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THE RULE OF LAW IN THE FUNCTION OF HUMAN DIGNITY¹

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Abstract: Human dignity is the universal value of human beings. They have this value because they are potentially mindful beings. This does not mean that every man is mindful, but that every man can be mindful, and therefore dignified. It makes possible for people to understand and accept themselves and others as a purpose. Therefore, the cognitive power of people and the ability to impose on themselves the moral principles of conduct themselves are the basic prerequisite for dignity. People can be their own legislators, which means free beings. An important step in achieving human dignity is human will. Human actions must be in line with the mental knowledge of *a priori* principles of action, the essence of which is reflected in the ethics of duty, towards oneself and others. Hence, dignity has two very important aspects. The first concerns the attitude towards oneself, and the other relates to others. As a legal requirement, human dignity is the duty of the state and individuals to refrain from all acts that violate human dignity. By virtue of the rule of law, the state fulfils its duty of protection of dignity as a system of laws containing prohibitions of violation of human dignity. However, the fundamental role of the rule of law in the protection of human dignity should not be seen solely in the set of a ban on such conduct. The rule of law, understood as the ideal of the rule of mindful laws, can provide much more through the standardization of social relations that affirm the conditions for survival of the individual as a free and dignified being and create conditions for the free, creative and responsible life of citizens. This implies the affirmation of not only legal-political, but also socio-economic pre-conditions for the dignified life of people.

Keywords: human dignity, the rule of law, mindfulness, Kant, reason, impulses.

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INTRODUCTION

Dignity is one of the fundamental terms in legal and philosophical theory. At the same time, it is one of those terms about which it is not easy to end debate and give the final word. As it is usual with terms which indicate values, it is a very challenging task to determine their precise meaning. The thing that makes it so challenging is the implied agreement on the content of the value at hand. It is not easy to achieve, because values cannot be subject to exact scientific studies, but are rather open to interpretation by different social subjects, who inevitably include their own moral values into their interpretations. In addition to this, it is not an easy task because the meaning of the term dignity has changed throughout history, and is still changing. Generally speaking, the meaning of dignity has evolved from the view common in the old and middle ages when it was seen as an attribute of a certain social class (nobility, priests), to the modern age, when it is accepted as a universal value of a human being (see: Franeta, 2015). Even today, when it is clear that dignity should not be related to social status, its meaning is still not completely clear and precise. On the contrary, the meaning is getting wider, so that now, in addition to human dignity (Mitrović, 2016; Mar-

janović, 2013)³. we speak about national dignity, dignity of science, art and culture, dignity of animals, and even plants. (Rosen, 2015:23)⁴. Because of this, whenever dignity is discussed, we must first give an answer to the question of what is understood under dignity and what kind of dignity we are speaking about. This must be done especially when we want to relate the term to another one, which may also be multifaceted, such as the notion of the rule of law.

From the title of this paper alone, we can easily notice that it primarily focuses on human dignity. We have thus narrowed down the meaning to the man as someone who has or may have dignity. However, the main goal of this paper is to determine in which way the rule of law can serve human dignity. This includes not only our choice of the core meaning of human dignity and our attempt at defining it as precisely as possible, but also determining the meaning of the rule of law, so that we could analyze in what way the rule of law can serve human dignity.

³ Which also has its different subdivisions, such as natural, social, legal or religious and ideological varieties of human dignity.

⁴ The Ig Nobel Peace Prize 2018 was awarded to the Swiss federal ethic committee for non-human biotechnology and the citizens of Switzerland for adopting the legal principle according to which plants have dignity.

