Individual Dignity in Antique Philosophical and Legal Thought

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Abstract: The study shows that the dignity, considered from the standpoint of philosophy and law, does not correspond with the empirical causal relationships and dictates law to a man which does not coincide with its material interests and practical expediency. This tradition dates back to ancient times. The thinkers of antiquity make dignity being dependent on social stratification which is characterized by a differentiated understanding of dignity for individual social strata. In late antiquity, dignity actually fixes the autonomy of an individual, set in a privileged position. A special procedure of prosecution and the provision with a special legal status for certain categories of citizens kept in Russia is considered by the authors as the following with the archaic traditions of social stratification that is not conducive to the democracy development in the country.

Key words: Dignity, honor, equality, identity, state, stratification, privilege, mentality

INTRODUCTION

A man's man dignity is regarded by philosophy as the understanding of certain of certain moral qualities and reputational parameters by a man and society (Grafski, 2011).

From the law point of view dignity is the subject protected by a state and a potential possibility for each man to defend his own rights by any means not prohibited by law (Schachter, 1983).

Dignity is often opposed to empirical causal relationships and dictates law to a man which does not coincide with its material interests and practical expediency, declaring itself in spite of supposedly obvious and necessary logic of facts (Bloustein, 1964). The reason for this paradox lies in the broadest possible scale of the phenomenon under study and makes the search for new methodological approaches to the view ordering in respect of dignity phenomenon understanding, including the ordering in chronological aspect.

MATERIALS AND METHODS

The achievement of the stated purpose contributes to the use of analysis and synthesis methods (at the clearing of human dignity definition) as well as to the use of legal historical and legal comparative methods (at the comparison of approaches to the interpretation of an individual in different chronological periods).

RESULTS AND DISCUSSION

Historical early notions of dignity existed in primitive society as cohabitation and labor served as the way of human existence according to the principle of "equal among equals", the prerequisites for the development of his behavior evaluation on the part of others and also his own self-esteem. Primitive society is a self-organizing system of people behavior and interaction. It was able to generate value orientations (mononorms), ensuring the realization of people's needs and interests according to certain rules.

An individual dignity is always an integral category, which has historical specific character. Its features are conditioned by the geographical location of a state, a territory size, the socio-economic and cultural development. National mentality also makes a significant influence (Donnelly, 1982; Cruft *et al.*, 2015).

In primitive society which acts as a regulatory determinant of social justice based on mononorms, a personality is associated with a tribe and a kin almost always. The insulting of a person was considered as an insult to the whole clan or a tribe who had the effective resources and mechanisms of human behavior control.

Thus, a person was actually absorbed by the group to which he belonged. These practices were maintained by force of established and generally accepted procedure, the power of habit and the mass powerful "pressure" of others in relation to an individual. The equality of people

anticipated as a common state of affairs which involved the same respect for the equal rights and the dignity of every individual.

If the regulation right is formulated and implemented in the form of mandatory norms specified by a legislator, then the requirements of customs arise and develop in the practice of mass behavior in the process of permanent and long-term interaction between people as the reflection of the historical life experience in community and individual perceptions, feelings and will.

Meeting the requirements of mononorms prevailing at that time could be monitored by all members of society without an exception (of course, the concepts of capacity and legal capacity as the separation of subject and object characteristic for institutional norms were absent). Often, the residual effects of these traditions are manifested in Russia today in the life of the individual nations of the Caucasus and Asia.

Each era has its own way of human dignity eternal problem solutions, rethinking the truths in a new way which were considered as absolute ones by predecessors.

In Plato's elite studying science dignity is largely determined by social stratification but taking into account the psychology of people which he divides in chosen ones (aristos) and servants which he called a crowd or mass. In his monumental work, "state" Plato (1994) shows that a crowd may not have dignity, so it is of no value for the chosen ones.

The researches of German researchers noted that Plato distinguished the following varieties of dignity: natural dignity, giving by birth; the dignity, emerging as the result of education; the dignity, acquired through education (Ricken, 1995).

A broad understanding of "dignity" category was conditioned by certain ethical and philosophical concepts of that time where the very dignity or its historical synonyms (for example, honor) were interpreted in several different meanings. In early Greek philosophy dignity was included in the scope of morality, practical wisdom, prudence, virtue which in its turn, included all positive qualities of a person.

Aristotle in his teaching on the virtues presented in his famous treatises "nicomachean ethics", "evdem ethics" and "great ethics" stated that virtue is "the commendable acquired property of a soul" and everyone should achieve it by own labor, training and education. In his remark, all that we have by nature is provided to us originally only in the form of options, realized in reality then (Aristotle, 1998).

Aristotle called the theory of the highest good, justice and virtue as politics and the name of "ethics" was given by his disciples, who were recording the lectures of the great philosopher. Linking human dignity with his goodness, who believed that the main goal of policy care is to give good qualities for the citizens of a certain kind and make them people who behave well (Aristotle, 1998).

In his opinion, the legislators may influence on the citizen goodness by developing good habits will develop the character traits of an individual and find pleasure in good deeds over time.

