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THE «OTHER» AND US

A PHILOSOPHICAL RESEARCH AROUND THE CONCEPT OF
RESPONSIBILITY IN HUMAN RIGHTS

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Abstract

The present work focuses – in the broader context of human rights - on the theme of «responsibility». The latter is investigated in the first section from a strictly theoretical point of view, namely in close relation to the philosophical reflections of the authors who seem to have contributed most to the development of this notion. In the second part - in a relationship of continuity to the philosophical perspectives and theoretical interpretations gained in the first - some reflections concerning the theme of responsibility closely related to human rights and their conceptual structure are developed.

Subsequently, still in the second part of the work, the focus of the research is moved to the analysis of some problems connected to the world of human rights and related to some particular philosophical interpretations of the concept of responsibility. The purpose of this last approach is to create a dialogue between practical issues and the philosophical reflection in general, in order to show how a theoretical awareness of a specific issue may be helpful to the setting of a more accurate and concrete questioning about current and particularly complex issues in the field.

Keywords: human rights, philosophy, responsibility, ethics, politics, society, collective/community, other/otherness.

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Introduction

and methodological notes

We would like – in the present thesis - to give us the opportunity to open a space of reflection around the concept of «responsibility» and about the issues it involves regarding the world of human rights. For us, however, it will not be a question of offering theoretical-philosophical solutions to specific problems, but to «encourage» a reflection using some conceptual tools typical of the philosophical tradition. In doing so, we hope, a fruitful interlocution between philosophical practice and human rights might occur. We are convinced, in fact, that especially in not very «bright times», our capacity for judgment and critical analysis is still one of the most precious means so that, to paraphrase Heraclitus¹, human beings can kindle a light to themselves in the night.

Our method will be mainly philosophical. This formulation, however, could be confusing (and the topic, in itself, could fill entire libraries): what is meant, in fact, through the use of the locution «philosophical method»? In order that this point can be as clear as possible, it will be useful to develop a consideration: philosophy, in its theoretical work, is above all (and with respect to its Greek tradition), *θεωρεῖν* (*theorein*): observation, contemplation. The purpose of philosophizing, from its origins, does not coincide (as it is often believed) with «giving answers». Reasoning in philosophical terms, starting from the ancient Greek world, does not mean «giving solutions at any cost», but rather observing and giving our rational attention to what is manifested in the world.

The research around any subject, adopting a philosophical perspective, shall not turn into a “war” for the supremacy of one's vision of reality, or of the theoretical system to which one adheres: otherwise, it shall take the form of an «openness» and «availability» to the reflection and interpretation to what opens up in the world.

This approach, however, does not want to be the antichamber of an intellectually

¹ Cf. M. Heidegger, E. Fink, *Heraclitus Seminar*, tr. by C.H. Seibert, Northwestern University Press, Evanston (Illinois), 1993, p. 120. (ref. *Fragment 26* - DK 22B26).

«slothful» position, or a lack of interest in concrete problems. Instead, it is intended as an opportunity to emphasize the importance of maintaining a critical approach about the main categories that guide our actions. It is our firm conviction, in fact, that before attempting to give any kind of «answers» it is necessary to understand which are the «most correct questions» (and which are not); that is to say, which questions are really worth facing and which, instead, risking drag us into exhausting and, in the end, inconclusive debates. In doing this, of course, we shall first question our basic assumptions and the usual structures of our thinking.

In the above lines – albeit it in quite summary terms - we believe what is generally meant with «*philosophical method*» could be summarized.

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In the present thesis a philosophical reflection around the concept of «responsibility» will be proposed (*Section 1*) with specific reference to its reception and interpretation in the world of human rights (*Section 2*). For us, at the same time and as already mentioned, it is not about raising problems in order to provide solutions, or to define some interpretations of the concept of responsibility in relation to human rights as «right» and others as «wrong». Ours, instead, wants to be - more modestly - an attempt to make a contribution in the clarification and thinking around a notion that we consider decisive for what concerns the sphere of reflection around human rights, and to their theoretical structure that acts as a reference in every moment of their interpretation and concrete application.

Why, therefore, do we deal with the very notion of «responsibility»? And why does this concept appear so important in relation to human rights?

In our opinion, dealing with «human rights» immediately calls into question - and perhaps more than any other - the notion of «responsibility». With the establishment of the *Organization of the United Nations (UN)*, the drafting of the *Universal Declaration of Human Rights (1948)* and the subsequent implementation of its provisions through further treaties, laws and devices to monitor and punish violations

of these rights, the world finds itself before a responsibility towards the existence of the human race in some of its aspects and needs that are considered indispensable. This is, in our opinion, *the essence of the commitment*.

Now, as the politician and philosopher Vittoria Franco notes in her precious contribution around the theme of responsibility²³, the latter presents itself as «an intrinsically ambivalent and polyvalent concept, whose polysemy has been increasing as it has pervaded different spheres and contexts»⁴. Regarding human rights, to speak of the right to life, to education, to equality before the law; to enshrine the prohibition of torture or being discriminated for reasons of race, sex, or social background; to recognize the right of freedom of expression, to social security, to freedom of movement; to proclaim the right of asylum, security and freedom; and to recognize the universality of these rights, *is tantamount to assuming full responsibility for their promotion and implementation*.

Thus, all human rights enshrined in various treaties belong to very different fields and contexts and this, therefore, creates *metamorphoses and variations* of the concept of responsibility referred to them. This point regarding the theme of «responsibility» is very clear when taking into consideration the so-called «*third generation rights*»; such as, for example, the right to natural resources, to cultural heritage, intergenerational solidarity, etc. «Responsibility», in this context, becomes a keystone concept that seems indispensable to rethink. As Franco writes:

The progress of science and technology, which have profoundly changed the relationship between human beings and nature; new reproductive technologies; the discoveries that enable humans to intervene on their genetic heritage [...]; the new information technologies, this new virtual world in which we find ourselves living, increasingly puts us in the position where we must chose new responsibilities.⁵

2 V. Franco, *Responsabilità. Figure e metamorfosi di un concetto*, Donzelli Editore, Roma, 2015. [OT]

3 Where the quoted texts are in Italian or in another language than English the translation is to be considered ours. We refer to this aspect, from now on, with the initials [OT].

4 *Ibidem*, p. VIII. [OT]

5 *Ibidem*, p. VII. [OT]

It is worth recalling, in this perspective, the *Declaration on the Responsibilities of the Present Generations Towards Future Generations* adopted by the General Conference of Unesco on 12 November 1997. The category of «responsibility» becomes central in the world in which the effects of our actions can have disastrous repercussions on the lives of the human beings - present or future - of the whole planet (v. §1.3 and §2.3). Many questions begin to arise around the responsibility of human beings towards the environment and the rights linked to it: in which terms should we talk about responsibility in this context? Is it possible to think of a legal responsibility towards people not yet born? Or is it an exclusively moral question? Moreover: may an «ethics of responsibility» be thought as a paradigm for the development of new legal devices? In short, the notion of «responsibility» becomes the core of a discourse destined to extend for a long time. Could we really afford to renounce on deepening an intellectual and interpretative tool that is so central today?

The «question of responsibility», of course, does not concern only the so-called «third generation rights» - although it remains, in relation to them, of fundamental importance - but human rights in general. In recent years, trying to provide a concrete scenario, we are witnessing in Europe a rise of parties of strongly reactionary and illiberal matrix, promoters of xenophobic political directives and bearers of homophobic and generally intolerant positions. Not only: some European countries, led by the aforementioned parties, are increasingly implementing laws and regulations aimed at pushing back migrants from the coast of North Africa. Now: when, as in these cases, basic human rights and fundamental freedoms are simply «overruled» by the same States that should promote them, what is our responsibility? What is the responsibility of politics and of the community? Are there *moral imperatives* in front of which we have the responsibility not to let practical obstacles prevail? In cases like these, in which a general regression of fundamental freedoms and a widespread lack of respect for human rights appears to be looming ever more clearly on the horizon, it is more essential than ever to go back and rethink the great key-concepts of human rights and fundamental freedoms in the due perspective that our time imposes.

In fact, if - as Norberto Bobbio claimed - human rights, however fundamental

they may be, are «historical rights, born in certain circumstances, marked by struggles for the defence of new freedoms»⁶⁷, this means that they are not «static», but «dynamic»: they born, changed and transformed with the progress of history. But if this is true, how is it possible not to go back and rethink - both in a modern perspective and in their historical-philosophical value - some of the fundamental concepts underlying human rights and more relevant to their interpretation? Can we really think of facing the new challenges that modernity «imposes» to human rights and fundamental freedoms, without a constant critical analysis and an actualization to present times of the basic concepts inherent to them?

Our purpose - resuming the initial lines of the present introduction - is to stimulate reflection around the notion of «responsibility» so that it can extend its conceptual strength in an increasingly rich and articulated way in the field of research on human rights .

Furthermore, our work, in its two sections will be conceived as «mirrored»: in the *first part* - through the help of the reflections of various thinkers - a specific series of philosophical interpretations around the theme of responsibility will be proposed; while in the second, such interpretations will be accompanied by a reflection around the world of human rights and some of their main challenges, present or future. The «mirror reflection» - in which, given a paragraph in the first section (e.g. 1.4) will be conceived a (mirror) paragraph in the second (e.g. 2.4) - will be used to create a «dialectical» and «interlocutory» relationship between philosophy and human rights: and this is also, in the end, one of the main objectives of the present thesis.

6 Cf. N. Bobbio, *Sul fondamento dei diritti dell'uomo*, in N. Bobbio, *L'età dei diritti*, Einaudi, Torino, 1992, pp. 5 – 16.

7 N. Bobbio, *L'età dei diritti*, Einaudi, Torino, 1992, p. XIII. [OT]

Section 1

The concept of «responsibility» from a philosophical perspective: the authors and the positions

1.0 Introduction to the section

Usually the concept of «responsibility» - or, at least for what concerns the field of human rights - is interpreted from a *legal* perspective. From this point of view, generally, «being responsible» is considered as *a situation of (juridical) obligation* – made so by the presence of a specific legislation - which is imposed on a subject in case of *non-fulfillment* of a duty, or for any unlawful act (intentional or negligent) that has caused others an unjust damage. Legally, therefore, one is to be considered responsible for something inasmuch as «defaulter»: namely, one does not act in compliance with a legal constraint, or acts in an «estranged» way with respect to it.

Considering an example close to the field of human rights, we could say that if a State commits itself - by signing and ratifying - to comply with the regulatory provisions provided in a given treaty, then this State *will be held responsible* in the case it will fail to act in accordance with a specific provision of the treaty, or in the event that it is found to operate in opposition to the aforementioned provisions.

The notion of «responsibility», in this sense, assumes a characterization that remains adherent to the normative field of law. Namely, one is held responsible because there are legislative provisions: nothing more and nothing less.

Nevertheless this perspective seems to us to be quite poor. Does the legal system, therefore, become the sole guarantor for the validity of a given right? Is it the norm and its consequent sanction (in the event of non-compliance) the only stronghold between the recognition or not of a human right as a valid claim?

Yet, our questions - in addition of being accused of a certain «idealism» - could be objected that without the legislative device it will not be possible to produce binding effects. That is to say: it will not be possible to impose a specific action on a subject in coercive terms. And this remains an absolute sensible issue that we shall keep in mind.

The problem we want to tackle is the following: is this what human rights are aiming for? To be respected only as having legal authority? Of course, the legal instrument remains an *indispensable* means in order to promote a certain behaviour or to punish a particular infringement; but yet, in our case, to think that the authority of the legal tool constitutes *all* the authority present in the discourse around human rights seems at least «demeaning».

The problems recalls the Augustinian distinction between «*timor castus*» and «*timor servilis*»⁸: fear is «*servile*», according to Augustine, when the *respect* for a certain rule is mainly due to the fear of the punishment. Very different is the case of «*chaste*» fear - in Augustine's reflection, the fear due to God - which represent the concern of not acting according to «*justice*» (*latu sensu*).

So: our objective is not to diminish the importance of the legal side of human rights (this would make no sense and be completely naïve); but rather to return their interpretation and their general study to a wider and more articulated context than that of the legal system.

The legislative authority, in our opinion, is not in itself sufficient to guarantee the goodness of a certain norm. It is not enough that something has «legal value» to be able to define something «worthy of being supported». This means that a provision that has to rely, in order to be respected, on the sole legal authority will not have sufficient fundamental strength to be respected in the goodness of its most intimate purpose. Therefore, it is not only a matter of «*servile*» obedience (to say it with St. Augustine), but also of basing our conviction *on the validity of the content* of a juridical tool.

It should also be noted that the «*legal meaning*» of the term «responsibility» is

⁸ On St. Augustine's difference between the concept of '*timor servilis*' and '*timor castus*' cf. *Sant'Agostino*, trad. it E. Gandolfo, Città Nuova Editrice, Roma, 1968, Vol. XXIV/1, Om. 43, 7, p. 863. «It is not a great thing to fear punishment, but it is a great thing to love justice. Who loves justice, then, fears nothing? He fears, yes, but not so much of incurring in a punishment, but rather of losing justice». ¹⁷ *Ibidem*.

not the only one with which it is normally interpreted. «Being responsible» is often considered - at least *in the broader common sense* - in a «deontological» sense (*δέον*, *deon: duty*): namely, in relation to its being connected to a «duty» which is to be conceived in a non-legal sense. The «common thought» tends to consider as «responsible» - in the sense, for example, of «a responsible person» - whoever adequately fulfills a certain duty. But of what kind of duty are we talking about? The question is firmly anchored to the common moral sense and, therefore, to the idea we have about what is «right» and what is «wrong». The notion of «responsibility», in this sense, is usually interpreted as the adherence or not of the action to the canons of moral judgment at a given time and in a specific area of the human civilization: the action conforming to the «idea of good» will fulfill the moral duty that every human being bears on itself as such. The action that does not conform to duty, instead, will be considered «irresponsible». We will return on this type of responsibility, so that it can be clarified and brought to light more precisely, in *I.1* in relation to the reflection of Immanuel Kant and the concept of «categorical imperative».

However things may be, we can say that for the common sense «being responsible» ends up being "only" a question of compliance or not with the legal device or a moral duty. But if the legal device did not exist, should we still be able to call ourselves «responsible» in one way or another? And what about if the moral norm that imposes a certain behaviour «here and now»⁹ could, in the long run, produce deleterious results (for example for the environment)? Moreover: what if the legal prediction based on a moral behavior generally accepted by society is the fruit of a nefarious historical moment (e.g. «racial laws» during the Nazi-Fascist regimes)? In all these cases, could we still call us «responsible»?

In the *Tractatus logico-philosophicus* at the proposition 5.6 the philosopher

⁹ The reference to the expression «here and now» will be specified in the continuation of our writing. For now we will limit ourselves to highlight what follows: the locution refers to the *action*, understood as an act «adhering» to a specific moral principle; the moral evaluation of the action, therefore, is based on the «formal adherence» - or not - of the action in its instantaneous («here and now») manifestation; without attention to the effects produced.

Ludwig Wittgenstein writes: «The limits of my language mean the limits of my world». When we do not have a word that expresses a concept, in fact, we cannot formulate it at all. We cannot talk about it and, therefore, it cannot «become world», «reality», just as it cannot change it. In the same way, if we are considering a concept that is particularly rich in its multiplicity of forms and figures¹⁰ - such as that of «responsibility» - the partial recognition of those will lead the world itself to be «poorer» in *fact* than it is in *power*. Not recognizing a particular meaning as linked to a certain concept means giving up on asserting (a) what this conceptual meaning can bring into the world itself and (b) the way in which it can modify reality.

The concept of «responsibility», as it is understood today in the vast majority of cases, seems unsuitable in order to face the new challenges and problems that the contemporary world - especially in the area of human rights - is calling us to confront with: what we intend to underline in the following section is how philosophical reflection, through some of its major protagonists, has shown how the concept of «responsibility» is in reality extremely broad and rich in meaning and implications: and this, from the point of view of human rights, could constitute a remarkable resource for their further understanding and implementation.

First of all, therefore, a theoretical moment will be necessary so that the notion of «responsibility» can be clearly understood on a conceptual level. In the second section, instead, we will focus on how these notions can fit into the dialogue on human rights from a more «practical» point of view.

¹⁰ Cf. V. Franco, *Responsabilità. Figure e metamorfosi di un concetto*, Donizzelli Editore, Roma, 2015, p. VIII. [OT]

*1.1 Kant and the deontological ethics:
the «categorical imperative» as responsibility*

The discussion of this philosophical section shall be open with a reflection around the thinker who has most influenced modern moral philosophy and all the concepts inherent to it, such as the one of «responsibility». This notion, however, is not part of the reflection of Immanuel Kant¹¹ (1724 - 1804) «in itself». In this first Kantian approach to the concept of responsibility it will be sufficient for us to understand the bases underlying the current way of conceiving the notion.

In 1795 Kant introduces into his text *Groundwork of the Metaphysics of Morals* (*Grundlegung zur Metaphysik der Sitten*) what has become a basic concept for all subsequent moral philosophy and for modern deontological ethics: the concept of «categorical imperative». Before arriving at this notion, however, it will be appropriate to provide some basis for it to be framed within Kantian reflection.

The great effort made by Immanuel Kant during his philosophical research was substantially unitary: to construct a *critical philosophy* in which human reason can bring itself before its critical thinking, *trying to define its own boundaries and possibilities*. Kant's aim, therefore, was to put human reason before itself with the goal of being able to understand its maximum extremities, beyond which thought has no longer any rationality to support it. The elaboration of the *very concept of «reason»* is therefore the task proposed by Kantian rationalism.

Kant's moral doctrine, for its part, occupies a place of fundamental importance within the great Kantian reflection about human reason and its limits. In his *Critique of Practical Reason* (*Kritik der praktischen Vernunft*, 1788) Kant tries to critically understand the functioning of reason when it is addressed to practical action (in the *Critique of Pure Reason*, Kant was concerned, instead, with the principles of human

¹¹ For the following paragraph about Immanuel Kant we will refer to: N. Abbagnano, *Storia della filosofia*, Gruppo Editoriale L'Espresso, Roma, 2006; L. Cortella, *Storia della metafisica. Dalle origini greche a Hegel*, Cafoscarina, Venezia, 2015; E. Cassirer, *Kants Leben und Lehre*, 1921, *Vita e dottrina di Kant*, trad. it. di G. A. De Toni, Firenze, La Nuova Italia, 1984.

knowledge, or of the "how" man knows). Kant's research is, therefore, directed towards a question that could be formulated as following: «What does morality really consist of?». Kant's research is not to provide us with a series of ethical precepts that shall be followed in order for an action to be called «moral». The moral sought by Kant in the *Critique of Practical Reason* is a «formal» morality, namely what is sought is «the form» of morality, not its content (the «formulation» of the categorical imperative, as we will see later, answers exactly to this need).

Kant bases moral behaviour directly on the reason of the human being. It, generically understood as the complex of our mental faculties, is not only the foundation of knowledge, but serves as a «practical reason», namely that will which directs our actions. But what rules this «practical reason»? Kant affirms the existence of an «*absolute moral law*» deposited in the intimate essence of every human being. The «moral law» is inherent, according to the philosopher, in the will of the subject, who becomes *the first and free cause of its own decision and therefore of its own action*. Morality is considered by Kant as «*praxis*» (πρᾶξις), or as an act aimed at the realization of a purpose within the subject itself. But how is the «moral law» of every human being perceived in practical terms? How is our intimate knowledge and distinction between good and bad perceived? The answer, for Kant, lies in the «*duty*»: everyone perceives moral action as «having to act in a certain way», as an obligatory conduct. «Moral» is a fact that concerns reason: it is the way that the human being has to self-regulate his actions based on the moral sense, or rather on the «moral law» of which it is constitutively endowed. Being a fact of reason, according to Kant, morality has nothing to do with the material world: it is not touched by «causality» or «determinism», it is free and autonomous. This last term is of fundamental importance to understand the aim of Kant's thought. Morality is autonomous: it «*auto*» (αὐτο-, auto) «*regulates*» (νόμος, *nomos*); it regulates itself because *it has its own legislative matrix in itself*.

