

# AXIOLOGICAL CONSTRUCTION AND ITS APPLICABILITY TO THE RIGHT OF PERSONALITY

A CONSTRUÇÃO AXIOLÓGICA E SUA APLICABILIDADE  
PARA O DIREITO DA PERSONALIDADE

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## ABSTRACT

This article aims to analyze the historical and epistemological construction of the philosophy of values - axiology, its applicability in law, especially to the rights of the personality, and in what way humanity becomes the main source of values in the most diverse times. It also seeks to understand how values are characterized as instituted and instituting for the individual and collectivity. To seek to address these problems, bibliographic review is used as a method, as well as research on laws, articles, books and dissertations, to understand which understanding on the subject in question. Therefore, it appears that the law, whose ultimate purpose is justice, is generated by values, acting on the rights of the personality that protects the values of human essence, understood by human dignity and protecting life in society to maintaining the social harmony.

**Keywords:** Axiology. Moral Values. Personality Law. Philosophy. Social Values.

## RESUMO

*O presente artigo possui objetivo de analisar a construção histórica e epistemológica da filosofia dos valores – a axiologia, sua aplicabilidade no direito, em especial aos direitos da personalidade, e de que forma a humanidade se faz a fonte principal dos valores nos mais diversos tempos. Também se busca compreender de que forma os valores são caracterizados como instituídos e instituintes para o indivíduo e coletividade. Para buscar atender a estes problemas, utiliza-se a revisão bibliográfica como método, bem como pesquisa em leis, artigos, livros e dissertações, com objetivo de compreender qual entendimento sobre o tema em questão. Portanto, verifica-se que o direito, cuja finalidade última é a justiça, é gerado pelos valores, atu-*

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*ando nos direitos da personalidade que tutela os valores da essência humana, compreendido pela dignidade humana e também proteger a vida em sociedade com vistas à manutenção da harmonia social.*

**Palavras-chave:** Axiologia. Direito da Personalidade. Filosofia. Valores Morais. Valores Sociais.

## 1. INTRODUCTION

Since ancient times the history of the evolution of man and society has reflected in the development of values. These corroborate with the construction of human consciousness. The principles provide to conceive not only the distinction between good and evil, but also a method for the construction of a desired ideal. In this way, moral and social values are fundamental to man and are fundamental to him, both in customs and in culture, and these are born as the result of crises that elevate human consciousness.

Values arise within a social group, this demonstrates the importance and relevance of understanding that the value accepted by man is related to social value, where it has its roots. The customs of a given society structure the inner values of the man who lives in it, and it can be understood that moral and social values are structured to the very personal rights of the integral person in such a social group.

Axiology, also called the philosophy of values, and value has a great importance in the legal field. First of all, it should be noted that law is one of the great guides of life in society, permeated and connected with numerous other areas, such as the evolution of society, ethics, culture, and values. It is through the valorous human consciousness that man understands the world in which he lives. Axiological appreciation administers legal interpretation through hermeneutics, and the central purpose is value analysis. The axiological conjuncture, as a cultural datum conditioning the circulation of law, delineates historical evolution.

Values can be considered as property of the fabric of social representations, characterized as instituted and instituting the historical formation of man and society. In this way the values are considered as the north of the options of choices interconnected to the knowledge conceived and also through social representations, but they also possess strength that drives the knowledge and reorganize those knowledge coming from experience.

The law cannot be interpreted in a unique way, for this the importance of legal hermeneutics, and, the same needs to be applied, thus, for there to be consistent applicability, it is necessary to associate the interpretation of the right to values. Regardless of the time when such an act will occur, it is known that a new value will replace the former with social evolution, generating a new right.

In this way, we see that living means giving value to life and cultural construction. In other words, values conceive of man and his conscience and solidified foundations. It is of the value that will flow your behavior, that you will know your character, your actions before the difficulties, and the most distinct episodes of life. And beforehand, it is anticipated that the right of personality protects the inner values of the person because they represent his or her essence.

