

**UNIVERSITY CRAIOVA
FACULTY OF LAW
DOCTORAL SCHOOL**

**PhD THESIS
“THE RIGHT TO DIGNITY”
ABSTRACT**

COORDINATOR prof. GHEORGHE DĂNIȘOR PhD

**PhD STUDENT
MIREA F. ANTOANETA LAURA**

CRAIOVA

2016

The work “**THE RIGHT TO DIGNITY**” is structured on eight chapters.

Chapter I. General considerations on addressing the notion of “human dignity”

The first chapter of the work includes a series of notions that regard the concept of “human dignity”, the relation between dignity and the human personality, the role of philosophy in the affirmation and the development of the right to dignity.

In order to define the concept of “human dignity”, tightly connected to the human condition and its evolution, from the historical and philosophical point of view, we ought to commence from the origin of the term: : „dec” (Sanskrit) = to show, to indicate; „dacas” (late Sanskrit) = glory, renown; „dignus”, „decere”, „decus” (Latin) = distinction, brilliance, glory; „deiknumi”, „doxa”, „dakein” (Greek) = a superior quality that define the man. In Romanian, as in other modern languages too, the word “dignity” has a polysemantic value.

As regarding the meanings of the notion “dignity”, they differ according to the field they are referred to. As a moral-philosophical notion, dignity has multiple meanings: human quality, moral value or principle, philosophical concept, general principle. As juridical notion, the right to dignity has the value of a principle, whose applicability and authority is assured by the juridical norms.

The relation between dignity and the human personality is translated through the fact that it is a dominant feature of personality. Not only it is a positive feature of the inner side of the humans, reflecting the honesty, honour, virtuosity, modesty or, in Kant’s vision, respect for all the moral duties, but it is always related to other people too, designing altruism and respect for the others.

Dignity contributes to the forming of self-awareness and the shaping of our own moral and social value.

Regarded from the philosophical point of view, human dignity has a determinant role for understanding the existential status of the human being and the surrounding world. For this reason, the most significant part of the work is to be consecrated to the detailed presentation and examination of dignity, in the most noteworthy philosophical systems until now. In order to confer coherence to the discourse, the systematic analysis is sustained by the historical analysis.

Unquestionably, the role of philosophy in contouring and imposing the concept of dignity into the moral way of thought is incontestable, having as a proof the preoccupations of numerous philosophers, which date back in the Antiquity, concerning the nature of the human condition and the traits of the human personality. Undoubtedly, we must not neglect the role of some Romanian thinkers and philosophers either, when asserting the human dignity as an ethical value and philosophic concept (Dimitrie Cantemir, Miron Costin, Neagoe Basarab, Ștefan Zeletin, D.D. Roșca, C. Rădulescu-Motru, Dimitrie Gusti, Petre Andrei), reason for which their contribution was analysed in the 4th section of this introductory chapter.

Chapter II - The historical evolution of the idea of “human dignity” in the ancient and Christian philosophy

Most certain, the role of philosophy in contouring and introducing, in the moral manner of thinking, the concept of human dignity is incontestable, an evidence in this respect being the preoccupations of numerous philosophers, dating since Antiquity, on addressing the nature of human condition and the traits of the human personality.

From the perspective of contouring and imposing the concept of human dignity in the philosophical and moral thought, it is mandatory to start the

analysis of the historical evolution, on the idea of “human dignity”, with the ancient philosophers.

In the first section of Chapter II, named “The contouring and the affirmation of the human condition at the Greek philosophers”, there were taken into consideration, as terms of reference in the contouring and the affirmation of the human condition in the ancient Greece, the three stages: before Socrates, classical and Hellenistic. The philosophical concepts from the first stage accentuated the raising of the man from their natural dependency, the detaching from the cosmos oriented way of thinking and its focusing on the human, remarking in this period the contribution “of the seven sages” who lived in the first half of the 6th century BCE and who shaped the proper virtues of a citizen: Thales of Millet, Cleobulus of Lindos, Solon, Chilon, Pittacus of Lesbos, Bias of Priene, Periander of Corinth. From the classical period we mention Socrates – the creator of the most significant ideas, on addressing dignity, Plato – the promoter of the transcendent reason, Aristoteles – who brought up the morality and the responsibility of man for their deeds and their consequences in the social life. The philosophical concepts from the Hellenistic period – the Epicureanism, the Stoicism, the Cynicism – also influenced by the social and political conditions, contributed to the formation of a new pattern of the human personality, characterised through other landmarks of morality: strength of character, abnegation, firmness, steadfastness, values that are proper to dignity too.

