

Interview to Vittorio Possenti

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Question. Professor Possenti, a reflection on human rights accompanies a large part of your academic activity. During your studies, you have alternated between an exploration of foundational metaphysical themes (rooted in classical Greek-Roman and medieval thought), and an in-depth study of the problems of political philosophy and law, remaining all the while attentive to the suggestions of modernity and contemporaneity. How did you develop this dual attention?

Answer. At the beginning, the issue of human rights was there but inactive in me and it only began to emerge in 1977 when I proposed to the publishing house “Vita e Pensiero” (Milan, Italy) that I re-edit two works by Maritain. These works had already been printed by the Edizioni di Comunità in the 1950s but had been sold out for a long time. These two works were “*Les Droits de l'homme et la loi naturelle*” (Human rights and natural law) and “*Christianisme et Démocratie*” (Christianity and democracy), both of which date back to 1942. The proposal was accepted and I prepared an introduction for the first volume. Almost simultaneously, there was a strong drive forward on the focus of human rights by both John Paul II and, in general, by a broad international alliance. Subsequently, several meetings took place in Budapest, Klingenthal and Moscow, urged to do so by the Holy See and the countries of the Soviet orbit. I took part in these meetings and they were mainly focused on human rights among Catholic and Marxist scholars: a returning theme of these meetings was religious freedom, soon followed by a discussion of the European common house.

In my writings, practical-political questions about this research are not disjointed by deeper reflection, which I do in order to elaborate an adequate justification of rights and duties. For many years, I have given critical attention to the concept of law in radical legal Positivism (specifically looking at Kelsen’s pure theory of law and practical reason), attempted by Nihilism in its various manifestations, in union with an urgent request of renewing political philosophy

after the period of Behaviorism and Positivism. The treatment of Speculative Knowledge (metaphysics, ontology, gnosiology) has been fundamental for me from the beginning, and it remains a primary task within my work. In metaphysics and religion lies the deep life of the spirit and of the peoples and perhaps it is in an age like ours, which declares itself to be post-metaphysical and anti-metaphysical and which can remain in the grasp of theoretical nihilism, that we need this life more than ever. In recent years, I have argued that the modern philosophical cycle in its antirealist side from Descartes to us, has been concluded. Moreover, the philosophy of being may foster a new beginning of thinking.

Q. According to you, can the theories inherited from classical thought, such as gnosiological and ontological realism, the stability of essences/natures and the concept of natural law, still shed light on the delicate issue of human rights nowadays?

A. I am persuaded of that. In particular, I refer to the natural law as the Moral Law of Human Nature, and not to the natural law in the sense of laws discovered by physics. It is expressed in fundamental vital inclinations and it is learned through a very rough path. It is known for inclination, sympathy and connaturality, and it is not primarily mediated through theoretical argumentation, although that anyways remains necessary as a confirmation. Maritain has deepened these aspects in a particularly noteworthy way, paying attention to these forms of knowledge, which have been ignored by Modern Rationalism from Descartes onwards, and, in a certain way, recovered by phenomenological trends. Knowledge about the implications of natural law inscribed in human beings will never end, and for this reason – despite an almost totalitarian opinion that considers it as a dead and useless data, mere remnants of a barbaric and dogmatic age – it is intrinsically equipped with dynamic force and the “subversive” capability of the status quo (See Antigone, Saint Paul to the Romans, Thomas Aquinas, etc.). Undoubtedly, this approach encounters considerable difficulties due to the widespread refusal of ontological and universalist thought. Moreover, it is influenced by post-metaphysical ideology, following the idea that metaphysics has been forever destroyed in Europe and that it won't ever be reborn. Despite this beheading of philosophical thought, which has been reduced to ethics and such related subjects, Habermas, one of the major supporters of post-metaphysical ideology, does not dismiss the element of the universal. On the contrary, at some point in his career, he wrote *Die Zukunft der menschlichen Natur: Auf dem Weg zu einer liberalen Eugenik?* (The Future of Human Nature: Are We on the Path to Liberal Eugenics?). With this work, he embarked upon on a very demanding path for a soi-disant post-metaphysicist, as very few concepts of the history of philosophy are so laden with metaphysics as that of human nature and its universality.

Q. However, the expression “human rights” is a legacy of the modern age. Indeed, the western world only paid attention to this term in 1789, with the “Declaration of the Rights of Man and of the Citizen” at the beginning of French Revolution. What are the philosophical concepts that

preceded and accompanied this declaration? Can we find out about their lights and shadows?

