



The Effects of Historical Evolution on The Concept and Content of Economic Human Rights

Valeriu Baeșu¹

Abstract Economic human rights can be considered as fundamental rights that characterize the well-being of the person, the state of attachment of the individual characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of a community organized by people, whereas fundamental human rights as subjective rights of citizens, essential for their life, freedom and dignity, indispensable for the free development of the human personality.

Keywords: fundamental human rights; well-being; full economic satisfaction; human personality development; progress; evolution

JEL Classification: K10; K19; K30

1. Introduction

Economic human rights have undergone an evolution conditioned by the phenomenon of constitutionality in the Republic of Moldova and have enjoyed a legal regulation at a fairly early stage, even if they benefited during the existence of Soviet constitutions only of formal expression at present they have found a leading place among the fundamental human rights and freedoms. The proof of this fact is their express legalization in the supreme law of the state and their regulation in a

¹ Associate Professor, PhD, Free International University of Moldova, Republic of Moldova, Address: Vlaicu Pârcălab Street 52, Chisinau, Republic of Moldova, Corresponding author: baesuvaleriu@mail.md.

series of national normative acts: laws, codes, decisions, etc. The diversity of national instruments in which economic human rights are enshrined confirms once again the influence that they can produce on the social relations existing in a rule of law. Economic human rights can be considered as fundamental rights characterizing the well-being of the person, the state of the individual's grip characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of an organized collective of people, while fundamental human rights as subjective rights of citizens, essential for their life, freedom and dignity, indispensable for the free development of the human personality (Baeşu & Țurcan, Legal regulation of human economic rights., 2019). Regardless of the conceptual visions regarding the fundamental human rights and freedoms, they are now increasingly becoming a sacred institution, given that the contemporary state asserts itself as a guarantee of the rights and freedoms of the human individual, this duty having an international legal and constitutional character.

2. Results and Discussions

The latest events at international level emphasize the value of the institution of human rights for any state of law or any society, which consider itself contemporary and democratic, given that they require the parliament, as the sole legislative authority of the state, to implement the normative powers established by law.

The analysis of the opinion of the specialized doctrine, the normative regulations of the Republic of Moldova, the international treaties and the jurisprudence of the European Court of Human Rights, crystallizes the fact that a separate category of economic human rights as a variety or classification of fundamental human rights is not highlighted, these being investigated and analyzed in the category of social, economic and cultural rights.

A first attempt to individualize economic rights as a distinct category of fundamental human rights belongs to Professor Teodor Carnat, who in his paper stated that, depending on the legal content of fundamental human rights, they would be categorized into 5 categories (Cârnaț, 2010, p. 513), one of which being Economic Rights, which would guarantee each individual the conditions to a decent life. In the author's view, economic human rights are the human rights that guarantee the access of each individual to decent living conditions, calling, in

general, a positive action of the state directed towards certain living standards (Cârnaț, 2010).

In the spirit of continuity of the foregoing, it was extended the thought that the formulation that economic human rights can be considered as fundamental rights that characterize the well-being of the person, the state of catching of the individual characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of an organized collective of people (Baeșu, 2008, pp. 233-238).

The most of authors confirm that human rights and fundamental freedoms know three generations of their development over the course of history that have crystallized into five categories. A separate category of human rights and fundamental freedoms, mentioned above, is the category of economic rights and in the category of social rights. In turn, in the category of economic rights and freedoms, based on their characteristic, we can highlight such categories of rights as: *the right to property, the right to inheritance, the right to strike, the right to work and labor protection and the right to associate in trade unions, economic freedom*.

A classification of fundamental human rights in general and economic rights in particular, is the classification of fundamental human rights into individual rights: *the right to property, the right to inheritance, the right to work and the right to labor protection* as fundamental human rights that can be exercised individually by its holder, without the intervention of third parties, and collective rights: *the right to strike, the right to associate in trade unions, economic freedom* fundamental human rights which by meaning and possibility of exercise reside in appearance to a social group. This classification is operated not only with theoretical consequences, but also with practical implications (applicable juridical regime, guarantees, etc.) and can be characterized by an evolution from a conception of human rights focused on the individual to a conception focused on the community (Baeșu & Țurcan, 2019).