Given this autonomy, «freedom» follows: human being moral action is an expression of pure will, that is not subject to the restrictions of material reality. Action is made moral by the «translation in action» made by our rationality based on the

«indications» of the «moral law». Reason therefore obeys to a duty that springs from the freedom and autonomy of the moral law - a duty that is imposed in terms of what Kant calls «categorical imperative». «Moral law» directs human action in terms of an «imperative», a «categorical» command: it expresses an unconditional «must», a command of reason.

The concept of «categorical imperative» is addressed by Kant in his text *Groundwork of the Metaphysics of Morals* through different formulations; here we report the two we consider most representative:

Act only according to that maxim whereby you can at the same time will that it should become a universal law.¹²

Act in such a way that you treat humanity, whether in your own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.¹³

Kantian attempt to find a rationally conceived moral standard from which derive all moral requirements had a great impact on future moral philosophy and laid the foundations for *modern deontological ethics*. Kant, therefore, constructs the foundation on which the modern and most common concept of responsibility - understood in deontological terms - is based. In fact, «being responsible», as we mentioned in the introduction to the section, is generally considered - outside the legal field - as a normative ethical act, that is acting in such a way that the action can be considered «good» for the moral norm (in Kant, for the «moral law»).

Deontological ethics – *δέον*, *deon*, «duty» - has certainly paved the way for an ethical discourse on the question of responsibility (of the act) to be considered. An ethics of this type seems to worry much more about acting in accordance with the «duty for duty's sake» rather than with regard to the effects that the action will have.

12 I. Kant, *Grounding for the Metaphysics of Morals*. tr. by E. James W., 1993, Hackett, Indianapolis/Cambridge, p. 30.

13 *Ibidem*, p. 36.

The responsibility, therefore, produced by the Kantian deontological ethics is a responsibility of the «here and now» that, even being certainly a type of responsibility that shall not be overlooked, leaves an empty space around the question about the future effects of our actions.

1.2 *Max Weber and the «ethic of responsibility»: the consequences of acting*

A decisive turning point regarding our deepening of the theme of responsibility takes place with the reflection of the sociologist, politician and philosopher Max Weber (1864 – 1920); with particular attention to his writing *Politics as a vocation* (1919).

Regarding the figure of Max Weber it is worth considering a point: he was not only an exponent of the academic world, but also a leading personality in the politics of his time. His interest in the clarification of some concepts - such as the one of «responsibility» - did not arise from an exclusively theoretical interest, but also from a prolonged frequentation with political environments in which these concepts, in his opinion, became fundamental tools for «directing» the decision-making process. Our case - in the present thesis - is not different: an in-depth understanding of the concept of responsibility from a philosophical point of view will be used so that it can be applied in the terms of a reflection around human rights' theoretical structure and issues related to it.

Weber distinguishes between two ideal types of ethics (that lead to action): the «ethics of intention» (*Gesinnungsethik*, or of conviction¹⁴) and the «ethics of responsibility» (*Verantwortungsethik*). Unlike Kant, he did not try to develop a

14 The translation of the German term «*Gesinnungsethik*» is not easy as it does not meet a unique equivalent in the English language. We will use the term «*ethics of principles*»: Livingstone, instead, in the text we adopt (Max Weber, *The Vocation Lectures, Politics as a vocation*, tr. By Rodney Livingstone, Hackett, 2004, Indianapolis/Cambridge) translate with «*ethics of conviction*». The two expressions, in any case, are to be understood as interchangeable.

systematic moral philosophy, but rather to provide an explanation of some of the philosophical *categories* that are most often used in discussions about moral issues. Two of these are, according to Weber, fundamental: that of «intentions» (namely of the «good intent») and that of «*responsibility*» (care to the consequences of the actions). In fact, according to the thinker, these categories constitute a central point in the reflection on the action: they represent two radically different ways to placing ourselves, ethically, in front of any problem.

Weber speaks about «*ethics of intentions*» (or of «*principles*») in reference to a *subjective* action founded on an unconditional adherence to *certain principles* which should guide the action of the individual; and, *objectively*, in reference to principles assumed as unconditionally valid, which the individual assumes as its own aims regardless of the consideration of the necessary means and the foreseeable consequences of their realization. An ethics of principles formulated in religious terms may sound, as Weber writes in *Politics as a Vocation*: «A Christian does what is right and leaves the outcome to God»¹⁵. A little further on we find a more explicit example of what he means by the term «*ethics of principles*»:

You may be able to prove to a syndicalist¹⁶ who is a convinced adherent of an ethics of conviction that in all likelihood the consequences of his actions will be to improve the prospects of the reactionaries, to increase the oppression of his own class and to hamper its rise. But however convincing your proofs may be, you will make no impression on him at all. Such a man believes that if an action performed out of pure conviction has evil consequences, then the responsibility must lie not with the agent but with the world, the stupidity of men-or the will of God who

15 Max Weber, *The Vocation Lectures, Politics as a vocation*, tr. by Rodney Livingstone, Hackett, 2004, Indianapolis/Cambridge, p. 83.

16 The example of the trade unionist, in our opinion, shall be framed in the sense of the opposition that Weber always professed with respect to Karl Marx's ideas. Weber was firmly convinced that historical materialism - according to which ideas, representations, moral values, laws, social relations would only be a superstructure of the material state in which people live, defined in the first place by working conditions and production relations - it would be too rigid and dogmatic. Historical materialism tends to an excessive unilateralism which, according to Weber, was soon transformed with Marxism into that «ethics of values/principles» which - on the basis of a handful of principles - claims to guide human action.

created them thus.¹⁷

The «ethics of intentions» to which Weber refers, is the result of a *pure conviction* on the basis of which ethical action is founded. This ethics can lead to inconveniences as it tends to justify the means to achieve certain intents (principles, beliefs). The subject who acts on the basis of an «ethics of intentions», writes Weber, tends to suddenly become a «chiliastic prophet»¹⁸. The means is easily excused through the *end* and the perspectives tend to easily overturn: «just as our military leaders tell the soldiers that every offensive will be the last. This one will bring victory and then peace»¹⁹. If the principle is peace, soon - we see it continually - war will be the indispensable means for it to be maintained. Whoever calls for peace as supreme principle, according to Weber's reasoning, will end up preaching war.

Yet we come to the second point: namely Weber's concept of «*ethics of responsibility*» (*Verantwortungsethik*). According to this ethic human beings are called to act in such a way as to take into account the (predictable) consequences of their actions. It is with Weber that the philosophical concept of responsibility begins to take shape and establish itself as central in the ethical-philosophical scenario.

Responsible action cannot - as happens with regard to the «ethics of intentions» - be uninterested in the means it uses to reach a particular objective. Instead, it looks at them with particular attention since it will depend on the way in which the action is performed whether or not certain consequences will occur. Being responsible, therefore, means first of all taking on of the effects of our actions by trying to foresee them in advance.

Weber introduces a completely new way of looking at the concept of responsibility: he links the ethical action to a time-horizon that looks no longer - as it was in Kant (but also in the «ethics of intentions») - to the mere adherence of the action to a «moral precept» or to any other kind of indication in this sense. With the entry of

17 Max Weber, *The Vocation Lectures, Politics as a vocation*, tr. by R. Livingstone, Hackett, 2004, Indianapolis/Cambridge, p. 83-84.

18 Prophets who believe in a future thousand-year age of blessedness, the Second Coming of Christ or a Golden Age. *Ibidem*, p. 85, note 75.

19 *Ibidem*, p. 85.

the notion of «responsibility» into ethical action, the moral focus takes on a *temporal and effective* connotation: it is no longer a question of merely *matching* the action with a *formal norm*, or to fulfil a duty, but of *foreseeing* the effects that the action could cause over the long-term period.

Weber, through the fundamentally political motivation of his research, manages to «*detach*» ethics from the formal paradigms of the «norm» and the «duty» and return them to the reality of the objectives and the means. What is established in formal terms as a principle is no longer the only constitutive element of the structure of the action. Instead, in terms of responsibility, it is a matter of taking charge of the effects, or of taking care of our actions. In this context the question takes on a more concretely social and political connotation: why take care of the possible effects of our actions if not by virtue of the fact that the actions we produce can have effects on the members of the community?

Max Weber, therefore, brings to completion the great dividing line between the so-called «deontological ethics» and the «consequentialist ethics», the first referring to the principles considered fundamental, the second aimed at the critical evaluation of the consequences of human action.

1.3 Hans Jonas and the «imperative of responsibility»: *taking care of the world*

The philosophical interest around the concept of «responsibility» sees a rebirth in the period after the second world-war. The horror of the Nazi death camps had brought to light fundamental questions that could not be ignored. One above all - at least in the philosophical field - was the so-called «question concerning technology»²⁰: in fact, if it had been possible to provoke a *holocaust* by the ultra-efficient use of technical means, how long would it take for a global catastrophe to happen? This question, together with the dismay of the unprecedented atrocities of Nazi-fascism, began to spread: systematic extermination was no longer the result of mere imagination, it was reality. Furthermore, over time, the *atomic threat* during the Cold War years was certainly a powerful reaffirmation of such concerns.

Particularly sensitive to these problems was the German thinker - later emigrated in the United States during the years of Nazism - Hans Jonas (1903 – 1993), probably the philosopher who most contributed to the ecological consciousness of our age. The most representative work of this aspect of Jonas's thought is certainly *The imperative of responsibility: In Search of an Ethics for the Technological Age (Das Prinzip Verantwortung: Versuch einer Ethik für die technologische Zivilisation)* (1979), undoubtedly still today one of the most relevant text regarding the practical philosophical reflection about technological civilization and its possible harmful (or even catastrophic) implications.

In order to start our reflection, we ask ourselves: what has led a thinker like Jonas - an expert on late-ancient *gnosis*, of existentialism and hermeneutics - to embrace the field of the so-called «practical philosophy» and to deal with issues concerning human-nature ethics? According to Jonas the fundamental characteristic of the gnostic discourse is that of the «foreign life», that is of *being thrown* to live in a world in which anyone of us feels «estranged», or «not-at-home» (*unheimlich*). We are forced to dwell

²⁰ The phrase is inspired by the work of Martin Heidegger *The Question Concerning Technology (Die Frage nach der Technik)*, published in 1954, in *Vorträge und Aufsätze*. However, to avoid confusion, the question shall not be thought as referring to this text, but in an extensive sense.

in a «narrow» house - the world - full of evils, far from *transcendence* (our true origin). In Jonas' reflection, at the roots of gnostic speculation and of all its myths lies the original experience of «*being-thrown*», that is of the *Geworfenheit* which, for Heidegger, characterizes the self-experience of the existence. Writes Jonas:

[...] life has been thrown into the world, the light into darkness, the soul into the body. It expresses the original violence that was done to me in make me be me where I am and what I am, the passivity to emerge without the possibility of choice in an existing world that was not made by me and whose law is not mine.²¹

From these reflections Jonas engages the theme of «*nihilism*» - of which our modernity is, according to the thinker, pervaded - whose metaphysical foundations should be found in the «*dualism*» that runs through the entire history of the West, starting from Descartes. This «*nihilism*» is a «*basic attitude*», a «*disease*» of our times: it represents the «*detachment*» of the human being from the world, the Judeo-Christian anthropocentrism that looks to the earth only as a “basin” of material available to man, the «*elected being*» of creation²². The «*nihil*» (nothing) of the nihilistic attitude is, according to Jonas, the *lack of recognition of the intimate connection existing between the human being and the world*. Whether human being kills its fellow or disfigures nature, what results *is a nihilistic attitude*, a failure in recognizing of being part of «*the same*» with the earth and the others. What produces ancient nihilism as much as the modern one, writes Jonas²³, is the dissociation between «*human being and world*», between «*nature and spirit*».

Starting from this «*unmasking*» of the origin of Western nihilism we experience the *transition* to a second phase of Jonas' philosophical thought, characterized by an interest in nature: in a recomposition in an essential unity of «*internal*» and «*external*», of subjectivity and objectivity, *proper to the organic being*. From here it begins the path

21 H. Jonas, *Lo gnosticismo*, SEI, Torino, 1991, p. 349. [OT]

22 Cf. *Bible*, *Genesis*, 1, 26.

23 H. Jonas, *Wissenschaft als personliches Erlebnis*, Vandenhoeck & Ruprecht, Gottingen 1987; trad. it. *Scienza come esperienza personale*, Morcelliana, Brescia 1992, p. 27. [OT]

of the so-called «philosophical biology» of Hans Jonas, which will lead us to the concept of «freedom»²⁴. The latter is given in the exchange of the natural organism itself through the exaltation of animal evolution in higher and higher physical and psychic degrees, until reaching its vertex with human being. Thus, with the recognition of the intrinsic «freedom» of the organic exchange appears the *ethical dimension*. Otherwise: if the organism is essentially «free» in its own biological being, then what is the role of this organism in an ethical sense?

This Jonasian approach to practical philosophy is not only the result of a reflection concerning the «organism», but also of a «shock» suffered by the philosopher and caused by the destructive potential of modern technology. What prompted Jonas to move from the theoretical side of philosophy to the practical one are not only intellectual reasons but also (or above all) «biological reasons» dictated by the fear of a possible planetary disaster ending with the death of every organism (biocide).

At this point Jonas' reflection begins to question about the need to think of an ethic that can be able to cope with human being tasks in the age of technology. Writes the philosopher:

Our thesis is that the new forms and the new dimensions of action require a proportional ethics of forecasting and of responsibility; [an ethics] as new as the possibilities with which it has to deal with.²⁵

In 1979 the key text of the practical philosophy of Hans Jonas, *The imperative of responsibility: In Search of an Ethics for the Technological Age*, was published. The responsibility before which Jonas' work calls us is of an «objective» kind: in accordance

24 Jonas identifies in «freedom» *of the metabolizing organic form from the fixed identity with the matter*, the form that «prefigures» (announces) the spirit. Jonas defines «freedom» as «dialectical», subsisting in the dynamic relationship between the two distinct, *but not separate*, terms of *form* and *matter*, *unity* and *multiplicity*, *being* and *becoming*. This distinction, far from being an abstraction, is so concrete that its failure coincides with death. The organic form persists, in fact, through and despite the continuous material exchange, and is never referred to a super-corporeal principle. Cf. N. Abbagnano, *Storia della filosofia*, Vol. 8, Gruppo Editoriale L'Espresso, Roma, 2006. [OT]

25 H. Jonas, *Il principio responsabilità. Un'etica per la civiltà tecnologica*, Einaudi, 1990, Torino, p. 24. [OT]

with our «being in the world» as organisms endowed with freedom, *our duty will be to take care of the world, or to act in a way that does not compromise life on earth for future generations*. This «care», in relation to responsibility, is a *pre-care*, that is dealing in advance *with attention to the effects* that our actions could have on the environment and, therefore, on the world that future generations will inherit from us.

The concept of «*ethics of responsibility*» used by Max Weber (I.2) is here captured by Jonas and advanced as a key concept for a new ethic for the contemporary technological civilization. The technical power has now come, according to the philosopher, to threaten the individual and the species under many aspects - increasingly destructive armaments, massive pollution, etc. -, so this power can no longer be considered as a neutral sphere of human action: *it becomes object of ethics*.

According to Jonas, the foundation of a new ethic that allows us to stem the destructive effects of technical power is urgently needed. Traditional ethics is, in fact, an «*ethics of proximity*» (s. I.1), whose norms refer to actions with a limited range. But yet, with the increase of power of technology, *this «being circumscribed» by traditional ethics is increasingly becoming an obsolete aspect* and in need of revision. Traditional ethics has always been an ethic vitiated by a fundamental anthropocentrism: it is now a question of overcoming this aspect from which the world as a whole appears to be threatened.

Human being is, for Jonas, endowed with power because capable of acting *causally*, and this power involves an «objective obligation in the form of external responsibility»²⁶. Parental care is the *archetype* of this responsibility, that is the taking care that the parents put in place starting from the highest degree of vulnerability of human life. According to Jonas, human being is responsible for taking care of the world and for the life that lives in it. The overcoming of nihilism is in recognizing itself by human being as ontologically founded in the «*Being*» that founds the world itself; its being responsible corresponds to a «saying yes» to life and to the world. «Being responsible» is presented in *The imperative of responsibility* in the form of the Kantian

²⁶ *Introduzione* di Pier Paolo Portinaro, in H. Jonas, *Il principio responsabilità. Un'etica per la civiltà tecnologica*, Einaudi, 1990, Torino, p. XXI. [OT]

imperative: it, according to the new ethics «of anticipation and responsibility»²⁷ shall sound:

Act so that the consequences of your actions are compatible with the permanence of a genuine human life on earth.²⁸

The categorical imperative formulated by Kant undergoes - in Hans Jonas' thought - a transformation that sees a change from a deontological ethics of the «here and now» to a «*predictive ethics*» that assumes as the basis of action the consideration of the effects of its own behaviour on a global biological level.

1.4 Hannah Arendt and the «intersubjective» responsibility: the individual and the community

With regards to the reflection around the concept of «responsibility», the contribution given by Hannah Arendt (1906 - 1975) in the field of political theory (with reference to the concept of «collective responsibility») cannot be ignored. The need to investigate this issues arose for Arendt after the world discovered the crimes of the Nazi regime: how could a population have made such atrocities possible? Was the population really unaware? Who was to be considered «guilt»? Or would it be more appropriate to speak of «responsibility»? And moreover: was the guilt of everyone or only of some? Who was to be punished?

These and other questions beset the world after 1945, and especially many thinkers of German origin: it was therefore - for Arendt as for many others - to rethink

²⁷ H. Jonas, *Il principio responsabilità*, a cura di P.P. Portinaro, Einaudi, Torino, 2009, p. 24. [OT]

²⁸ *Ibidem*, p. 16.

some of the «guiding categories» of human action. The need to return to a critical-theoretical approach was clear: reality had completely destabilized the traditional canons of judgment and the classical concepts of action. It was - and still is today - about going back to think again the world and its words in order to guide our reflection and our actions.

Arendt, like Jonas, was a student of Martin Heidegger at the University of Freiburg and had to take refuge in the United States (1933) to escape the Nazi persecution due to her Jewish origins. During her activity as a journalist and university lecturer she always declined the title of «philosopher», preferring to call herself a «historian» and «theorist of politics». Arendt was really close to the idea of Toqueville that in times of crisis or genuine change «the past ceases to throw light on the future and the mind of man wanders in darkness»²⁹. In such moments - and her present was one of these moments - Arendt believed that the darkness of mind was the clearest indication of the need to examine things over again, to examine from the beginning the meaning of «human responsibility» and «judgment».

To understand the core of the concept of «collective responsibility» formulated by the thinker it is necessary to consider the distinction made by Arendt between «politics» and «morality». As we read in the essay *Collective Responsibility* presented in *Responsibility and Judgment*, in fact, what is at the centre of the moral considerations related to human action is *the «ego»*, while what is at the centre of political considerations, instead, is *the world*³⁰. Politics has a matrix linked to human plurality, namely in the impulse of human being to come together in community. «Morality», on the other hand, is linked to singularity and, historically, to the *Judeo-Christian tradition with its distinction between «soul» and «world»*. Morality - from the advent of Christianity onwards - has always been concerned with what was good for the soul rather than what was good for the world. Writes Arendt:

29 Cf. A. de Toqueville, *Democracy in America*, vol. II, (1840), tr.it. *La democrazia in America*, a cura di Giorgio Candeloro. Dalla rivoluzione alla società sviluppata: la nascita del primo stato americano, traduzione di rivista e aggiornata sul testo critico Gallimard di G. Candeloro, Collana Storica, Milano, Rizzoli, I ed. 1982.

30 Cf. H. Arendt, *Responsabilità e giudizio, Responsabilità collettiva*, a cura di J. Kohn, Einaudi, Torino, p. 13.

With the rise of Christianity, the accent suddenly shifts from the world to the soul, from duties to the world to the salvation of the soul. In the first centuries of the Christian era, the dichotomy between these two poles becomes radicalised; the letters of the New Testament are full of recommendations and invitations to avoid any public and political involvement, limiting oneself to think about its own private affairs, to taking care of the soul.³¹

The world, as we read in *Genesis*, is abandoned by God following the disobedience of Adam and Eve: the earth is the symbol of the erring of the man cursed by God. The only hope of salvation is in the «self», in the individual soul that welcomes God and his command.

