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### **From *Individual* to *Value*: Towards a World Charter for the *Right to Dialogue***

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On June, 6 in Modena we were really so many at the UNIMORE site of the Centro di Ricerca Interdipartimentale su Discriminazioni e Vulnerabilità to promote, with the many members of the Centro Internazionale di Studi e Documentazione per la Cultura Giovanile (iSDC) coming from Trieste, the round table that launched the drafting of a "World Charter for the *Right to Dialogue*".

A "recognition" of the validity of the idea, or rather of the intertwining of ideas, that in synthetic form, but already articulated and conceptually "founding" (I would say almost "constituent"), was submitted to scholars, politicians and "operators" of good practices, for a wide-ranging comparison of principles, sources, concrete making and becoming of rights and law.

The proposal to affirm the "right to dialogue" as a *fundamental human right* arises from the acknowledgment that "the dialogical condition - as it was written in the basic document for discussion - embodies the very form of law, its fundamental relational character. It is therefore the *inalienable* public form within individual rights find the possibility of their mutual recognition".

*Recognition* is immediately a key word. *Individual rights*, *inalienability* and *public form* are there to complete a linguistic game that "performs" the relationship. *Right of Dialogue* became already in the first hypothesis of discussion *Right to Dialogue*, with a shift towards a definition of "positive" rights that seems to be completely reformulated.

In other words, the "recognition", which had a strong representation in Hegel's Philosophy of the Spirit, and already in his early works, according to Axel Honneth's reconstruction, which Axel Honneth himself considers as a fundamental *claim* of social conflict<sup>1</sup>, becomes in our perspective of the *Right to Dialogue as fundamental human right*, a legal category, as indeed it is in International Law, not by chance always an expression of the aporias established within the juridical discourses by the *Policy of Sovereignty*, which Positive Law reinforces by giving it a legal definition (Sovereignty as subjective right of the State). This is so true that the bearers of sovereign rights (the States) show their precarious condition when they act within almost pre-judicial scenarios, as evidenced by the cases of recognition of "new" states.

It is precisely on the definition of the pre-judicial that a proposal like the one we are making it raises questions.

What the theorists of natural law, partly even in its jusrationalist form, considered opposed to the political state by describing it as *natural state*, and that today we would indicate as *universal platform and minimum standard of human rights*, could appear as a *pre-judicial state* if considered from the point of view of a positive juridical state, which would promote and guarantee those standards, managing their multiple interpretations.

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<sup>1</sup> Axel Honneth's considerations on these topics are rich, I only mention *Capitalismo e Riconoscimento*, edited by Marco Solinas, Firenze University Press, 2010.

But what image of the world does the idea of such a pre-juridical state evoke? Who would be in such a state and what would be his real condition? Human? Or discriminated. Protected? Or infinitely and hopelessly vulnerable?

A "critique" based on the analysis of the theoretical frameworks and of the historical-cultural profiles of law and rights invites us to work within a renewed conceptual framework.

The right to dialogue as a fundamental human right establishes the *juridical state*, with its intrinsic relational character, as a *human state* par excellence, thus identifying the *dialogical condition* as the condition of realization of *human rights* as *rights*.

It therefore constitutes a great regenerative commitment in modern-contemporary legal culture.

This is why "recognition" becomes a fundamental category. As a legal category, it shifts the center of gravity from the *individual* to the *relationship*.

From our point of view modern-contemporary individualism, which establishes, also from an ethical perspective, the right /duty to respect *non-negotiable* values, can be abandoned and replaced by a relational normative framework in which each individual is endowed with rights/powers, *negotiable* precisely because they are values and qualities, redefinable in human relations constituted in legal and dialogic form. This "capacibility" is inalienable, it defines the legal status and the subjective right as "quality", on pain of the disappearance of the whole legal system as a general condition of life, in which the dialogue that produces dialogue prevails over the zero sum game, the rights that become sources of rights over a game a game without result<sup>2</sup>.

What the "right of dialogue", better "right to dialogue", right to a dialogical condition as the state of law would like to claim, requires a reconsideration of the relations between historical-moral disciplines (or "humanities") and their categories.

The fundamental terms of philosophical, political and juridical anthropology such as "subject", "individual", "person", but also Me, You, and He/She (Levinas, Calogero's "third person" and much of the philosophical and linguistic debate of the second half of the twentieth century and of these early years of the XXI century) are attempts, often without results, to decline the singularity of the human being outside the "juridical status" as we propose to define it (can we say as a "state of law" in a new sense, with strong intellectual provocation and critical proposal?) in opposition to the representation of a "juridical state" that identifies normatively as state of political and imperial power.

The affirmation of the *Right to dialogue as a fundamental human right*, "recognizes" (as it has been said) the human being as holder a priori of a *juridical status*, and since a right is a power/ legal capacity, as holder of a power/legal capacity. It would be difficult to speak of "human rights" without referring to this *inalienable right* of the human being to their legal nature.