We will analyze the historical and epistemological construction of axiology since ancient times, its philosophical formation since Socrates, the influence that modern philosophy suffered from modern philosophy, the contribution of Kant and so many other philosophers and jurists. It will be understood in what way man is considered the source of all values, what forms these can justify human actions and how the moral and social values that fundamental the right and social coexistence, can contribute to the own valuation and human ideas.

This research is based on the following questions: is there a relationship between the philosophy of values and the formation of law? And specifically with personality rights? How can moral and social values contribute to the formation and protection of the rights of the personality?

To answer these questions, the deductive and hypothetical-deductive method will be chosen, to achieve a valid and relevant theoretical framework, with the aid of qualitative study, through the collection of bibliographies, doctrines and laws - Federal Constitution, Law of Guidelines and Bases of National Education, National Education Project - from consultations on the Internet, collection of the Library of Unicesumar University and Google Scholar on the subject in question: axiology, rights of personality, human dignity, moral and social values.

## 2. AXIOLOGY: HISTORICAL-EPISTEMOLOGICAL VIEW

The study of values had its genesis, approximately in 400a.C, with Socrates, corroborating with the golden period of Philosophy, becoming one of the fathers of Philosophy. Axiology is as old as human existence. In Classical Antiquity the Greeks understood that Xios could be explained by what has value, what has dignity to be esteemed, but never measured. Assuming, therefore, the importance of value in history.

In order to understand human values from its birth to the moment where the socio-historical process is more developed, it is necessary to grasp about the constitution of what was understood about Greek man, since the Greek civilization was considered, both, of paramount importance in regard to the means of education, but also "[...] is not only the mirror where reflects the modern world in its cultural and historical dimension or a symbol of its rational self-awareness" (JAEGER, 2013, p. 7).

Socrates vehemently opposed the relativism and subjectivism of the sophists, defending objectivity and the absolutism of ethical values. Followed later by Plato, and also Aristotle; Socrates understood that the conflict with relativism and subjectivism, the struggle for objectivity and the absoluteness of ethical values was the formula of his diligence.

Man's valuation gains a new guise with Greek history. The traditional moral of the time ended up suffering threats because of the rationalization derived from the teachings of the sophists. These ended up not caring for the genesis of the universe, but returned to moral and political values (PLATO, 2002), leading to the emergence of the relativization of values. Plato, in demonstrating about the world of metaphysical standards, points out moral values, and in his work "The Republic" believes that the rational division of labor is a correct way of organizing the ideal city and therefore was seen as a social reformer (PLATO, 2002).

Plato built the theory of ideas - the central core of his philosophy - where in synthesis, the idea of values is maximized by the conception of good, as well as of ethical value and also of aesthetic value; not forgetting that this was guided by metaphysics. (PLATO, 2002). In Aristotle, there is a continuation to the bias of the idea of good in things and in empirical reality, where the valuable acquires abundant cosmic character.

Happiness in Aristotle (1999) was not derived from obtaining pleasure - whatever source it came from - but this would be found by reason, that is, the person who achieves the greatest development of reason will contemplate happiness through virtues, these being a moral excellence and a "intermediate state, because in the various forms of moral disability there is lack or excess of what is convenient both in emotions and in actions, while moral excellence finds and prefers the middle ground (ARISTOTLE, 1999, p. 42), thus for this philosopher, human values are related to what he understands about the ideal of good that subjects man to the encounter of happiness.

Classical Philosophy greatly influenced the formation of Modern Philosophy, and it played a foundational and essential role in the composition of the philosophy of values. Within this period, one cannot fail to mention Immanuel Kant. He categorically confronted the classical ethics that had for years influenced that period, inaugurating a critical philosophy and totally opposed to dogmatism (KANT, 1980).

With a basic distinction between being and being, Kant offered a new perspective on value. This search for a baggage-free philosophical construction of his ancestors, is understood as the core of always questioning about his own faculties of reason, followed by the possible possibilities of a knowledge, followed by its limits, was even with this question that occurred the Copernican revolution in Philosophy (BAMBIRRA, 2008, p. 4905).