THE BASIC MEANING OF HUMAN DIGNITY

What is human dignity? Simply put, it is a value possessed by a human being. While this obviously does not give an appropriate response to the question at hand, it does put dignity in the category of values connected to humans. The key

question is: what does this value imply? Why do humans, and do all humans necessarily have this value, and can it be lost and in which way? Also, one of the many questions arising from considerations about dignity is whether dignity



is a derived value, or a value *per se*. In the former case, dignity is a term that denotes what we get in return for respecting some other values – life, freedom, property, etc. In the latter case, dignity is a value in its own right, with a specific meaning and content, so that - in social relations and life in general - dignity can be upheld or denied through a simple violation of the value and its meaning.

In an attempt to determine the substance of human dignity, we must start from the holder of this value – a human. A basic anthropological characteristic of human beings is that they are not only beings of impulse, but also beings of reason. Our impulses make us similar, and our reason distinguishes us from animals. Most human impulses (impulse for eating, drinking, sexuality, etc.) serve to preserve a human and his existence. They serve human self-preservation, so, in that sense, they have a positive and creative potential for humans. In addition to these impulses, humans are also guided by impulses that have a destructive potential both for themselves and for others. This ambivalent nature of man is best represented by Freud's division into two basic types of impulses - *eros* and *thanatos*, the first having a positive-creationist nature – the impulse of life (these are impulses of self-preservation and reproduction – sexual impulse/libido), and the other one being of a destructive nature – the impulse of death (manifests itself through aggression towards oneself or others, the destruction of everything created) (Freud, 1994). This, potentially destructive, nature of man is clearly highlighted by Erich Fromm who wrote that human history is a record of incredible destructivity and cruelty, and that human aggression, it seems, far surpasses the aggression of the humans' animal ancestors; a human, contrary to

most animals, is a true killer (Fromm, 1989:11).

Fortunately, in addition to the impulsive (irrational) side, humans also have a reasonable (rational) side of their personality. This is also the human personality trait that separates humans from animals most clearly, because it gives them the ability to consciously grasp their own existence and role in different forms of social communities and, thereby, in different forms of social relations. The most important role of human reason is to give people rationality. The term 'reason' was, throughout the history of philosophy, determined in different ways and was often mixed with the term 'rationality'. Ancient Greeks made no difference between understanding and reason, but later philosophy often saw understanding as a lower step of cognition as compared to reason. According to Kant, understanding and reason are different levels of cognitive ability and together with experience account for the overall cognitive potential of humans. "All of our (human) knowledge," thinks Kant "begins with the senses, proceeds then to understanding, and ends with reason." He claims that there is nothing in us above reason that could process the material of our observations and bring it under the supreme unity of our thoughts. (Kant, 1976:222).

This short review of some aspects of human nature serves to help us understand the basic source of human dignity. That source has to be found in the very nature of man and the attributes of humans that allow every human to enjoy dignity. These attributes are definitely not impulses, especially not those which have destructive potential. Impulses that come from the sphere of irrational cannot help humans or animals recogni-



ze values. The only attribute of human nature which makes every man capable of recognizing the meaning, content and importance of a value is reason, i.e. the human ability of being rational. Because of this Kant is completely right when he says that only rational beings are capable of the highest level of knowledge, which presents itself in the recognition of a priori principles of action (faculty of the practical reason). Everything in nature, according to Kant, acts according to laws, but only rational beings are able to act *according to the representations of laws*, or according to principles, and to have *will*. The idea of the objective principle (the objective law of reason), which governs will, is called an order, and the formulation of orders is called the *imperative* (Kant, 2016:46-47). For the topic of human dignity, Kant's formulation of two categorical imperatives as orders which require action which is objectively necessary in itself, regardless of any other purpose, is crucial. The first – act always so that the maxim of your will may always simultaneously be considered as a universal principle of law-making; the second – act in such a way that you treat humanity, whether in your own person or in any other person, never merely as a means to an end, but always as the end (Kant, 1979:53; 2016:74).