The value we give to morality, according to Hannah Arendt, remains closely linked to our religious heritage: «at the centre of moral considerations on human behaviour is the «ego»; at the centre of political considerations on human behaviour is the world»³². What religion hands down to our present is *guilt* and its moral foundations. «Guilt» writes Arendt «unlike responsibility, makes us singular: it is something strictly personal»³³. Every human being is guilty before God as the bearer of the original sin; but the question, although belonging to everyone, does not concern a community, but the soul and life of each individual. Redemption from sin is on the individual way and in the silence of one who is obedient to the divine command in order to be redeemed from the original guilt.

So, what is about the «social life» in which every human being is called to live together with its fellows? What about the human being as political/social animal?

It is precisely in this context that Hannah Arendt's reflection on the question of «collective responsibility» fits. *Human being - understood as a political animal - in its collective life is called before the concept of responsibility and not before the one of guilt*. An act based on the «morality of the self» handed on by the Judeo-Christian

31 *Ibidem*, p. 131. [OT]

32 *Ibidem*, p. 132. [OT]

33 *Ibidem*, p. 127. [OT]

tradition will tend constantly “to flee” before the political and properly collective responsibility that every human being has towards its fellows: the abandonment of the community swallowed up by the Western religion makes it possible to escape from responsibility.

Reflecting around the «collective element» of being responsible, Hannah Arendt seems interested to find, with a phenomenological analysis, the matrix that makes possible for human being the disinterest for the fate of its own kind within its own community. As God withdraws from the world - to consign itself to transcendence - after the disobedience of Adam and Eve, as the human being imitates God and takes refuge in its own self which, unique, guards that *imago Dei* in which it is possible to take refuge in order to find the lost closeness to the Creator.

Hannah Arendt, for her part, reports a different and pre-Christian paradigm:

The main difficulty, in dealing with these topics, seems to lie in the very ambiguity of the words: ethics and morality. Both originally did not mean anything other than the most appropriate customs and habits for a citizen. From the *Nicomachean Ethics* to Cicero, ethics and morality are part of politics, they are that part of politics that concerns, not the institutions, but the citizen itself - and all the virtues after all, both in ancient Greece and in the ancient Rome, are invariably considered political virtues.³⁴

Arendt's suggestion seems to be to return to focus the ethical attention of the human being no longer to the «self», but rather to the world. In the pre-Christian world the problem was never, writes Arendt, «if a certain individual is good, but if its conduct is good for the world in which he or she lives»³⁵: the primacy is of the community and never of the individual, the common good is the good of all; a good of the «single-isolated» cannot exist as such: human being remains ethically bound to its own being a «being *of a community*».

The concept of «responsibility», in Hannah Arendt's vision, assume a

³⁴ *Ibidem*, p. 130. [OT]

³⁵ *Ibidem*. [OT]

«collective» caliber: we are responsible inasmuch as we act in anticipation of a «good» that does not concern us only as individuals, but in view of being fundamentally «intersubjective» of our existence. Our life is double bonded with the community in which we live: our action, therefore, can never neglect the effects produced by our behaviour on the whole community. An «ethics of responsibility», in the described sense, becomes *an ethics linked to politics* - and therefore to the *πόλις*, (*pólis*) – that takes from the basic «intersubjectivity» of our living the fundamental criteria of action.

From all this, moreover, we are called to respond as part of a single social fabric: this, certainly, not in terms of guilt - since the latter remains attached to the subject - but certainly in terms of «being responsible for» what happens in the community of which we are a part. As Arendt writes:

This form of responsibility for things that we have not done, this taking on the consequences of acts we have not done, is the price we have to pay for living our lives, not on our own, but alongside others, and is due in the end to the fact that the faculty of action - the political faculty par excellence - can find a field of implementation only in the many and varied forms of human community.³⁶

36 *Ibidem*, pp. 135-136. [OT]

*1.5 Virtue, politics and responsibility:
the neo-Aristotelian perspective of Nussbaum and McIntyre*

Before starting to examine the positions proposed by Martha Nussbaum and Alasdair MacIntyre it is appropriate to provide a brief *excursus* around Aristotelian³⁷ reflections - in particular with regard to some of the key-ideas presented in the *Nicomachean Ethics* - on which rests a large part of the conceptual structure of the studies carried out by the two philosophers (at least for what concerns the area of our interest).

Aristotle's moral philosophy focuses mainly on the issue of «practical action» (*πρᾶξις, praxis*) of the human being and about the objectives that move to it. «Ethics» - in this first phase of its conceptual elaboration - is understood by Aristotle as the human behaviour aimed at achieving an «end». And the «end» and the «good», in the *Nicomachean Ethics*, coincide. A clarification is due: when Aristotle writes about the «end» as something «good» he is not providing an absolute objective moral judgment: he does not intend to affirm that any «end» represents necessarily something «positive». Pursuing «the pleasure for the pleasure» (namely considering pleasure as the supreme end), for example, according to Aristotle is «not proper» of the human being since, in doing so, he does not pursue his most proper nature, that is the «intellective capacity». What is pursued by human actions it is an «end», and is pursued as such because it is perceived as something «good», «positive». Then, if an «end» is actually good or not depends on «wisdom».

According to the philosopher, in the *mare magnum* of ends we shall necessarily have a «supreme end», which can be desired *for itself* and not for the achievement of another end (wealth, for example, is desired for the purpose of attaining goods, which we need in view of other ends, and so on). For Aristotle there are no doubts: this end is «happiness» (*εὐδαιμονία, eudaimonia*). «Happiness» is the highest and most desirable

³⁷ For the presentation concerning Aristotle we adopt: N. Abbagnano, *Storia della filosofia*, Vol. 1, *Aristotele*, Gruppo Editoriale L'Espresso, Roma, 2006.

end inasmuch as it tends to realize what is the primary nature of every human being: *rationality*. Happiness, therefore, will consist in using reason in actions and in knowledge. Only through the activity of the soul according to virtue human beings can be truly happy, or only if he acts in terms of his authentic rational nature.

In the *Nicomachean Ethics* Aristotle distinguishes virtues in «dianoetic» (*διάνοια*, *dianoia* - from *dià* + *nous*: "thinking through"), referring to «discursive reason»; and «ethical» (from *ἦθος*, *ethos*: *behavior, habit*) concerning «practical action». Someone can therefore be «virtuous» acting rationally and thinking according to reason.

«Ethical virtues» are considered by Aristotle as «habits» of behaviour acquired through the use of reason in the domination of impulses. In this sense the goal is to act in order to conform to the principle of the «golden mean» (the right balance between «cowardice» and «temerity» is, for example, «courage»). But which is, according to Aristotle, the «highest virtue»? Writes the philosopher: «in justice every virtue is gathered into one. And it is a perfect virtue at the highest level because whoever possesses it is able to use virtue also towards others and not only towards himself»³⁸.

For Aristotle «*justice*» is the highest virtue: it is the real representation of balance and equity not only towards oneself - Aristotle clearly emphasizes it - but also in the relationship with others. Respecting the laws of the State is an act «according to justice» insofar as it takes into account being morally bound to the others. Similarly, politics will be «according to justice» if it takes care of the *polis*, *favouring the virtuous development of the community, both as a whole and in terms of its individual components*.

These last lines around the theme of justice and its being closely related to the common life that human beings, as social animals, are called to live offer us the opportunity to face another question linked to Aristotelian thought: precisely this reflection will allow us to «hook» the studies of Martha Nussbaum and Alasdair MacIntyre.

38 Aristotele, *Etica Nicomachea*, traduzione ed introduzione a cura di C. Natali, Bari, Laterza, 1999, V, I, 1129b [OT].

According to Aristotle, the research and determination of the main object of human action - happiness – is also the first and fundamental object of politics. Ethics and politics are closely linked: politics is the public space within which human action manifests itself. Therefore, only by abstraction certain virtues can be considered as belonging to the private life of the citizen, being the separation between public and private life extraneous to the ancient Greek society³⁹.

Human being is, in the thought of the philosopher, a «*social animal*» (ζῷον πολιτικόν, *zoon politikòn*): in the ancient Greek the individual was never thought as isolated, but always as part of the community. The State (city-state) was an institution that did not have the sole task of protecting human existence, but also of ensuring that it can be materially and spiritually happy. From this it follows that no one can reach a virtuous and at the same time isolated existence: the action of the human being is always linked to its fellows and to the effects that it produces on the whole community. In the *XIII chapter* of *Book I* of the *Nicomachean Ethics* Aristotle explains how the best activity that every philosopher can devote itself to is *politics*, since it aims to get the best out of all citizens: in this sense politics and ethics coincide with their ultimate goal, which is *happiness*.

1.5.1 Martha Nussbaum

Martha Nussbaum - Distinguished Service Professor of Law and Ethics at the University of Chicago - proposes a modern interpretation of Aristotle, trying to update some of the philosopher's key ideas. Starting from this re-reading, the American scholar elaborates a political theory closely related to Aristotelian ethics and to the concept of «happiness» (εὐδαιμονία) as the result of the *virtuous action* of human beings within their communities. Nussbaum returns - in full continuity with Hannah Arendt's critique of morality conceived as a question exclusively concerning the individual - to a Greek-Aristotelian paradigm in which political activity cannot be separated from ethics and, in

³⁹ Regarding this point cf. 1.4.

particular, from the purpose of «making people capable of living well»⁴⁰. The question, therefore, is linked to a conception of political activity as the bearer of an «*areteological*» responsibility» (from the Greek *ἀρετή*, *areté*, *virtue*): the action of political institutions - privileged places of deliberation on the *ends* of the community - shall become increasingly charged with facilitating a «flourishing life» for every human being. Everyone, therefore, shall be provided by the political institutions with all the indispensable means so that their human «capabilities»⁴¹ can be exercised virtuously. The responsibility of politics, therefore, is «*areteologic*» as it shall have as its *end* (*τέλος*, *telos*: *ends*, *objective*) the *areté*, or virtue, understood as the possibility for every human being to succeed in experimenting its own abilities at the highest grade. In this sense, in order to link Nussbaum's thought and the Aristotelian philosophy we shall not forget that the greatest «good» to which each individual tends is *happiness*, and greatest form of happiness consists in action according to virtue. The two elements, in essence, are presented in consequential terms: the virtuous action (that is, «maximally good» in the sense of the «human functioning») leads to a happy life.

The basic question, at this point of our reasoning, could be: do social and political institutions really offer citizens what they need to achieve a good «human functioning»⁴²? However, in order for such a question to be posed and an adequate answer to be found, it will be necessary, at the outset, to try to understand what are the «human functions» to be considered as basic. Such a choice, of course, is not at all easy, but yet Nussbaum remains faithful to the thought that this identification could be essential in guiding the action of public policy. Recognizing fundamental human functions, in fact, means being able to determine which interventions can be put in place so that a development of these capacities is made possible for the whole society.

What interests the present study, in any case, is not the listing of the «human

40 M. Nussbaum, *Nature, Function and Capability: Aristotle on Political Distribution*, *Oxford Studies in Ancient Philosophy*, Supplementary Vol. 1, 1988, pp. 150.

41 We refer here to the «capabilities approach» developed by Amartya Sen already from 1980s (Cf. A. Sen, *Commodities and capabilities*, Elsevier Science Pub. Co., New York, 1985). We will focus on the deepening of this theme by Martha Nussbaum in the second section of this work (chapter 2.5.1).

42 Cf. M. Nussbaum, *Human Functioning and Social Justice: In Defense of Aristotelian Essentialism*, *Political Theory*, Vol. 20, No. 2 (May, 1992), pp. 202-246.

capabilities» per se; but the question that Martha Nussbaum's reflection brings with it in terms of ethical-political action and its responsibility towards the «virtuous action» of human beings.

However: Martha Nussbaum's proposal, as we can see, remains linked to the Aristotelian «*eudaimonistic ideal*»⁴³: for human beings to consider themselves «happy» it is necessary that they lead a «good life». It is an issue, for politics, of returning to putting ethics back at the center of its actions and of returning to work «according to justice», that is, in terms of proportionality and fairness (distributive justice) and regulation of inequities (commutative justice), already exposed by Aristotle. And justice, recalling the *Nicomachean Ethics*, is the highest virtue: it therefore carries with it an «*areteological responsibility*», both towards its own work and towards the effects produced by it: in this sense the logic of Martha Nussbaum fully unites the «*here and now*» notion of the Kantian «*deontological responsibility*», the «*ethics of responsibility*» related to the politics seen with Max Weber and the notion of «*collective responsibility*» underlined by Hannah Arendt.

1.5.2 Alasdair MacIntyre⁴⁴

In a neo-Aristotelian perspective seems surely relevant to name the reflection carried out by Alasdair MacIntyre. The fundamental work of the Scottish philosopher, *After virtue: a Study in Moral Theory* (1981), remains today a significant diagnosis on contemporary ethics and an effective moment of philosophical criticism of the structure of our society.

MacIntyre⁴⁵ recovers the Aristotelian ethics to counter the two major «plagues»

43 The term derives from «εὐδαιμονία» (*eudaimonia*) and used by Aristotle in the *Nicomachean Ethics* meaning «happiness».

44 With reference to Alasdair MacIntyre we propose here a partial exposition of the key concepts of his most representative text: *After Virtue*. Ref. Ed. A. MacIntyre, *After Virtue. A Study in Moral Theory*, University of Notre Dame Press, Notre Dame (Indiana), 2007.

45 For the exposition in the following pages cf. G. Giorgini, *The Aristotelian Utopia of Alasdair*

that he identifies in contemporary society: «*bureaucratic rationality*» and «*individualism*». According to MacIntyre, the *Enlightenment project* of raising «*human reason*» as the single and supreme legislator of moral conduct has produced effects that are anything but positive. Modernity - from Hume to Kant - has proposed to free human being from every religious and political authority, basing morality on the individual conscience (rationality): on this basis moral reflection has had an ever greater tendency to close on itself (at an individualistic and self-referential level), isolating from the community. This has created, over time, the formation of a society made up of atomic cores of single morals and, therefore, of individual wills. Reality itself, in this sense, has ended up as the place where, simply, a range of possibilities - whether or not suitable for achieving one's personal goals - gather.

Now: if individual reason imposes itself as the sole legislator and the world becomes the mere place where the possibilities for the achievement of goals are met, it is more than understandable that the «question of ends» - or the ethical reflection on what purpose is rightly to be pursued and which is not - it is converted into «bureaucratic rationality». The purpose, basically, begins to be pursued on the basis of a typically economic model: namely, adapting the means to the ends in order to obtain the object of the will.

«Individualism» and «bureaucratic rationality», therefore, constitute a dualism that permeates our contemporary society: on the one hand the individual «ego» closed in the blind and absolute trust in its rational judgment capacity and, on the other, the «bureaucratic method» which guides human activity according to the «corporate model» of acting for profit.

Furthermore, the criticism that MacIntyre proposes of contemporary «values» shall not be overlooked. Given a social situation like the one just outlined, the «values» that directs human being in its actions can only be rationally and individually conceived: contemporary society, according to the Scottish philosopher, is reduced to a sum of non-shared values.

MacIntyre, *Studia Philologica Valentina* Vol. 16, n.s. 13 (2014) 141-164; J. M. Cincunegui, Alasdair MacIntyre. About tradition, revolution and modernity, Universidad del Salvador, «Fragmentos de Filosofía», n° 11 (2013), pp. 1-26.

To counteract this tendency MacIntyre proposes a recovery of the practical philosophy of Aristotle⁴⁶: to hinder the individualistic tendency of contemporary society, it is indispensable to recover the solidaristic notion of ethical action understood in the «virtuous» terms presented in the *Nicomachean Ethics*. As we have previously stressed the virtuous action is given by the *habits* of behaviour acquired training reason to dominate impulses, namely through the search of the «happy medium» between extreme passions. Furthermore we recall that, according to Aristotle, acting virtuously cannot be detached from being «social» of the human being. Action is always internal to the community and is always in relationship with others. As we had the opportunity to point in the chapter dedicated to Hannah Arendt, in ancient Greece human being was never understood as an isolated entity, but always as a part of a whole: the community.

Aristotle, in the pages of *After Virtue*⁴⁷, is presented by MacIntyre as the greatest thinker of the «classical human being». The text recalls - with a few hints of a vaguely nostalgic flavour - the ancient Greek (and medieval) cultures, emphasizing how rational action and thinking were deeply connected with the surrounding social sphere. An ethic of the individual was not even conceivable. The great lesson we can learn from Greek society, according to MacIntyre, is that without a community there is neither true freedom nor true virtue. The Enlightenment project has only succeeded in breaking up communities into isolated cores of rationality, separated from one another and concentrated only in the pursuit of their own egoistic ends.

After Virtue ends with a reflection on the figure of Saint Benedict. We are waiting, according to the Scottish philosopher, for a «new Benedict», or a word that can shed light in a moment of social and cultural obscurity. Just as he introduced the institution of the monastery so that we could give a peaceful and serene place to study and reflect, in the same way we expect something very similar. Of course, MacIntyre is not saying, literally, that contemporary society needs new saints and monasteries.

46 Cf. Enrico Berti, *Alasdair MacIntyre: comunità e tradizione*, text of the report held at the conference «Giussani Morin MacIntyre. Three icons for future education», organized on 17-18-19 October 2007 by the University of Turin.

47 Cf. C. M. del Río, *La Virtud Tradicional Contramoderna*, in R. Maiz, Comp.: *Teorías Políticas Contemporáneas*, Valencia, Tirant lo Blanc, pp. 191 – 208.

Rather he suggests that our expectation is also a time of waiting for new and unexpected possibilities; and, at the same time, it is a period of prudent and courageous resistance to the dominant social, economic and political order.

MacIntyre is the spokesperson, with its philosophy, of a «communitarian» instance: *After virtue* is presented as a sort of *manifesto* that recalls the individual to his belonging to the community. In this context the notion of «responsibility» is reconverted into highly extensive terms: the value and the end pursued are no longer the prerogative of the single will, but are determined by the fact that everyone belongs to the community; no one will be able to say itself as responsible only and exclusively for itself, with the exclusive limit of a law that regulates, to the minimum indispensable degree, the civil society (that is the typical situation of the liberalist societies). With regard to «*virtue*», responsibility is declined in MacIntyre's thought in terms not very far from those proposed by Martha Nussbaum. In the Aristotelian interpretation of the Scottish philosopher virtue is closely linked to the concept of «end». Determining which end is best for the human being is a key moment. And yet contemporary society sets up such research by flawed assumptions: that is, by its own «*ego*» which, individually, decides what is best for itself. The practice deriving from Aristotelian ethics, however, leads in a very different sense: virtuous action is inserted in a precise political form, that is, that of the «best city state». It is not possible to conceive virtuous human beings if the political organization that presides over their education and development does not act in the best way. It goes without saying that political action will have to be guided by virtuous goals: there is therefore a need for the community to share in the ends considered to be good and justly achievable.

Virtue, somehow, is not the point of arrival, but the point of departure: we set ourselves good ends in acting because a virtue is exercised: it leads to the right end and to the right action. But how is it possible to act virtuously without first having an end that can be called good? Actually, acting does not come from rationality alone (as the Enlightenment project wanted). Essential, MacIntyre points out, is «feeling» in the right way: moral education also passes through a «sentimental» education. Moral judgment is a judgment given in the specific situation: it does not apply rules mechanically, but

from time to time «according to rigorous reasoning» (*κατὰ τὸν ὀρθὸν λόγον, κατὰ τὴν ὀρθὴν λόγον*). The virtuous disposition of action arises from «wisdom» (*Φρόνησις, phronēsis*), namely from a complex and educated use of reason and emotion.

After virtue has the great merit of opening the way for a great reconsideration of the responsibility seen in communal perspective. The theme of «otherness» - and of whether and how we are responsible towards «the other» - remains a crucial and undeniable point. For it to be seen in all its radical philosophical force, however, we believe it will be good to take one last step towards the thought of Emmanuel Lévinas.

1.6 Emmanuel Lévinas: responsibility and «otherness»

Finally, we will consider the philosophical perspective about the concept of «responsibility» presented by Emmanuel Lévinas (1906 – 1995).

The choice to examine this author last is not accidental. From a mainly philosophical point of view, in fact, Lévinas proposes a conception of responsibility within more complex and «radical» speculative terms. What Lévinas offers, we shall take care of this point, is not the model of an «alternative philosophy», that is an exclusively «thinking experience». The trajectory of his reflection aims at «concreteness»: at rethinking the «other» - namely of what lies outside the «self» - as the ultimate measure for understanding reality. But who is the «other»? And why does this question appear to the Lithuanian philosopher so fundamental?