A series of fields of analysis and of application derive from these premises.

We only point out a few of them: the right of citizenship must be reformulated as the right "to" citizenship and a more general revision of *rights of* in *rights to* becomes necessary from our perspective. The dialogue of identities, of cultures and of generations becomes important if it establishes a *right to identities and to differences*, to *parresia* (full and public recognition of equal dignity of non-fallacious and non-hostile discourses); the dialogue of *borders and boundaries* is the *right to history and histories, right to travel, to knowledge, to languages* to be practiced and contaminated in the perspective of increasingly diatopic and dystopic hermeneutics, even when the

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<sup>2</sup> The reference is here to the game theory and in particular to the distinction between zero-sum games and non-zero-sum games with a sum. For a general overview applied to international relations: *Manuale di relazioni internazionali* edited by G.J. Ikenberry e V.E Parsi, Roma-Bari, Laterza 2009.

*topoi* of civilizations seem extraordinarily close, in contrast with the totalizing hermeneutics of the nineteenth-century nationalistic philosophies still alive in the ideologies of "peoples".

Talking about the "right to dialogue" is possible only with the awareness that cultural pluralism precedes dialogue and the right to dialogue. Dialogue is already a way of bringing order to plurality. In this sense dialogue is a discipline (recognition/listening). Dialogue is "work" according to rules, a relationship that produces values. It is not only mediation or communication, but the formation of social economic and political spaces for the exercise of rights and cultural expressions.

From *individual* to *value*, it is the continuous transition that relationships produce in the self-awareness that every human being has of themselves and of the other as juridical entities, in the space populated by many voices in which the function of third parties is attributed precisely to space, physical, pregnant, not smooth, continually reworked by the dialogue and knowledge.

If a non-naive discourse on migration policies of inclusion implies a relationship between legal systems (the courts) - and a review of the normative sources can clarify these aspects - and if intercultural dialogue insists on the quality and contents of human rights (practices and sources), then intercultural dialogue *on* human rights prevails over the historical verticalism of generational waves, relating to the spatial topic through new hermeneutics: space as a place of public and private dialogue (even between generations), public space as the prerequisite for dialogue, as a place of encounter, enhancement, observation, hospitality; right to *space* and *time* (the time of life, history and memory), as a possibility to make operative that right to a legal status that is nothing but "citizenship".

I shall stop here this text which has a strong proactive character and which would have required quite a different amount of references to the multiplicity of debates on the abovementioned topics that are present in the literature.

In the global world that we inhabit as "citizens", whose network of relationships is governed by codes and languages that influence change and constitute the public space in which we communicate the intertwining of our practices, we are the daughters and the sons of an era that has broken every ethical boundary, we are involved in the contradictions of a long twentieth century that in the substantial crisis of "values" expresses what remains of a broken modernity.

The "fundamental right to dialogue" is our test. It brings the individual (subject and sovereign) back to the human being, whose "value" is generated in the relationship with the other, with the space he inhabits, with the time that "remind him" or "generate him"; a "value" is the ability to relate, "games" and dreams; it is right/power in an overall "game" in which someone wins so that others win and *values* remain inherent to human beings as an integral expression of their dignity<sup>3</sup>.

All this can and must be taken care of by a deeply renewed juridical culture<sup>4</sup>.

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<sup>3</sup> Allow me to refer to some of my previous essays where I argued ideas that are now the basis for the proposal for this World Charter for the Right to Dialogue: *Lo stato moderno e la "normalità" dei suoi linguaggi: storia ed altre storie*, in *Utopie e Patologie della libertà. Snodi*, edited by Nestore Pirillo, Napoli, Liguori Editore, 2014, 141 ss.; *Diritto di dialogo, etica del discorso e nuovi diritti (dopo il decostruzionismo)*, in *Materiali per una storia della cultura giuridica*, XLIV, 2, 2014, 405. ss.; *Questione di confini. Diritto, diritti e guerra in Michael Walzer*, in *Ars Interpretandi. Rivista di Ermeneutica Giuridica* III/2014 n.2: *Diritto, forza, comunità. Leggere e interpretare Michael Walzer*, 79-96; *Reassessing Human Rights, Reassessing Humanities. Justice as a Challenge*, in Mira Miladinović Zalaznik- Dean Komel (eds.), *Freedom and Justice as a Challenge of the Humanities*, Bern, Peter Lang 2018.

<sup>4</sup> The themes of the seminar were then expanded and re-discussed during the Summer School organized by the Centro Internazionale di Studi e Documentazione per la cultura giovanile dedicated to "Citizenship of the Minors, dialogue education rights", Trieste 27-30 August 2018 and during the round table coordinated by Roberto Cammarata: *Verso un nuovo umanesimo: il riconoscimento del diritto di dialogo* (5 April 2019). Other meetings are still to come.

