

Eduardo Rabossi

Naturalizing Human Rights



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Some contemporary philosophers have paid attention to human rights and have produced, typically, a number of justificatory/foundationalist theories concerning their nature and contents. They disagree among themselves about the scope and details of their justifications, but they agree on the three basic tenets: [a] human rights are a species of moral rights ('moral' does not refer here to a positive morality but to a critical, philosophical one), [b] human rights are justified/founded when deducible from a moral principle (or set of moral principles), and [c] the proper philosophical approach is an aprioristic one.

As I did not share this approach to philosophizing about human rights I found myself involved in discussions with some foundationalist colleagues. But such discussions were of a "sporting" type: the sort of conceptual discussions philosophers are prone to be engaged in. Actually, the real motivation to develop a different theory of human rights came, not from philosophical controversy, but from human rights practice. During the 70's Argentina was under the spell of terrorism, both "lay" and state, and human rights violations were an everyday affair. The claim for protecting basic civil and political rights was then urged by NGOs and some political parties, and the activation of the regional and universal human rights agencies was attempted with some success. It was clear that human

rights were an important reality in contemporary culture. It was also clear that an operative theoretical framework that would ground actual practise was badly needed: foundationalist doctrines were irrelevant to that effect. The adequacy criteria for such a framework were rather obvious: a theory of human rights should be free from aprioristic assumptions, has to be based on a careful description and evaluation of the cultural, political and legal features of the human rights phenomenon, and should be useful for practical purposes.

I arrived in Berlin with the general plan of a book in mind, several manuscripts and the evaluation of some basic bibliography. I knew that I needed to think hard about the project, to check up some essential bibliographical items that I was unable to find out in my country, and to discuss extensively my views with some colleagues. I was sure that the Wissenschaftskolleg would satisfy the "material" needs, but how about the bibliography and, particularly, the intellectual atmosphere that is so essential in this sort of work? The list of scholars was impressive but variegated. It ranged from historians to literary critics, from musicians to biologists, from political scientists to legal experts. Would that group of people manage to constitute an intellectual community?

It did, indeed, and in a very impressive way. The Tuesday Colloquia became a forum to present our ideas and a place where public discussions took place. Lunchtime was also an opportunity to exchange ideas. And the quiet atmosphere of the studios was a proper place for fruitful dialogues. I soon became involved in long talks, for example, on human rights violations in Argentina and Serbia, on democratic transitions, on modern German constitutional law, on Nazism and neo-Nazism, etc. But the unexpected twist came from the biologists. To be frank, I never expected that my topic would have relevant connections with biology. To my surprise the Collective Intelligence Group was working on problems that pose interesting questions concerning social groupings and rules, communitary existence, and social solidarity. The same applies to the Biodiversity Group. I went to great lengths discussing the nature of collective intelligence, the features of global problems, and the intricacies of the Biodiversity Convention. In short, the intellectual experience was unsurpassed.

But living in the Wissenschaftskolleg was also a most attractive social experience. The Thursday dinners, concerts, conferences, and informal meetings in different apartments helped to build up a friendly atmosphere. That was also a remarkable success.

I arrived back in Argentina enriched by a period of intensive and productive work, with the manuscript of a book that — I hope — will soon see the light, with a host of new friends, with a face-to-face knowledge of Berlin and its people, and with the feeling that creating an ideal community

like that of Wissenschaftskolleg is not an impossible deed. It is not, of course, an easy one. You need to put together an attractive big city, some handsome surroundings, an impressive headquarters, comfortable lodgings, a kind but firm rectorial leadership, an able administrative staff, some extraordinary librarians and secretaries (my *Sekretärin* was the ideal one), and a group of nice scholars. If you mix these ingredients carefully you will get the Wissenschaftskolleg.