Recognition of these principles is the act of reason, the result of the rationality of humans, and when rational beings set these behavior principles for themselves, they act as autonomous beings in the realm of purposes. In the realm of purposes, Kant believes, everything has either some price or some dignity. The things that have a price are such that we can replace them with something else as their equivalents; conversely, things that are higher than any price, that do not allow for any equivalents, have dignity

(Kant, 2016:82). It is exactly this ability of rational beings to be autonomous, i.e. to act as their own lawmakers - guided by a priori moral principles of the practical reason - that makes human beings dignified. As such, it is above any price because it is an end in itself. Hence, the order from the second categorical imperative clearly relates to the duty to treat ourselves but also every other rational being as an end and not as means. Such a man, according to Kant, is not just his own lawmaker whose will is determined by the a priori principles of the mind (which at the same time makes him a free being), but he is also a man capable of having morality and dignity – “*morality and a man if he is capable of having morality, are the only things capable of having dignity*” (Ibid: 83).

Bearing in mind these words of Kant, we will try to answer the questions from the beginning of this chapter as precisely as possible, in order to move on to the analysis of the ways in which the rule of law can serve the preservation of human dignity. First of all, it is clear that human beings enjoy dignity because they are rational beings. This of course does not mean that every man is rational, but that every man can be rational and thereby dignified. It is therefore the capacity, i.e. the potential for rationality that makes human beings dignified. Rationality allows humans to comprehend and accept themselves and others as an end. So, human cognitive power and the ability to use it in order to impose moral principles of action on themselves are the key prerequisites of dignity. Due to this, animals cannot have dignity within the same meaning of the term that we apply to humans. Because of their lack of awareness about their own value or the value of others, animals cannot keep their dignity through the actions aimed at themselves



or other animals. The dignity that animals can enjoy or can be granted comes from the good will of humans who may offer it to them through appropriate treatment which would help keep animals from suffering, as suffering and pain are the things that they can definitely feel and this, by definition, violates the dignity of the being going through it.

Thanks to rationality, humans can be their own lawmakers, and thereby free beings. An important step towards achieving human dignity is the one concerning will. The will, i.e. actions of humans must be in agreement with the rational recognition of a priori principles of action, whose essence is reflected in the ethics of duty towards oneself and towards others. Hence we see that dignity has two very important aspects. The first concerns the relationship everyone has with themselves, and the other their relationship with others. Both of these concern the duty of a rational being to accept oneself and others as an end, and not just as a means. Following Kant, this fact is the most clearly highlighted by famous German lawyer Günter Dürig in his statement that “*human dignity is violated when a human is lowered to being an object, pure tool, of a replaceable importance*” (Franeta, 2011:834). The purpose of achieving dignity is, therefore, in our duty not to treat ourselves and others as means. Treating someone as a means implies that we are treating them in such a way that their interests (their desires or wellbeing) are given no importance of their own (Rosen, 2015: 80).

This dual relation of duty – towards oneself and towards others, makes dignity a specific value. Unlike other values, such as life, freedom, physical or psychological integrity and many others, dignity is lost the very moment we stop

acknowledging that value by our actions not only towards ourselves but also towards others. For example, life as a value remains with someone who takes someone else’s life. This is also the case with freedom and countless other values. Dignity is, on the other hand, lost not only when taken from ourselves, but also when we take it away from others.

It is important to note that when we treat ourselves as a means, the fact that we are doing so willingly is not enough of a reason for us to keep our dignity. In other words, someone can decide to turn themselves into a means, but the fact that they made that decision without the coercion of others is not sufficient for their dignity to be preserved. Although autonomy is an important factor of dignity, dignity cannot be reduced to it. Autonomy is not sufficient because it can be abused by someone putting themselves in the position of a means. In doing so, such a person automatically loses his/her dignity.

It is a completely separate issue whether or not and when the state has the right to stop actions like these by individuals.