A. A historical-analytical examination of the above philosophical concepts and their development would require more than a little dedication. In the first instance, it is possible to approach this topic by examining the primary concepts used by the main modern declarations, without failing to suitably recognize the importance of the American Declaration of Independence of 1776. It starts with the phrase “life, freedom, the pursuit of happiness”, in which the supreme rights are expressed. In 1789, freedom and equality were emphasized: “Men are born and remain free and equal in their rights”. These are identified in a group of four rights: freedom, property, safety and resistance to oppression. It is worth emphasizing that the right to life does not appear. With the Universal Declaration of Human Rights in 1948, article 1 was reformulated in broader terms than what had been previously affirmed in 1789: “All human beings are born free and equal in dignity and rights”. It is broader due to the addition of the primary concept, dignity. Since then it has been used widely. Later on, in article 3 the primary rights are life, freedom, and personal safety. This last right takes the place of “the pursuit of happiness”, as originally included in 1776, while recovering the 1789 aspect of “safety”. This was perhaps done due to the slaughters endured during the Second World War, and the consequent demand that mankind be defended from murder, torture, and both psychological and cruel physical treatments. In that situation, it would have seemed almost derisive to refer to the concept of happiness. Before 1776, it is important to remember the writings of J. Locke and the Liberalism that comes from them. According to these theories, the primary natural rights are: life, freedom, civil equality and property. They talked about natural rights and not human rights, as it will appear later.

Q. The Universal Declaration of Human Rights of 1948 (UDHR) and the subsequent effort to put it into practice, are themselves part of a deeply changed context. What has contemporary thought given to the reflection on human rights?

A. Due to the huge amount of writing on rights, it is a difficult topic to think about it. In a nutshell, I would say that contemporary thought has underlined author proofs xxii Interview to Vittorio Possenti two focuses: firstly, the idea that we must consider human rights seriously in order to find unity between them from the beginning, and avoid conflict between them and, secondly, that we must extend the guarantee of human rights to countries that partially adopt them and put them into practice. The first task is very difficult because it is easy to focus on one or more rights at the expense of others, as I think has happened due to an excessive emphasis on freedom rights. The second task, meanwhile, can be achieved by positivizing rights and giving them national and international legal guarantees. It is well understood that rights have become a fundamental focus point of the political agenda. For over half a century, in western countries we have lived in the age of rights which has caused an inflation of them, that seems unstoppable. This situation has led authors and groups of influence to speak of an age of

“insatiable rights” and of silence on duties. Nowadays, it is a common idea that we need to fundamentally rethink the age of rights and the notion of law that can often become a weapon pointed against the other and the weak. In Italy, two books published simultaneously (G. Zagrebelsky, *Diritti per forza*, Einaudi, Torino 2017, and V. Possenti, *Diritti umani. L’età delle pretese*, Rubbettino, Soveria 2017) denounce the elephantiasis of rights. They have benefited a modest part of humanity, where desires and claims continue to grow, often at the expense of the disadvantaged. Both works consider that the people who hold greater responsibilities are not the declared enemies of the rights, who today are few, but rather those who fulfill positions of power and use the issue of rights to their own personal advantage, are the true enemies. Given global interconnection, this attitude can even cause damage far away from the place where those who exploit the rights in their favour live. No human being with common sense and awareness can think about obtaining his rights – we are talking about this and not of mere claims – without taking into account how he belongs to a society and without evaluating the repercussions that would result from his demand to his rights. Today, it appears necessary to avoid a merely rhetorical discourse on human rights, hoping that the 70th anniversary of the Universal Declaration does not become an empty celebration. It is time to create a new perspective in which the right loses or attenuates its offensive character, makes an alliance with duty, knows how to distinguish between claim and right, and practices the injunction of duty and the penalty that occurs when the duty is not fulfilled. For years, many qualified voices have risen to recall the duties and responsibilities of the man, especially when looking towards future generations. The documents mentioned in the footnote, which date back to decades ago, should become a constant reference for our reflection.¹ It must be considered that it highly matters if one starts from rights or duties. Starting with rights leads to an emphasis on asserting my needs, undertaking a struggle in which the needs of others are put aside and where the limits of general compatibility are easily overlooked. Starting from duties implies taking into account these limits, seeing one's own needs in relation to those of others, considering the general framework and what it does or does not allow, and questioning whether what I do for the common good is comparable with what I receive. Rights, on their own, make the strong and assertive emerge, even in the presence of legal limits imposed by law. On the contrary, a priori suspicion thrown on duties comes from the fact that they remind us of inconvenient demands and that having duties can be seen as an attack on freedom and individual autonomy. If we consider the duty seriously, it means to adhere to the principle of responsibility, which requests to account for what you do.

