

# **I diritti fondamentali: una prospettiva europea**

Commenti al volume di Alessandra Facchi, Silvia Falcetta e Nicola Riva *An Introduction to Fundamental Rights in Europe*

## **Diritti fondamentali e diritti umani in Europa: intersezione e distinzione**

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*Fundamental Rights and Human Rights in Europe: Overlapping and Distinction*

**Abstract:** The paper discusses two issues in the book *An Introduction to Fundamental Rights in Europe. History, Theory, Cases*. First, it addresses a premise that is implicit in the book's approach: the idea of the historical and conceptual continuity between natural rights, fundamental rights and human rights, as well as the equivalence between the latter two. Secondly, the paper addresses the opposition between two conceptions of fundamental rights, which respectively regard them as pre-political or as political. The commentary highlights the usefulness of an analytical distinction between fundamental rights and human rights, also in the European context. Finally, it maintains that the opposition between a pre-political and a political conception of rights can serve a theoretical function specifically for the discourse on human rights and with reference to their relation to political order, rather than to the structure of correlative obligations.

**Keywords:** Human rights conceptualization, Human rights justification, Multilevel constitutionalism.

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