In the experience of the «other»⁴⁸ - namely of what transcends our constant experience of our «self» - opens up the possibility of the transition to a philosophical thinking that has in ethics - and no longer in ontology - its *philosophia prima*. In the philosopher's thought it is a matter of passing from «existence» to the «existing», that

⁴⁸ The «other» is understood by Lévinas as the free and conscious subject that is beyond our «self».

is, from the closure of the ontological reflection about existence as an experience of the «self» that interprets its own «being-here» (*Dasein*), to an openness of the philosophical reflection towards what lies outside the «ego».

The thought about «Being» in general (ontology) tends, writes Lévinas, to a «silent dialogue of the soul with itself»⁴⁹, but the «existing», that is the free and conscious subject, is destined to find its own meaning only «with the other in front of the other»⁵⁰, namely in the relationship with the otherness that is given in the inter-human experience.

The «other» is the *medium* and, at the same time, the point of arrival of Lévinas' philosophical trajectory. In his text *Totality and Infinity: An Essay on Exteriority* (*Totalité et Infini: essai sur l'extériorité*, 1961) Lévinas opens a strong polemic against the philosophical tradition, speaking of «imperialism of the 'Same'»⁵¹. He basically criticizes the tendency of the Western philosophical tradition to «imprison» the multiplicity of the «otherness» in the sense of an ontological unity: «Western philosophy», writes Lévinas «was mostly an anthology: a reduction of the 'Other to the Same'»⁵². According to the philosopher there is a tendency of philosophy, especially with reference to Hegel and Heidegger, to "swallow" human beings, states, civilizations and thinkers within an «Absolute Reason»⁵³ (Hegel); and to subordinate the entity to the impersonal structure of the «Being» in order to arrive to an «ontology of the Neutral» (Heidegger)⁵⁴.

Yet it would be useless, in the context of the present thesis, to further deepen the arguments from a purely philosophical point of view. We therefore keep in mind the exposed points of Lévinas' reflection and ask: what does all this have to do with the ethical action and the responsibility that it imposes? What additions to these categories of thought does Lévinas' philosophy make?

In the philosopher's thought the «philosophy of the identical» and of the

49 E. Lévinas, *Dall'esistenza all'esistente*, Marietti, Casale Monferrato, 1986, p. 46. [OT]

50 Cf. N. Abbagnano, *Storia della filosofia*, Vol. 8, Gruppo Editoriale L'Espresso, Roma, 2006, p. 372.

51 E. Lévinas, *Totalità e infinito. Saggio sull'esteriorità*, Jaca Book, Milano, 1980, p. 37. [OT]

52 *Ibidem*, p. 41. [OT]

53 Cf. N. Abbagnano, *Storia della filosofia*, Vol. 8, Gruppo Editoriale L'Espresso, Roma, 2006, p. 376.

54 *Ibidem*.

«totality» (which seeks what unifies and can be found in every entity), undergoes a shift towards the «philosophy of the Other», of the «different» and «multiple»: that is, towards a philosophy that thinks and recognizes «otherness» as a fundamental moment of its work. What we shall keep in mind is that for Lévinas this operation is not a matter of conscience or representation, but of a «*existential experience*» that is realized in the concrete encounter with the other.

The theme of the «*face of the other*» is a central point in Lévinas' philosophical reflection: this metaphor indicates a living presence that imposes itself in our experience. «The epiphany of the face», writes the philosopher in *Ethics and infinite «is ethical»*⁵⁵: in the recognition of the «other» the very structure of reality is given. The «world» is composed starting from our encounter with «otherness»: reality - in its ultimate structure - is «social»; and «ethics» is the place where the possibility of encountering a philosophical truth is given. The recognition of the «*Other*» as what structures reality, opens the latter as an «*ethical space*». Ethics impose itself when the «*relationship*» is understood as the foundation of the world.

When Lévinas thinks about ethics he wants to bring our attention back to «human realities» and especially to the action and the responsibilities of every being endowed with freedom⁵⁶. The concept of «responsibility» presented in Levinas' philosophy finds its decisive shape precisely at this stage: according to the philosopher - given the «ethical» view we have set out in the previous lines - «responsibility» should not be considered as a (possible) *attribute* of subjectivity, or rather as an attitude that one decides to have or not. Instead, it is an «*essential*» and «*structural*» way of being of the subject itself: subjectivity, in fact, does not exist before ethical relationship (it is not realized) and, consequently, the «responsibility» can not exist before it. Writes Lévinas:

Subjectivity does not precede proximity and then engage subsequently itself in it.

It is, on the contrary, in the proximity [...] that every commitment is knotted.⁵⁷

55 E. Lévinas, *Etica e infinito*, trad. it., Città Nuova, Roma, 1984, p. 5. [OT]

56 Cf. Interview to Julia Urabayen, Pamplona, 16 August 2005, ZENIT.

57 E. Lévinas, *Altrimenti che essere o al di là dell'essenza*, Jaca Book, Milano, 1983, p. 106. [OT]

In the relationship with the «otherness» the subject finds itself as «responsible» *ab origine* towards the others. «Responsibility» is neither a choice, nor a moral command. *It is «simply» a condition in which the subject finds itself as "passively" exposed to the relationship with the «other».* Our «being called to answer for» of responsibility is concretely linked to the recognition of the «self» as *deposed* in the other. Human being is what it is because it is inserted into «otherness»; and as such it is constitutively responsible. Paraphrasing the philosopher we may say that the subject «arrives late»: *the world is not create from the projects of the individual and is therefore not interpretable starting from its subjectivity.* Reality is born within *intersubjective* terms: to understand the world as a project⁵⁸ made by an individual is a form of imperialism of the «self» which, closed in its own self-referentiality, fails to recognize itself in the relation with «otherness».

«Responsibility», writes Lévinas, «is what looms over me in an exclusive way and that, humanly, I cannot refuse»⁵⁹. Human being carries with itself as such its own being responsible; it is not, precisely because of its human nature, separable from this «responsibility». As Dostoevsky - quoted by Lévinas himself - writes: «We are all responsible for everything and everyone, before everyone, and I more than all the others»⁶⁰.

Note: for a quick summary of the philosophical contents of this first part see: *Table of essential contents of the concept of «responsibility»: synopsis of the addressed philosophical perspectives*, Annex, pp. 96 – 98.

58 Cf. *Ibidem*, p. 154.

59 *Ibidem*, p. 115. [OT]

60 *Ibidem*. [OT]

Section 2

Responsibility and human rights: applied theory

2.0 Introduction to the section

In the previous section some different perspectives concerning the concept of «responsibility» have been gained *in terms of a philosophical reflection*. Yet, as we have previously stressed, if we do not want these notions to fall into the void of a pure intellectual consideration we shall try to adapt them to the world of human rights. In other words: we will try to consider in which sense a particular theoretical interpretation of the concept of responsibility may be useful in order to create a specific analysis concerning the field of human rights. *Our aim* – we would like to emphasize it again – *is to produce, through a philosophical meditation, a space in which it is possible to create and stimulate a reflection around some of the basic theoretical structures underlying human rights and their related activities.*

Before starting, however, it will be appropriate to consider the setting of our present reflection with some caution and in a less generic way. First of all - to clear the field from possible misunderstandings – we will proceed in «negative» terms: it would certainly be a mistake to think the philosophical reflections carried out in the previous section as a part we can afford to «forget». This section, in fact, was not conceived as a sort of historical-philosophical “review”: despite its brevity, we tried to show the concept of responsibility as a «fluid» notion, accessible to interpretation and adaptable to various areas of reflection. The philosophical-theoretical moment that has been developed around it, has tried to «open» the concept, that is to make it susceptible for a

broader and more articulated explanation and exposition. So, without having in mind the theoretical reflections carried out previously, it will be very difficult for our discourse to present itself as minimally structured.

We will - to come to the «positive» terms - consider some specific areas of the human rights' work, trying to clarify them by relating a specific philosophical interpretation of the concept of responsibility. But what is, therefore, the purpose of this encounter between philosophy and human rights? Of course there is not a single answer to this question. According to us, we could provide three orders of considerations to support our work: first, already seen in *I.0*, would certainly call into question the famous *proposition 5.6* of Ludwig Wittgenstein's *Tractatus*: «The limits of my language mean the limits of my world». The semantic «deficiency» of a concept limits *de facto* the application of the concept itself: it is therefore a question of enlarging the horizon through which our language refers and interprets a given notion. What can not be named can not even be thought: its semantic «activity» remains only undeveloped «potential».

Secondly, to paraphrase Jeanne Hersch⁶¹, there are some human rights issues that need to be analysed from a philosophical point of view. What remains hidden in the eyes of law, sociology or common sense is the «*raison d'être*» or the «absolute necessity» of human rights and the fundamental questions that involve them. One of these, «responsibility», deserves in our opinion to be further clarified. It is not in fact an ordinary concept, but a notion that produces effects and determines particular actions depending on how it is interpreted. To speak of «*raison d'être*» means, in essence, to investigate the «principle» on which the general and universal validity of a particular theory or ideal rests. Calling into question the «responsibility», for what concerns human rights, can not be thought without an adequate investigation about the grounds on which this concept is founded and as to why it claims importance and validity within the discussion. This, together with the expositions made in the first part, will be the purpose of the pages that will follow.

61 Cf. . Hersch, *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Mondadori, Milano, 2008, pp. 59 – 60.

Last but not least, we consider the issue of «responsibility» particularly worthy of a philosophical reflection since it is placed in a historical context - the present - which sees this issue as becoming increasingly important. The term «responsibility», even when taken in the most general sense, has a value immediately open to «*otherness*»: «being-responsible» is, from its very beginning in the world of concepts, *socially connoted*. Never as today - recalling the considerations of Hans Jonas - the action of the human beings has temporally (and spatially) extended, through technology, the extent of its effects. The action of the human beings nowadays is not limited, in terms of produced effects, to the other human beings and the environment coeval with them: the consequences of technical-capitalist action, of its aims, extend up to future generations.

Speaking of «*responsibility towards future generations*» - as Unesco has already done in 1997 (cf. 2.3) - constantly draws our attention to the consequences of our actions in the broader context of the human community and in a long-term perspective. The dialogue around this issue leads us to ask for caution and foresighted action on the part of both individuals and the institutional subjects responsible for ensuring the fundamental rights of human beings.

The reasons on the basis of which we maintain that philosophical reflection may further «develop» the dialogue around the theme of responsibility in human rights are substantially resumable *in three orders of motivations*, which we could define, in order: *semantic* (concerning the meaning of the term «responsibility»), *ontological* (regarding the foundations of the concept of «responsibility» in the perspective of human rights) and *historical* (with reference to the aspects of relevance of the concept of «responsibility» in the present days) .

Aware of the limits of our knowledge around human rights, we believe that these pages may be considered as the beginning of a journey, or as an initial attempt that can lead us to build an increasingly solid method around the development of the dialectic between theory and practice in the great debate concerning human rights and their more specific and complex problems.

2.1 Limits of the «deontological» interpretation of responsibility in human rights

The concept of «deontological responsibility» extrapolated from the philosophy of Immanuel Kant becomes, in the context of human rights, a moment of great importance for the reflection around them as «ideal projects» of humanity as a whole.

Generally, speaking of «responsibility» in relation to human rights and fundamental freedoms we refer to the «*duty*» that each individual, community or political institution has in ensuring that these are respected. The right to freedom, to life, to self-determination, to belief, to a dignified existence - just to mention some of the fundamental rights - are immediately recognized by all of us as «an ideal» right and worthy of being protected and respected⁶².

We consider ourselves «responsible» for human rights, for their protection and for their observance by States and private parties. But which kind of responsibility are we talking about? Clarifying this issue is relevant in order to understand *the type of relationship we are going to develop with the institution of human rights* and in which way our practical action shall develop. In essence, it is a matter of clarifying a connection in order that this clarity allows to operate with greater conscience.

No doubt that we are «responsible» for the protection of fundamental rights of which we claim every human being is intrinsically endowed. Our ethical action is guided by a moral conviction about the «rightness» and «necessity» of these rights. Nevertheless, to act in terms of a «deontological responsibility» - or, on the basis of a *duty* - entails great risks because it is essentially based on a «formal» adherence to a «principle» that is considered right as such. Action based on this type of responsibility - as we specified in relation to Kant's thought in chapter 1.1 - puts into practice an effective management of the problems based "simply" on a «here and now» approach. But let's proceed step by step.

The cardinal principles around which human rights center around can be

⁶² Cf. *Universal Declaration of Human Rights*, 1948 (*Preamble*).

summarized - with a certain margin of manoeuvre - by the *Universal Declaration of Human Rights (UDHR)* of 1948. Consider, for example, the following lines of the *Preamble*:

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom [...].⁶³

With reference to the 1945 *UN Charter*, the *Universal Declaration of Human Rights* uses a very important term for our current reflection: it declares a «*faith*» in a series of assumptions considered as intrinsically valid and worthy of respect. The full and trusting belief from which «*faith*» moves has, of course, nothing to do with any kind of «*positive proof*»: how can we demonstrate human dignity? Or the value of the person? Or even the very existence of something like «*human rights*». «*Faith*», in this case, is based on a self-evidence that, showing itself to human reason, establishes its own validity.

From this recognition - and therefore from the UDHR itself - the «*duty*» to respect and act in conformity with the fundamental assumptions that form the very substance of human rights, arises. And here, of course, the notion of «*responsibility*» arises as bound by «*duty*»: namely, «*deontological responsibility*».

The ethical basis of human rights, as set out above, is clarified in the sense of a «*deontological ethics*»: *duty* is what demands respect for the right itself. In other words: the claim of a right is justified on the basis of an action that does not conform to the duty that a certain principle - for example human dignity - imposes. In theoretical terms the question appears clear and sensible. However, from a practical point of view, this approach has not failed to produce consistent problems.

«*Deontological ethics*» - and this is the central problem - is fundamentally a «*non-consequentialist*» ethics. This means that action places the emphasis on the

⁶³ *Ibidem*.

conformity or not of the action (or decision) with respect to the principles, motivations or ideals that guide the action itself. The *focus* of the attention, on «deontological ethics», focuses on the action in itself, as a contingent and «space-temporally» determined result. *Consequences* are not considered as a fundamental part of acting: this, is entirely resolved in its being or not «faithful» to the principle that guides it.

Ethics of «duty» - as well as the ethics based on the legal paradigm - are rooted in assumptions that are considered true and worthy of being pursued and implemented. The «responsibility» that is produced from this type of moral structure will therefore be purely tied to obedience to the «duty» that a particular precept imposes.

Carrying on, this kind of ethics presupposes, logically, a universal implementation of the precept. It applies to everyone and without distinction as it is recognized as good in itself by our reason. The «right to education» sanctioned by the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, for example, shall be applied to every subject. The fact that this ideal may not coincide with some cultures or may not fit harmoniously in particular specific contexts, is mostly observed as a secondary effect, not as relevant as the implementation of the ideal itself.

Responsibility based on «duty» seems to take us in front of a narrow and self-referential practice of human rights in many ways. Human rights, when supported and pursued on the pure basis of a «moral imperative», risk to present themselves to the world as «ideological constructs», belonging to a particular culture and promoted by subjects with a certain historical and social heritage. That is to say: the formal structure of rights shall, in our opinion, be proposed as «open» and not as a «moral institution» to be exported and imposed universally on the basis of circumscribed ethical assumptions.

To consider the question of a contingent plan we can recall the case of the War in Iraq started in 2003. On more than one occasion the President of the United States, G.W. Bush, affirmed as fundamental ideological motivation of the military intervention «the spread of democracy»⁶⁴ and the protection of freedom and peace.

The «ethics of duty», in many ways, can be easily manipulated: linking the action exclusively to a moral imperative (or at least presented as such) can create a sort

64 <http://edition.cnn.com/2005/ALLPOLITICS/01/20/bush.speech/>

of «ideological shield» behind which to hide and repair interventions that should instead be designed and analysed according to a broader and more complex «principle of responsibility». The former British Prime Minister Tony Blair - who strongly supported the military intervention in Iraq - admitted as a serious mistake, among others, the lack of discernment as to how that conflict would unleash an uncontrollable instability that ended up fueling the spread of *jihad*⁶⁵. While the so-called «democratization goals» of Iraq, for their part, failed miserably.

Blair's admissions lead very clearly to the point we want to emphasize: an action aimed at defending human rights or fundamental freedoms recognized at an international law level does not find a «guarantee» of goodness in the deontological bond. The responsibility that every subject has before the greatest humanitarian ideals can not, in our opinion, base one's actions on a «faith» guided by a «formal moral». Instead, it shall deal with many other aspects involved in the practice, such as the effects of its own actions, the collective environment in which the actions will take place, the balance between ideal and practice.

Human rights have often been accused of being something like a «Trojan horse» of the expansionist aims of Western ideology. The issue, of course, may appear to us just like another attempt to discredit the institution of human rights; but the accusations of «ideological imperialism» put us in front of a practical problem that is still present and much discussed. The commitment of those who, like us, decide to uphold human rights carries with them a responsibility in the most proper sense of the notion: we are constantly called to «respond» (lat. *respònsus*, past participle of the verb *respondere*) of their validity, of our positions and of the great formulations present in the most important international declarations. A response that, in our opinion, shall be understood in the sense of constantly being involved in the question: «why are human rights necessary?». Delivering the burden of the answer to a *principle of authority* dictated by the self-evidence of a formal elaboration of a certain belief - for example the right to self-determination - risks hypostatizing human rights in the world of the «blind faith» or of the tautological answers. Basing our beliefs on a "*duty for duty's sake*" does

65 <https://edition.cnn.com/2015/10/25/europe/tony-blair-iraq-war/index.html>

not seem to take us very far. Asserting that human dignity, freedom of expression or education are fundamental rights by relying only on their alleged (self)evidence means endangering the entire architecture of human rights by delivering it to the unstable field of the pure ideological convictions.

We do not want, here, to reject any form of ideological component - and the «duties» related to it - *tout court*. Values, opinions and beliefs are a fundamental part of our being in the world. This «ideological experience», however, shall always find a pragmatic confirmation in the world: our values are above all our responsibility before the world to which we present them as fundamental and legitimate. The ideological adherence to a duty risks leaving us without enough lucidity to look at the world for what it really is. As the psychologist Chiara Volpato writes: «people are motivated to perceive the world and to interpret what happens to them in ways that confirm their ideology [...]»⁶⁶: this, in our opinion, is a «step» in which we shall be careful not to “stumble”. Considering what we would like to be a duty for everyone, universally accepted and respected, gives way for some voices to state that human rights form the basis of a «bourgeois» and «western» ideology made up of *formal legal freedoms* that fails to meet a real emancipation of the oppressed.

«Deontological responsibility» and human rights are placed in a complex and, in many ways, risky dialectical relationship. On the one hand - as underlined in the initial lines - whoever decides to embrace this philosophical-political conception and its fundamental juridical declarations cannot fail to consider himself responsible for their implementation. The «duty» that arises from adhering to a formally recognized precept implies a relationship that certainly involves a deontological responsibility. The issue, in our opinion, becomes more complicated when the theoretical side meets concrete action: the adhesion to a conception, whatever it may be, remains a strongly subjective act. Our ethical action is guided by a profound moral conviction about the «rightness» and «necessity» of these rights. And yet to act in terms of a «deontological responsibility» still involves great risks as it is mainly based on a «formal» adherence to

66 C. Volpato, *Le radici psicologiche della disuguaglianza*, 2019, Laterza, Bari, p. 36 [OT]; Cf. also K. Major, *Ideology and the maintenance of group inequality*, *Group Processes & Intergroup Relations*, 20, p. 582-59.

a moral imperative. The duty that arises from a formal ethical constraint can not be supported exclusively by ideological convictions or moral opinions: it is instead about letting it «open» to a constant dialogue with reality. The attention focused entirely on a «duty-based» action does not confront concretely with the world, but expects it to adapt to a pre-established form. Reality, on the other hand, remains founded on actions and reactions, on consequences and effects produced. Not only: it is also determined by a plurality of possible situations and extremely different and complex human communities. It is therefore a question of bringing our reflection about «responsibility» and its relationship with human rights to a plan that is not exclusively oriented towards our «here and now» actions, but towards a temporally extended vision of the consequences of our actions.

