

# Summary

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## **The Idea of Human Dignity in Supreme Court of the United States of America Case Law**

Human dignity is a fundamental element of the legal system in a liberal democracy. It is treated as an inherent and inalienable, equal and priceless value, which belongs to each person solely by virtue of being human. In describing its place and function in a democratic system of law, it is important to note the three levels on which it plays a significant normative role. The three levels include: international law, the system of human rights protection and finally, the dignity of an individual as seen through the lens of the legislation and jurisprudence in the respective state. In the context of the contemporary liberal democracy, the USA, for example, which is the oldest existing republic of the modern era, seems to be an essential source for comprehending the value of the ideal of human dignity.

Therefore, the aim of this monograph is to present the status of dignity of the human being in Supreme Court of the United States of America case law. For the purpose of achieving this goal, the following research questions have been formulated: Is the emergence of the concept of human dignity in the twentieth-century case law of the US Supreme Court a direct consequence of the establishment of the international system of human rights protection? What are the origins of the notion of human dignity as contained in the Supreme Court's case law, and more importantly, are they rooted in American political and legal thought? What is the transformation in the interpretation of human dignity within American political and legal tradition? Is it possible to speak of an American doctrine of human dignity within Supreme Court case law? How can the American concept of human dignity be defined? Finally, what role does this notion perform within Supreme Court case law?

This publication is divided into four chapters. The structure is partly determined by chronology and partly by content. Thanks to the application of both perspectives, it is possible to provide answers to all the research questions. Chapter One covers the period up until 1942, while all the other chapters deal with the period 1943–2015. Chapter Two and Three provide an analysis of Supreme Court case law. Chapter Four is devoted to a critical analysis of American jurisprudence with regard to the concept of human dignity within Supreme Court case law.

Chapter One, entitled “The Origins and transformation of the American concept of human dignity until 1942”, is divided into two parts. Part One presents references to human dignity from the beginnings of American state. Part Two is devoted to US Supreme Court case law from the nineteenth and first half of the twentieth century. It also presents an overview of the views of particular thinkers of the time, which in fact display directly or indirectly some references to the idea of human dignity.

Chapter Two and Three contain an analysis of Supreme Court case law in the period 1943–2015. The distinguishing feature between the two chapters derives from the two main legal contexts within which US Supreme Court judges refer to human dignity. The first is the Bill of

Rights (the first 10 amendments to the American Constitution). The second is the Fourteenth Amendment, containing the clause on due process and equal protection of laws. Each of these chapters contains an analysis of all the rights and freedoms and their respective amendments, which serves as the basis for the Supreme Court to refer to human dignity. The analysis of the case law in this part follows the chronological order, which allows for an overview of the transformation and the growing importance of references to the concept of human dignity.

Chapter Two, entitled “The Bill of Rights vs. the notion of human dignity in the Supreme Court case law in the period 1943–2015,” opens with an introductory section whose aim is to present the first court verdicts of the Supreme Court of greatest relevance to this research. They deal with the abuse of criminal procedure, the problem of economic inequality and racial discrimination, as well as a particular situation which resulted from the Second World War (i.e. the limitation of rights and freedoms of citizens of Japanese origin and in the court trials of the Japanese war criminals). This part is followed by a description of the five amendments: the Fifth Amendment with the defendant’s right to remain silent, the Fourth Amendment with the right to protection of privacy and prohibition of search without the court warrant, the Eighth Amendment with protection against cruel treatment, the Sixth Amendment with the right to represent oneself in court, and finally, the First Amendment with freedom of speech. The analysis of case law is accompanied by comments from American jurisprudence.

Chapter Three, entitled “The Fourteenth Amendment and the concept of human dignity against the background of the clause of fair trial and an equal protection of rights in the case law of the Supreme Court in the period 1943–2015” discusses the legal background relevant for the clauses mentioned in the title. These are: combatting racial segregation, the social security system, the right to die (with dignity), the protection of privacy in the context of the right to abortion and same-sex marriage legalization. The chapter finishes with a presentation of the legal background for the clauses contained in the Fourteenth Amendment, in which references to human dignity have emerged only in recent years and remain merely incidental.

Chapter Four, “The notion of human dignity in contemporary American legal doctrine,” provides an overview of American jurisprudence opinions on human dignity: its essence, role and the function it performs within Supreme Court case law. The chapter opens with an analysis of the post-war debate of the 1940s and 1950s on the impact of the legal international interpretation of the concept of human dignity on the American system of citizen’s rights protection. This part of the monograph also presents the views of Judge William J. Brennan Jr., who was a member of the Supreme Court in the period 1956–1991, and is an essential figure for this research. This is followed by a presentation of the first attempts at defining and categorizing American concepts of human dignity dating back to the 1980s and 1990s. The final section in this chapter provides a critical analysis of the typology of the concepts of human dignity that were formulated within the period starting from the turn of the twenty-first century up to 2015.

In the conclusion to this monograph, the author advances the proposition that human dignity understood as an inherent and inalienable value belonging to every human individual merely based on their being human is a significant feature in US Supreme Court case law. It has to be highlighted that human dignity usually emerges in cases whose verdicts set a precedent within their respective legal systems and therefore they also set new legal standards or rules of procedure protecting rights and freedoms. A good example of such a case is *Miranda vs. Arizona* and the impact it had on the Fifth Amendment; or *Rochin v. California* and *Schmerber v. California*, and their importance with reference to the Fourth Amendment; *Trop v. Dulles*, *Hope v. Pelzer* are relevant for the Eighth Amendment with reference to cruel and unusual punishment; *Atkins v. Virginia*, *Roper v. Simmons* and *Kennedy v. Louisiana* are

relevant for the Eighth Amendment with reference to limiting the death penalty sentences; *McKaskle v. Wiggins* is relevant for the Sixth Amendment; *Cohen v. California* relevant for the First Amendment *Brown v. Board of Education of Topeka* and *Heart of Atlanta Motel, Inc. v. United States* are relevant for racial segregation; *Goldberg v. Kelly* with reference to social security; *Cruzan by Cruzan v. Director, Missouri Department of Health*, *Washington v. Glucksberg* with reference to the understanding of the right to die in dignity; *Planned Parenthood v. Casey* and *Gonzales v. Carhart* with reference to the right to abortion; *Lawrence v. Texas* with reference to discrimination against homosexual relationships; *Obergefell v. Hodges* with reference to same-sex marriage legalization.

A proper definition of the American concept of human dignity has to include the fact that it is perceived as a priceless and inalienable value, an equal and common feature that belongs to each individual solely by virtue of being human. The main background for its interpretation are the freedom of choice and the sphere of personal autonomy, as a consequence of which human dignity should be free from any external interference, especially on the part of the state.

*Translated by Rob Pagett*