Although never amounted to the subtlety and depth of the Greeks, Roman thinking being dominated, as well as diplomacy, by rigidity, lack of imagination and excessive formalism, Roman philosophers have their role in shaping the concept of human dignity. This notion has been used since the early stage of Roman city foundation, its meaning being either of quality related to a high status occupied by the individual, or of moral virtue. According to Cicero's

philosophy, dignity is based on the human capacity to reason, to be above its own sensuality, emotions, impulses, on self control and on the fact that man leads the world and the rest of the animals. Seneca believes that the supreme moral value of man is virtue, philosophy is the pursuit of virtue, for straightening spirit, and the two concepts - virtue and philosophy - can not exist one without the other. For Ulpian, the will to carry out justice, to give every man what is his, came from a rational source of a man convinced of the ideal of moral good. Ulpian has also determined law's precepts as: *honeste vivere* (a decent living), *alterum non laedere* (not to hurt anyone), *suum cuique tribuere* (to give everyone what is his). In the conception of Gaius, the law of nations was established by natural reason, belonging equally to all citizens. Ancient Roman philosophy is characterized by the analyze of two moral qualities that man has - reason and virtue, values which characterize the concept of human dignity.

As far as the doctrine of Christianity is concerned, human dignity is at the center of Christian traditions. The Christian conception is substantiated on the belief that the human being represents the image of God, from which it results the equality of all humans and the duty of each Christian to fight against inequality, poverty and diseases.

Dignity is obtained by nobody through merit, no one from us can obtain it from the others and no one can take it away from us. The last section of the second chapter describes the principal coordinates the work of the first Christian philosophers - Saint Basil the Great, Gregory the Theologian (of Nazianz), Origen and John Chrysostom, whose care and respect for the man contributed to the affirmation of human dignity and to the development of humanistic theories of later.

The virtues that one can find in all the sermons are the mercy for the fellow men and work.

Christianity has thus played a decisive role in the moral evaluation of human personality by keeping alive at all times in the mind of human beings the consciousness of responsibility for their deeds.

Chapter III – Human dignity in the philosophical, ethical and religious thought from the Middle Ages

After a millennium of existence, Christianity was being spread in entire Europe, managing to stop the Islamic offensive. The Western Europe imposed itself as leader of the Christian world. The religious division of the society was reflected in the political antagonism, in the mixture between religion and the civil authority.

In the early Middle Ages, the definition of man and his moral values was done according to the Christian ideology, therefore the philosophical conceptions could not be separated from the religious ones. The great thinkers of the early and developed Middle Ages (Thomas d'Aquino, Dante, G. Bruno, T. Campanella), accentuated the freedom of the man, as a result of two essential components – freedom and will. Giordano Bruno, in the allegoric novel „*Spacio della bestia trionfante*“, underlined the power of self-determination of the human being, accentuating the importance of the freedom of creation. Through work, the man not only that continuously increases the entire accomplishment, but he also, by reconsidering “the masterpieces of nature”, researches and perfects them. A representative work for the detachment from the religious conceptions is that of Tommaso Campanella – „*Del senso delle cose e della magia*“, which constructed an empirical image of the human becoming, underlining its superiority before all the other beings, through intelligence and creation, even before God because, through reason and knowledge, the man observes all the changes that occur in nature and can prevent a series of events and bad consequences provoked by the natural catastrophes.