*2.2 Between «ethic of intention» and «ethic of responsibility»:
brief analysis of the theory of the political action in human rights*

As we have seen in respect of Kantian *formal* ethics, an action that has as its fundamental objective the adherence to a certain moral principle, intention or opinion (*Gesinnung*) independently of the effects produced, seems to lead to a «narrow» application of human rights or, at least, «careless» with respect to everything that stands between the principle and its application.

The reflection carried out by Max Weber, for its part, does not focus as in Kant on the moral matter *tout court*: instead, it is concentrated in the specific context of the relationship between «*politics*» and «*ethics*»: the work of the German sociologist, therefore, stands as a theoretical examination of the political action and its moral implications and ethical gaps⁶⁷.

67 Cf. Roberto J. Vernengo, *Ética reflexiva y ética de la responsabilidad en Max Weber*, Doxa 15-16 (1994), p. 563-564.

In this precise context Weberian studies meets our human rights research: the latter, in fact, in their essence of philosophical-political conception are formed on the basis of concrete ethical «intentions» (assumptions). They - recalling some of the most important documents in the tradition of human rights - include fundamental rights, such as the right to a fair trial, the right to a dignified existence, the right to life, to vote, etc. Of course, as Jeanne Hersch pointed out, such rights are so accepted as valid on a theoretical level that it would be worth taking them for granted: but yet, on the practical level of political action, they are still systematically violated⁶⁸.

A policy that found its action on an *axiologically based intentionality* – namely, on accepted values and principles - is, according to Weber, a policy carried out «*by vocation*»: that is, values and principles are politically defended and promoted because «*one feels called*» (this is the proper meaning of the term *vocation*) to their implementation and safeguard. The issue, as described, would seem to close the matter and let us say that the person who politically fights for the protection and promotion of human rights acts on the basis of a *Gesinnungsethik* (*ethics of intentions*). However, according to Max Weber, the issue is not that simple. Adhering to a particular ethics - be it an ethic inspired by the words of the Gospels or the *Universal Declaration of Human Rights* – can not ignore the fact that:

the attainment of ‘good’ ends is bound to the fact that one must be willing to pay the price of using morally dubious means or at least dangerous ones and facing the possibility or even the probability of evil ramifications. From no ethics in the world can it be concluded when and to what extent the ethically good purpose ‘justifies’ the ethically dangerous means and ramifications.⁶⁹

Of course, Weberian reflections shall be applied to the context of human rights with a certain margin of manoeuvre. However, the issue appears clear: how can an ideal

68 Cf. J. Hersch, *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Mondadori, Milano, 2008, pp. 59 – 60. [OT]

69 M. Weber, *Politics as a Vocation*, Translated and Edited by H. Gerth and C. Wright Mills, Oxford University Press, New York, 1946, pp. 41-42.

be applied at a global level without the political means to become, to some extent, «violent»? In the case of human rights, for example, it seems legitimate to ask how the political action devoted to the (Western) ideal of human rights shall be configured in the face of societies based on values belonging to different philosophical or religious traditions, such as Confucianism, Islam, Jainism or Buddhism. These philosophical-religious conceptions, in fact, are the bearers of a heritage of values that form the basis of many Asian and middle-east societies. The problem arises right here, when the *will* of an ideal comes into conflict with the will of «the other».⁷⁰

In Asia, for example, the promotion and protection of human rights encounter still several opposing factors⁷¹: the tension between (Western) universalism and (Eastern) relativism, social models based on values that are extremely different from those of Western culture, the interpretation of some key assumptions of human rights⁷² still forms an ideological “clash” which impedes not only the establishment of sufficient regional mechanisms for the protection of human rights in the Asian context, but also a completely open dialogue between the «West» and the «East».

Acting in terms of a pure «ethics of intentions», or «of principles» (*Gesinnungsethik*) is, according to Weber, doomed to failure. In fact «the proponent of an ethic of absolute ends⁷³ cannot stand up under the ethical irrationality of the world»⁷⁴: ideological political action does not tolerate the absence of a universal ethic, with the consequent transformation of action into «violent» demagogic imperialism or in reactionary closure. Whatever specific form the facts would assume, remains an inevitable “bending” of the *political medium* in imperative and ethically dubious terms. Hence, consequently, the possibility of the occurrence of «negative» effects even at the

70 Cf. *Diritti umani e valori asiatici (Human Rights and Asian Values)*, edited by Eva Pfösl, Research promoted by the Institute of Political Studies «S. Pio V », APES, Roma, 2008, p.45 e ss.

71 Being not able, in this context, to deepen the question as it deserves, we refer to *Demystifying Human Rights Protection in Asia*, Background Paper, Fidh, November 2015/N°669a.

72 Such as, for example, that of «freedom», or «individual rights» which, according to a particular Asian axiological tradition, would only generate egoism and challenge the concept of «authority» itself, thus leading to a general political and social instability Cf. *Ibidem*, p. 7 – 9.

73 M. Weber, *Politics as a Vocation*, Translated and Edited by H. Gerth and C. Wright Mills, Oxford University Press, New York, 1946, p. 41.

74 Translation of «*Gesinnungsethik*» proposed by H. Gerth and C. Wright Mills: equivalent to «ethics of intentions».

expense of fundamentally «good» ideological assumptions.

It fits in here the Weberian discourse about a political action oriented by an «ethics of responsibility» (*Verantwortungsethik*): that is an action that is not disinterested by the consequences produced by the political application of a certain moral principle, but that takes always present the possible future outcomes of a given action. And yet opening up the field to a new ethical paradigm does not mean having to embrace one by abandoning the other. A promotion of human rights oriented by an exclusive principle of responsibility (that rejects every form of ideological adhesion) risks turning into a «political deadlock» in which no one will ever really dare to make decisions that go beyond a «bland operate» that does not hurt the positions of no one because, in fact, to foresee any possible future outcome of an action is completely impossible.

«Surely - Weber writes - politics is made with the head, but it is certainly not made with the head alone. In this the proponents of an ethic of ultimate ends are right»⁷⁵. This appears as extremely clear regarding human rights: their supporting structure, in fact, remains strongly linked to a series of axiological assumptions. A promotion of them that is entirely unrelated to an «ethics of intentions» seems completely unthinkable. The answer to this *impasse* is provided by Weber himself, who writes:

an ethic of ultimate ends and an ethic of responsibility are not absolute contrasts
but rather supplements [...].⁷⁶

The observations of the German sociologist, however, could be deceiving: it is clear, from the reading of the last pages of *Politics as a profession*, that the interpretation of the mutual integration between the «ethics of principles» and «ethics of responsibility» should not be thought in the Aristotelian terms of the «*happy medium*», but rather in terms of an imbalance towards «responsibility». In other words: the two

⁷⁵M. Weber, *Politics as a Vocation*, Translated and Edited by H. Gerth and C. Wright Mills, Oxford University Press, New York, 1946, p. 46.

⁷⁶ *Ibidem*, p.47.

ethics are certainly complementary, but not within equal «measures». We could therefore say that political action shall certainly be guided by «principles» and «intentions»; but yet such action must always be mitigated by an «ethics of responsibility» which takes care of the effects of its actions and, even before, of the means by which this action is conducted.

Recalling the Asian question and human rights's political action in general we could recall the reflections carried out by the philosopher and jurist Norberto Bobbio. Human rights shall not fall into the «illusion of the absolute foundation»⁷⁷:

the illusion that, by dint of accumulating and examining reasons and arguments, we will end up finding the reason and the irresistible argument that no one will be able to refuse to give their support to. The absolute foundation is the irresistible foundation in the world of our ideas, in the same way that absolute power is the irresistible power (think about Hobbes) in the world of our actions. Faced with the irresistible foundation, the mind necessarily bends, just as the will is necessarily bent before the irresistible power.⁷⁸

In this sense, we shall be wary of the exclusive use of ideologically oriented ethics; a way of acting and thinking that constantly seeks the «superior» argument that will *bend* all criticism and wills. The claim of an universalistic and homogeneous policy of protection and promotion of human rights appears to be completely unthinkable, except in the face of the use of «imperative» and «imperialistic» means.

The «ethics of responsibility» engages, in this sense, the *pluralist perspective* that shall increasingly distinguish - in our opinion - the work of human rights. Attention to the consequences of the political promotion and protection of fundamental rights and freedoms shall always be openly responsible for their reception in different contexts (than the western) and for the effects they produce. The charges of «cultural imperialism» or «Eurocentrism» against human rights, therefore, shall not be seen as the opening of a battle «between wills» or opposing «ideologies», but rather as a precise

⁷⁷ N. Bobbio, *L'età dei diritti*, Einaudi, Torino, 2014, p. 6. [OT]

⁷⁸ *Ibidem*. [OT]

burden for the growing openness of democratic dialogue that does not degenerate into further cultural polarizations. This responsibility is about the content of human rights themselves: that is the right of the plurality to be able to manifest itself in all its forms and of freedom of thought in general.

2.3 *The rights of future generations: «responsibility» in the age of technology*

In his work *The Imperative of Responsibility: In Search of Ethics for the Technological Age* (1979) Hans Jonas raises - as we had considered in 1.3 - a question that in the following years has become a central issue for contemporary ethics: namely that of *responsibility towards future generations*.

The *Imperative of Responsibility* is dedicated to the thorny ethical and social problems raised by the modern and incessant application of technology in all aspects of life. In the text, which brings the ecological emergency to the centre of the philosophical reflection, Jonas reformulates the Kantian categorical imperative, writing:

Act so that the effects of your action are compatible with the permanence of genuine human life [on earth].⁷⁹

In this context the *ethical reflection* begins to project itself *temporally forward*: the Kantian approach of a formal ethics based on the concept of «duty for duty's sake» begins to give way to a «*consequentialist*» perspective, focused not only on the action «in itself and for itself» but also on its effects over time. In this sense, therefore, Jonas recovers and brings to the ultimate consequences the Weberian theme of the «ethics of

⁷⁹ H. Jonas, Il principio responsabilità. Un'etica per la civiltà tecnologica, a cura di P.P. Portinaro, Einaudi, Torino, 1990, p. 10. H. Tirosh-Samuelson C. Wiese, *The Legacy of Hans Jonas: Judaism and the Phenomenon of Life*, Brill, Leiden, 2008 , p. 135.

responsibility» by inserting it in a context connected to biological survival.

One of the main issues raised by Jonas and particularly relevant to our reflection on human rights, is that of the so-called «*rights of future generations*» and of our responsibility towards them. «Responsibility», in this sense, begins to be conceived as a useful key-category in order to reflect on the most important challenges - both ethical and legal - that human rights will have to face in the increasingly pervasive use of technology.

So, we ask ourselves: why does the «question concerning technology» become so pressing for the world of human rights? The Italian philosopher and psychoanalyst Umberto Galimberti analyses this issue in one of the probably most complete texts on the subject: *Psyche and techne. Man in the age of technology*⁸⁰. The first step, according to the author, is to stop believing false myths. Writes the author:

[...] we shall first of all be done with false innocences, with the fable of neutral technique that offers only the means that men then decide to use for better or for worse. The technology is not neutral because it creates a world with certain characteristics that we cannot avoid living [...]. [...] we live in a technically organized world, technology is no longer an object of our choice, it is our environment [...].⁸¹

The age of the technology we are living in has created, according to Galimberti, a *reversal* of the means to ends. The technical upgrade is now the only real goal. In this sense what is lost is the «humanistic scenario»⁸²: the horizon of meaning of the human being who attributes values and sense to the world begins to give way to a society entirely devoted to the technical production.

This issue, of course, intersects the world of human rights: if the only rationality of the world begins to be of a technical-capitalist kind, in fact, the onset of problems inherent the *exploitation* of the world and the *disavowal* of its *biological value* appears

80 U. Galimberti, *Psyche e Techne. L'uomo nell'età della tecnica*, Feltrinelli, Milano, 2009.

81 *Ibidem*, p. 34. [OT]

82 Cf. *Ibidem*, p. 33. [OT]

“natural”. Life on earth - human or not - in the age of technology and its excessive use for profit, loses its own «qualitative» *quid* and begins to be thought only as a «function». The environment, in the same way, is modified in order to be more and more adapted to the needs of the technical production.

In 1997 the *United Nations Educational, Scientific and Cultural Organization* (Unesco) issued a document of a fundamental historical value: the *Declaration on the Responsibilities of the Present Generations Towards Future Generations*. The document stands in full continuity and harmony with Jonas' «imperative of responsibility». In the *Declaration* Unesco declares itself «concerned by the fate of future generations in the face of the vital challenges of the next millennium»⁸³ and «conscious that, at this point in history, the very existence of humankind and its environment are threatened»⁸⁴. Human rights start in this document a new moment in their history and in their essential value for all humanity: they are *projected towards future*, aware of their previous history and of the formal principles that move them. What is underlined by the text of the *Declaration* is the need to create new, fair and global partnership and solidarity links between generations⁸⁵.

In this sense the responsibility towards the world we live in today - and that future generations will inhabit tomorrow - begins to be thought in terms of a moral imperative in whose compliance it is necessary to act in view of future threats to become real. Unesco is very clear on this point and declares itself «convinced that there is a moral obligation to formulate behavioural guidelines for the present generations within a broad, future-oriented perspective»⁸⁶. What really represents an innovative insight in this context and shall be evaluated with higher and higher attention, in our opinion, is the «virtual projection» of ethics and law in a possible and future scenario in relation to subjects not yet born. The reference and object of ethical and juridical attention, in essence, begin to be created starting from a forecast and from a «being-

83 <http://portal.unesco.org/en/ev.php>

URL_ID=13178&URL_DO=DO_TOPIC&URL_SECTION=201.html

84 *Ibidem*.

85 Cf. *Ibidem*.

86 *Ibidem*.

responsible» that «think a world» on the basis of possible scenarios.

The line adopted by Unesco was then taken up again in 2006 in the Report of the United Nations General Assembly entitled *Intergenerational solidarity and the needs of future generations*⁸⁷ (see also *Rio+20* outcome document). Solidarity between generations is conceived as an indispensable means «for the achievement of sustainable development»⁸⁸. The issue, also in this case, is very close to the philosophical reflections proposed by Hans Jonas: it is necessary to start thinking about the effects of our action today, so that the world can be preserved in its entirety and biological and cultural heterogeneity. The concept of «solidarity between generations» raises questions of extreme interest for human rights, and leads us to ask ourselves: what are the «boundaries» of justice? How far can law extend its time-range? Can «*global equity*», either economical or ecological, serve as a valid legal principle over possible and predictable future issues regarding future human beings?

Organizations seem to be aware of the threats suffered by humanity and earth's life in general, namely of the extreme development of technical capacity and the «overturning of the means to ends» that it operates⁸⁹. In a world where every purpose seems to be reachable only through the use of technology, the question about the pervasive effects that technology - whose strengthening seems to have become the end *par excellence* - may have on the earth and its life seems to be unavoidable.

Human rights seem to have recognized (already since the 1990s, but also previously, like in the *Stockholm Declaration* of 1972) the need for environmental and human protection in a future perspective, with respect to threats of the technological modernity. However, the road seems still quite long given that, in most cases, the rights inherent in these issues remain extremely difficult to enact within legally binding documents. In the same way it is still not clear how it is possible to legally protect those who have not been born yet. Nevertheless, the question - as we discussed in *1.0* - cannot be limited to legal problems and difficulties. They certainly remain an absolutely central moment; and yet it is necessary that these arguments remain open from a theoretical

⁸⁷ <https://sustainabledevelopment.un.org/content/documents/2006future.pdf>

⁸⁸ *Ibidem*.

⁸⁹ Cf. U. Galimberti, *Psiche e Techne. L'uomo nell'età della tecnica*, Feltrinelli, Milano, 2009, p. 37.

point of view so that an in-depth study and a further education around those topics could happen.

In the *Declaration on the Responsibilities of the Present Generations Towards Future Generations* in Article 12 paragraph 1, we read:

States, the United Nations system, other intergovernmental and non-governmental organizations, individuals, public and private bodies should assume their full responsibilities in promoting, in particular through education, training and information, respect for the ideals laid down in this Declaration, and encourage by all appropriate means their full recognition and effective application.⁹⁰

This paragraph may certainly seem generic but yet it highlights many of the most specific problems concerning the sphere of the so-called third-generation human rights. Unesco calls on the fully responsible action of all the bodies, public and private, so that a greater and greater activity of promotion, training and education is implemented around biological and environmental issues. What we shall not forget is that for the majority of the people these topics concern a completely unknown reality, or are perceived as not very important in terms of human rights and general well-being.

The vision concerning «human rights», in fact, seems to be still understood as exclusively linked to civil and political freedoms and to economic, social and cultural rights: and therefore, in relation to the rights that «belong» *to the individual* and that may be claimed if they are not protected or guaranteed. In other words: human rights are almost always interpreted as something that «is due» - linked to an individual «here and now» - which shall be ensured by the bodies responsible for their promotion and protection. What seems to be lacking, in essence, is a socially assumed interpretation according to which the right is not only a «possession», but also a «*responsibility*» that is necessary to protect and implement in view of applications that do not concern the mere present and individual sphere.

This «lack of conscience» is also expressed in the judgment of the «collective

⁹⁰http://portal.unesco.org/en/ev.php?URL_ID=13178&URL_DO=DO_TOPIC&URL_SECTION=201.html

value» of human rights (where the collective term does not indicate a specific social context, but humanity in overall terms): they include and, at the same time, *transcend* the individual in view of the well-being of the human community. The «rights of future generations», in this sense, represent an emblematic case in the manifestation of this «value» within the very conception of human rights. A value that, in our opinion, shall be increasingly clarified and placed at the very centre of the current debate.

In recent years much has been discussed about the impossibility of providing legal protection to unborn subjects (and not even potentially existing). Our fear, however, is that these problems of a philosophical-juridical nature may lead the matter to an *impasse* that blocks any type of progress. However: the question - and this is one of the main contributions of Hans Jonas to our reflection – shall not be figured out from a legal level. Jonas does not claim the necessity of a «new legislation of responsibility» but a «new ethics of responsibility». To underline this point, in our opinion, could help us to clarify some priorities.

We shall first reason about the meaning of proposing a «new ethic»: the proposal formulated by Jonas clearly indicates the need to «re-found» the bases of our action due to the present common and harmful sense of «good» and «bad». It is necessary to stem the «technical exaltation» fostered by the utopia of an unlimited progress, and the «philosophical arrogance» represented by the idea of the domination of human beings on a nature interpreted as absolutely *manipulable*.

In this context human rights cannot, in our opinion, hope to operate fully as long as this new ethics is no longer present in the social fabric, forming a basis for a legally binding claim to what is proposed, for example, in the 1998 Unesco *Declaration* concerning the future generation's rights. The history of law has taught us with a certain clarity that - where the law is not an emanation of an authoritarian will - the behaviours and values shared by a social group tend to be transformed, in more or less short periods of time, into legal norms. It therefore seems essential that a new ethics - or a new way of thinking about the relationship between human beings, use of technology and world/nature - become effective and operating on a social level.

Yet how does such an ethical upheaval take place? Jonas had expressed this

possibility in terms of a «heuristic of fear»⁹¹, or to a «good acting» produced by a renewed fear of human beings in facing the possibility of a biological catastrophe. According to Jonas, the «courage of responsibility»⁹² would represent the necessary step to face and seek a political solution to the great problems of the present time.

For us, as an alternative to the Jonasian «*heuristic of fear*», we would prefer to think of a «*heuristic of education*»: human rights, in this sense, should adopt an extremely pragmatic vision of reality and act in the awareness that until an ethically founded ground is established (around the issues we have been discussing), it will be difficult to produce (and subsequently apply) binding legal legislation around biological and environmental issues.

Education, in this context, seems a significant step so that the whole population can be informed and equipped with suitable tools in order to effectively understand the risks of the ultra-intensive use of technology on a biological level. To do this, we think, a perspective of nature in its value as an «*end in itself*» and of humanity as a part of it should be always more present in the debate around those issues: namely, a new and constant criticism of the «objectification» of nature for the «subjective» and «egocentric» purposes of human beings and of the omnipresent anthropocentrism is therefore essential. The «common good» represented by the earth in its biological terms, in this field, could be thought as a particularly important starting point for re-focusing ethical education on the basis of a socially shared and accepted responsibility.