In support of the debate on this subject it is useful to cite the example that Michael Rosen mentions in his book *Dignity*. Namely, it is about the case of Manuel Vakenem, a person with dwarfism, who was prevented by the local government from participating as an object of throwing in a competition in the launching of people with dwarfism that was supposed to take place at a discotheque in the French town of Morzine Avoriage in 1995. The reason that caused the local authorities to make this decision was the assessment that such an act constituted a violation of human dignity and at the same time a form of violation of public order and citizen security. After an ap-



pellate procedure, the Administrative Court of Versailles annulled the mayor's decision, only for the State Council, as the highest judicial instance, to stand by the local authorities and confirm the decision on the ban. The case ended before the UN Human Rights Committee which also rejected Vakenem's appeal (Rosen, 2015:65-68).

This example is useful because it points to the potential role of the state in the protection of human dignity and at the same time raises the question of its relationship to the rule of law. Namely, it is perfectly clear that the state has the duty to provide, by means of legal acts, the protection of people from the acts which could violate their dignity. This duty is clearly stated by the famous provision of the German Basic Law from 1949 which stipulates that "*Human dignity is inviolable. Respecting and protecting it is the duty of every country's government*" (Article 1). The basic manner in which a state does so within the system of the rule of law is by imposing legal restrictions on actions of individuals and government representatives whose goal is the protection of human dignity against all the actions that represent forms of its violation. In his comments on the above mentioned article of the constitution, Dürig offers a concrete list of violations of human dignity such as: *open injury* (mass exile and genocide in which a man is lowered to being an animal or item); *cruel punishment*; *subordinating a person to objects* and *denial of legal subjectivity to humans*, while giving the same to objects; *turning a man into an 'object'* by the state authorities (using chemical and psycho-technical means for extracting the truth, denial of legal hearings, etc.); *violation of intimacy* (without which there is no personal integrity and identity); *depersonalization* (heterologous insemi-

nation); *various forms of honor violation*; life below the basic existential conditions which deprives the man of his subjectivity (life without dignity, the so-called hand-to-mouth lifestyle) (Dürig 1998, according to: Mitrović, 2016: 30; Franta, 2011: 835).

The key question here is whether or not the state has and - if it does - when does it have the duty to stop actions by which individuals violate their own dignity. The Vakenem case points out the delicacy of a situation like this. On the one hand, there is the need to protect the autonomy of an individual and their right to freely make decisions on actions that concern them, yet, on the other, there is the obligation of the state to protect human dignity. There is no doubt that the state would go the way of paternalism if it took upon itself to protect individuals from all actions by which they could violate their dignity. In such a case, it would be completely legitimate to call for a ban on alcohol because consuming it can lead individuals to situations wherein they do not act in a dignified manner. On the other hand, reducing human dignity to the request for respecting personal autonomy represents an introduction to a very dangerous practice whose outlines can clearly be seen in the modern society, where we can witness the efforts of transhumanists to - by calling for the autonomy of choice - allow the use of increasingly advanced bioethical measures with the goal of "improving human nature" (see: Djurković, 2018). Ruth Macklin supports this with her thesis that dignity is a useless concept and that it means nothing more than respect towards persons and their autonomy (Macklin, 2002:1419).

If we wanted to outline the obligations that a state has in protecting human



dignity in the cases of potential clashes between dignity and autonomy, then it would be good to return to the Vakenem case. Preventing someone from acting in an undignified way towards themselves would be an extreme example of paternalism, unless they were violating the dignity of the entire category of humans which they belong to with their actions. This was the reason that made the authorities, including the UN Human Rights Committee, refuse Vakenem's appeal. It was clear that his actions violated the dignity of all people suffering from dwarfism by using his physical disability as a way to turn himself into an object of entertainment in a contest of throwing people with dwarfism. In the same way, it is legitimate to ban all other actions that in a similar way affect not just the person who voluntarily accepts undignified behavior, but also other members of the same category of humans (for example, banning prostitution). However, in the situations where an act concerns only the person who commits it, with no connection to other individuals in any way, then a state intervention would undoubtedly be an extreme form of pa-

ternalism and would, as such, open the door for a thorough redefinition of the role of state in the modern society.

