one of the basic instruments of globalization. It is used not only to inform about the sale of products or services, but is used for various types of political activities, such as the discrediting of political opponents or promoting election programs, and it is also used to run social campaigns – for example: for the disabled or groups which feel being discriminate. The global advertising is handled by highly specialized advertising or PR agencies. They affect not only individual recipients. Advertising also creates, or better, it is used to build so-called political correctness. This practice is reflected in the studies programmes at schools and universities as well as in the media reports or the statements of politicians.

This global reality is based on the international human rights system. The declarations and international conventions, starting with the United Nations Universal Declaration of Human Rights from 1948 to the EU Charter of Fundamental Rights from 2000 are their materialized form. More detailed analysis of the content of particular regulations shows their evolution, sometimes detaching from their original version set in the Declaration of 1948. It is enough to point to the right to life, the legal status of the nasciturus, or the concept of marriage⁸.

⁷ See: M. Sitek, *Prawa (potrzeby) człowieka w ponowoczesności*, Warszawa 2016, p. 68; F. Dammacco, *Globalization, Human Rights and International Justice. On the Role of International Jurisdiction*, in: B. Sitek, J.J. Szerzbowski, A.W. Bauknecht, G. Dammacco (ed.), *Human rights, Spiritual Values and Global Economy*, South Jordan 2011, pp. 102-129.

⁸ Until the end of the last century, marriage, as a relationship between man and woman, was generally not questioned. A new dimension in this discussion was initiated with the adoption in 2000 of the Charter of Fundamental Rights in Lisbon, where the article 9 refers to the right to marry without defining it. Thus, a legal basis was created in international law for the acceptance of same-sex relationships as a marriage. This, however, should be decided by national legislation.

Such globalization has different consequences, especially in contact with local cultures, which cultivate their own customs in the area of clothing, the way of nutrition, upbringing of children, beliefs, lifestyle, and organization of social or political life. By the nature of things, a conflict must arise at the junction of the globalization and the localisms, which can take different forms.

In the sphere of Western culture, the globalization has relatively easily entered into the lifestyle of individuals. This is visible, for example in: a fairly homogeneous way of dressing up, eating, and lifestyle. In this respect, no major disturbances, disputes or conflicts in this sphere can be seen. However, this conflict is different in other cultures, especially in Islam. The liberation of Afghanistan from the hands of Taliban and almost the defeat of the so-called Islamic State (ISSI) did not have a visible impact on the change in the style of the inhabitants of countries from that cultural circle. What is more important, those societies vote for their radical (radical from the western point of view) leaders who are advocated for preserving the cultural status quo. The recent elections in Iraq may be used as a good example here – the election was won by the rather radical cleric Muqtada as-Sadr, who is perceived as the guardian of Islamic culture.

A much larger conflict is evident in the sphere of economics. For a long time, the several economic centres have been created in the world. In addition to the United States, undoubtedly, China is the second economic power, followed by Russia and India. Some of the Arab countries, especially Saudi Arabia, have the same aspirations. In this area, the local economic centres submit to the dominance of the biggest market players and they can cooperate with them so that they can survive. Even, if local conflicts of economic interests can be noticed, the reasoning rises reasonably fast.

An opportunity for local, smaller economies is the fragmentation of production, which consists in the division of manufacturing processes into smaller parts and their location in the different parts of the world. In this way they create a specific type of chain. As a consequence, the trade in subassemblies and intermediate goods increases, creating a global value added chain. The specialization further deepens, which is an opportunity for countries with low economic development⁹. However, one cannot forget that in the area of the chain, the lead company has the greatest bargaining power. Such a role may be performed by a production or

⁹ See: T. Białowąs, *Koncepcja pionowej specjalizacji i globalnych łańcuchów wartości w handlu międzynarodowym*, Studia Ekonomiczne. Zeszyty Naukowe Uniwersytetu ekonomicznego w Katowicach, 259(2016), pp. 130-131.

commercial company. In chains coordinated by a production company (producer-driven), the producer of the final product always has the leading role¹⁰.

The biggest conflict, however, is currently being drawn between globalization, and not so much the localism but between the globalization and the Christian religion, especially Catholicism, which is a global symbol of traditionalism, and sometimes backwardness or even retrograde.

Those views must arouse great fears at the very beginning, because the Church itself is always universal. The Catholic Church's teaching is addressed to all people, regardless of skin colour, age or gender. The pope John Paul II pointed out that the Catholic Church perceives the phenomenon of globalization. He talked about the so-called globalization of solidarity¹¹. Therefore, in the light of the Gospel, nobody can speak about the national church. It would be a denial of the teaching of Christ and the essence of the Church. Only, we can talk said about the devotion or in liturgy in particular countries or regions.

Christian values are universal. Referring only to quantitative evidence, Christianity is the religion with the largest number of believers in the world. Christian values have religious and moral character. They are connected with the human person and the church community. These are personal and community-forming values. In particular, it should be pointed to such values as: the respect for earthly life but also for eternal life, the modesty but also enlargement of material goods which should serve man, the forgiveness, the mercy and the love of beauty. In essence, these are universal values.