In order to establish the content, the degree of regulation and the effectiveness of economic human rights, it is beneficial to carry out an analysis of their historical evolution, in order to highlight the economic and social factors in which human life took place, and how they influenced the content of fundamental human rights, in general, and the content of economic human rights, in particular.

Therefore, human rights are fundamental inalienable values which every person inherently and naturally possesses as pure and simple rights and universal values because they apply everywhere and equally to all (Baeşu, 2014, pp. 105-116).

Man being a social being, cannot exist separately from his peers. Whether we want to or not, but for its survival, it needs a close collaboration with the people around it, given that regardless of the skills it possesses, it cannot produce everything it needs, both in terms of goods and services, he cannot produce everything he needs, both in terms of goods and services, and the legal mechanism or legal institutions that facilitate these collaborations are economic human rights (Baeşu & Ţurcan, 2019).

The emphasis on the importance and interest in such supreme values as fundamental human rights, in general, and economic rights, in particular, internationally stood out in the years following the Second World War, because humanity needed some fundamental values, the observance of which would guarantee the economic safety of the individual and the international security of the states.

The origin of economic human rights, as a separate category of fundamental human rights, is related to the research of human behavior, and begins with the study of the first traditions, customs, written testimonies or archaeological traces related to human. Thus, we can firmly affirm that the fundamental human rights have their origin in the period of antiquity, transit through the Middle Ages, develop through the important contribution of the phenomenon of judicial present in the XVII-XVIII centuries, so that in the period after the Second World War they get a complete appearance (Draghici, 2010, p. 164).

The economic human rights can be considered as fundamental rights that characterize the well-being of the person, the state of catching of the individual characterized by a full economic satisfaction that allows him to assert himself both as a separate subject and as a collective member of an organized collective of people.

Highlighting the oldest traces of economic human rights, either as a separate category of fundamental human rights or as their component parts, is not possible, but they can be deduced from the study of the conception of the world of men in general, and especially in relations between a human and a divinity. The latter were also the basis for the Constitution of moral requirements, that is, of human attitudes

that establish good (or bad) behavior and that impose rules of conduct for society (Baeşu, 2008, pp. 233-238).

The scientific approach to the origin of economic human rights is based on two premises: highlighting the criterion of natural sociability of the human person and the criterion that power is the essential quality of any state and non-state formation, even if the type of organization is different.

The expression of economic human rights evokes the right of the human being, being endowed with reason and consciousness, and to whom his natural rights are recognized, as inalienable and imprescriptible rights (Cârnaţ, 2010).

The human being is present in the epic of Gilgamesh of Babylon, from the first half of the II millennium BC, in early legislations such as Hammurabi's code (approximately 1700 years before Christ) in which social relations are regulated, rules of social justice are permeated by a humanitarian spirit, unparalleled at the time, are promoted.

The human being is also present in the Great Indian epics, the Vedas, with its more than 100,000 verses, the Upanishads (around 560-480 BC), Sutras, to which they belong: a kind of legal textbook, Dharma-Sutra, with its 1.000.000 verses, and their number can continue not only in the land of Indian culture [4], but also in the ancient Egyptian civilization and culture, such as Book of the Dead, a true moral code of human behavior in life, or the teachings of Ptah-Hothep and etc., in which man appears in relation to the deep realities of the human soul (Bădescu, 2003, p. 398).

The human being is present in the Old Testament texts, permeated by ethical principles, social organization, legislative organization, with a high religiosity. Buddhist thought seeks spiritual remedies to evils that haunted people. In the Buddhist view, not only humans are equal, but all beings are equal in dignity and worth. If they are not free, they can become one. Everyone has a right to respect and nothing can justify an attempt on their lives, their exploitation and their humiliation. Buda rejects discrimination between beings, for the existing differences are momentary and interchangeable. Consequently, rich and poor, kings and beggars, men and women are treated equally, the only hierarchy criterion being age as well as personal merit (Bădescu, 2003, p. 398).

