

# The challenge of human rights in contemporary times in Jacques Maritain's thought.

Moacir Ferreira Filho <sup>a</sup>

<sup>a</sup> Universidade Metodista de São Paulo (UMESP); Centro Universitário FAVENI; Faculdade de Filosofia e Teologia Paulo VI. São Paulo, Brazil. moacirff@hotmail.com.

**Abstract.** This study is part of a doctoral research that aims to share preliminary results in a way that opens up academic dialogue. Taking as a theoretical reference and, subsequently, as an object of critical analysis, the thought of Jacques Maritain, it is proposed to expose the pluralist principle and from this, analyze the author's thought and his criticisms of modern thought that has weakened the dignity of the person human and creates an environment where human beings are treated as mere things. From this perspective, it becomes possible to establish violent behavior legitimized by religions and, consequently, harming the dignity of the human person. Based on a systematic review, critical analysis and observational procedures, a qualitative and applied study was prepared with an exploratory objective of bibliographical procedures. This research aims to open dialogue regarding the diversity present in our times, reflect on modern and contemporary thinking about the image of diverse human beings in themselves and, finally, propose possible paths and ways for the generation of social peace, respect between people and the promotion of human dignity.

**Keywords.** Pluralist Principle, Modernity, Human rights, Jacques Maritain.

## 1. Introduction

Today's society is going through a time when many things are being given new meanings. Law is a science that regulates human relationships and, when they become varied, it is modified. Concepts that were already considered non-negotiable are now undergoing a kind of "revision" and, sometimes, denial. The world has become polarized in a way that demands increasingly delicate responses from science, which finds itself immersed in this immense "powder keg" with the mission of (trying to) respond to the demand in a way that promotes life and the dignity of the human person. In this context of renegotiations, denials and reaffirmations, could the dignity of the human person be in risk?

Considering that human beings are rational animals is not enough to value their dignity. Considering him a being with rights is possible because he can be said to be a person and not just an individual. However, the term person comes from a theological foundation that requires a certain type of belief, in this sense, when there is a society with a pluralism of belief, the view about the human person can also be varied. This fact causes polarization and requires responses that embrace diversity. It is worth highlighting that

pluralism is not considered a problem, quite the contrary, it brings to the center the discussion of a concept that is efficient for diversity.

## 2. The pluralist principle in Maritain's thought

Jacques Maritain highlights that the pluralist principle can already be observed in Thomas Aquinas. [1]

This principle is also reinforced in his work "Integral Humanism" when he writes that society is not made up only of individuals, but of the particular societies formed by them. In the city of today, believers and infidels are mixed. The philosopher teaches that the harmonization of plurals aims to achieve a good human life. The law must make human beings morally good. [2]

In "Man and the State", Maritain argues that to live well in a democratic society, it is necessary to achieve harmony between opposites. This harmony does not need to occur in the theoretical field, but it is enough to have a practical agreement on human rights. [3]

Obviously, each person's consciousness changes

according to religion, philosophy, among many other factors that are capable of influencing the human mind, but what should not change according to ideologies is the practice of promoting the dignity of the person. human rights and the struggle to defend respect for humanity.

Although we are part of a plural society, following Maritainian reasoning, it is possible to identify a common belief among people: freedom. The opposite of this generates fascism, communism, bourgeois democracy, racism... which are considered errors by the French philosopher.

The concept of faith and inspiration that democracy needs does not belong to the order of religious belief and eternal life, but to the temporal and secular order of earthly life. The faith in question is civic or secular, not religious.

Some may even argue incorrectly that Maritain intended to rework a society project along the lines of a Christian republic, however, the philosopher makes it clear in his work that one should not expect a new republic, but rather that political and spiritual unity of the citizen is possible. , that is, a society where the plurality of being and thinking are guaranteed and respected and that, above all, is the mission of promoting the dignity of the human person regardless of contrary ideologies.