Renaissance established new terms of reference in the conception about the human and in defining and sustaining the human dignity, the laic thought attacking the theocratic theories about the human and the humanism of religion. The most famous classical texts that refer to the human dignity come from the age of Renaissance: Pico della Mirandola – *On the dignity of man*, Gianozzo Manetti – *On the dignity and excellence of man*, Juan Luis Vives – *A fable about Man*, Jan Amos Komenský – *Great Didactic*. If for Thomas d’Aquino and St. Gregory of Nisse the man is the image of God, for Pico della Mirandola the human is “indistinct”, undefined, being impossible to define the nature of our spiritual dimension. By bringing up the problems of human dignity, Pico della Mirandola underlined the idea that inside the man there is, equally distributed, the power to develop the good and the evil, the man’s faith not being dictated/subordinated in any way, neither by cosmos, nor divinity.

Gradually, the religious landmarks are eliminated from the conceptions on human dignity, making way for other dominant ones – human, material and spiritual thought and creation (Michel Montaigne-Delacroix, Blaise Pascal), and science (Francisc Bacon, René Descartes). For F. Bacon, human dignity is represented by knowledge and the capacity to invent and create, which are natural, not conferred by God.

Representative for the philosophy centred on knowledge is also the work of Michel de Montaigne-Delacroix, who was convinced that the man cannot be but what he is, and cannot imagine his existence but according to his possibilities, eliminating in this way any interference of the divine forces in the human nature.

Another philosopher, preoccupied to elaborate a moral conception according to scientific criteria, was Vico Giambattista. Dignity results, in his conception, from the self-knowledge, which becomes the impulse to cultivate the power of our mind, in all its capacities, in order “to know the entire world of

science”. Dignity depends on the man, it is not an attribute of the divinity anymore. In his conception, dignity does not form itself, but it is the result of the man guided by science, and his self-education.

Chapter IV – Determinations regarding the concept of human dignity in the modern and contemporary period

Chapter IV of the paper is centred on a series of evolutionary directions of the philosophical concepts on addressing human dignity in the modern and contemporary period. In the second half of the 15th century, in Occident, the liberation of thought from the religious dogmas, the crisis of the system of values founded on the privileges of the nobility, the idea of equality of citizens before the law, the construction of market economy and the affirmation of the new social class, bourgeoisie, constituted the main directions in the evolution of the society.

One of the most advanced and daring works of the French Enlightenment is that of Montesquieu, its purpose being that to limit the absolute power of the monarch and to condemn the religious intolerance, which had characterised the Inquisition. By criticising the political-social feudal regime, militating for the abolition of monarch’s and clergy’s privileges, Montesquieu brings his own contribution to the consolidation of human dignity.

In the process of transition from feudalism to the modern age, there were determinant three revolutionary moments: the English revolution (1640-1688), the American one, which took place between 1763-1791, and the French revolution from 1789. These moments were remarked both through their programmatic documents, and the ideas of the philosophers or politicians who either started, or influenced, through their works, these social movements.

One of the philosophers who lived during the period of the English revolution, which founded on the doctrine of puritanism, was Thomas Hobbes

who, in his first works – “Elements of Law, Natural and Civil”, “On the Citizen” – defends the king, against the parliament, later passing on the side of the bourgeois revolution and manifesting a critical attitude against the aristocracy and clergy (“Leviathan”, “On the Human Nature”, “On the Nature of Man”).

Another supporter of the English bourgeoisie was John Locke, who accentuated the essential role played by the experience and education in forming the human spirituality, in his work *An Essay Concerning Human Understanding*.

A representative of the American Revolution, Thomas Jefferson, is the one who drafted the text of the document adopted in 1776 – The Declaration of Independence, which is based on the principles of Enlightenment, mentioning, among the rights of the citizen, life, freedom and the pursue of happiness.

The person who, through his philosophical concepts, unleashed the entire mechanism of the French revolution, and of those that followed, leading to the collapse of the absolutist monarchies, is Jean Jacques Rousseau. In his works – “Discourse on sciences and arts”, “The Social Contract”, “Discourse on the origin of inequality” – he makes the distinction between “the natural man”, free and independent, and “the social man”, egoistic, vitiated and prisoner of a society torn by inequality and conflicts.