91 Cf. H. Jonas, *Il principio responsabilità. Un'etica per la civiltà tecnologica*, a cura di P.P. Portinaro, Einaudi, Torino, 1990, p. 47.

92 *Ibidem*, p. 285.

2.4 *Citizenship and human rights:*
the «collective responsibility» towards human community

Hannah Arendt, as we discussed above (1.4), links the question of responsibility to the broad context of the community and political activity. In this respect the German political scientist gives us an important point of reflection for what concerns human rights: namely, that of «*citizenship*» and of the rights related to it.

According to estimates by Unhcr⁹³ the «*stateless persons*» in the world would amount to about 10 million. With the term «*stateless person*» we refer to all individuals who, for one reason or another, are found to be not recognized as «*citizens*» by any state. The status of «*stateless person*» may depend on various reasons: following *migration* or *expatriation*, for example, it is possible to lose the citizenship of the country of origin without having, in the meantime, obtained that of the new country in which one resides. On the other hand it is not necessary to have left the country for citizenship to be no longer recognized: in some cases, being stateless can derive from precise laws, often discriminatory against some minorities, as in the case of *Rohynga* in Burma; or, to refer to a situation that affected Arendt herself, the racial laws issued in Italy and Germany during Nazi-fascism introduced rules for revoking citizenship to Jewish citizens and thus their consequent passage to the status of stateless.

This situation goes along with a problem already pointed out by Hannah Arendt in her text *The Origins of Totalitarianism* (1951), namely *an almost total deprivation of the rights guaranteed by the citizenship*. For a stateless person, in fact, since the fundamental right to nationality is not recognized, a wide range of rights related to it suffer the same fate. A condition of «*statelessness*» means, for example, not having the right to an education, health and social assistance in general, not being able to marry, having a job, etc⁹⁴.

This marks a present and fundamental crux in the general protection of human

93 <https://www.unhcr.it/chi-aiutiamo/apolidi/quantitativo-sono-gli-apolidi-nel-mondo>

94 Cf. <https://www.unhcr.it/chi-aiutiamo/apolidi>

rights: as noted by Paola Helzel⁹⁵, on the one hand they claim to be «universal» but, nevertheless, in still many cases «they are protected only for holders of well-defined legal statutes linked to the possession of national citizenship»⁹⁶. So, can we say that belonging to a (national) community is the only right to have rights⁹⁷?

We ask ourselves if, therefore, whether belonging to a community really shall always be understood with reference to the legal status of «citizen». Does not the declaration of human rights refer to the latter as «universal», pointing out in doing so our common belonging to the global «human collectivity»? Can the «*humanitas*», which gives human beings its intrinsic dignity, and importance be subjected to limitations due to narrow legal paradigms? Can we allow legal status to limit the enjoyment of rights? Or is it perhaps our *collective responsibility*, as human beings, to ensure that everyone has certain rights regardless of citizenship? These questions reflect the reason and the meaning of our thinking in the lines that will follow.

In the paragraph *The Perplexities of the Rights of Man* presented by Hannah Arendt in *The Origins of Totalitarianism*, we read:

The *Declaration of the Rights of Man* at the end of the eighteenth century was a turning point in history. It meant nothing more nor less than that from then on Man, and not God's command or the customs of history, should be the source of Law. Independent of the privileges which history had bestowed upon certain strata of society or certain nations, the declaration indicated man's emancipation from all tutelage and announced that he had now come of age.⁹⁸

Arendt, with reference to the *Déclaration des droits de l'homme et du citoyen* of 1789, underlines an important point: the human being as such, with the birth of the «human rights», becomes «*matrix*» of the Law. It is no longer subjected to the divine

95 Cf. Paola B. Helzel, in *La cittadinanza europea, Hannah Arendt e il 'diritto di cittadinanza' come base dei diritti umani*, 2/2015, pp. 103-115.

96 *Ibidem*.

97 Cf. <https://www.newyorker.com/news/our-columnists/the-right-to-have-rights-and-the-plight-of-the-stateless>

98 H. Arendt, *The Origins of Totalitarianism*, Meridian Book, The World Publishing Company, Cleveland, 1962, p. 290.

command or to historical traditions: the ultimate aim of law, in the context of the *Déclaration*, is human dignity as such.

One point, however, remained obscure in the *Déclaration* and this contributed to form the problems we are dealing with. As pointed out - with reference to the text of Arendt – by Adriana Lotto in her lucid contribution *Human rights and citizenship in Hannah Arendt*⁹⁹: «the abstractness of the term *man* has led to its identification with the term *people*, consequently human rights and the peoples' right (citizens' rights) came to coincide [...] that is, those who do not belong to the nation-people have no rights and those who go against the people lose them»¹⁰⁰. The locution «*de l'homme et du citoyen*» also left space for other questions: «if the rights are not only those of the citizen, then when citizenship is lost (or, the rights of the citizen), which rights remain?»¹⁰¹

Hannah Arendt traces with great clarity the “cracks” that still undermine the *universalistic* structure of human rights. Stateless persons, refugees who have lost their citizenship of origin, minorities harassed and forced to renounce their nationality «are found to be, without any rights, a scum of the earth»¹⁰². They remain closed in intra/extra territorial spaces, invisible to the law, unrecognizable by the law. We are here faced with a form of unparalleled invisibility: a radical deprivation of that ability to speak and to act that makes human beings able to exist politically. In a context in which humanity is completely organized in states and national communities, to be deprived of the homeland and of political status means to be placed outside humanity itself. As Paola B. Helzel rightly writes:

[...] «citizenship» constitutes a point of confluence, as much «of the political and juridical identity of the subject», as of its participation in political life, and not least, of its whole «endowment» of rights and duties. In this sense, citizenship becomes the crucial centre of the entire political system [...] as it involves the

99 Cf. A. Lotto, *Diritti umani e cittadinanza in Hannah Arendt*, Università “Ca’Foscari” di Venezia, DEP n.5-6 / 2006.

100 *Ibidem*, p. 92.

101 *Ibidem*.

102H. Arendt, *The Origins of Totalitarianism*, Meridian Book, The World Publishing Company, Cleveland, 1962, p. 267. [once they had been deprived of their human rights they were rightless, the scum of the earth]

whole sphere of human rights, starting from their foundation [...] to the moment [...] of their protection.¹⁰³

From these reflections it seems quite clear that *belonging to a community* represents an indispensable constraint so that the subject can be the bearer of rights and, therefore, can see them protected by its reference state. And yet this belonging coincides essentially with «*citizenship*». The latter, therefore, becomes the substantial basis of human rights themselves in their applicability and protection.

Yet, as we considered before, the most recent *Universal Declaration of Human Rights* (1948) seems to extend human rights in completely horizontal terms, without any kind of limitation based on any political-legal status concerning citizenship. The *Preamble* of the Declaration, in fact, states that the «recognition of the inherent dignity of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world»¹⁰⁴. The terminological reference is extensive to the highest degree: human rights belong to the members of that community called «*human family*». Of course, the Declaration also states that «it is essential [...] that human rights should be protected by the rule of law»¹⁰⁵: but what happens when the law cannot be implemented? What happens when the recipients of human rights remain essentially invisible to the political and legal protection exercisable by the states? The problem of human rights, in this context, is fully clarified by Arendt:

If a human being loses his political status, he should, according to the implications of the inborn and inalienable rights of man, come under exactly the situation for which the declarations of such general rights provided. Actually the opposite is the case. It seems that a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man.¹⁰⁶

103 Paola B. Helzel, *Apolide e cittadino: il dilemma della fonte dei diritti nella lezione di Hannah Arendt*, Foro, Nueva época, núm. 7/2008, p.159.

104 https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf

105 *Ibidem*.

106H. Arendt, *The Origins of Totalitarianism*, Meridian Book, The World Publishing Company, Cleveland, 1962, p. 300.

The issue, in essence, is all in these few lines. The world, still today, «has found nothing sacred in the abstract nakedness of being human»¹⁰⁷. Human rights themselves, in this *impasse*, “capsize”.

In fact Arendt had already expressed in the magazine *The Memorial Journal* - in an article entitled *We refugees* (1943) - the figure of the refugee without a homeland that lucidly contemplates his condition and does not assimilate to a new national identity¹⁰⁸. This “type” of refugee, as Giorgio Agamben writes (and as reported by Lotto), is «the paradigm of a new historical consciousness»: «in the irresistible decline of the nation-state and in the general corrosion of traditional juridical-political categories» the refugee without a homeland represents «the only category in which we are today allowed to see the forms and limits of a political community to come»¹⁰⁹.

Human community, in its own political-institutional forms, cannot remain unmoved in front of situations in which «man in nothing but a man»¹¹⁰: it shall return to questioning itself about its being the bearer of a «collective responsibility» linked to «naked human being» and not to its legal status. Belonging to the human community, in fact, involves not only rights, but also *duties*. One of these, in our opinion, is clearly indicated by *Article 1* of the *UDHR*: «All human beings [...] should act towards one another in a spirit of brotherhood». What meaning does this point have, if not the explanation of an internal relationship of responsibility inherent to the human community?

This «brotherly»¹¹¹ and collective responsibility shall be expressed in the

107 *Ibidem*, p. 299.

108 Cf. A. Lotto, *Diritti umani e cittadinanza in Hannah Arendt*, Università “Ca’Foscari” di Venezia, DEP n.5-6 / 2006, p. 94.

109 For this and the previous quotations: G. Agamben, *Al di là dei diritti dell’uomo*, in *Mezzi senza fini. Note sulla politica*, Bollati Boringhieri, Torino, 1996, p. 21. [OT]

110 H. Arendt, *The Origins of Totalitarianism*, Meridian Book, Th World Publishing Company, Cleveland, 1962, p. 300.

111 Del termine «fratellanza», di fatto, noi ci serviamo con la volontà di rimanere in stretto riferimento all'Articolo 1 della UDHR (e dunque nel tentativo di rimanere il più aderenti possibili ai testi fondamentali dei diritti umani). Va tuttavia rilevato, per onor di completezza, che Arendt non amò tale termine e gli preferì quello di «amicizia». Per approfondimenti rimando a A. Lotto, *Diritti umani e cittadinanza in Hannah Arendt*, Università “Ca’Foscari” di Venezia, DEP n.5-6 / 2006, p. 94, 95

constantly renewed attempt to transcend any insubstantial (accidental) form in which the human being can express its being in the world (such as citizenship), to give his attention to «the abstract nakedness of being human». Allowing the human rights of millions of people, even today, to be unprotected due to the lack of legal status as a citizen means continuing to maintain ourselves in the terminological confusion of the *Déclaration des droits de l'homme et du citoyen* of 1789 and to persevere in the non-fulfillment of the declared «universality» of human rights.

The responsibility of human rights before «human being as a human being» - with or without citizenship or any other legal status or social position - is a responsibility that belongs to us as a collective *humanitas*. According to Arendt «there is no responsibility in the proper sense until one is confronted with the absence of criteria, with emptiness»¹¹². As Maria Teresa Pansera rightly observes:

no general rule, no imperative, no reference to any group's criteria - usually invoked as justifications for the «normality» of evil - can serve as an alibi for a lack of personal responsibility, for an unformulated judgment.

When we find ourselves in front of the «abyss of freedom» we open the space of responsibility, of the judgment that no longer constitutes the simple implementation of an already acquired knowledge, proper of the «official» of the technological society, but implies freedom, responsibility, the planning of a new moral subject, of a «who» not impassive and indifferent to the events of the world.¹¹³

What we would like to underline in these lines is the need - shared with Hannah Arendt - to prevent our *ability to judge* from falling into atrophy. The search for meaning that animates our thought shall remain awake: through the activity of judgment the subject can look after the common space in order to «take care, preserve and admire

112 S. Forti, Hannah Arendt: filosofia e politica, in AA.VV., *Hannah Arendt*, Mondadori, Milano, 1999, p. XXXII. [OT]

113 M. T. Pansera, *Postfazione. Per una politica della responsabilità*, in H. Arendt, *Per un'etica della responsabilità. Lezioni di teoria politica*, Mimesis, Milano-Udine, 2017, p. 145.

the things of the world»¹¹⁴. Here we are facing a «radical ethic», which sees us as responsible for the subject as such, in its naked *humanitas*.

Of course, as we have already mentioned, there are endless practical obstacles in matters related to citizenship and about the protection of rights independently to the latter or of any other legal status. Yet we ask to ourselves again: can we allow practical obstacles to continue to prevail over an ethic of responsibility?

2.5 The «areteological responsibility» of politics: *human rights and society*

As we saw in chapter 1.5, the reflection of Martha Nussbaum and Alasdair McIntyre is based - at least for what concerns the aspects we considered in the first section - on a neo-Aristotelian second reading in political terms of the concept of «virtue» set forth in the *Nicomachean Ethics*.

According to Aristotle - just to recall some key-points - «virtue» (*ἀρετή, aretè*) is substantially «the state of character which makes a man good and which makes him to do his own work well (*Nicomachean Ethics*, II, 6, 1106a 22)»¹¹⁵: the expression «state of character» (*ἕξις, hexsis*) refers to an internal «disposition» thanks to which the human being is led to act at its proper best and, therefore, to be *happy*¹¹⁶. It follows that the human being endowed with a «disposition to virtue» will be able to act in ways that will enable him to achieve «*eudaimonía*» (*εὐδαιμονία*), the Greek term used by Aristotle and commonly translated as «happiness» or «welfare»¹¹⁷. These modalities, as seen above,

114 Cf. M. T. Pansera, *Postfazione. Per una politica della responsabilità*, in H. Arendt, *Per un'etica della responsabilità. Lezioni di teoria politica*, Mimesis, Milano-Udine, 2017, p. 145.

115 Cf. Aristotle, *Nicomachean Ethics*, tr. by W.D. Ross, Batoche Books, Kitchener, 1999, II, 6, 1106a 22.

116 Cf. *Ibidem*, 1098b.

117 Etymologically the term consists of the words «*εὖ, eu*» (good, well) and «*δαίμων, daimōn*» (spirit).

gather in what Aristotle considered the most proper feature of the human being as such, namely acting «*according to reason*».

The Aristotelian reflection on the themes of «*happiness*» and «*virtue*», we recall, is essentially of a «*political*» nature: the human being, in ancient Greece, was never meant as an isolated individual, but always in relation to the «community» (πόλις, *pólis*). Therefore, human action according to virtue is conceivable in close relation to the individual only by abstraction; in fact, it is conceptualized by Aristotle in main relation to the community and, therefore, only by extension, to the individual. The good of the *polis*, in fact, includes necessarily that of the individual.

Yet, despite the common Aristotelian root of the reflections of Nussbaum and McIntyre, in this chapter we would like to divide our exposition into two paragraphs concerning the two authors: by doing so, we believe, we will provide a clearer view of their reflections in relation to human rights, avoiding also conceptual and expositive confusions.

2.5.1 «*Human capabilities*» and human rights in the reflection of Martha Nussbaum

The connection between aristotelic reflection about the notion of «*virtue*», human rights and the thought of Martha Nussbaum can be found in the concept of «*human capabilities*» (already developed by the economist and philosopher Amartya K. Sen from the early seventies and in-depth by Nussbaum). The American scholar has been committed for many years to the definition of a *political project of social justice* that could reconcile the *universalism* of human rights with the need to intervene in *specific social contexts* marked by profound cultural differences and in the effectiveness of the needs of the community or of the individuals. In this context the notion of "*human capabilities*", understood as «a patrimony of potentiality that belongs to every individual of the species and must be object of care by human community and

international organizations»¹¹⁸, becomes central.

In her research Martha Nussbaum identified a minimum list of «capabilities» that every human being should always be assured order to «fully function», that is, in Aristotelic terms, «according to virtue». Such «capabilities» - listed in detail and specified in the text *Creating Capabilities. The Human Development Approach* - include, just to name a few:

Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.

Bodily Health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

Bodily Integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; [...]

Senses, Imagination, and Thought. Being able to use the senses, to imagine, think, and reason—and to do these things in a "truly human" way, a way informed and cultivated by an adequate education [...]

[...]

Practical Reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)

[...]¹¹⁹¹²⁰

In order to fully understand Martha Nussbaum's proposal, it is necessary to consider how these «capabilities» *are not intended* in terms of an «object-right» in a strictly legal sense. The focus of the whole question remains centred on the «subject» and on what it needs so that its existence can be established in all its essential aspects, or because its full «flourishing» as a human being is possible. As Edoardo Greblo

118 Cf. F. De Luise, G. Farinetti, *Lezioni di storia della filosofia*, Zanichelli, Bologna, 2010, unità 4, lez. 11 (*Etiche del Novecento*). [OT]

119 M.C. Nussbaum, *Creating Capabilities: The Human Development Approach*, Harvard University Press Cambridge, MA, 2001, pp. 33–34.

120 For the full list of the capabilities considered by Nussbaum as «central» for the human development, cf. *Ibidem*.

observes:

the capabilities approach does not state that «the person y has the right to x», but rather establishes a constraint of this type: «to be a person, and to fully function as such, y needs x»¹²¹.

In this sense, Martha Nussbaum's reflection present itself in integrative terms from the traditional human rights perspective (and legal, in general): it brings the «subject» back to the centre of investigation, placing it as a fundamental «matrix» from which a determined claim can (and shall) be expressed. As in Aristotle, the attention of the «capabilities approach» is focused on what makes possible for human being doing «his own work well»¹²²: that is, what makes possible for a human being to be what it can be (at its best), to «succeed» as such.

In this thought that places at the centre of the reflection of human rights the capacity of every subject to be able to act virtuously meets the sense of «*social justice*». Nussbaum borrows the Aristotelian reflection according to which justice would be the unification of all virtues. «In justice - writes Aristotle - every virtue is gathered into one»¹²³. «Justice» and «virtue» are unified in the same: if every human being can in fact «function well» - act «according to virtue» - then being the man a «social animal», in all societies there will be a balance given by an effective equity.

The «capabilities approach» presupposes a renewed neo-Aristotelian theory of justice: to create a society in which to every subject is given the opportunity - as a human right - to be able to «function well» means to create attention to the needs of each, fairly. «Justice» becomes «social» when the differences that characterize every human being (or human community) are considered as leading elements in order to evaluate which are the «capabilities» that these subjects need to develop for that «flourishing» that completes the human person in its integrity to happen.

121 E. Greblo, *Capacità e diritti umani*, Università di Trieste, Etica & Politica / Ethics & Politics, XV, 2013, 1, pp. 563-582. [OT]

122 Cf. Aristotle, *Nicomachean Ethics*, tr. by W.D. Ross, Batoche Books, Kitchener, 1999, II, 6, 1106a 22.

123 Aristotle, *Nicomachean Ethics*, tr. by W.D. Ross, Batoche Books, Kitchener, 1999, V, I, 1129b.

As we pointed out earlier, Martha Nussbaum's proposal is not to be considered as «*alternative*» to human rights, but «*integrative*». Human rights are not just «written norms» to be exported and applied, but also attention to «subjectivity» and to the needs arising from them. This approach, in fact, would seem particularly relevant also to undermine that «western mindset» of which human rights are often accused of: in the «capabilities approach» it is not stressed «*what*» a human being needs or is entitled to, but it is emphasized that a human being «*needs*» certain conditions in order to be *in activity*, what it intrinsically is *in power*: namely, *to be able to develop and «flourish»*.

Acting virtuously, in Aristotelian thought, leads human being to «happiness» because doing so the subject acts at its best in its most proper way. Now: who takes this «*areteological responsibility*»¹²⁴? Who has the assignment of ensuring that every human being can develop its own humanity to the best possible degree? The answer, in Aristotle as in Nussbaum, falls on «politics»:

The capabilities approach, in the political field, is founded on the basic intuition for which some human faculties impose the moral requirement to be developed¹²⁵.

[These fundamental human faculties can be considered as] claims of the functioning possibility, claims which give rise to corresponding social and political duties¹²⁶.

Nussbaum strongly emphasizes the social and political value of the «capabilities approach»: in essence, the list of «capabilities» should serve, for politics, as a source of principles by which operate within the social fabric to guarantee an increasing degree of human development. These skills represent, writes the American scholar: «the fundamental human rights that must be realized in any way in a decent world order»¹²⁷ as «a society that does not guarantee them to all citizens up to an appropriate threshold

124 Cf. 1.5.

125 M. C. Nussbaum, *Giustizia sociale e dignità umana. Da individui a persone*, Bologna, il Mulino, 2002, p. 78. [OT]

126 *Ibidem*, p. 80.