It would be wrong to reduce the role of state in the protection of human dignity solely to relevant legal restrictions. These are definitely important because they show the boundaries that individuals can go to, primarily in their actions towards others. In the system of the rule of law and the lawful state they at the same time draw the line to which the state authorities can take actions towards citizens, thereby fulfilling the basic idea of the rule of law – that the authority is to be limited by its own laws. However, the role of the rule of law in the protection of human dignity is not just negative, in terms of drawing boundaries for actions of individuals and the government. It can be seen in the affirmation of appropriate conditions and circumstances in which the protection of human dignity is possible. It is here that we can see the most important contribution of the rule of law to the protection of human dignity, and in order for it to be completely clear we have to determine the meaning of the rule of law as precisely as possible.

THE RULE OF LAW – THE IDEAL OF THE RULE OF THOUGHTFUL LAWS

Unlike the idea of human dignity, whose meaning has evolved throughout history, the meaning of the idea of the rule of law has remained virtually unchanged. It can be summarized as the request for the public authority to be limited by laws. The change in the interpretation of this idea throughout history resulted from the way in which people answered the question as to whether or not it was enough for the authority to

be limited by any laws. For the ancient Greeks, as the creators of the idea of the rule of law, it implied the rule of not any laws, but the laws founded in the reason. With the goal of setting up a rule based on reason and common interests, it was crucial for the Greeks to set up a system of power in which, by using prudent laws, the negative aspects of the nature of political powers were decreased, which meant setting up a system where laws



were not instrumental as a mere tool of the government, but as a tool of rational and just rule. So, the goal of restraining the authority by laws was aimed at suppressing its destructive potentials, and keeping it in within reasonable limits, in order for politics to be possible as a virtue and for freedom as an opportunity for active inclusion of citizens in the political life of the polis. This is, in fact, how the substantial concept of the idea of the rule of law came to be as the idea that does not ignore the issue of the quality of the laws that the limitations of state authorities should rest on. Many centuries later, in German legal theory, there appeared the concept which had the same goal – to limit the state authority by laws, but it gave a completely different interpretation of the question of substantial quality of the laws that the limitation rests on. This gave rise to the formal concept of the rule of law in a state (Rechtsstaat) that does not go into the content of the laws, but is satisfied with their formal correctness. This formal correctness (validity of an action and the competence to enact laws) necessarily leads to the validity and binding nature of legal rules, so that the rule of law in a state exists when these criteria are met, and the authorities are bound by those rules.

The answer to the question of whether the idea of the rule of law should be reduced to the formal or substantial concept is very important for understanding its role in the protection of human dignity. As we have seen, human dignity constitutes a value that human beings have because of the rational and moral potentials of their nature. Accepting the thesis that in order for the rule of law to exist, it is sufficient that only the formal rightness of the decisions and acts of the state authorities is present, would in fact mean accepting the possibility that the

rule of law exists even when the authorities are violating or brutally endangering the basic values of a human being, and that the only prerequisite for this is that such values are not protected by law. The formal concept of the rule of law as such cannot be an adequate framework for the protection of human dignity. An adequate form of this protection can only be achieved with the rule of law taken in the substantial sense. As such, it is the ideal of the order in which the law is in the function of keeping an individual as a free and dignified being within a political community and creating conditions that allow citizens free, creative and responsible development of all their potentials.