Although Kant did not develop properly, an axiology, in its elaboration of an deontology - the so-called 'theory of duties', occurs a transfer from the idea of value to the domain of personal consciousness, "in this world, and even outside it, nothing is possible to think that it can be considered as good without limitation except one thing: a good will. " (KANT, 1980, p. 109) , also explained by Hessen that "moral conscience becomes true homeland of ethical values. " (HESSEN p. 26, 1980).

It was from the middle of the nineteenth century that scientific rigor underwent a greater search for value. With the important pioneering contributions of the philosopher and logician Lotze in relation to axiological studies, he came to be considered as the true father of modern philosophy of values, starting on the theme in his book *Mikrokosmos*, where distinguishes "being" and "value", ie "world of values" is different from the "world of beings" (HAUBERT, 2018).

In short, the value could be understood from the spiritual realm as well as can be understood through intelligence (HESSEN, 1980, p. 26-27). Along with this idea, it also conceptualizes value and worth, where it will always be something free of reality.

In the aspect of the modern philosophy of values, Franz Brentano, in his work *The Origin of Moral Knowledge* (1889) brings relevant contribution recognizing the nature of value as a *phaenomenon sui generis* - ie - phenomenon of own gender, singular. For him, of the three fundamental classes of psychic phenomena "among the intentional references, taking up the theme treated in the Cartesian Meditations, but until then ignored" (BAMBIRRA, 2008, p. 4907)

The first class consists of representations, which can be intuitive or obtained by the senses; the second class is that of judgments, which uninterruptedly provoke a representation, but not always associating one representation to another; the third class is that of emotions. The notion of good is understood to be true, it is only fair to admit such reference. In relation to something that is regarded as good, it will only be understood in that it consists of loving it and then it will be fair. In other words, what is loved with just love, just being loved, is literally good (Brentano, 2002).

Contrary to what is seen from the analysis of objects, where they are always immutable, Johannes Hessen understands that there is the perenniality of values, these do not change with the modification of the objects in which they manifest. Thus, the theory that the values, for example, the aesthetics of the beautiful, the sublime, the graceful, etc., preserved even when all the art objects were shattered. To the understanding of values, Scheller adds the ethical alluded to the personal and the things for the impersonal (PEREIRA, 2000). Beyond these currents, in the 20th century the term value began to be distinguished from the notions of good and from being to assume a sense derived from purely human activities, resulting in the configuration of a recognized theory of values.

The theory of values was recognized after countless currents added with particular conceptualizations, and in the twentieth century the term with its signification came to be differentiated from what was understood as good and as being, and was evidenced with respect to the human. Miguel Reale transfers the verb to the noun to be valid, bringing the pure revelation of value in its own epistemological form, understanding that man obtains knowledge and awareness of value in the most different modalities as from the historical, military, artistic and economic point of view (REALE, 1982). It is clear that there is a multi-faceted understanding of value and, therefore, it is worth noting that value is not only a matter of preference, but of what is preferable and desirable, but value is not just an ideal, but a standard of preferences, or what is meant by judgment.

Value can be considered as a possibility of choice, thus the theory of value inclines to avail of stated possibilities of choices (ABBAGNANO, 2007, p. 993) and that "he who denies all values, seeing nothing more in them than illusion, cannot fail in life. He who has a wrong conception of values will not succeed in giving life its true and just meaning. " (HESSEN, p. 23, 1980).

The general and superficial foundations about the value may even seem easy, however, when it comes to its theorization occurs a clash. Lotze (apud HAUBERT, 2018) and Miguel Reale (1982) argue that just as being is what it is, then value is what it is worth, while Nader (2019) understands that the conceptualization of being and value are irreducible.

According to Lucília Bastos, the philosophy of values is considered a relatively new study, but with some main currents that are worth highlighting: axiological psychologism composes the first, stresses that values can be taken by relativism and subjectivism, after all according to the experience, the values can be experienced; the second is composed by cosmologism, where the value is taken as a determination only of the being; whereas the third current is composed by Neokantism, which has value or validity is inserted here, in which the real order of being is distinguished from the ideal order, and becomes a sphere of things that are valid; and finally, ontologism fills the fourth chain, seen as the objectification of values, that is, values do not determine the way of being of someone, but of entities in themselves

(BASTOS, 2006, p. 215-6). In fact, one cannot harmonize the most varied currents, so nothing more important than a deeper examination of such questions.