Q. Do you consider the integration of Declaration of 1948 necessary and in what sense?

A. The 70th anniversary of the Universal Declaration will be a valid occasion for a general reconsideration. Various signs give us hope that 2018 will not pass in vain. Of course, I do not expect a new declaration, but instead the widespread awareness that in a not so distant future, the integration of the dictate of 1948 will be necessary following two lines: a widening of its duties (almost absent) and a specification regarding ecology, the question of responsibility towards future generations, the resource depletion, the issue of peace and the nuclear

weapons. On all these issues, there is a fundamental imperative prior to any declaration of rights, which can be formulated through the words of H. Jonas: «Act so that the effects of your action are compatible with the permanence of genuine human life» or expressed negatively «Act so that the effects of your actions are not destructive of the future possibility of such life».2 The responsibility towards the future is already stated in the preamble of the Universal Declaration: “to save succeeding generations from the scourge of war”, and today refers to the new needs we have just mentioned. Nowadays, we see extensive demands from great Powers, according to whom their own country and its claims must be placed first in all cases. It is no longer possible to speak in an absolute way about the right to one's lifestyle if this implies – as it does imply – an aggression without responsibility towards the consumption of resources and a sort of enforcement of one's own lifestyle (consumerist lifestyle). Those who reason in this way, seem to ignore the difference between exclusive and inclusive goods and the corresponding rights and duties. The former goods are necessarily limited because they imply consumption, non-renewability and conflict for their acquisition; the latter goods are unlimited because their use does not involve their consumption or destruction (let's think about the goods of culture, art and the spirit for example), meaning that they can be shared indefinitely.3 The term “common goods” means that they belong to everyone and that they must be owned by everyone. Therefore, they are not liable to private exclusive appropriation. Examples of such are air, water, sea, which are energies available for everybody and nobody can make them their own, consume or pollute them at their own will. They are universal common goods, which are much more than public goods and much more than private goods. Private goods are for one person only, while public goods are present within a political society and, therefore, belong to many people, while common goods belong to all without distinction. We no longer think about the future as the “age of coming” under an ideology of progress and human perfectibility. We tend to worry when we think about us, our children and in general about future generations: what will happen? This gives rise to a new feeling of responsibility and duty, that was much weakened in the age of individual rights, and of the affluent and consumerist society. We benefit to the detriment of future generations as we frantically consume resources that are consequently taken away from them. We have to stem this habit and we can and must stop it. We can this by focusing on the consideration of duties and responsibilities as something original, something that has its own coherence and its own independent importance. An obligation tells us what you must do and what you must not do, while a right unbound by other elements tells us what I want. The obligation must enter into state law and international law as a limitation of subjective claims and as an independent source of justice, even where there are no subjects present that can be judged as future generations.

Q. Reading your books, I think two themes are particularly significant in the present day and age: the distinction between right and desire, and the great topic of political unification of the world. Why do right, need and desire not necessarily coincide? What challenges does this distinction pose for the current practice of human rights? Recognizing that sometimes an interest, a need or a desire do not constitute by themselves a right, can cause the suffering of individuals or of the categories that bear that interest, need or desire. How can we safeguard the demands of justice on the one hand, for which not every request just and necessary, and on the other hand, the demand for equal opportunity?