Immanuel Kant founds his conception on dignity, underlining the necessity to elaborate a moral that would lack any material or moral interest. For Kant, the autonomy of will is a principle of human dignity, and of any rational nature.

Another milestone in the evolution of the concepts that regard human dignity is the philosophy of Hegel, for whom human dignity is an attribute of the Absolute Spirit.

In the contemporary period of time, another turning point in the evolution of the concept of human dignity was represented by the instauration of totalitarian regimes – fascism, Nazism, Stalinism. Elaborated in the 17th-18th centuries, and made complete at the end of the 18th century, once with the French and American revolutions, the human rights doctrine could not be contested anymore, not even by such radical regimes, as the totalitarian ones. Within the fight against communism, human rights, especially human dignity, constituted the intellectual and spiritual weapon of the dissidents: they could not request the falling of the regime and the replacement with another, but they asked the communist regime to respect the fundamental principles that were written, at least formally, in the Constitution. In their turn, the communists, could not declare themselves hostile to human rights, a reason for which the communist countries would sign, along with the democrat ones, The Helsinki Accords that asserted several fundamental human rights.

The totalitarian systems misinterpreted the culture and the humanist cultural fundament, for the propagandist promotion of their own ideology and force policy, by annihilating the frontiers between the state and the civil society, by infringing the human rights, by abolishing all the forms of social organisation, whose coercion can be done but from the bottom to the top (syndicates, employers, political parties). In all the totalitarian regimes, regardless the country, the human rights in general, and the right to dignity in particular, they were not only reduced to silence, but were severely infringed too.

From the point of view of our philosophical analysis, very interesting are the opinions expressed by the founders of the totalitarian doctrines, on addressing the modern society, illustrative in this respect being the criticism of Karl Marx on the human rights (*On the Jewish Question*, 1844).

Chapter V. Human dignity, fundament of the human rights

Starting with the end of the 18th century, the occidental world, going through a series of revolutionary crises, has been transformed structurally, becoming mature under the influence left by the French Revolution from 1789. The year of 1815 ended the republican expansion, but the events from 1830, and the revolutions from 1848 spread throughout the entire Europe, generating the emerging of new currents and orientations in the philosophical and juridical thought. Concomitantly with the political revolution and the economic revolution, there also appeared a “revolution” in the juridical field, especially in the juridical philosophy, on addressing the origin and role of the state and laws. The preoccupation for the constituting of a juridical system that would defend the fundamental human rights became widely spread, once with the promotion of the “rule of law” concept.

Although the contouring and the affirmation of the concept of human dignity has a long history, longer than the human rights history, in the juridical documents and the international treaties, there is not a definition of the notion of dignity, or the right to dignity. For this reason, we considered to be necessary an analysis of the provisions from the national juridical documents (Magna Charta, The American Declaration of Independence from 1776, The French Declaration of the Rights of Man and Citizen from 1789), the regional ones (The Inter-American Specialised Convention on the Human Rights and the Additional Protocols, The Asian Human Rights Charter, The African Charter on Human and Peoples’ Rights) and the international ones (The Charter of the United Nations, signed at San Francisco in 1945, The Universal Declaration on Human Rights, adopted in 1948, The European Convention on Human Rights, signed in 1950 within the Council of Europe, The United Nations Declaration on the elimination of any forms of racial discrimination, adopted in 1963, Helsinki

Final Act on human rights from 1975, the documents of the Vienna Meeting – 1989) that refer to human dignity.

Owing to the fact that we intended this analysis to allow us later to elaborate a definition of the right to dignity, in Section II of this chapter we examined the way in which the notion referring to the respect of human dignity was formulated in conventions, treaties and other European documents: The European Social Charter, The Treaty of Lisbon and The Charter of Fundamental Rights, The EU Social Charter, the directives of the European Union.