A crucial question as to values is in relation to their subjectivity and relativism or to their objectivism and absolutism. On the one hand there is the relativism of values that understands as a founding point that all value and valuation is consistent with the presumption of a relationship with a valuing subject. Axiological subjectivism, as some of its representatives Ortega y Gasset, Meinong, Christian von Ehrenfels, and argue that "the thesis that values do not have validity by themselves, since the subject attributes meaning to things according to the positive or negative reaction they provoke" (NADER, 2019, s/p).

On the other hand, one has the absolute character of values, which says about those who possess efficacy in themselves for whatever spirit. We can list some important authors who defend the absolute dimension of values understanding that "the existence of values is independent of the subject, because they do not need estimation or knowledge. The values would have existed in and for themselves" (NADER, 2019, s/p), as Max Scheler, Nicolai Hartmann, Joahannes Hessen.

Axiology is important to philosophy and very noble to it, after all, only through the possibility of reaching solid ground for a renewal of culture or who knows the elaboration of a new culture with increasingly supportive dimensions (MONDIN, p. 159, 1980). Value is not a being in itself, much less a good or bad want, but it is something that comes and establishes itself in subjectivity in the relationship of being with things or world, or with itself, or even in the society in which it is inserted, since "man is the source of all values because it is inherent in his essence to value, criticize, judge everything that is presented to him, whether in the plan of action or in that of knowledge. " (REALE, 2000).

### 3. MORAL AND SOCIAL VALUES

Values justify actions, and have a depth in them, and, to their realization is admitted numerous degrees - as an example, if you have the "heroism of renunciation and self-sacrifice, worth ethically more than a simple and small moral transformation" (HESSEN, p.60-61, 1980).

For Miguel Reale it would not be correct to say that values are only ethical factors, serving to illustrate about the human experience, however they are also constitutive elements of these experiences, what he calls axiological historicism. Which the human being fulfills in his particular experience, which carries through demonstrations through time, being both exemplary and diverse (REALE, p. 201, 2002). It must also be said that values do not carry ontological essence in themselves, but are manifested in things that have value.

It is not about empirical influence, isolated or who knows individual, but rather about the whole, in universality, "as historical consciousness, in the dialogical process of history that translates the interaction of individual consciences, in a whole of successive overcomings " (REALE, p.201, 2002). It should be emphasized, therefore, that only man, among all beings, is

capable of values, that is, it is in the human being that the foundational value is found, intrinsic to him, which is valid by itself.

Man, in subjugating the earth, formed the world of culture what can be said in his image and likeness (REALE, 2002, p. 209), therefore being is his duty to be. The problem of values has more to do with the difficulty of its understanding, that is, the impediment of perception and not of its elucidation. Thus all that one has about cultural good is only as long as it must be, what Reale calls the "intentionality of consciousness" (REALE, 2002, p. 209), which protects itself as a fundamental axiological constant. In other words, the issuance of a value judgment is understood when man performs acts throughout his life, for it is his very essence to always be Valuing.

This can also be related to wanting something, and doing so because something seems valuable. In this way, to speak about valuing means to everything that somehow enriches the human being, and, something will possess value when it is appropriate to supply certain needs (PAUPÉRIO, 1992). It is the example of moral value, which will possibly always satisfy possible needs and also moral demands.

When one speaks of the values of the person, these can unfold into countless other values, and can be disposed of in moral and social terms, and the rights of the personality are essential values for the human person, since it is the right as an enabling instrument for the realization of values in the moments of social life.

Moral values come from the word "mores" which corresponds to customs. Morals can be understood as norms implicit in codes and laws, but they are contained there regulating the action of man in society. It is common for the word moral to be compared to the word ethical, but later it will be shown that everyone has their specific applicability. For Vázquez (1984), morality derives from the collective need that men have to relate to each other, however, taking care of the good of all, is that mixture of rules and norms whose purpose is to regulate social interactions, not forgetting the probability of mutation according to political and economic evolution.

