

Human Dignity as a Source and Limitation of Personal Autonomy

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Abstract : The article discusses issues of mutual relationships of human dignity and personal autonomy. According to constitutions of many countries and international human rights law, human dignity is a fundamental and inviolable value. It is the source of all freedoms and rights, including personal autonomy. Human dignity, as an inherent, inalienable and non-gradable value comprising an attribute of all people, justifies freedom of action according to one's will and following one's vision of good life. On the other hand, human dignity imposes immanent restrictions to personal autonomy regarding decisions on commercialization of the one's body, etc. It points to the paradox of dignity – the source of freedom and conditions (basic) of its limitations. The paper shows the theoretical concept of human dignity as an objective value among legal systems, determining the boundaries of legal protection of personal autonomy. It is not, therefore, the relevant perception of human dignity and freedom as opposite values. Reference point has been made the normative provisions of the Polish Constitution and the European Convention on Human Rights and Fundamental Freedoms as well as judgments of constitutional courts.

Keywords : autonomy, constitution, human dignity, human rights

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