

INTRODUCTION TO HUMAN RIGHTS TEXTS

This session brings together numerous texts on human rights that tackle various themes relating to universality, ethics, history and citizenship.

Among them is Prof. Narbal de Marsillac's book on ***Rhetoric and Human Rights***, which defends a critical perspective on the claim to universality of Western human rights in favour of a multilateral and pluralist vision. The main aim of the book is not to disqualify human rights, but to give them a foundation that is not absolute, apodictic, monological, imposed by the West, but rhetorical, multiculturalist, dialogical, respectful and inclusive of other cultures.

In the preface, I agree with this thesis, but I make one caveat: the fact that human rights doctrines were born and developed, in a contradictory and non-linear way, with advances and setbacks, in the West does not mean that these values cannot be claimed in other historical and cultural contexts and by other groups and social classes: the historical **genesis** of a concept is one thing, its **validity** is another.

The other article (written with Professor Williard Fragoso) refers **to right-wing and left-wing criticism of human rights**. Human rights, which were born in modern times out of the bourgeois revolutions, in particular the French Revolution, soon met with strong ideological opposition that continues to this day, from thinkers on the right and the left. As Bobbio says, human rights have been subjected to two opposing criticisms: they have been accused of excessive abstraction by reactionaries and conservatives in general; and of excessive connection with the interests of a particular class, the bourgeoisie, by Marx and Marxists in general. With this in mind, in this essay we present some of the most significant authors in the critical tradition of human rights: Edmund Burke and Michel Villey on the right; Marx and Engels, Giorgio Agamben, Slavoj Žižek and Costas Douzinas on the left.

A third article, published by the **Revista Portuguesa de Filosofia**, debates two opposing versions of the historical evolution of human rights, that of **Michel Villey and Brian Tierney**. In the debate on the origin of modern natural rights, the French philosopher of law Michel Villey became famous for his counter-current theses, arguing that the origin of modern subjective rights was a "deformation" or "degeneration" of the ancient and medieval concept of law; that those responsible for this rupture were Ockham and his nominalist disciples, as well as the scholastics of Salamanca; that the latter betrayed Thomas Aquinas' thinking on law by adhering to the theses

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The response from the historian of medieval law, the Englishman Brian Tierney, is that Villey's conception of ancient and medieval law is too narrow; that there was already a notion of subjective rights in Roman law; that the origin of modern subjective rights does not depend solely on Ockham's nominalism, but was already present in the medieval canonists; that the scholastics of Salamanca did not betray Thomist thought, but updated it in the face of the challenges of the new times; and that the idea of subjective natural rights does not depend on a particular ideology, but is compatible with different worldviews. In revisiting this debate, our main interest lies in the conclusions that Villey draws from the long historical trajectory he has studied, and in Tierney's criticism of his radical opposition to human rights. Finally, the debate presents some more general considerations on the history of concepts and the distinction between the historical **genesis of** ideas and their **validity**.

We would also like to point out the article written together with Professor Gilmar Bedin from the University of Ijuí-RGS entitled "**Human rights, a civilising conquest**", a manifesto in defence of human rights written during the 2018 election campaign where there was a systematic attack and demoralisation and disqualification of human rights. In that text, we stated that the subject of human rights already has a long historical tradition (almost 250 years). However, this system of protection still faces major controversies today. Some, on the political left, claim that human **rights** are just **bourgeois rights** and therefore do not protect the poorest groups of the population or eliminate capitalist exploitation. Others, more to the right politically, say that "**human rights only defend criminals**, that human rights only defend those who are no good". As a result, they argue that human rights should only apply to those they consider to be "human rights".

Is it true or is it a lie? Is it myth or reality?

In response, we say that **human rights are not left-wing or right-wing**; they are the foundations of the rule of law and of our current Constitution (Articles 5 to 17). Furthermore, it should not be forgotten that human rights constitute a minimum standard for a more civilised proposal for human coexistence. In other words, it is precisely human rights that remove us from the barbarism typical of the state of nature. Without human rights, society becomes a jungle and human coexistence a war of all against all. Human rights, therefore, are one of the ways of producing social peace.

We would also like to point out my review of the **Latin American Encyclopaedia of Human Rights**, a huge work coordinated by Professor Antonio Sidekum, which, if I'm not mistaken, is the only Brazilian encyclopaedia of this size and relevance published in Brazil on the subject and the last work by Professor Sidekum, who died in 2021, who left an immense legacy in spreading a culture of human rights.

These and other texts gathered here aim to clarify what human rights are and what their importance and relevance are for a minimally civilised social coexistence.

Happy reading