In Aristotle's researches we can see the differentiated understanding of an individual dignity for separate social strata for the first time. Considering dignity and honor as the greatest of external goods, he noted that "great men demand honor and glory above all, according to their merits" (Ethics, IV), noting some relationship between honor and property status.

Keeping with this position, Aristotle provides reasons, according to which "honor is recognized as owned by the people of high birth, rulers and gods as they are superior to others by the virtue of any good because they are respected due to them, although if to be fair, only a good man deserves respect and the one who has some property status and good human qualities is respected even more" (Aristotle, 1998).

Describing the principle of justice which he considered "the public good" (Aristotle, 1998), Aristotle uses the classification of social strata method with respect for dignity, stressing that "...the measure of dignity is different: the citizens of democracy see it in freedom, the citizens of oligarchy see it in wealth and aristocracy sees it in virtue".

Thus, according to Aristotle, dignity is a complex concept, made up of such elements as reasonable judgments, conscientious behavior, internal positive qualities, including law-abiding, virtue and moderation. He argued that virtues are socially-prescribed and approved soul qualities which are not given to a man by nature but are developed via a purposeful action and exercise.

In the minds of ancient Greece citizens, a state represented the organization of social relations where lawmakers were afraid of sanctions less than of other blame. Society still had a great, if not decisive influence which expressed its member interests and also performed the function of law-making by producing its own normative regulators of social relations, transformed into laws lately.

At that an important mission was fulfilled by legal communication which is a "practical implementation of skills and the forms of fair individual and group relations which were provided by certain guarantees" (Grafski, 2011).

The concept of dignity evolved in parallel with the concepts of honor, associated with a localized belonging

to a certain social stratum, differing by an inner nobility and corporate codes of honor, inherent only to the chosen ones.

Drobnitsky (1977) noted that "in this respect, the concept of honor becomes a subordinate to a higher order category-the dignity of an individual, "self-worth" of a man as such".

He emphasized that the representatives of the declassed intellectual mentality in ancient Greece (cynics), and the stoics even more clearly, with their idea of cosmopolis and the grading of responsibilities according to concentric circles, "proclaim the preservation of personal dignity as the first duty of a man" (Drobnicki, 1977).

Acting as behavior regulator, dignity does not allow a person to perform the actions "beneath his dignity". Having dignity as the motive of conduct, a personality is focused on a specific standard to which a person's behavior should correspond in accordance with the level occupied by him.

In the researches of Plato, Aristotle as well as in the writings of most other ancient thinkers the legal aspects of the considered category and the properties of a person's being conditioned by it were not considered practically. Dignity was analyzed from the point of view of a studied phenomenon subjective content as a reflexive relation of a man to the self-assessment of the own qualities.

Gradually, social inequality, private property interests, the competition among individuals, an unequal position of men in society more and more contribute to the development of dignity understanding in the objective sense, it dependence on the position of a man in society. The selection of legal norms from the original aggregate syncretism of usually traditional regulations of primitive society is manifested clearly and therefore dignity (dignitas) is largely determined by caste and class privileges and was associated with certain status groups in Roman law.

The more honorable and prestigious position was occupied by a citizen, the higher dignity he could claim. It was believed that a Roman citizen had some rights not given by birth but depending on the rights given (refused) by a state.

Thus, the right to dignity was considered in Roman law as one of the benefits that could be lost at the discretion of a state. This meant different responsibilities of different persons for the same actions that is it actually legalized the electoral justice. Slaves were regarded as a thing (servus est res) by Roman law and therefore could not claim the right to dignity but from the moral point of view they had it of course.

The advantage of the Romans does not give any ready-made models and behavior patterns and offers only a common foundation to the existing standards of conduct and the criteria for the application of the rules and paradigms in different circumstances (Pozharova, 2014).

With one way or another right to dignity, a person can pose the following question for community and himself: why should he follow the established standards and what is their legitimating degree? Dignity captures the autonomy of an individual in the conditions of late antiquity, set in a privileged position on certain grounds.

CONCLUSION

Thus, reflecting the contradictory nature of historical conditions, the concept of dignity becomes a developed one from internal contradictions. Nevertheless, the right to this or that "amount" of dignity, determined on the basis of social stratification formalizes gradually, finding legal options. From a legal point of view, human dignity is transformed into a privilege and begins to reflect its carrier belonging to one of the strata. All people, depending on the differences are the potential holders of a certain virtue but much depends on the use of opportunities provided by a man.

It is assumed that the possession of self-esteem does not allow a person to treat others contemptuously (to act "below self-esteem"). An immoral act detracts from dignity to some extent. So in this aspect his evaluation is mediated by virtue.

A certain scale of dignity is formed gradually, conditioned by the dependence of respect from others on a social status (the higher a person's status in society is the more valuable his moral qualities are).

In modern Russia legislation provides for a special procedure concerning criminal and administrative liability and the provision of certain categories of citizens (senators, judges, prosecutors, members of electoral commissions, etc.) by a certain legal status. An unjustified following (in terms of equality) the archaic traditions of social stratification that is not conducive to the development of democracy in the country is observed into it.

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