



"A controvérsia", de Carrière: a escravização indígena e a construção do discurso dos direitos humanos [

2022

text (article)

Analítica

The article aims to articulate the contribution of Jean-Claude Carrière, in *The Controversy*, with the nascent problem of the relationship between the European and the Amerindians from 1492, and with the defense of human rights for modernity. From the reading of *The Controversy*, it opted for an analysis focusing on connections between law and literature, considering the scenario and the tensions and interests located in the novel, which were projected on to the normative provisions. The paper analyzes in what sense and why modern enslavement was different from the old one and how discussions, especially those led within the Catholic Church, indicate the germination of a human rights discourse that would only be consolidated centuries later in the bourgeois liberal revolutions. Starting from the reading of the novel, as a fiction, it is also possible to derive to questions about the role of the Spanish and Portuguese kingdoms in this discussion, as well as of the market interests, and what place led indigenous peoples in the approximations and resistances that built this relationship. It was investigated the issue of original peoples in Brazil and the formulation of legal solutions, by examining the concept of subject or personae. Finally, it was listed rules that projected humanist discourse in Brazil. The research demonstrates how these elements were articulated in the literary contribution of Jean-Claude Carrière, under the methodological option of the dialogue between Law and Literature

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Baratz Innovación Documental

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- informa@baratz.es