127 M. C. Nussbaum, *Le nuove frontiere della giustizia. Disabilità, nazionalità, appartenenza di specie*, Bologna, il Mulino, 2007, p. 13. [OT]

level can not be defined as a fully fair society, whatever its level of wealth»¹²⁸¹²⁹.

The «capabilities approach», therefore, puts in the political activity the central nucleus of that «areteological responsibility», for which it is called to act for the purposes of an increasing human development.

The contribution of Martha Nussbaum remains, in our opinion, extremely important for the world of human rights: it renews the debate by proposing, in project terms, a way of seeing the needs of human beings enriched by the classical *eudaimonistic project*. Happiness - understood as the possibility for each person to express its own humanity in a virtuous manner - is brought back to the centre of human rights, thus «moving» the interpretative possibilities around them. In this sense, politics, which is the guarantor and promoter of human rights, is called to the responsibility of being *virtuous*, not only for the objectives of its own work, but also in respect of itself as a fundamental social justice mechanism. Furthermore, we believe, Nussbaum proposes to the political activity a substantial change in the *modus operandi* and *pensandi*: in order to think about a real social justice it is necessary that politics listens to the needs of the «subject», that is becoming interpreter of the needs of which individuals, communities and social groups are bearers. Only in this way it is possible to envisage an *ad hoc* action that sees a resources distribution and a formulation of decisions of public interest that are actually devoted to human and social development in its concreteness.

2.5.2 Human rights and collective ethics

To reflect on human rights with specific reference to the thought of Alasdair MacIntyre - especially with regard to the pages of *After Virtue* - requires a preliminary clarification: the Scottish philosopher certainly does not fall within the category of what we could call the great supporters of the philosophical-political conception of human

128 *Ibidem*, p. 92. [OT]

129 Cf. also A. Furia, *La misura della felicità. Il compito della politica secondo Martha C. Nussbaum*.

rights. His expression concerning human rights remains famous:

there are no such rights, and belief in them is one with belief in witches and in unicorns¹³⁰

«Human rights» remains linked, in MacIntyre's thought, to the *Enlightenment project* that wanted *reason* as the sole and supreme legislator of human moral conduct. As we have seen in 1.5.2, in the interpretation expressed in *After Virtue* this Enlightenment approach had far from positive effects: if, in fact, the *individual reason* becomes the only true legislator and director of human action, then everyone's own desires and private ends will be generally considered as perfectly «good in themselves» and, therefore, *ethical*. The boundless trust in individual and autonomous moral judgment quickly brings society to a «subjectivist individualism» on the basis of which everyone is perfectly able to decide what is good and what is not, which end is justifiably viable and which is not without having, for example, to deal with the opinions of the rest of the community.

Human rights, for their part, are the result of the same Enlightenment cultural context. The *Déclaration des Droits de l'Homme et du Citoyen* of 1789 - whose contents were almost entirely included into the *Universal Declaration of Human Rights* of 1948 - was conceived with the aim of protecting and promoting «*individual*» rights, or rights and freedoms that belong to every man and citizen as such. «Individual rights» (or «subjective») denote a juridical situation concerning a *single individual*, abstractly isolated from the community.

The criticism of human rights proposed by MacIntyre, therefore, is part of the broader context of the objections addressed by the Scottish philosopher to the Enlightenment project of placing the individual and his reason as supreme moral legislators. In the perspective of the philosopher, moreover, the only possible ethics appears to be the Aristotelian-based one: an ethics linked - as in the ancient Greek society in general - to that set of common and socially appreciated activities that ended

130 A. MacIntyre, *After Virtue. A Study in Moral Theory*, Gerald Duckworth & Co, London, p. 67.

up forming the character and customs of a community, or its *ethos* (*ἦθος*, with the «*η*», *eta*, from which derives «*ethics*»)¹³¹. Regarding the «virtuous activity», as pointed out by Enrico Berti:

Education to virtue [...] is possible, for MacIntyre, only within a community, because only in the community there are recognized «practices», praises, blames, that is all those shared values whose realization constitutes a form of excellence. The set of these values also constitutes a *êthos*, intended no longer as the character of an individual, but as the custom of a community (the Latin *mos-moris*, from which «*moral*»)¹³².

In the community - as understood in ancient Greece and taken up by MacIntyre - a true «virtuous act» for human being is possible only in relation to the values inscribed in the community of which it is always and constitutively part as «social animal» (*ζῷον πολιτικόν*, *zoon politikon*): ethical action, therefore, is conceivable only in the face of an opinion about what is «good» collectively shared and not in a perspective linked to what each individually considers its «personal good». This last conception of morality, in fact, does nothing but fragment society into «egoistic cores» of individuals isolated one from another and, therefore, in a mutually conflicting relationship about the ends to be pursued; namely, about what is «good» and what is «bad» .

From a human rights point of view, MacIntyre's perspective allows us to make an interesting reflection on the relationship of this philosophical-political institution within the broad context of the human community. John Tasioulas, for example, criticizes¹³³ MacIntyre for neglecting an Aristotelian understanding of rights. The Greek philosopher and jurist writes:

131 Cf. Enrico Berti, *Alasdair MacIntyre: comunità e tradizione*, text of the report held at the conference «Giussani Morin MacIntyre. Three icons for future education», organized on 17-18-19 October 2007 by the University of Turin, p. 1 – 2.

132 *Ibidem*, p. 2.

133 Cf. B. Bowring, *Misunderstanding MacIntyre on Human Rights*, *Analyse & Kritik* 30/2008 (Lucius & Lucius, Stuttgart) pp. 210 – 211.

in order to ‘complete the Enlightenment project’ of human rights we need to go back beyond the Enlightenment to an Aristotelian tradition of thought about the human good [...]¹³⁴

Therefore: considering the fact that for Aristotle - followed in this by MacIntyre - ethics and political activity remain intimately connected; and that, as we pointed out in the first part, ethics (virtuous action) concerns the proper «functioning» of the human being (which can only happen in the community and never in isolation); *then a space opens up for us to rethink the «collective» dimension of human rights.*

Following MacIntyre's objections to the Enlightenment project and the criticisms of Tasioulas we could argue that, in terms of a neo-Aristotelian view, human rights could express their greatest ethical potential only if understood as «collective rights», or as rights that are thought not as related to the individual as such, but to the subject as part of the community. According to this logic, of course, these rights shall be bearers of a «*common good*», socially recognized as such. What represents something good for the community - in extensive terms and according to a Hellenistic-Aristotelian paradigm - also represents a good for the individual (as part of the community).

In this context, however it may be, it is not our intention to discuss or compare «individual rights» and «collective rights» in a conflictual sense. We believe, nevertheless, that the Aristotelian paradigm, the Greek tradition and MacIntyre's reflections allow us to weigh up if and how the collective interpretation of human rights could prove itself as useful and/or fruitful in our reflection.

The claims of their rights made by indigenous peoples, in this sense, have something to teach. These claims - it is worth emphasising - should not be thought of starting from a generalized and *naïve* conception of the notion of «indigenous population»: the latter in fact, in their complexity and variety, call into question a multiplicity and a diversity of communities belonging to contexts and including cultures very different from each other. It is good to avoid, in this sense, any sort of «fall» into the Eurocentric and stereotyped idea of the «*bon sauvage*», representative of a

134 *Ibidem.*

primitive, non-civilized humanity and, as such, always equal to itself, indifferent to its specific and characteristic features.

What constitutes the concept of «indigenous collective identity» in the context of the collective legal claims for the protection and respect of the rights of these populations is well exposed by the words of José Martínez Cobo¹³⁵ in his *Study of the problem of discrimination against indigenous populations*:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. [...]¹³⁶

What forms the basis of the claim of human rights in a collective sense, as in the case of indigenous peoples, is the will to present a *political proposal* that requires respect for some common aspects that these communities consider to be *good and indispensable* to their «good functioning» (or *virtuous existence*). What unites, in fact, is a «political flag», a set of claims that are intended to be enforced *at a common level*.

As we mentioned before here it is not a question of formulating a radical critique of the «individual» meaning of human rights in favour of a «collective» one; otherwise it is a question of thinking how it is possible to introduce a collective perspective - in the neo-Aristotelian sense thought by MacIntyre - in the interpretation of human rights.

An emblematic case which, we believe, will help us to better understand the

135 Special Rapporteur for a general and complete study of the problem of discrimination against indigenous peoples, appointed in 1971 by the UN Subcommittee on the Prevention of Discrimination and the Protection of Minorities.

136 United Nations, Department of Economic and Social Affairs, *The Concept of Indigenous People, Study on the Problem of Discrimination against Indigenous Populations*, Background paper prepared by the Secretariat of the Permanent Forum on Indigenous Issues, New York, 19-21 January 2004, p.2.

issue, concerns the *Mayangna* population and, in particular, the inherent *Awás Tingni* community. In 2001 the *Mayangna* won a case of fundamental historical and juridical importance: in substance the population claimed before the *Inter-American Court of Human Rights* its right - against the State of Nicaragua - to return in full possession of its ancestral lands and of the resources related to them (occupied at that time by private companies to whom the land had been given in concession by the Nicaraguan State for logging activities). In this case the *Inter-American Court* interpreted the individual right - to private property, present in *Article 21* of the *American Convention on Human Rights* - in the extensive terms of a collective right belonging to an entire community. That is, the right to private property - generally conceived in the individual terms of a subjective right - was recognized as *ancestrally linked* to a particular human community. This «ancestrality» and the values connected to it played a fundamental role in the Court's decision: the recognition of an «ethos» (values, traditions, habits) linked to a land implied the identification of a right related to a «good» collectively shared and of a use of these lands closely linked to the possibility of a «virtuous» existence intended in the traditional and common terms of the *Awás Tingni* community.

The neo-Aristotelian approach of *After Virtue's* reflection and MacIntyre's critique of human rights understood in their theoretical meaning of «individual rights» help us to formulate, with the help of the *Awás Tingni* case, a theoretical counter-scenario in which human rights open up to a «collective» interpretation. These reflections lead to an «areteological» responsibility for human rights, or rather to their having to open themselves to the protection of needs that do not only concern *individual* well-being, but also that of the community as a whole. The «good functioning» of the person - understood in the «virtuous» terms of the *Nicomachean Ethics* - appears to be inextricably linked to social life: in this sense what happens in the contexts in which indigenous peoples have made of their collective belonging an essential moment for the claims of their rights and freedoms, appears as an essential manifestation of the intrinsic nature of human rights expressed through the intimately social character of humanity as a whole.

All this appears therefore as an inalienable responsibility of the political activity

concerning human rights to consider the possibility the «virtuous life» of the human beings not only as linked to the goals and aspirations of the individual, but also as connected to the collective and social context where this action is exerted.

*2.6 Responsibility towards otherness and the protection of diversity:
rethinking the case of indigenous peoples*

Emmanuel Lévinas' philosophical reflection opens up for us the opportunity to rethink the notion of «*diversity*» and for a renewed meditation on the «value of otherness» and our responsibility before it.

The issue, in our opinion, stands as absolutely decisive for the world of human rights: both to better understand the importance of *protecting cultural diversity* and to consider the basic theoretical structure from which concepts such as «otherness» or «difference» are generally interpreted. In doing so, we would like to propose a reflection that meets the question of the *protection of the rights of indigenous peoples*: in fact at the base of the need for this safeguard lies, in our opinion, one of the greatest failures in recognizing the value of otherness and diversity manifested in human history.

As we saw in 1.6 Lévinas places himself as highly critical of the Western philosophical tradition: in its interpretation the latter has been constituted to an ever increasing extent as «*philosophy of the subject*», that is as a Cartesian-based philosophy in which the other does not exist except as filtered by the categories of the mind of the individual subject. This *gnosiological individualism*¹³⁷ - as Renzo Damieri rightly notes in his contribution *Educating to difference today* – turns rapidly into an «individualism on the ethical and socio-political level»¹³⁸. The objective of Lévinas' thought is to

137 From Greek γνῶσις, *gnōsis*, «knowledge», «the faculty of knowing»: the term «*gnosiological individualism*» indicates, therefore, a conception of the faculty of understanding entirely centered on perception and subjective reflection.

138 R. Damieri, *L'educazione alla differenza oggi. Formare l'altro*, Firenze University Press, Studi sulla formazione, 2013, pag. 87-99. [OT]

highlight and criticize the «egocentrism» of Western philosophy in order to bring the «other» back to the centre of the reflection: the subject, in fact, does never exist as isolated but always in relation to otherness. As Damieri points out, in *Totality and Infinity* Lévinas explains how the thought of the West is essentially «violent»:

unable to come out of itself, aimed as it is to frame everything in its all-encompassing horizon. In Western thought the truth is sought with attention to something that is not possessed and must be respected, with the arrogance of those who feel right in appropriating the other.¹³⁹

Western culture - through a speculative thinking strongly based on the principle of identity and on the aforementioned philosophy of the subject - is essentially an «*ego-logical*» culture (extensively, therefore, *ego-ist*), in which the other is conceived «from myself»: the result is an *indifference* to the diversity of the other and a thought framework centred on a self-referential perception of the otherness.

Yet, as we mentioned earlier, the gnosiological individualism implicit in the *modus pensandi* of Western culture naturally translates into a *modus operandi* on a ethical and socio-political level¹⁴⁰. The violence of Western thought - in the Levinasian sense of the annihilation of diversity¹⁴¹ - is linked to the words written by Eduardo Galeano in *Los hijos de los días*, with reference to the arrival of the Europeans in the Americas and their encounter with the native populations:

In 1492, the natives discovered they were indians, discovered they lived in America, discovered they were naked, discovered that the Sin existed, discovered they owed allegiance to a King and Kingdom from another world and a God from another sky [...] ¹⁴².

139 Cf. *Ibidem*, 89; [OT] E. Levinas, *Totalità ed infinito. Saggio sull'esteriorità*, Jaca Book, Milano, 1977.

140 Cf. *Ibidem*.

141 Cf. *Ibidem*.

142 E. Galeano, *Los hijos de los días*, Siglo XXI de España Editores, Madrid, 2012, p. 198 (*Octubre 12 El Descubrimiento*). [OT]

The arrival in the New World and the European approach represents a paradigmatic example of the consequences of that «violent thought» that Western culture brings with it starting from its philosophical tradition. Galeano's words constitute an excellent synthesis of that violence: every encounter with otherness and with indigenous difference was managed by the colonizers through the application of their own thinking categories and systems. Political and religious structures, moral norms, traditions and ontologies: a European order was applied (or, ex-ported) to every element relating to indigenous life. This arrogance of the «Western ego» was not limited to the otherness of the natives, but also to the lands they occupied: these immediately became just basins from which drawing to satisfy the will of power of the «western self»; the relationship that the other (indigenous) had established with the land remained ignored (and in many cases it still is).

Today, more than 500 years after the arrival of the European in the Americas, the effects of that *modus pensandi* and *operandi* are still visible: just think of some of the (more or less recent) statements by Jair Bolsonaro about the indigenous peoples present in Brazil. It is worth remembering some:

«It's a shame that the Brazilian cavalry hasn't been as efficient as the Americans, who exterminated the Indians.» Correio Braziliense newspaper, April 12, 1998.

«There is no indigenous territory where there aren't minerals. Gold, tin and magnesium are in these lands, especially in the Amazon, the richest area in the world. I'm not getting into this nonsense of defending land for Indians» Campo Grande News, April 22, 2015.

«We are going to integrate them into society. Just like the army which did a great job of this, incorporating the Indians into the armed forces.» Globo news, August 3, 2018.¹⁴³

It would perhaps be appropriate to consider these, if not coming from the highest and most powerful position of the Brazilian government, as nothing more than provocative and populist utterances. Those, however, mark an ethical and political way of thinking and acting that still finds a broad consensus. The violence of the thought

143 <https://www.survivalinternational.org/articles/3540-Bolsonaro>

«incapable of going out of itself» and «totalitarian» becomes "flesh" in the overbearing action of those who feel themselves to be holders of the sense of the world and of its truth.

Human rights and the institutions responsible for their promotion and safeguard have, in our opinion, a dual task: on the one hand, the protection of the rights of indigenous peoples and on the other, equally important, that of educating to the precious difference they still represent today.

The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) under Art. 13 sanctions the right of indigenous peoples:

to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.¹⁴⁴

The point underlined by the *Declaration* is extremely relevant: essentially it sanctions the right of the «other» to be what it is, or to express its own being in its full integrity. The article, in its set of references ranging from indigenous ontologies to symbolic structures and linguistic and narrative codes, marks a reference to responsibility - ours and of human rights - towards the otherness that is, at the same time, of «protection» and «recognition». It appears as a clear task of international humanitarian organizations to legally protect diversity, whose expression is the prerogative of human freedom. Yet we need to avoid falling into «egocentric» structures of thought based on an implicit dichotomy «we/them». For the protection of the rights of indigenous peoples to be fully and consciously understood, it shall pass through the recognition of the other in its most radical sense. In this, we believe, it is about the conscience that human rights have of their own work in this context. For this to be possible:

144 Cf. https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

[...] the subject shall depose his power and establish a disinterested relationship with the other. There is almost an «impossible indifference» in the relationship with the other; but it is not a responsibility of a «cold» being like Cain, says Lévinas, towards his brother. Cain had to be more radically responsible of his brother, without quirky agreements and commitments [...] responsible as forced by a superior command [...] ¹⁴⁵

The task of «educating to diversity» which shall be proper to human rights, is based on self-criticism and reflection. They shall be bearers of a new way of thinking about Western culture (from which they come) and its relationship with «otherness»: the legal protection of a right, as well as the power that makes it possible, is an indispensable tool and not a concession from above. What regulates the activity of protection in its most intimate bases shall be equity in its most radical and gratuitous sense: that is, the justice that each of us owes to the other as «responsible» *ab origine* in the care of the «other». As Emmanuel Lévinas writes in *Otherwise than Being, or Beyond Essence*:

The face of a neighbor that I meet in proximity signifies for me an unexceptionable responsibility, preceding every free consent, every pact, every contract. ¹⁴⁶

Only when this responsibility towards the other will be fully understood and assumed - released from every factually (ontic) determined power - as an essential (ontological) part of our being together with others, then we may begin a path towards an education to diversity that may lead us to a new way of thinking our culture and our way of relating to otherness.

The disappearance of utterances such as the ones expressed by Bolsonaro can only take place in the full assumption of responsibility towards the other operated first

145 Cf. R. Damieri, *L'educazione alla differenza oggi. Formare l'altro*, Firenze University Press, Studi sulla formazione, 2013, pag. 98.

146 E. Lévinas, *Autrement qu'être ou au-delà de l'essence*, Nijhoff, Den Haag, 1978; ed. it. *Altrimenti che essere al di là dell'essenza*, Jaca Book, Milano, 1983, p. 114. [OT]

of all by those who are engaged in its protection. The mistake of falling back into a «West/indigenous» perspective shall be avoided before anyone else by those who promote certain rights, such as those set out in article 13 of the *Declaration on the Rights of Indigenous Peoples*. The *modus pensandi* (and the consequent *modus operandi*) of many subjects towards indigenous peoples can not change only through the mechanical imposition from above of a juridical norm, but essentially through a substantial rethinking of the common way of understanding the relationship with the diversity.

In this regard, only to provide an exemplification of what we are emphasizing, the *Declaration on the Rights of Indigenous Peoples* states in paragraph 2 of article 15 the need to promote «tolerance» between indigenous peoples and other segments of society: such term, in our opinion, illuminates a fracture to heal in the path towards the recognition of otherness in its essential value. «Tolerance», in itself, reproduces an enlightenment and bourgeois paradigm (already expressed by Voltaire in his *Traité sur la tolérance*) in which a part that «tolerates» is opposed by another that is «tolerated». A «higher» that addresses to a «lower». Rethinking the value of otherness means also reconsidering the terms we use to refer to it, behind which the ethnocentrism that human rights and international humanitarian organizations are called to deconstruct can be hidden.

Education to «otherness» shall increasingly be established as one of the primary purpose of human rights. In order to do this, we stress again, it is necessary a previous self-analysis that allows human rights and the organizations themselves to unmask and re-establish our experience of the other. Our responsibility is therefore not only to protect, but also to «prepare the ground» so that a substantial recognition of otherness is really possible.