Taking into consideration that either the international documents or the national juridical acts do not contain a definition of the human dignity, the European and international jurisprudence can be used as instruments meant for determining the circumstances or the facts that cause damage to the human dignity. Frequently, the moral or sexual harassment situations, along with the subjecting to inhuman or degrading treatments, were considered by both the European Commission, and the Court of Human Rights, as being the most severe infringements of dignity. A tremendously important section of this chapter is dedicated to the international jurisprudence, especially to the one of the European Court of Human Rights (E.C.H.R.), regarding the applying of the non-discrimination principle, evidencing the contribution of this institution in the evolution of the methods that protect human rights.

The conclusion of Chapter V is that the tight connection between dignity and the human rights can be resumed through the fact that dignity constitutes the fundament of the human rights, an idea reflected in the title of this chapter.

Chapter VI. Human dignity and the personality rights in the Romanian system of law

Chapter VI is constituted as an analysis on the juridical regime of human dignity in the Romanian system of law, on the position the right to dignity holds

within the personality rights, the connection with other rights that belong to this category (the right to honour, the right to reputation and the right to image, the right to the respect for the private life).

The first section of this chapter establishes the constitutional background of the objective right that regulates dignity and “the free development of the human personality”, and then the juridical background defined by the new Civil Code.

Section II, entitled “Dignity and the personality rights”, begins with a series of terminological considerations and with the definition of the personality rights, continuing with the mentioning of the rights that fall into the category of the personality rights, the juridical nature and the features of the personality rights, the limits of the personality rights.

As regarding the right to dignity, the analysis of the provisions from the new Civil Code led us to the conclusion that this notion has a synthesiser, an integrative character, which is related to the other personality rights: the guarantee and the observing of human dignity implies the protection of all the rights inherent for the development of the human personality; the infringement of any of the personality rights is equivalent to the infringement of the right to dignity. The lack of a legal definition makes the content of the notion of dignity to be hard to define because, besides the observing of honour and reputation, to which section 2 from art. 72 of the NCC, it also includes the right to an intimate, family or private life (art. 71), the right to the own image (art. 73), the right to life, health, physical and psychical integrity of the physical person (art. 61 and 64), the interdiction of the eugenic practices (art. 62), the right to the freedom of speech (art. 70) etc. Moreover, the content of the right to dignity is evolving and diversifying in the doctrine and jurisprudence, the lack of a legal determination conferring an uncertain character.

In the attempt to synthesise all these ideas, we have formulated a definition for the right to dignity, an approach that we consider to be a venturesome one, taking into account that such a definition misses not only from the national and international juridical documents, but also from the doctrine and jurisprudence:

The right to dignity represents the acknowledged possibility of the physical person to develop freely and entirely their identity and personality, on all the levels – social, political, economic, cultural – regardless the race, sex, age, social origin, financial condition, nationality, ethnicity, religion or any other criterion that might lead to discrimination, and even if this action implies the expression of thoughts, ideas, options or the adopting of attitudes, behaviours, positions that are considered unacceptable by authorities, other people, or the rest of the society, under the limitations imposed by the laws.

The right to honour, reputation and image, as well as the right to privacy, tend to protect the peace and the tranquillity of personal and family life, resulting from the notion of freedom and hence the difficulty of determining the circumstances to put them into operation. If we assumed that the right to privacy absorbed the right to image, it could be declared about the right to dignity that it included the right to honour and reputation. Each of them should be considered as an autonomous right, but in the context of the protection of personality rights.

As in the case of the right to dignity, the lack of the precise definitions of these rights, and a well-established legal background, is especially noticed as regarding the mass media.

Unlike the Communist regime, in the transitional period, the Romanian legislator admitted that the infringement of non-patrimonial rights attracted the same consequences, either in the hypothesis of damaging the rights of individuals or legal persons, so that only the natural person had the name as attribute of identification, whereas the legal person was identified by the legal

entity's official legal name. Any infringement to the name of the natural person or legal person is, in fact, a violation of the right to honour, reputation or image. The subsection entitled „The right to honour, reputation and image of the natural person” provides an overview on the evolution of the Romanian legislation on addressing the protection of these rights and of the concept that not only the individuals, but also the legal persons may suffer moral damages.