More and more often, the human rights are opposed to these values. The tendency is very clear, according to which the human rights are a global system of opposite values, and even contrary to Christianity. This conflict manifests itself most in the content of the right to live, which is limited to the period after birth. We can also see this conflict in the area of the right to marry, especially the concept of marriage. The Christian concept of marriage, derived from Roman culture, understood as a relationship between man and woman, is replaced in many European countries by the concept of marriage as a union of persons, regardless of gender¹².

¹⁰ See: W. Rudy, *Globalne łańcuchy wartości: kto kreuje i kto przejmuje wartość z innowacji*, *Zarządzanie i Finanse* 4.3, p. 414. On-line: http://www.pim.wzr.ug.edu.pl/pim/2013_4_3_28.pdf [access: 18.05.2018].

¹¹ No 55 of the Post-Synodal Apostolic Exhortation *Ecclesia in America* of John Paul II from January 22, 1999.

¹² See: B. Dobrowolska, *Polska rodzina a kontekst migracji. Społeczno-kulturowe obszary funkcjonowania*, *Journal of Modern Science* 3/123/2014, pp. 11-28.

The promotion of human rights as a system of values typical for the atheist worldview is a mistake. This leads to the polarization of entire societies and to the antagonism of social moods. This is visible in the social discussions, in the political programs, and even in the scientific doctrine, which should be free from such ailments. In fact, the very concept of human rights is neither atheistic nor Christian. It is a reflection of the nature of human being, independent of any ideology. Assigning the specific content to particular human rights often serves goals far away from the protection of human being and his or her dignity. One cannot hide the fact that, for example, the contraception is first and foremost a business. People and their rights remain here on the sidelines. The attempt to marginalize church teaching is therefore aimed primarily at protecting the interests of large corporations. Becoming aware of this mechanism will help to overcome conflicts, and perhaps to eliminate them.

3. The progress and the environment

There is no doubt that the two values that are important for today's global world are: the progress and the natural environment. The most vivid proof of the conflict between the progress and the natural environment is the pollution of environment with the products of progress. Media report about the ocean pollution by plastics. In the Pacific Ocean, there is an island of plastic garbage which is five times bigger than Poland¹³. The environment is polluted by electro-technical waste sent from rich countries to the poor, especially to India. A single person still does not have pro-ecological behaviour. We do not have the instinct to save water, segregate waste or choose organic products. It all happens despite the ecological education and despite the increase of awareness of the importance of the natural environment for humans¹⁴.

The technical and technological progress determines the level of civilization development. Thanks to it, human being overcomes the deadly diseases, extends the human life, allows for quick communication on a global scale and for mass movement of people, or for satisfying the needs of a higher order¹⁵. Still another

¹³ See: I. Kołczyńska, *Wyspa śmieci na Pacyfiku 5 razy większa od Polski*, 2018. On-line text: <https://turystyka.wp.pl/wyspa-smieci-na-pacyfiku-5-razy-wieksza-od-polski-niedlugo-w-oceanach-bedzie-plywac-wiecej-plastiku-niz-ryb-6241784715253377a> [access: 20.05.2018].

¹⁴ See: W. Truszkowski, M. Szejnikowska, *Prawo do środowiska a narastające zagrożenie ekologiczne*, *Studia Prawnoustrojowe* 25/2014, p. 214.

¹⁵ See: K. Łacny, M. Janczar-Smuga, *Postęp techniczny i technologiczny w produkcji sodu*, *Nauki inżynierskie i technologie* 4(11)/2013, p. 77; A. Szejniuk, *Rola zasobów ludzkich w strategicznym zarządzaniu organizacją*, *Journal of Modern Science* 11/32/2017, pp. 305-317.

kind of progress is the development of various forms of services, especially in the field of tourism. The progress is connected with the phenomenon of innovation, which has become the driving force of scientific or technological progress, and consequently, it is the measure of the quality of work of a scientist, entrepreneur and even the measure of the position of the state in the world.

In turn, the natural environment is the centre of human existence and a *sine qua non* condition for the survival of the human species. The right to the environment is linked to the right to life and human health. Thus, the environment itself is a value of great importance. In the hierarchy of the importance of contemporary values, the natural environment takes a very high place. The concept of exploitation of the environment has been replaced by the concept of sustainable development; it means the development which takes into account the needs not only of the current generation, but also the need for future generations, including the need for a clean and healthy environment.

This part of the paper will discuss two examples of the impact of progress on natural environments and, consequently, on human being and his or her rights. The first one is genetic modification and the second is the impact of electromagnetic waves.