A. I will devote attention to the political unification of the world later. Right, desire and need do not coincide: one can desire everything without needing anything. Moreover, desire can be both legitimate and not: one can desire the misery of others even if this is not a right; one can desire great careers and prosperity without establishing a right, that is something which is necessary due to a subject. A similar subject can be applied to the so-called “right to have a child” with heterologous fertilization and/or surrogate motherhood, in which the primary rights of some parties are manifestly violated. These rights are the right of the minor to know his origins, the right of the biological mother of not being considered an instrument of production, and the right of the child once more, of not being considered an object that is purchased. Likewise, the duties of the clients to not treat the woman as an instrument and the child as an ordered gift-package are disregarded. Therefore, we are witnessing a commodification of basic human relationships, which are usually unrelated to commodification, and which are instead being managed as mere economic exchange. Literally put, there are no rights over people but over things and objects; rights can be claimed over a person only if they are seen as goods that can be purchased at a certain price. Where everything is deconsecrated, everything becomes a commodity. A very sensitive area is abortion. In some countries and legal institutions, there is a high pressure to introduce an unlimited right to abortion, claimed as a universal right of women (under the guise of their complete selfdetermination), which in turn cancels the foetus’ unconditional right to life. It seems clear that, if it does not adopt urgent corrections, this kind of society will only evolve towards an eternal war waged against the weak and towards the triumph of injustice. The relationship between right and desire is particularly delicate in today’s capitalist and deconsecrated societies of the West. In these societies there is an extreme solicitation of the desire for material goods, image, success, and evasion, operated by media, advertising and information systems that push beyond every limit, unleash the self and convince people that they are entitled to have everything. What emerges is how lots of people are deeply manipulated nowadays, even if they believe they are autonomous, selfdetermined and independent. Contemporary global capitalism and the market that corresponds to it with its strong financial extensions, are obscure without enormous solicitation and pressure on the desire it exercises over people. Indeed, the main purpose of them is to generate more money and this reduces everything to commodity. What forms of good life promote today’s societies? Media and advertising, which now pours out of capitalist societies everywhere, does not present icons of good life, but models in which the desire meets consumption. The new secular religion of desire transforms everything you desire in a right. In this trend, one cannot oppose a libertarian and narcissistic instance, which indeed favours it, but rather an ethical and personalistic assumption. The criteria for equal opportunity is delicate and difficult to define. It can be understood as equality in basic education in the sense that young people receive enough preparation to live in the society and carry out useful work there. Equality of opportunity can also be understood as the absence of barriers (formal or not) that prevent competent people from accessing professions, jobs and high-quality positions. It cannot mean equality in terms of outcome, unless the system is an extremist egalitarianism that aims for the equality of wellness, income or wealth among all people. Among the opportunities of citizens belonging to the same country, are morally justifiable those inequalities, which depend on their decisions and behaviours, provided that an equal set of initial opportunities are assured and, to a lesser extent, those which depend on differences in their abilities. Finally, let us consider the problem

of happiness, something about which we care a lot in western countries: is there a pretension for the right to happiness? It is necessary to distinguish between the right to happiness and the right to the pursuit of happiness: the former does not exist, it is an empty and deceptive word (happiness is not a right but an aspiration), while the second represents a legitimate aspiration and can be considered a right. In any case, what meaning can the right to the pursuit of happiness have for a mother who sees her child killed by war, violence, hunger? She will demand justice for the child and for herself. Generally, the oppressed people do not ask for happiness, but for justice.

Q. What are the perspectives, obstacles and critical issues of global political unification after the constitution of the UN?

A. From 1945 onwards, the situation has evolved and international treaties and conventions have covered many dynamics under voluntary agreements. The unification of the world under one global political authority, guarantor of peace and human rights, is still far away: the UN is an association of States which reflects mostly the interests of the big States that have no intention to give up their sovereignty. This is particularly evident in the right of veto which the five victor Powers hold⁴. We still essentially live in a condition of anarchy, which inevitably causes a sort of structural disorder for those States who don't act under a common government but are led by the reason of state and the baleful myth of sovereignty. The specific interest of a State become the guiding law of its activity, especially in its relationships with other States and handling of war. It seems unrealistic to hope for a deep reform of the UN in the foreseeable future, in terms of a revolution that legitimizes it as headquarters of a planetary-oriented political authority, which goes beyond the sovereignty of the States including a worldwide police and mandatory jurisdiction. In crucial moments, state sovereignty remains very strong and the events of the last twenty years show that the UN have often approved the interests of Superpowers, or were overrun when it represented an obstacle to their aims, especially in connection to the issue of preemptive war. The path of multipolarism and similar agreement is, of course, possible but unfortunately not decisive, because an agreement can often be reversed according to the interests of that or the other State (think about the agreement on carbon dioxide emissions).

Q. The future of the UN appears to be strongly connected to the arms race, the nuclear issue and the capacity it will have (or won't have) to intervene effectively. Can the Catholic Church offer a major contribution at this vital point?