It is essential to think of them in a changing and flexible way. "Ethics is a science of morality, because it questions why and under what conditions certain action is considered good or bad, to what extent it helps to build the identity of a nation, group or person" (RIBEIRO, 2000, p. 137). For Miguel Reale (2002, p. 42) "the theory of the ethical minimum consists in saying that the Law represents only the minimum of Moral declared mandatory so that society can survive".

Regarding moral values, Kelsen's position reflects that law is a science detached from any value, a legal science that for him is an autonomous reality and therefore, when performing an analysis, must be distinguished from any judgments (KELSEN, 1999, p.45). For the philosopher, dedication should only be to the norm. If there is a morally good law and a morally bad law, only then will there be the justification followed by such opposition of the positive Law by Moral, but it should be noted that this idea no longer finds aegis as stated by Paupério (1992, p. 103), since "objectivity and axiological neutrality constitute values in themselves. And since axiological neutrality is in itself a value, the requirement of a total absence of values, of a complete valorous neutrality is paradoxical".

The positive law in its pure normativity has no force to generate an obligation, but this is generated because it contains value, that is, the obligation occurs exactly because the norm is seen as legitimate and just (VASCONCELOS, 2006). Ronald Dworkin (2010) understands that the principles, with moral aspects and integrates them into the legal system, already Habermas (1997) states that "Dworkian theory is based on the premise that there are moral points of view relevant in jurisprudence, because positive law has inevitably assimilated moral contents".

One way or another, it is adopted in this research that the moral and social values are contained in the law and also in the social life, as said above, is of paramount importance also for the evolution of human ideas themselves, and that the "essence of any society is the moral reunion of men ordered to the common good (...)" and that to achieve this common good it is "necessary that private interests are subordinated to the supreme interests of the community". (PAUPÉRIO, 1992, p.45).

#### 4. THE IMPORTANCE OF VALUES TO THE RIGHTS OF THE PERSONALITY

It is the essence of the human being himself to know and to want, but it is also intrinsic to the act of valuing. Everything is valued, and it is not possible to live life without constantly making judgements (HESSEN p. 40, 1980). For Reale, the choice of something and consequently the existence of a sense is only possible because of the value, it is through this that those are brought about (REALE, p.186, 2002). It is true to say that only man is capable of values and for this reason that axiology is valid, and to live - in other words - is to choose his position before values, applying in their lives as they magnify their personal personality by giving value to what is around them, to objects, to other human beings, and also to their own self.

A practical example of the formation of values brought by Vásquez (2008) is around silver, which initially is a physical property, natural and sensitive, ie a natural object, and over time, as a result of the needs produced to come to possess other qualities, the needs are socio-historically, and the value that comes to man changes according to its social, historical and cultural existence.

Faced with this, "the principles of identity and non-contradiction govern, as universal principles, all science and all possibilities of knowledge. " (REALE, p.59, 2002) and with the legal universe it could not be different. The law also holds principles, after all it is not likely that there is science not based on assumptions, that is, since principles are characterized in truths, these founding judgments are the basis for a tangle of judgments. Reale brings the example of a building, with its master beams, which are the point of reference. Then, when it comes to any science, it will also have its pillars, which will lead to a logical support, which is called principles, for some, for certain purposes, and for others, for other purposes, however, they serve as support in the general structure of human knowledge (REALE, p.61, 2002).



Living will always imply value (NADER, 2019). Man considering the world through valorous perspectives will affect the right, effect of human culture, undoubtedly congruent with values. Therefore, the values are founders for the formation of the Direct and this is the consequence of a polarity, since if materializing axiological elements, satisfying or not the human propensities, achieving or not winning, the intention is to be materialized the positive values (NADER, p. 52, 2019). In other words, it is worth remembering that values are the essence of law, contained in legal systems by means of norms. In the understanding of Norberto Bobbio "the philosophy of law can, consequently, be defined as the study of law from the point of view of a certain value, based on which the past law is judged and is sought to influence the current law" (BOBBIO, 1995, p. 138).