In the specialized doctrine it is claimed that the protection of human rights in general, and of economic rights in particular, has its distant origin in the institutions of classical Greece, but we agree with the statement that it is quite

difficult to give an exact establishment of the place and time in which human rights were affirmed and recognized. For example, in ancient China, Confucius (Kung Fu Tzi – approximately 551-479 BC) he thought 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 but a continuous effort for good (Bădescu, 2003, p. 398).

In another geographical area, in Ancient Greece, appeared the series of great thinkers who strongly exerted their influence on the formation of modern conceptions of the world and society in general and of economic human rights in particular in particular. Pythagoras of Abdera, more than 2400 years ago, thought that “man is the measure of all things”, a summary of a whole set of reflection which, through the anthropocentric conception asserted implies a certain humanism, suggesting also the idea of human rights (Del Vecchio, 1994, p. 352).

The Greek philosophers considered the economic rights of man to be those fundamental, eternal and immutable rights that every human society must respect, in other words, they are rights that spring from the nature of things, and the law is but the expression of this nature. In this way, economic human rights spring from natural law, they are natural rights, obvious rights. They understood, therefore, that man, precisely because he is a man, has rights inherent in his nature, and that their disregard would prejudice this nature. These are rights prior to any legal consecration.

A great Greek philosopher, Plato (approximately 427-346 BC), he favored a certain caste of philosophers, of scholars to whom, in his opinion, the rest of society had to give credence, thus, he stated, in the state are distinguished three classes: that of the wise, destined to dominate, that of the fighters who had to defend social organism, that of the craftsmen and farmers, who had to feed. According to the scholar's opinion, in the ideal state the governance of the city meant an activity above all the centralized activity of social education through which the happiness of all can be achieved (Del Vecchio, 1994, p. 352).

Another great Greek philosopher concerned with the existence of the human being, Aristotle (384-322 BC), have elaborated the formula that man is a member of the society in which laws must be rational and rule in the city, and economic-social life being a condition of moral life. The state is an association of free and equal people, of citizens, but citizens are only those who participate in social, economic and political life, the slave being but “res”, a thing, “speaking

instrument”. Society is divided into free people and slaves, nature being the cause of this inequality (Del Vecchio, 1994, p. 352).

Later on, other Stoic philosophers, Greek and Roman, who were interested in the same natural rights, supported the idea that all people, regardless of their social condition, should enjoy these natural rights and wherever they were. In this vein, they affirmed that human rights should not be confused with the privileges of man, since they belonged to all, by the simple fact that all are human beings endowed with reason.

Stoic philosophers proclaimed the idea that “human is a holy thing to human” – “Homo res sacra homini” (Del Vecchio, 1994, p. 352). Stoicism, therefore, was that Greek philosophical current that opened a new vision towards universalism according to which human was considered as a sociable being, free and protected by a natural right. Respectively, the idea of universal solidarity crystallized, based on human nature.

This way of thinking of the Stoics was taken up by the Great Roman philosophers and jurists who passed on the idea of natural equality of people based on the similarity between them. Thus, all free men were endowed with reason, and as a result, they could and should develop virtue. Cicero (106-43 BC) formulate in legal terms the ideas of Stoic philosophers; the role of the state was to protect rights in respect of legality. In *De republica*, Cicero wrote that: “The true law is the right reason, according to nature... There is no law in Rome and another law in Athens; one law must govern all peoples, and on God will be the guide of all”. In Roman doctrine natural law, “jus natural” was indispensable related to the right of the people “jus gentium”. Thus, Ulpian (?-228 AC) affirmed that the natural right is that which nature grants to all human beings (Del Vecchio, 1994, p. 352). This phrase is understood as natural rights belong to everyone, whether they are Roman citizens or not.

A next stage of evolution and development of economic human rights as components of the fundamental rights of the individual, represents the elaboration and support of the three generations of human rights [10] by such great jurists, philosophers and political thinkers as: Jean Bodin (1530-1596) – France; Hugo Grotius (1583-1645) – Netherlands; Baruch Spinoza (1632-1677) – Netherlands; Thomas Hobbes (1588-1679) and John Locke (1632-1704) – England; G.W Leibniz (1646-1716) – Germany and etc., who developed such concepts as natural law as positive, sovereignty and freedom, relations between the state and man, power and the individual, etc.