This purpose of the rule of law was first defined at the so called Chicago Colloquium in 1957. One of the prominent participants at this gathering, Jolowicz, pointed out that the fundamental purpose of the rule of law was to create such a community that would in the best possible way help individuals develop and accomplish their potentials as human beings. The importance of the rule of law lies in its final goal – creating possibilities for individual members of the community that will allow their development through free but also responsible choice between different alternatives (Jolowicz, 1959). The common attribute of the many concepts of the rule of law was pointed out by Hamson, who said that the rule of law is a tool of an organized society which has a goal of creating a community in which a man is enabled to fulfill himself through the complete development of his capabilities. The great resources of a society are the energies of the humans that make it up. The goal is to allow and encourage coordinated release of those energies, and the method is allowing human beings to make res-



possible and efficient decisions and encouraging the development of their legal and practical capacities for making these decisions. The rule of law is the phenomenon and the mark of an organized, free society (Hamson, 1959).

The key question is: in what way can the rule of law accomplish these noble goals? It can accomplish them through a certain *quality* of standardization of social relations that has to start from respecting all rational principles of authority.

Namely, the contact point between the rule of law and human dignity is rationality. It gives humans that specific quality, i.e. the possibility of human dignity. It is the confirmation of the highest potentials of human cognition that allows for comprehending not only a priori principles of action but also for comprehending the principles that the legal norms regulating human relations should be based on. It should start with affirming the principles that all individuals should follow in regard to themselves and others (respecting human beings as end), but should also be guided by another, more general goal that is, in our opinion, the pure emanation of rationality. That goal is human creativity. Creativity should be taken as a value *per se*. It is not pure action, but action that leads towards progress, i.e. towards the thing that a mindful person can only understand as individual and public good (Ignatieff, 2006: 24)⁵. So, mindful standardization must be dedicated to creating conditions for creative

5 A somewhat similar principle can be seen in the writings of Michael Ignatieff who, starting from the historical experience (especially the atrocities of World War II), speaks of *the individual ability of work* as a minimum of the protection that the concept of human rights should provide. However, strictly interpreting this, the ability of work is a neutral value, because we can work in different ways and with different goals. Ignatieff, in fact, defines it as such.

development of the human personality, and thereby society as a whole (creativity as a guiding and general principle⁶). The principle of mindfulness, applied to the logics of societal norms, should be defined as a *request for all societal relations to be regulated in a way that prevents destructivity in the broadest meaning of the word* (either exterior destructivity – when rules give individuals the authority to violate the rights and freedoms of others, or internal – when they impose auto-destruction). The rule of law, taken as the ideal of the rule of mindful laws, should provide the conditions for societal relations to be regulated in the above mentioned way and thereby allow every individual to develop his/her creative potentials, which will by default uphold human dignity.

The quality of the legal norms pertaining to social relations implies a specific matching content. Human dignity can hardly be achieved with mere proclamation of rational principles and goals. In order for the rule of law to be in the function of human dignity, its laws must contain a specified minimum of rights that create the conditions for accomplishing human dignity.

These rights can, in principle, be divided into two basic categories. The ones that are supposed to provide the autonomy of an individual and the ones that are supposed to provide favourable conditions for the development of all potentials of a human personality, which in turn leads to the affirmation of human dignity. The first group contains the *right*

6 Otherwise, if destruction would be allowed to be the guiding principle, it would, as a final outcome, necessarily guide towards the destruction of those who allowed such a principle. In other words, if destruction became a general principle, in the spirit of Kant's categorical imperative, it would lead to the destruction of society as a whole.



to vote above all. It is necessary because without the participation of citizens in political processes, an individual is a servant, and not a citizen. The right to vote gives the minimal autonomy through willing choice of an individual and giving consent without which obeying laws would be pure coercion and thereby the negation of the rational potential of human beings and their dignity. The second group contains the rights that are supposed to provide the necessary conditions for existence and creative development of the human personality. This group includes the basic personal rights such as the right to life, physical freedom, physical and psychological integrity, fair trial, privacy and property, but also numerous social, economic and cultural rights. Namely, for the full development of human potentials and dignity it is not enough for us just to live or move freely. The developmental potentials of a human being require the fulfilment of numerous other conditions in order to come to their fullest – the right to work, a decent life standard, health care and social welfare, not to mention countless cultural (education, participation in cultural events) and collective rights that allow the individuals within these communities free creative ability