Civil society is not only composed of individuals, but of the particular societies formed by them; and a pluralistic city recognizes as broad an autonomy as possible for these particular societies, and diversifies its own internal structure according to the typical conveniences of their nature. [5]

“In the face of all diversity, it is necessary to also seek peace among peoples, because what is needed is not uniformity in ways of behaving, but an orientation that leads to a common aspiration, to a better life.” [6]

### **3. The criticism of modernity: between individuality and personality**

Notoriously, in general terms, the founding myth predominant in the West is from the book of Genesis, more precisely in chapters 1, 2 and 3 where in Augustine's interpretation in the City of God, when the text reports that God created the human being in his image, this means that when creating him, God gave him intellect, will and power over his actions. Being the image of God, from Augustine's perspective, means that human beings are endowed with elements that distinguish them from all other creatures. The imago Dei is justified by its rational nature. Through this, it is possible to call the human being a person and not just an individual according to this philosophical tradition. [7]

In Boecio's conception, a person is “an individual substance of a rational nature”. Thomas Aquinas

adopts this definition and uses it to prepare his treatise on divine person and human person. [9] Spaemann highlights that the concept of person is at the core of Christian theology, therefore, he concludes that without the theological dimension, the concept of person would disappear. [10]

Wojtyla writes that Aquinas's personalism is not just a theory about what a person is. The scholastic is not concerned with the person as an object of study, but as a subject of rights. The religious doctrine of the image of God becomes the person's philosophical doctrine. [11]

In the formation of Western legal thought, it is noted how the concept of human dignity is applied to guarantee rights even in secular societies. According to Azevedo, Jacques Maritain used Thomistic concepts of dignity and freedom to help draft the Universal Declaration of Human Rights adopted by the UN. [12]

It is observed that the dignity of the human person derives from the conception of the dignity of the divine person and, if with the disenchantment of the world proposed by contemporary reason everything that is transcendental is weakened, then the dignity of the human person is threatened. The human person runs the risk of being reduced to the mere status of an individual. Stop being someone to be something.

Maritain points out that the modern world confuses individuality and personality. “As individuals, we are subject to the stars. As a person, we dominate them”. [13] The French philosopher defines modern individualism as the exaltation of individuality camouflaged in personality. As the disenchantment of the world occurs along with the weakening of some transcendental conceptions, what Maritain calls “social armor” is lost.

We went through the 20th century waging war and, just when we thought things had calmed down, we waged war in the 21st century too. There are still many people going hungry, experiencing segregation, deprived of health and education. Finally, there are those who do not enjoy their basic and fundamental rights. People are reduced to the status of mere things.

### **4. The contemporary human rights challenges**

Levitsky and Zibblatt write “How democracies end”, having as their guiding thread the polarizations that demagogue governments generate through hate speech, causing democracy, which was once seen as the most appropriate political system to meet the demand for rights, to human rights was seen as obsolete, fragile and that needed to call for the return of a possible authoritarian and totalitarian government that becomes absolute and governs without the control or existence of other powers. [14]

In "Homo Deus", Harari reports that humanity had never spent so much time without famine, war and pestilence as described in world history books. [15] What the author did not expect is that at the end of 2019, the world would begin to face a pandemic that devastated the world's population. Harari also would not have imagined that in 2022, countries like Russia and Ukraine would be in direct confrontation, disputing power, territory driven by a Political Theology that, in this case, on the Russian side, received support from the Orthodox Patriarch Kirill so that the call "military operation" had "success" quickly. When it comes to war and human rights, success is that this clash was not happening and that lives were not being decimated, but unfortunately, the facts are there and we cannot deny them. It is worth remembering that this is not the only conflict in our era, it is worth mentioning Ethiopia, Yemen, Myanmar, Haiti, Syria, Afghanistan and regions of Africa under the rule of radical jihadist militants. [16]

One of the most striking aspects of Harari's text is precisely the conception that human beings would now be able to control all these catastrophic issues for all species.

"We know well what needs to be done to prevent famine, pestilence and war – and we are usually successful in doing so. (...) Yes, when hunger, pestilence or wars get out of our control, we tend to think that someone must have made a mistake, (...) and we promise that next time we will do better". [17]

From this perspective, what in an enchanted world view was seen as God's designs, in line with Harari's thinking, comes to be seen as a failure or choice of humanity itself, including the event of death. If something bad happens, it is no longer considered God's will, but is interpreted as a human failure in the face of history itself.

It is in this scenario that Human Rights are challenged today. In a chaotic and polarized international environment where human beings are the holders of all choices, sometimes driven by a political Theology that, depending on its use, instead of promoting and guaranteeing life and human dignity, only legitimizes and promotes wars, deaths and conflicts.