The human rights of the first generation represented some juridical consequences of the eternal struggle between the dictatorial power concentrated in the hands of the monarch specific to the XV-XVIII centuries that ended with the elaboration of such historical values as the Declaration of human rights and of the citizen of 26th august 1789 in France, the content of which will be placed at the beginning of the French Constitution of 1791. Citizens enshrine the spirit of the Declaration in the separation of powers in the state and in the meta juridical foundation provided by the social contract that involves the control of powers as resistance to oppression (Dănişor, 2011).

The human rights of the second generation are characterized by the intervention of the state in regulating the relations between the state in regulating the relations between the state and the individual, which is due to the evolution of society, the unprecedented development of the world economy, which caused the establishment of new economic, social and cultural rights. In this context, James M. Buchanan argued “individual freedom cannot be boundless, but the same forces that make the appearance of limits necessary can, if allowed to act, unbearably restrict the scope of human freedom” (Baeşu & Turcan, 2019).

Human rights in the third generation are characterized by the passing behind the human individuality problem that begins to know much more vague concepts such as people, humanity that also led to the sacrifice of man in the name of society, the individual, or the people.

Hugo Grotius in *De Jure belli ac pacis* (1625), say that the natural right of all men is given by the totality of the principles that reason dictates for the satisfaction of our natural inclination for social life independent of religious principles (Bădescu, 2003, p. 398). Grotius and then other philosophers spread the idea that the philosophy of natural law originated in the modern doctrine of human rights because through natural law he was able to transform the philosophical idea of the universality of law inherent in human nature into a political situation.

Rousseau (1712-1778) in his work “Discourse on the origin and foundations of inequalities between men” said that in origin, men were free and equal, living simplistically, in the forests, ruling only according to the precepts of nature in the so-called” natural state” [1], and others gave new expressions to the development of ideas of human rights as natural rights that derive from a positive recognition and which confer new expressions towards such concepts as democracy, rights, cohabitation in society, freedom, equality, fraternity and so on.

Immanuel Kant (1724-1804) affirmed that rights is the totality of conditions under which the free will of each can coexist with the free will of all, according to a universal law of freedoms (Bădescu, 2003, p. 398). Thus, dignity and respect are those foundations that underlie the equality of people, the theory of human rights, human solidarity or, more precisely, the ethical-legal idea of human rights.

In addition to the works of the great philosophical scholars who treated the economic human rights, either as constituent parts of fundamental human rights or as individual economic rights, throughout history we can also highlight a series of historical documents such as the Manga Carta Libertatum of 1215, which in a long time constituted what we call today instruments of protection and promotion of human rights in general and of economic rights in particular.

Another document of fundamental historical value is the “Act which declares the rights and freedoms of the subject and establishing the succession to the Crown”, known as the “Declaration of Rights” (Bill of Rights of February 13th, 1689), granted under William of Orange, after the fall of Jacques II, which renewed and amplified the preceding documents. It was inscribed in this Bill of Rights, among other things, that: royal authority could not, without the consent of parliament, suspend laws or their execution, or maintain a standing army; any tax, without Parliament`s approval, was illegal; the election of Parliament members could not be prevented, and others still. Article 1 stated an essential principle: the law is above the king.

The United States Declaration of Independence (July 4, 1776), adopted at first by nine states, to which four more were added, and signed on August 2 by 56 members of Congress, proclaimed that: “all men were created equal; they were endowed by their Creator with certain inalienable rights; among these rights are life, freedom, and the pursuit of happiness. Governments are established by the people to guarantee these rights and their right power emanates from the consent of the governors”. Thomas Jefferson, the chief editor of the declaration, asserted that the government is in the service of the people, that it is created by him and holds authority with his consent. Its purpose is to protect the rights of the people. The Constitution of the United States (dated September 17, 1787), ratified in 1789 by all the states of the Union, supplemented at first by ten amendments, inscribed rights of the broadest. Freedom of religion, speech, the press, the right to association, the right of the people to own and bear arms, the inviolability of the person, domicile, correspondence and others were inscribed (Baeşu & Țurcan, 2019).