The essence of law is formed by values (NADER, 2019). The values generate the Law, and this aims to protect life in society, leading it to a social harmony. Thus, it is essential to study the values, because the norms are the effectiveness of the value (FERMENTÃO, p.623, 2011). Human values act in the human dignity and ethics of the person, and in the interim they are the rights of the personality that safeguard what is understood about the values of the human essence: its dignity. The right, in addition to implementing values, also establishes about them, that is, the right has as one of its components the value.

Man will always be giving value to everything around him, and living will always cherish "act of creation of means that enable existence; creativity is selective, discriminating, because man seeks to get rid of what seems to him evil and realize what seems to him good" (NADER, 2019, s/p) and human action, as a cultural object generates value, in this way, the law will always have a value judgment when disciplinary human actions and their relationships, for this, an ethical basis is necessary.

Not all values derive from ethics, based on their moral principles, such as the rights to health, culture, and sports (NADER, 2019, s/p). However, for the most part, in order to ensure the integrity of the formation of society, judgements of value will always be in the future juridical realities aiming at the just. For example, the right to life, to freedom, to heritage are essential rights to humanity, so when law projects values, it will always yearn for the protection of human dignity.

If it is only possible to know man when we know the values that govern his life (HESSEN, 1967), we can also understand the law, analyzing which ends his standards aim to achieve. Regulating human conduct, for the right, is also taken as an implementation of the ethos, ie the product of culture (SALGADO, 2006), in this same sense Paupério, (1992, p.47) also understands that "the law is cultural work and therefore also aims, as ethics, to the creation of values".

As far as the right of personality is concerned, it can be understood as the innate right of the human person, intrinsic to it, that is, it is considered the first good of the person, as Elimar Szaniawski states:

Under the name of personality rights, we understand the personal rights and the rights essential to the development of the human person that modern doctrine advocates and discipline in the body of the Central Committee as absolute rights, but lacking the faculty of disposition. They are intended to protect the eminent dignity of the human person by preserving it from the attacks that other individuals may suffer. (SZANIAWSKI, 2005, p.71)

Helmut Coing understands the principle of the dignity of the human person according to two concepts: in the first instance it is assumed that the protection of the human person with regard to his or her integrity, in other words, it serves as a deterrent against physical and mental practices or offenses against the human being, generally protecting his life; secondly, it concerns the expression of the right of the human being to be respected as an intellectual being, which then represents the guarantee of the right to self-determination, to come and go, to choose where to live, etc. (SZANIAWSKI, 2005, p.140).

The dignity of the human person is the first and last foundation of the human person who guards individual rights in life and death, since it is not only considered as a principle above, but also the most important of all systems. With the promulgation of the Federal Constitution of 1988, numerous values and principles were established which brought a new time for a new legal order (MOARES, p.233, 2006), the dignity of the human person was elected as the foundation of the democratic rule of law itself. The integral and primordial tutelage of the person brought paradigmatic change, possessing constitutional value, being fundamental principle and considered as links of the whole system (CANTALI, 2009, p.86).

According to Kant, "in the realm of the ends everything has a price or a dignity" or "when one thing has a price, one can put in its place any other as equivalent; but when one thing is above all price, and therefore does not allow equivalent, then it has dignity" (KANT, 1986, p. 77).

It is possible to consider numerous dimensions on dignity as: ontological, communitarian or social, historical-cultural, and also negative and helpful. The first, it means that dignity is something inherent to the human being, the second is that all people are equal in dignity and right, the third, it understands being unequivocal, since the concept is always in a process of construction in itself, and also to meet social needs, and finally, it is taken into account that dignity can be manifested at the same time with what is called the autonomy of the person, or in other words, what is meant by the right of self-determination for decision-making that is proper to the person (SARLET, 2007, p.30-33).

The general right of personality protects man in every circumstance, taking into account that the protection of such protection aims to preserve, in all situations, the dignity of the human person (PERLINGIERI, 1972, p.186). With the valorization of the human person, it is perceived that the conceptualization of personality has undergone changes, not only in relation to its ability to be subject to rights, that is, personality must be considered as an intrinsic expression and of the person itself, that is, therefore related to the person, then also to the value.

