

Summary

Zivilcourage im modernen Rechtsstaat

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The German term *Zivilcourage* correlates to the French *courage civique* and refers to a mature citizen's ability to exercise his or her rights and duties by implementing his or her freedom of expression or volition without fearing potential negative consequences to his or her life. Civic courage therefore is both an expression and manifestation of civic commitment as well as of the self-awareness of every person who is committed to public order and who not only observes domestic laws, but also bears the deliberate intention of diligently fulfilling his or her civic duties. This article asserts that civic courage is to be recognized on both international and national levels as a basic human right to which every mature citizen can refer in order to oppose arbitrary powers and unjust laws. Civil courage is not only sought after in authoritarian regimes without independent jurisdiction that primarily establish power on the predominance of political and religious ideologies, but also in purportedly liberal democracies whose laws verge on arbitrariness and thus prohibit any deliberate actions against them. In fact, modern democracies have scarcely succeeded in setting standards for the rule of law that make injustice, inequity, and abuse of power impossible for national institutions. The rule of law here includes not only the formal primacy of the law in the equality of the judicial, legislative, and executive branches, but also the substantive guarantee of legal security for all through (a) protection of basic rights, e.g. guaranteeing citizens' rights of defense against political power; (b) regard for human dignity through securing rights to a free life as well as physical wellbeing. This article is devoted to the question of corruption in the workplace as a specific human rights violation that can only be effectively prevented in a democratic constitutional state through the use of civic courage.