The concept of private life is very broad. In general, a person's right to a private life means having the right to live one's own life with such personal privacy that is reasonable in a democratic society, while taking into account the rights and freedoms of others.

The juridical norms that protect the private life, as honour, image and professional reputation, are essential in any democratic society in which the man has the fundamental value, having the role to defend, in the same measure, the human personality and dignity. Taking into consideration the uncertain character of the private life content and the ambiguity of the juridical norms in force [for example, Section III from Chapter II of the New Civil Code reunites, under the title “The respect of the private life and human dignity”, the right to the free speech (art. 70),; the right to the respect of private life (art. 73); the processing of personal information (art. 77)], the E.C.H.R. contribution remaining significant when delimitating a person's public life sphere from their private life, and determining the limits of the right to the respect of private life. For this reason, we considered to be necessary the analysis of a series of decision made by E.C.H.R., on the protection of private life.

The last section of Chapter VI is called “The Compensation of moral damages in case the personality rights are not respected: the evolution of the Romanian legislation, doctrine and jurisprudence”.

The principle of full reparation of damages in the field of moral injuries is based on the need to restore relationships broken by a guilty and illicit fact, to

reinstatement of the victim, as far as possible, in the situation previous to the act of tort. In the period prior to the establishment and consolidation of the Communist regime in Romania (1865-1952), Romanian classical legal doctrine and case law have set up a joint system of repairing moral damages that included both pecuniary (monetary) and non-patrimonial means (resources). From 1952 to 1989, the practice of monetary remediation of moral damages has been banned, following the Guidance Decision of the Plenary of the former Supreme Tribunal no. VII from December 29, 1952, the motivation of this prohibition being ideological: bourgeois idea of conversion into money of moral sufferings was in contradiction with the fundamental principles of socialist law. After 1989, the Romanian doctrine and jurisprudence returned to the thesis of repairing moral damages through economic means, including by admitting the idea that legal persons, not only individuals, may suffer moral injuries.

In the same section we have approached the civil sanctions and the type of compensations provisioned in the present Civil Code, in case the personality rights are infringed.

Chapter VII. Human dignity in the context of globalisation. The protection of dignity in the relations between states

The last chapter of the thesis was dedicated to the most important challenges that the main issues of contemporaneity – globalisation, international terrorism, freedom of circulation – raised in the international relations between states (the configuring of concept of national dignity, the admission of some limitation with regards to the sovereignty of states, from humanitarian reasons), as in the relation state-individual (the changing of the human rights and the shaping of solidarity rights – the right to peace, the right to development, the right to a healthy environment).

Taking into consideration the impact of human dignity on the configuration of the humanitarian international law, we cannot exempt the incrimination of some deeds through which there is infringed the right to peace and human dignity, such are the war crimes, but also the drug trafficking, human trafficking, money forgery, international terrorism, piracy, slavery.

Chapter VIII. De lege ferenda conclusions and proposals

Chapter VIII of the work represents a synthesis of the author's personal conclusions and *de lege ferenda* proposals, formulated along the paper.

1. A first proposal aims the New Penal Code that does not incriminate anymore the insult and calumny, a motive for which, *de lege ferenda*, we consider to be necessary the completion of this code, including the old dispositions too that provision that these facts are crimes.

2. Considering the extremely vast implications of the right to dignity, when referring to employment and work, we forwarded a *de lege ferenda* proposal that aims the expressed inclusion of the principle of dignity in the Labour Code, respectively the modification of art. 8, section 1, in the following formulation: "The working relations are based on the principle of agreement and good-faith, along with *the principle of respecting the human dignity*".