Indigenous peoples, in this sense, represent a valuable experience for us all. With them we are not called to deal with subjects who simply have different «opinions» than ours, or customs and habits to which we could be unprepared. The experience is far more radical and refers to the Levinasian sense of otherness: in indigenous peoples we can find the residues of an *humanitas* which was originally constituted as «different»

than those typical of West. When we speak of «indigenous ontologies», for example, we are referring to a radical diversity in understanding and interpreting the role of nature, life and being; to a different way of relating to water, wood or animal life: exactly here lies the richness of civilizations and cultures that make up the «common heritage of humankind»¹⁴⁷.

The «responsibility towards otherness» of which we have spoken in connection with Emmanuel Lévinas concentrates precisely here: in the awareness of the difference that is given in the epiphany of the «face of the other»¹⁴⁸, which is immediate involvement in ethics¹⁴⁹, namely in the responsibility towards otherness. The face we encounter in the indigenous peoples speaks of that «absolute nakedness»¹⁵⁰ to which the philosopher referred:

this absolutely defenseless face, without a screen, without a dress, without a mask, is nevertheless what opposes my power over it, my violence, what is absolutely opposed to it, with an opposition that is opposition in itself.¹⁵¹

Violence towards the other is possible only if the «otherness of the other» is not understood, recognized: the "*Other*" is an original experience, starting from which the world can be constituted before our eyes as a reality. Acting in violent terms towards the other means first of all using violence to ourselves and to what intimately and daily bases our experience of the world.

Lévinas's philosophical reflection takes us in radical terms before a rethinking of the «value» of difference and of our being, in the world, together with «the other» and responsible for it. What remains, therefore, is the attempt to re-found a new humanism, a new consciousness of the other and therefore a new education of otherness:

147 Cf. *Annex, United Nations Declaration on the Rights of Indigenous Peoples*.

148 The phrase, we recall, is characteristic of Lévinas's writing.

149 Cf. E. Lévinas e P. Nemo, *Etica e Infinito. Dialoghi con Philippe Nemo*, a cura di Franco Riva, tr. di M. Pastrello e F. Riva, Roma, Castelvecchi, 2012, p. 87.

150 E. Lévinas e A. Peperzak, *Etica come filosofia prima*, a cura di F. Ciaramelli, Milano, Guerini e Associati, 2001, p. 26. [OT]

151 *Ibidem*. [OT]

The humanity of our conscience does not lie in its powers, but in its responsibility. In passivity, in acceptance, in the obligation towards others: it is the other that is first and, here, the question of my sovereign conscience is no longer the first question. The humanism of the other man shall also begin with a different way of setting the educational relationship, more open and decentralized, listening to the other.¹⁵²

152 E. Levinas, *Il pensiero dell'Altro*, Lavoro, Roma, 1999, p. 191. [OT]

Conclusions

We have decided to name our work *The «other» and us* to provide, from the beginning, a specific reference to the «direction» of our reasoning. The term «responsibility» derives from the Latin verb «*respondere*»: to «answer». However the notion of responsibility may be declined, whatever interpretation may be given to its meaning, it remains essentially a «have-to-answer», a «being-engaged-in-the-response». The «other», here, is already present. The notion of responsibility is originally rooted in its being essentially and concretely *directed towards otherness*.

«Human rights», on the other hand, were born as a philosophical-political concept aimed at recognizing and protecting the inalienable rights of which every human being (*us*), as such, is endowed. Yet, it shall be considered that the declaration of these rights does not take place «out of nowhere»: they are essentially, to paraphrase Norberto Bobbio, «protection mechanisms» towards new threats (to the freedoms of the individual or of the community) and «remedies» to forms of indigence and of social or individual disparity¹⁵³.

The birth of human rights and their today's presence represent, in our opinion, a call to responsibility that *our* humanity addresses to itself. Together with them, in accepting their basic principles and assumptions, humanity takes on the responsibility of responding to the great injustices, inequalities and deficiencies that reality brings with it, individually and collectively.

The main goal of such responsibility, however, cannot be understood in exclusively negative terms: the human being is such, in fact, not only in its misery and difficulties, but also in its possibility of fully express itself in the complex of its capabilities. The task of human rights, therefore, translates also into the terms of responding with concrete actions to the *potential* human development: that is, of constituting a reality where the latter is recognized as an indispensable moment for the humanity as a whole.

The «other», however, is not limited to the pure individuality of the subject. It is,

153 Cf. N. Bobbio, *L'età dei diritti*, Einaudi, Torino, 2004, p. XV.

in fact, the result of a surrounding that constitutes it and to which it is linked through ties made of values and meanings. However, it is not a question of identifying a hierarchical scale in which the subject comes first, then the social community to which it is linked and, finally, the biological-natural reality that surrounds it: the connection, instead, lies in the understanding of *an articulated being* of the «other». The «otherness» is such in the complex of what determines its existence and not in virtual abstractions of the subject from any other sphere. The answer that human rights are called to provide, therefore, is in the total recognition of *otherness*, or in the overall individuation of the structures that determine it: the responsibility understood in the sense of «individual right», although indispensable, remains partial.

In this sense the generations of rights - which draw attention to increasingly «collective» and «environmental» contexts - accurately reflect the progression of the concept of human rights in even more extensive terms. The consciousness of otherness is given in the recognition of a relationship that belongs to the human being and transcends it at the same time: the *nature* in which the subject inhabits is its right and responsibility and the *community* includes it and at the same time exceeds it .

To discuss about the rights of human beings, therefore, means to refer to a structure that is *otherness itself*. The human being «*is*» in virtue and constant relation to what determines it as such. Who comes first in this structure, whether the determinant or the determined, is irrelevant because the structure itself is different and greater than the sum of its parts. The answer that responsibility calls human rights to provide, therefore, is always due in an integral perspective: the particularity of the protection or promotion of a certain right, in fact, can take on a full meaning if related to the complexity of the structures that make up human existence.

The present thesis has tried to investigate the concept of «responsibility» keeping in constant reference a perspective aimed at «otherness»: whether the latter is the human being, its possible development, the environment, the community or political activity. Investigating the notion was intended to show how it can break down into a multiplicity of interpretative aspects and, at the same time, recompose itself in a unit that is directed to taking care of existence as a whole. The recognition of these aspects -

in reference to which the present work does not aim at being a definitive list - has been proposed with the intention of stimulating thought towards a complexity and a set of relations we all often tend to forget to dedicate ourselves to increasingly particular areas. The attempt to identify some categories and areas of interpretation of the concept of responsibility in relation to human rights also arises as an effort to «open» a discussion that allows us to embrace all our intentions without having to forget the particularities that they remain connected to.

An «ethics of care» is what, we believe, goes along all our pages. The responsibility for human rights towards otherness in all its interpretations, in the end, is nothing but an attempt to think about the multiplicity of areas in which human rights are called to operate and for the plurality of answers that they are and will always be called to provide.

Bibliography:

texts and articles

- N. Abbagnano, *Storia della filosofia*, Gruppo Editoriale L'Espresso, Roma, 2006.
- S. Agostino, *Vol. XXIV/1, Om. 43, 7*, trad. it E. Gandolfo, Città Nuova Editrice, Roma, 1968.
- G. Agamben, *Al di là dei diritti dell'uomo*, in *Mezzi senza fini. Note sulla politica*, Bollati Boringhieri, Torino, 1996.
- H. Arendt, *Che cosa resta? Resta la lingua materna* (trad. it.), in *Aut Aut*, nn. 239-234, 1990.
- H. Arendt, *The Origins of Totalitarianism*, Meridian Book, The World Publishing Company, Cleveland, 1962.
- H. Arendt, *Responsabilità e giudizio, Responsabilità collettiva*, a cura di J. Kohn, Einaudi, Torino, 2004.
- Aristotele, *Etica Nicomachea*, traduzione ed introduzione a cura di Carlo Natali, Bari, Laterza, 1999.
- Aristotle, *Nicomachean Ethics*, tr. by W.D. Ross, Batoche Books, Kitchener, 1999.
- E. Berti, *Alasdair MacIntyre: comunità e tradizione*, text of the report held at the conference «Giussani Morin MacIntyre. Three icons for future education», organized on 17-18-19 October 2007 by the University of Turin.
- N. Bobbio, *L'età dei diritti*, Einaudi, Torino, 1992.
- B. Bowring, *Misunderstanding MacIntyre on Human Rights*, *Analyse & Kritik*, 30/2008, Lucius & Lucius, Stuttgart.
- E. Cassirer, *Kants Leben und Lehre*, 1921, *Vita e dottrina di Kant*, trad. it. di G. A. De Toni, Firenze, La Nuova Italia, 1984.
- J. M. Cincunegui, Alasdair MacIntyre. About tradition, revolution and modernity, Universidad del Salvador, «Fragmentos de Filosofía», n° 11 (2013).
- L. Cortella, *Storia della metafisica. Dalle origini greche a Hegel*, Cafoscarina,

Venezia, 2015.

- R. Damieri, *L'educazione alla differenza oggi. Formare l'altro*, Firenze University Press, Studi sulla formazione, 2013.
- F. De Luise, G. Farinetti, *Lezioni di storia della filosofia*, Zanichelli, Bologna, 2010.
- C. M. del Río, *La Virtud Tradicional Contramoderna*, in R. Maiz, Comp.: *Teorías Políticas Contemporáneas*, Valencia, Tirant lo Blanc, 2009.
- S. Forti, *Hannah Arendt: filosofia e politica*, in AA.VV., *Hannah Arendt*, Mondadori, Milano, 1999
- V. Franco, *Responsabilità. Figure e metamorfosi di un concetto*, Donzelli Editore, Roma, 2015.
- U. Galimberti, *Psiche e Techne. L'uomo nell'età della tecnica*, Feltrinelli, Milano, 2009
- E. Galeano, *Los hijos de los días*, Siglo XXI de España Editores, Madrid, 2012, (*Octubre 12 El Descubrimiento*).
- G. Giorgini, *The Aristotelian Utopia of Alasdair MacIntyre*, *Studia Philologica Valentina* Vol. 16, n.s. 13 (2014).
- E. Greblo, *Capacità e diritti umani*, Università di Trieste, *Etica & Politica / Ethics & Politics*, XV, 2013.
- Paola B. Helzel, *Apolide e cittadino: il dilemma della fonte dei diritti nella lezione di Hannah Arendt*, *Foro*, Nueva época, núm. 7/2008.
- Paola B. Helzel, in *La cittadinanza europea, Hannah Arendt e il 'diritto di cittadinanza' come base dei diritti umani*, Franco Angeli, 2/2015.
- J. Hersch, *I diritti umani da un punto di vista filosofico*, a cura di F. De Vecchi, Mondadori, Milano, 2008.
- H. Jonas, *Il principio responsabilità. Un'etica per la civiltà tecnologica*, Einaudi, 1990, Torino.
- H. Jonas, *Lo gnosticismo*, SEI, Torino, 1991.
- H. Jonas, *Wissenschaft als personliches Erlebnis*, Vandenhoeck & Ruprecht, Gottingen 1987; trad. it. *Scienza come esperienza personale*, Morcelliana, Brescia 1992.
- I. Kant, *Grounding for the Metaphysics of Morals*. tr. by E. James W., 1993, Hackett,

Indianapolis/Cambridge.

- E. Lévinas, *Altrimenti che essere o al di là dell'essenza*, Jaca Book, Milano, 1983.
- E. Lévinas, *Autrement qu'être ou au-delà de l'essence*, Nijhoff, Den Haag, 1978.
- E. Lévinas, *Dall'esistenza all'esistente*, Marietti, Casale Monferrato, 1986.
- E. Levinas, *Il pensiero dell'Altro*, Lavoro, Roma, 1999.
- E. Lévinas, *Totalità e infinito. Saggio sull'esteriorità*, Jaca Book, Milano, 1980.
- E. Lévinas e P. Nemo, *Etica e Infinito. Dialoghi con Philippe Nemo*, a cura di Franco Riva, tr. di M. Pastrello e F. Riva, Roma, Castelvecchi, 2012.
- E. Lévinas e A. Peperzak, *Etica come filosofia prima*, a cura di F. Ciaramelli, Milano, Guerini e Associati, 2001.
- A. Lotto, *Diritti umani e cittadinanza in Hannah Arendt*, Università "Ca'Foscari" di Venezia, DEP n.5-6/2006.
- A. MacIntyre, *After Virtue. A Study in Moral Theory*, University of Notre Dame Press, Notre Dame (Indiana), 2007.
- K. Major, *Ideology and the maintenance of group inequality*, Group Processes & Intergroup Relations, 2017.
- M.C. Nussbaum, *Creating Capabilities: The Human Development Approach*, Harvard University Press Cambridge, MA, 2001.
- M.C. Nussbaum, *Giustizia sociale e dignità umana. Da individui a persone*, Bologna, il Mulino, 2002, p. 78
- M.C. Nussbaum, *Nature, Function and Capability: Aristotle on Political Distribution*, *Oxford Studies in Ancient Philosophy*, Supplementary Vol. 1, 1988.
- M.C. Nussbaum, *Le nuove frontiere della giustizia. Disabilità, nazionalità, appartenenza di specie*, Bologna, il Mulino, 2007.
- M.C. Nussbaum, *Human Functioning and Social Justice: In Defense of Aristotelian Essentialism*, *Political Theory*, Vol. 20, No. 2 (May, 1992).
- M. T. Pansera, *Postfazione. Per una politica della responsabilità*, in H. Arendt, *Per un'etica della responsabilità. Lezioni di teoria politica*, Mimesis, Milano-Udine, 2017.
- H. Tirosh-Samuelson C. Wiese, *The Legacy of Hans Jonas: Judaism and the*

Phenomenon of Life, Brill, Leiden, 2008.

- R. J. Vernengo, *Ética reflexiva y ética de la responsabilidad en Max Weber*, Doxa 15-16 (1994).
- C. Volpato, *Le radici psicologiche della disuguaglianza*, Laterza, Bari, 2019.
- M. Weber, *Politics as a Vocation*, Translated and Edited by H. Gerth and C. Wright - Mills, Oxford University Press, New York, 1946.
- M. Weber, *The Vocation Lectures, Politics as a vocation*, tr. By R. Livingstone, Hackett, Indianapolis/Cambridge, 2004.

Other sources:

- *Demystifying Human Rights Protection in Asia*, Background Paper, Fidh, November 2015/N°669a.
- A. Furia, *La misura della felicità. Il compito della politica secondo Martha C. Nussbaum*.
- *Diritti umani e valori asiatici (Human Rights and Asian Values)*, edited by Eva Pfössl, Research promoted by the Institute of Political Studies «S. Pio V », APES, Roma, 2008.
- A. de Toqueville, *Democracy in America*, vol. II, (1840), tr.it. *La democrazia in America*, a cura di Giorgio Candeloro, *Dalla rivoluzione alla società sviluppata: la nascita del primo stato americano*, traduzione di rivista e aggiornata sul testo critico Gallimard di G. Candeloro, Collana Storica, Milano, Rizzoli, 1982.
- United Nations, Department of Economic and Social Affairs, *The Concept of Indigenous People, Study on the Problem of Discrimination against Indigenous Populations*, Background paper prepared by the Secretariat of the Permanent Forum on Indigenous Issues, New York, 19-21 January 2004.

*Websites
and Documents of International Organizations:*

<http://edition.cnn.com/2005/ALLPOLITICS/01/20/bush.speech/>
<https://sustainabledevelopment.un.org/content/documents/2006future.pdf>
<https://www.unhcr.it/chi-aiutiamo/apolidi/quant-sono-gli-apolidi-nel-mondo>
<https://edition.cnn.com/2015/10/25/europe/tony-blair-iraq-war/index.html>
<https://www.unhcr.it/chi-aiutiamo/apolidi>
<http://portal.unesco.org/en/ev.php>
URL_ID=13178&URL_DO=DO_TOPIC&URL_SECTION=201.html
https://www.ohchr.org/en/udhr/documents/udhr_translations/eng.pdf
<https://www.survivalinternational.org/articles/3540-Bolsonaro>
https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

Annex

*Table of essential contents around the concept of «responsibility»:
synopsis of the addressed philosophical perspectives*

Author	General Concept
<i>Immanuel Kant</i>	<p style="text-align: center;"><i>Deontological responsibility</i></p> <p>The concept of responsibility extrapolated from Kantian ethics refers to a <i>formal ethics</i>, linked to the moral precepts that reason recognizes as good in itself. In this sense responsibility is linked to acting (or not) in compliance with a specific <i>duty</i> - in Kant's moral philosophy, the <i>categorical imperative</i> - endorsed by reason. The «<i>deontological responsibility</i>» (δέον, <i>deon</i>: «obligation, duty»), in this sense, can also be defined as a responsibility of the «<i>here and now</i>», as it is mainly linked to the <i>formal moral constraint</i> and not temporally oriented towards future effects of the action.</p>
<i>Max Weber</i>	<p style="text-align: center;"><i>Ethics of responsibility</i></p> <p>The notion of responsibility is here understood by Max Weber as closely related to the <i>consequences of action</i> and not only to the formal adherence to a moral norm (ethics of intentions). Basically, with Weber we see a shift in the notion of responsibility: the latter is detached from the mere singularity of moral and individual action and reconstitutes itself in a practical-political field in which the effects of the action begin to be thought in relation to the world and the community.</p>
<i>Hans Jonas</i>	<p style="text-align: center;"><i>The imperative of responsibility</i></p> <p>Jonas interprets the Kantian categorical imperative in the light of a <i>new ethics based on responsibility towards future generations</i> (and therefore focused on the consequences of our actions). In this sense «responsibility» is interpreted as «being-called» to respond (in forecast terms) to the consequences of our actions. The new ethics of a responsible action proposed by Jonas finds its deep motivations in the concerns of the German philosopher about the possible effects of the</p>

	intensive use of technology on biological life on earth.
Hannah Arendt	<p style="text-align: center;"><i>Collective responsibility:</i></p> <p>The notion of responsibility is conceived by Hannah Arendt with specific reference to the <i>community</i> in which every human being is included as a «social/political animal» (<i>zōon politikōn, ζῷον πολιτικόν</i>). Her conception of the notion of «responsibility» is fundamentally political and, therefore, «intersubjective»: every human being is responsible not only for itself as individual, but above all because being (substantially) part of a collective context.</p>
Martha Nussbaum e Alasdair MacIntyre	<p style="text-align: center;"><i>Aretological responsibility</i></p> <p>The notion of «<i>areteological responsibility</i>» (from the Greek term <i>ἀρετή, aretè: virtue</i>) was presented on the basis of the neo-Aristotelian philosophical reflection of Martha Nussbaum and Alasdair MacIntyre. Aristotle's <i>Nicomachean Ethics</i> and the doctrine of «virtue» and «happiness» are to be considered as the basis from which this notion came to be clarified.</p> <p>→ In the perspective of Martha Nussbaum the question of «responsibility» intersects with the role of politics in society: according to the American author, it shall take on all the possible means so that every human being can «flourish», or to express and develop to the maximum degree (therefore in a «virtuous» way) its own <i>capabilities</i>.</p> <p>→ For as regarding MacIntyre the question of responsibility is framed in a perspective not very distant from that proposed by Nussbaum, but with some specificities due to his «communitarianism». To MacIntyre the notion of <i>virtue</i>, in Aristotle, shall be thought in closely linked terms to the concept of «<i>end</i>» (<i>τέλος, telos</i>). Determining which purpose is best for the human beings becomes a fundamental responsibility of political action. It seems unlikely to conceive virtuous human beings if the political organization that presides over their education and development does not act in the best way. At the centre of MacIntyre's discourse is the «community»: it is in fact the only place where human development can be given and where a human beings can live a virtuous life in accordance with the</p>

	goals and values accepted by all the community.
Emmanuel Lévinas	<p style="text-align: center;"><i>Responsibility and otherness</i></p> <p>Levinas' reflection about the concept of «responsibility» develops starting from his «philosophy of otherness». According to the philosopher, «responsibility» shall not be thought as an «accidental mode» that human beings can decide whether or not to implement. Instead, it is a way of being «substantially» and «ontologically» structural of every subject. The «ego», according to Lévinas, is created starting from the relation (collision) with <i>otherness</i>: the subject, being constitutively included in the relation with the «otherness» is <i>ab origine</i> responsible towards the «other».</p>