However, one cannot hide the fact that technical or technological progress is often made with the use of the natural environment, or even at its expense. Thus, the conflict between progress and the natural environment is becoming more and more visible. You can point to numerous examples of such a conflict. One of them is the research and as a consequence, the genetic modification. It is in this area where the greatest progress can be noticed, which includes the interference in the structure of the natural environment¹⁶. The genetic research sometimes transforms into manipulation of genetic codes, which has also been banned in numerous acts of international law, including in the Convention of 5th June 1992 on Biodiversity¹⁷. The international legislator, in this act, also expressed a deep concern for the preservation of biodiversity, which, unfortunately, is gradually being liquidated through the mass and global food production, based on standardization. You

¹⁶ See: P. Krajewski, *Ochrona prawna człowieka i jego środowiska wobec ekspansji organizmów genetycznie zmodyfikowanych w prawie wspólnotowym i międzynarodowym*, UWM, Olsztyn 2010, p. 283.

¹⁷ This convention was adopted in the form of an intergovernmental agreement at the Earth Summit in Rio de Janeiro. In Poland, the Convention entered into the force on 19th December 1996 (Journal of Laws 2002, No. 184, item 1533).

can even talk about the global agribusiness sector¹⁸. The standardization is about introducing a global product to the global market. However, such standardization takes into account essentially two aspects which are directly related to each other: the economic result and the needs of the broadly understood consumer¹⁹. There is no de-facto environmental protection. In this context, one should speak about the need to discuss about the bio-safety or about the ecological security²⁰.

Another example of the threat posed by new technologies is the impact of electromagnetic field on the human environment. The electromagnetic energy can primarily have natural sources. It comes from Earth, but also from space and nature itself. In the Earth's atmosphere there is static electricity in the form of ions that carry negative or positive charges. But a source of electromagnetic energy or radiation can be a person and its devices, such as the transmission lines (50 Hz), the radio waves (from 0.1 MHz to 300 GHz), the microwaves (from 300 MHz to 300 GHz), the infrared and the ultraviolet. Today, almost every human being has at least one mobile phone that produces microwaves. It is difficult to find a place where there would be no transmission networks or the installations producing energy. The creation of these waves can undoubtedly be helpful to humans, such as using them for joint treatment processes or for eliminating tendon calcification in the legs. However, you cannot miss the negative effects of waves on man and the natural environment. The scientific literature points to such effects as: insomnia, weakness, lack of appetite, weakening of the pattern, but also changes in the protein synthesis, changes in the structure of nucleic acids or the immune activation of cells. These effects are caused not only in the human body but also in all cells of the living matter, and thus also in the vegetation²¹.

4. Conclusions

The modern era is characterized by a multitude of value systems. A characteristic feature, however, is their instrumentalization in order to achieve certain political, economic or social benefits. This instrumentalization is so easy that, unfortunately,

¹⁸ See: J. Kraciuk, *Bezpieczeństwo żywnościowe w procesie globalizacji sektora rolnego*, Journal of Modern Science 1/128/2016, pp. 251-262.

¹⁹ See: R. Oczkowska, *Strategia produktu na rynkach zagranicznych i determinanty ich wyboru*, Zeszyty Naukowe Akademii Ekonomicznej w Krakowie nr 729/2006, p. 38.

²⁰ See: P. Krajewski, *Biotechnologie i biobezpieczeństwo w prawie międzynarodowym*, UWM, Olsztyn 2014, p. 42.

²¹ See: A. Roman, M. Drabik, *Oddziaływanie pól elektromagnetycznych na środowisko człowieka*, Prace Naukowe Akademii im. Jana Długosza w Częstochowie. Seria: Edukacja Techniczna i Informatyczna, 2012, from VIII, pp. 39-41.

the concept of “value” is most often understood intuitively. The social or political interlocutors as well as their listeners are not able to define the very concept of “value” or understand the content and meaning of this concept. In this way, the content of individual values can be easily changed and even manipulation here is possible.

The Tower of Babel, which was created by the contemporary value systems, often leads to the conflicts which are most evident on the line of global values and local values. Undoubtedly, this conflict is generated by the global economy, for which it is extremely important to standardize products or services, at the expense of eliminating local products and services. In the background, however, there is the pressure to unification of the values of social behaviour, including the relationship to changing the concept of marriage, the approach to nasciturus, or other attitudes created by local cultures or universal culture that is Christianity.

This conflict of value is most evident in the sphere of environmental protection. The symbol of global value in this case is the progress that most often uses natural resources. And although, the international law has been developed the global environment protection policy, which often takes into account local conditions, the uncontrolled progress contributes to the destruction of the natural environment of human being. An example is the island of plastic waste in the Pacific, which is five times larger than the territory of Poland or Italy.

The final conclusion of my study is the thesis that the conflict of values is inevitable. However, there are no clear mechanisms in the international law which would allow amicable resolution. The most important thing, however, is the departure from the concept of political correctness, built on the basis of one system of values, in favour of tolerance of various value systems. Such a solution is possible, as exemplified by the ancient Rome, where various, religious, economic, social and political value systems function side by side.

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