3. Starting from the disposition stated in art. 254 from the Labour Code, which provisions expressively that the employer's liability is limited only to material, not moral damages, that can be caused to the employer, for the need to provide equal treatment to employers and employees, *de lege ferenda*, we have proposed the modification of art. 254, section 1, from the Labour Code in the form: "The employees are liable from the patrimonial point of view, under the norms and principles of the civil contractual liability, for material and *moral* damages produced to the employer, due to their fault, or in connection with their work".

4. Starting from the role and the attributions of the local elected officials, and the analysis of the provisions of Law no. 393/2004 on the status of local elected officials, we put forward for proposition, *de lege ferenda*, the modification of art. 45 from this law, with the next formulation: “The local elected officials, in their quality of representatives of the local community, have the duty to participate, during their mandate, to carry on their duties in the local public administration, to which they belong or that they represent, with goodwill and faithfulness towards their country and the community that chose them, along with the observing of human dignity”.

5. From the necessity to improve the activity of administrative authorities and public institutions, as much as for the purpose to increase the professionalism and the responsibility of civil servants, in their relations with the citizens, *de lege ferenda*, we consider necessary to complete art. 43, section 3, from Law no. 188/1999 on The Status of the Civil Servants, by expressly mentioning the obligation of the public servants to respect the principle of human dignity.

6. Taking into account that none of the dispositions from the legislation, or the Romanian Constitution, forbid, in a way or another, the People’s Advocate to defend the rights and the freedoms of the citizens, in their relation with the justice, we consider that, *de lege ferenda*, this attribution of the People’s Advocate should be regulated, in the future, being a possibility thanks to which there could be prevented or sanctioned the infringements, by the judges, of art. 6 from the European Convention on Human Rights, according to which “everyone is entitled to a fair and public hearing, within a reasonable time, by an independent and impartial tribunal, established by the law, which will decide either on the infringement of the civil rights and obligations, or the solidity of any penal accusation against them”.

7. Noticing the lack of any legal, doctrinarian or jurisprudential definition, we propose, *de lege ferenda*, the consecration, when discussing the national and international juridical regulations, the next definition: “*The right to dignity represents the acknowledged possibility of the physical person to develop freely and entirely their identity and personality, on all the plans – social, political, economic, cultural –, regardless the race, sex, age, social origin, financial situation, nationality, ethnicity, religion or any other criterion that might lead to discrimination, and even if this action implies the expressing of thoughts, ideas, options, or adopting of attitudes, behaviours, positions that are considered unacceptable by authorities, other people, or the rest of the society, under the limitations imposed by the law*”.

The difficulty when talking about the change of mentalities of the public authority representatives, on addressing the rights and the legitimate interests of the citizen, the feeble preoccupation for the establishing their effective juridical liability, in case of infringement of rights and fundamental freedoms, have slowed down the process of transition from the formal rule of law, to the real rule of law. For this purpose, it is necessary to be entirely and definitely forgotten the paternalist principles that implied the unconditioned acceptance of the political power centre, its exclusive domination in all the areas of life, the rejection of any criticism or contestation formulated against the leaders, the infallibility of the unique party and leader, the rejection of the alternative, the intolerance against the variety of political organisations, against other personal or official points of view, against democracy.

The process for changing the conceptions, attitudes, expectations, is a long one, but it can be hurried by setting up a new rule of law, by acknowledging the importance of the law for the accomplishment of economic and social reforms, respecting the principle of equal chances and human dignity, restoring the faith and the respect of the citizens for the laws, and for the social

order. For this reason, we underline once more, *the necessity to adopt the positive law dispositions for the principle that refers to the observing of human dignity, which is according to the precedents of the natural law, this way assuring the individuals' fundamental rights are observed, along with the premises for the development of human personality, in all the plans of the social, economic, political and cultural life.*

The paper ends with the bibliographical list. It ought to be underlined the fact that, from the point of view of the approached problems, the work can be included within a more ample direction of scientific investigation, which is based on a rich bibliographical material: books and treatises, studies and articles from specialised magazines, published in Romanian, but also in other foreign languages, official documents, legislation, sentences of the courts, E.C.H.R. jurisprudence, international covenants and treaties on the protection of human rights.