## 5. Conclusion

The paradigms of thought have always undergone changes. It is no different for Law. One of its sources is the custom of society, and when this undergoes modifications, it is also modified. This is what could be seen in this brief study about philosophical paradigms and the consideration of the dignity of the human person. It is only possible to keep this concept in force based on a logical reflection that involves a theological and philosophical discourse. If there is a tendency to trivialize religious discourses, there is the problem announced by Maritain of reducing a person to a mere individual and from there all social

injustices arise. When it comes to a person, it is a subject of action and rights.

Current times have shown us the devaluation of the human person who lives this tension between individuality and personality which, as explained above, from an ethical point of view, can make all the differences. The study helps society to be aware of social injustices and opens up ways to discuss a new way of thinking about the revaluation of the human person. This article may be limited by the fact that it addresses only one aspect in which there is a flaw in the application of the concept of human dignity in our days.

With the advent of reason, modern science, religious deinstitutionalization, the weakening of institutions, the growth in the number of those without religion, those principles based on dogmas and religious beliefs are weakened and there will be a need for a common concept that encompasses humanity universally and urgently, given that even in the 21st century, humanity finds itself in a context of war and, unfortunately, fostered by a Political Theology. One of the paths to be traced, however long, is the path of education as proposed by Jacques Maritain, in addition, the author also presents some inconsistencies in his theses that can give rise to the discourse that claims to be conservative and that, at times, when exacerbated, it becomes a tool of oppression and annulment of otherness.

In the 16th century, Thomas More wrote a philosophical novel called Utopia. [18] In a simple translation from Greek to Portuguese, utopia means a "non-place" or an imaginary place. In this society he created, there was no religious intolerance and people were ashamed to wage war. Well, it seems that from the 16th century to the 21st, these characteristics continue to be utopian.

## 6. References

- [1] Maritain J. *Man and the State*. The University of Chicago Press: United States of America, 1951.
- [2] Maritain J. *Humanismo Integral*. Cultor de livros: São Paulo, 2018: 130-132.
- [3] Maritain J. *Man and the State*. The University of Chicago Press: United States of America, 1951.
- [4] Maritain J. *Man and the State*. The University of Chicago Press: United States of America, 1951: 110.
- [5] Maritain J. *Humanismo Integral*. Cultor de livros: São Paulo, 2018: 171.
- [6] Eufrásio T. M. *Humanismo integral segundo Jacques Maritain: a pessoa humana como ser de relação e promotora de dignidade*. International Studies on Law and Education. CEMOrOc-Feusp/IJI-Univ. do Porto, 2018: 5.

- [7] Agostinho, S. *A cidade de Deus: parte II*. São Paulo: Federação Agostiniana Brasileira; Bragança Paulista, SP: Editora Universidade São Francisco, 2012.
- [8] Boécio. *Escritos (opuscula sacra)*. Trad. Juvenal Savian Filho. Martins Fontes, São Paulo, 2005: 165
- [9] Aquinas T. *Suma Teológica*. Loyola, São Paulo, 2015.
- [10] Spaemann R. *Acerca de la distinción entre algo y alguien*. Tradução: José Luis del Barco. 2ª ed. Universidade de Navarra, Pamplona, 2000.
- [11] Wojtyła K. *El personalismo tomista, 1961*. Available in: [http://www.jacquesmaritain.com/pdf/23\\_OA/4\\_P-1.1.pdf](http://www.jacquesmaritain.com/pdf/23_OA/4_P-1.1.pdf).
- [12] Azevedo F. *Jacques Maritain e a Declaração Universal dos Direitos Humanos*. Universidade Católica de Pernambuco. 2009.
- [13] Maritain J. *Três reformadores. Lutero, Descartes e Rousseau*. Tradução de João Henrique Garcia Dias. Cultor de livros, São Paulo, 2019: 26.
- [14] Levitsky S; Ziblatt D. *Como as democracias morrem*. Tradução: Renato Aguiar. 1 ed. Zahar, São Paulo, 2018.
- [15] Harari Y N. *Homo Deus – Uma breve história do amanhã*. Companhia das letras, São Paulo, 2015.
- [16] Gallas D. *Além da Guerra na Ucrânia: 7 conflitos sangrentos que ocorrem hoje no mundo*. BBC, 2022. Available in: <https://www.bbc.com/portuguese/internacional-60690640>.
- [17] Harari Y N. *Homo Deus – Uma breve história do amanhã*. Companhia das letras, São Paulo, 2015; 9.
- [18] More T. *Utopia*. Edição Ridendo Casting Mores. Ebook Brasil, 2001.