Law is a value and remains in what is called the state of the imaginary until the legal norm incorporates it, bringing to light its validity and effectiveness (FERMENTÃO, 2011, p.624), in the relationship between value and law, One has an intimacy that easily visualizes from the ontological perspective, and whenever values arise, the right is enriched. This is composed of purposes, traditions, meanings, values, etc. Both are born beginning from the social body and only do so when they are instigated by exposed inevitability. It is important to note that "if the values are based on consensus they are changeable according to the social group, time and space" (FERMENTÃO, 2011, p. 624).

It is in the course of time that rights arise based on values, guaranteeing them and protecting them. When it comes to personality rights, it's no different. The values that comprise the human personality are safeguarded by the right of personality, as well as any other human deprivation. The human value is inherent to man, intrinsic to him, therefore to structure morally and ethically, arises the value of law, followed by the value of justice, whose core is equality. The ultimate goal is justice, and the basis of the normative legal order is value and law is the means of justice (FERMENTÃO, 2011, p. 625).

## 5. FINAL REMARKS

In order to elucidate a theoretical review of studies on the philosophy of values - axiology - and undertake a critical reflective analysis of the texts raised, A bibliographical check was performed that perfects the composition of an epistemological historical condensation of axiology, demonstrating convictions of axiological studies developed in recent years, in the field of the philosophy of values.

All human beings, in their individuality of being and thinking, have values, and these begin their actions as a compass, making such attitudes and development a reflection of what has been guided. Human action will therefore need to be appropriate to the actions of other members of society. Therefore, when it came to moral and social values, it was understood that they became common among all, that is, the adoption of this common form is an axiological premise that concludes the perception of the existence of human life in the world.

Values arise within a social group, the value accepted by man is related to social value, where it has its roots. The customs of a given society structure the inner values of the man who lives in it, and it can be understood that moral and social values are structured to the very personal rights of the integral person in such a social group.

Values are considered as property of social representations, characterized as instituted and instituting the historical formation of man and society. In this way the values are considered as the north of the options of choices interconnected to the knowledge conceived and also through social representations, but they also possess strength that drives the knowledge and reorganize those knowledge coming from experience.

The theory of values was recognized after countless currents added with particular conceptions, and in the twentieth century the term with its signification came to be differentiated from what was understood as good and as being, and was evidenced with respect to the human

Values shape all that there is of actions in society and basic for the social coexistence of man, so it was seen that values deal with cultural elements, previously created and developed by peoples so that there is a quality of life and this is achieved, among these greater justice, greater peace, greater access to social rights. Given this, it was realized that there is no doubt that the values, are social and cultural foundations, and are flexible, liable to change according to the own changes and advances of society. Generations are updated, are transformed, are modernized and with that, one cannot forget that they will always be looking for changes

to adopt better methods of life. The principles are characterized in truths and founding judgments are the basis for a tangle of judgments.

A crucial question as to values is in relation to their subjectivity and relativism or to their objectivism and absolutism. On the one hand there is the relativism of values that understands as a founding point that all value and valuation is consistent with the presumption of a relationship with a valuing subject. On the other hand, one has the absolute character of values, which says about those who possess efficacy in themselves for whatever spirit.

Man considering the world through valorous perspectives will affect the right, effect of human culture, undoubtedly congruent with values. Therefore, the values are foundational for the formation of the Direct and this is the consequence of a polarity, since if materializing axiological elements, satisfying or not the human propensities, achieving or not succeeding, the intention is to be materialized the positive values.

The right of personality is a fundamental right, while the principle of the dignity of the human person is a general clause of personality protection in Brazil. The concept of dignity is multidisciplinary, original, derived, inderrolable, so much so that it is very common to be confused with the concept of personality, is taken as a principle matrix, generator of other fundamental rights.

This article, which has chronologically outlined the evolution and maturing of the concept of value, and especially its acceptance within the juridical universe, has the notion that the Law is not interpreted by itself, and, for its application, must be interpreted and that the human being is a person and as such possesses capacity and personality, whereas the ability to act is what gives the person personality, which distinguishes him. By means of personality, man becomes responsible for obligations and, by means of freedom, attains the "status" of a human being and, as such, has the right to his dignity, as a right of personality protected by the State. For this to happen, it is essential to subjugate them to values.

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