and development (e.g. the right of ethnic minorities to use their own language). It is in this field that ideological and doctrinary differences in the interpretation of these rights (their content and the way of accomplishing them) are much more prominent, because they encompass the rights whose importance and necessity, in the context of the developmental potentials of human beings, can be interpreted differently depending on the social circumstances and the cultural model at hand. Because of this, caution is necessary and the choice of these rights, as well as the manner of their realization should be adjusted to the cultural specifics of a given society (more on this: Zekavica, 2018).

Finally, in order for the rule of law to be in the function of human dignity we need institutional and procedural guarantees for the realization of these rights. Without them, the rule of law is a collection of praiseworthy proclamations, but of no real importance. Full protection of human dignity is not possible without an active role of the state that will protect it in practice, which in turn is not possible without an important prerequisite for the rule of law – independent judiciary and judicial control of legislative and executive branches of authority.

CONCLUSION

It took a lot of time for human dignity to gain the status of a value granted to every human being. Human dignity has travelled a long path of evolution from the point where it was first seen as a property of a certain social class, to the understanding that sees it as a value inherent to every human being. A significant contribution to this was given by

discussions about human dignity in the philosophical and ethical studies which, starting from Cicero and Thomas Aquinas to Pico della Mirandola and finally Immanuel Kant highlighted the universality of human dignity as a value of every human *per se*. This evolution was accompanied by the evolution of studies on human rights and the awareness that



- from one's birth - every man has natural rights that are to be respected by others, and especially by the state authorities. This connection between natural rights and human dignity can most clearly be seen in the writings of Ernst Bloch, who saw the legacy of the natural law doctrine and Marxist intention of economic liberation of the individual as the only way towards achieving human dignity (Bloch, 1977).

The crucial moment in acknowledging human dignity as a universal value of a human being occurred only when it was defined as a concrete legal requirement and principle. This moment arrived with the first citizen revolutions that marked the beginning of the standardization of human dignity and its being turned into a real value. It was only with the standardization of the idea of human dignity that it was possible to talk about the concrete duty of the state to protect it. Following World War II and the horrific examples of violation of the basic human rights, human dignity became a fundamental constitutional principle of modern states. Thus the rule of law, understood in its substantial sense, could also be in the function of its protection by providing legal protection of the rights and freedoms that allow every person to enjoy human dignity through legally defined obligations of the state in this area. Dürig was right when he claimed that human dignity is an integral part of human rights and not a separate right. It is the core value of human rights and the highest constitutional principle that contains the essence of human rights (Franeta, 2011:830).

However, the core role of the rule of law in the protection of human rights should not be seen purely in the set of prohibitions banning actions that violate someone's dignity (injury of honour or image, reducing a man to the level of an object or tool, violating one's rights – to life, freedom, integrity, etc.). The rule of law, taken as the ideal of the rule of mindful laws (which it has been since the conception of the idea) can offer much more by regulating human relations so as to ensure the conditions for survival of the individual as a free and dignified being inside the political community and by creating conditions that allow citizens a free, creative and responsible development of all of their potentials. This implies the affirmation of not only legal and political but also social-economic prerequisites for a dignified life of a man.

Of course, we should not be naïve and believe that the rule of law, even in its ideal form and realization, can stop the violation of human dignity. Violation of human dignity will exist until man changes himself – until he overcomes the impulsive-destructive potentials of his nature and develops a mindfulness of his own. This change is at the same time the hardest one, because it requires serious effort from an individual. It requires a kind of individual revolution and accepting the highest ethical principles that must be supported by the practical acts of the individuals' will. Because of this, we must go back to Kant, but also all the other prominent ethicists in history (Socrates, Confucius, Christ), all of whom requested the same from all of us – change yourselves and see a value that should be respected both in yourselves and in others.



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