The declarations and constitutions that followed the French Revolution of 1789 were of had a deep and wide interest to them. The Declaration of the Rights of Man and the Citizen, adopted by the Constituent Assembly between 20 and 26 august 1789, proclaimed among other things, that: “recognizes and declares, in the presence and under the auspices of the Supreme Being, the following rights of man and the citizen...”; “People are born and remain free and equal in rights”; “the purpose of any political association is to preserve the natural and imprescriptible human rights. These rights are freedom, property, security and resistance to oppression” (Baeşu, 2008).

An international regulation of economic human rights could only be spoken of with the creation of the League of Nations.

The League of Nations Pact, founded as a “League of Nations” for the maintenance of peace, was incorporated into the Peace Treaty signet at Versailles on April 28th, 1919, where the issue of human rights in general and economic rights as part of them, in particular, was pursued consistently only in certain aspects. The organizations, however, was not endowed with sufficient powers to sanction aggressions and could count only on the virtues of international democracies, practically on public discussions between responsible leaders. The subsequent exit of authoritarian states, Germany, Japan, the absence of great power such as the USA and the USSR (for a time) made it lose its efficiency and credibility.

With the end of the First World War, the political map of the world had changed radically, which also contributed to essential demographic changes. Important majority groups became minority and vice versa. Thus, the need for international protection of economic human rights arose, but not only in respect of national minorities, but also of other rights. Part XIII of the Treaty of Versailles, which includes the Charter of the International Labor Organization, is also true declaration of the rights of the worker (art. 427). Several conventions have been developed under the auspices of the League of Nations, such as the 1926 Convention against Slavery, conventions on the suppression of trafficking in women and children, the fight against drugs, and the system of international protection of countries under mandate and so on. The League of Nations concerned mainly with peacekeeping, virtually ceased to exist soon after the start of the World War II, in 1939, although, formally, it was permanently dissolved on 31 July 1947 (Baeşu, 2008, pp. 233-238).

The interwar period was marked by numerous acts of cruelty caused by totalitarian, anti-democratic forces, which provoked the indignation of the international public

opinion materialized by a series of statements as an example serving the statement made by US president F.D. Roosevelt on the occasion of the message to the nation of January 26, 1941, in which four freedoms are highlighted: freedom of speech and expression, freedom of religion, the right to be sheltered from material needs and the rights to the guarantee of a life free from fear. In this context, the Atlantic Charter, drafted on 14th August 1941 by President Roosevelt and British Prime Minister Churchill, was subsequently adopted, in which, in addition to these four rights and freedoms, the requirement of ensuring economic progress and social security was added.

The San Francisco Conference of 25th April 1945 ended on 26th June with the signing of the United Nations Charter which came into force on 24th October 1945.

The UN mandate covers a wide range of areas such as: conducting peacekeeping operations, conflict prevention and humanitarian assistance, operational activities for development, and so on. As well as a global platform for addressing and making decision on the challenges facing the international community such as the well-being of the population and the promotion of democracy and economic human rights and so on.

3. Conclusions

Drawing a conclusion, we can firmly mention that from the provisions of the specialized doctrine, normative regulations of the Republic of Moldova, international treaties and jurisprudence of the European Court of Human Rights, a separate category of economic human rights as a variety of separate classification of fundamental human rights is not highlighted, they are studied in the category of social, economic rights.

In order to establish the content, the degree of regulation and the effectiveness of economic human rights, it is beneficial to carry out an analysis of their historical evolution, in order to highlight the economic and social factors in which human life took place, and how they influenced the content of fundamental human rights, in general, and the content of economic human rights, in particular.

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origin in the period of antiquity, transit through the Middle Ages, develop through the important contribution of the phenomenon of juridicity present in the XVII-XVIII centuries, so that in the period after the Second World War they acquire a complete appearance.

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