A. Undoubtedly. The Church's action has been dynamic and constant in its support of the suspension of the arms race, especially nuclear arms, and of reduction of arms (Treaty on the Non-Proliferation), which is supported in Article 6 of the 1968 Non-Proliferation Treaty, but has

almost never been started. On the contrary, after a modest reduction in the 1990s, we are now witnessing a modernization of these weapons which increases their power in the context of increasing tensions in international relations. Given this situation, a number of global societies have established a goal, with the ultimate aim of the abolition of nuclear weapons. On December 23rd, 2016, the UN General Assembly called an international conference which was brought to a conclusion on 7th July 2017 with the adoption of a legally binding Treaty on the Ban of Nuclear Weapons. This will enter into force once it has been ratified by at least 50 States (the Vatican has already ratified it). It also concerns "effective measures relating to the cessation of the nuclear arms race and nuclear disarmament". The "threat of use" of weapons is prohibited, thus gathering many of the demands of international civil society. In this way, the logic of deterrence, i.e., the balance of terror, is rejected. To appreciate the moral and political rationality of the teachings of the Church from the end of the Second World War, it is enough to recall certain speeches by the various Popes and the position of the Council. It seems that the primitive objective concerning the prohibition of the nuclear weapons use is to evolve towards the idea that their possession is morally unacceptable. On October 19th, 1953, Pius XII, while greeting the participants of a conference of the International Documentation Office of Military Medicine, declared: "We again expressed the desire that any war not justified by the absolute necessity to defend oneself against a grave injustice affecting the community, and capable of being prevented only by granting a free hand in international relations to brutality and unscrupulous conduct, should be condemned on an international level. Therefore, defense against any injustice whatever is not sufficient reason for a nation to have recourse to the violent method of war. When the harm wrought by war is not comparable to that caused by «tolerating injustice» one may be obliged to «suffer injustice»!". Ten years later *Pacem in terris* resumed: «In this age which boasts of its atomic power, it no longer makes sense to maintain that war is a fit instrument with which to repair the violation of justice.» (*aetate hac nostra, quae vi atomica gloriatur, alienum est a ratione, bellum iam aptum esse ad violata iura sarcienda*, n. 67). The same topic was resumed immediately after by the Council, which in *Gaudium et Spes* (paragraphs 79-82) deals with the duty to mitigate war, the limits of legitimate defense, total war, the arms race, the absolute condemnation of war and international action to avoid it. In relation to this speech, it is necessary to point out that the document does not consider legitimate defense to be an absolute criterion when the military actions are those of a total war with the use of scientific weapons. It is added: «Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation» (n. 80). In several speeches and messages, Pope Francis promoted the idea that the possession of nuclear weapons is itself morally wrong. «The integral nuclear disarmament is both a challenge and a moral imperative. A concrete approach should promote a reflection on an ethic of peace and multilateral cooperative security that goes beyond "fear" and "isolationism" which usually prevail nowadays. Achieving a world without nuclear weapons involves a long-term process, based on the awareness that 'everything is connected' within the perspective of an integral ecology (see *Laudato si'*, 117, 138). The common destiny of mankind demands the pragmatic strengthening of dialogue and the building and consolidating of mechanisms of trust and cooperation, capable of creating the conditions for a world without nuclear weapons».⁵ «Recently, for example, in a historic vote at the United Nations, the majority of the members of the international community determined that nuclear weapons are not only immoral, but must also be considered an illegal means of warfare».⁶

Q. Another topic you often write about is the relationship between science and philosophy. Can natural and social sciences establish new rights? Is an epistemic relationship possible between the empirical science methods and prescriptive behaviours considered right or proper? Is there a relationship among empirical observation, statistical analysis and the formulation of regularity between phenomena, on the one hand, and on the other the statement of an ought to be?

A. This point requires special attention in relation to its critical issues. First of all, it is necessary to practice a sort of lexical and conceptual fast in relation to the philosophical language of modernity. It has used and abused the terms of foundation and re-foundation, especially starting from Kant's "Grundlegung zur Metaphysik der Sitten" (Foundations of the Metaphysics of Morals). As a philosophical realist, I believe that human reason for the essential does not found anything at all, but rather recognizes something (See my *Le ragioni della laicità*, Rubbettino 2007). Even if the difference seems subtle, one thing is to produce a foundation of human rights, another is to look for their justification, considered already present in reality and in human being. For this reason, I would prefer to speak about the justification of human rights. In my opinion, their best justification is to be found in the conception of human being, seen not only as part of animal and bodily life and not even as a mere crossroad of social relationships (therefore different from Marx's sixth thesis on Feuerbach: "human essence is the ensemble of social relations"). This assumes that a constant human nature exists and it is identified by a specific ontological difference which is the reason why humans differ from animals and have a special ontological and axiological value. Neither a foundation nor a justification of human rights can originate from social or natural sciences. Social sciences (economics, sociology, and cultural anthropology for example) can provide precious elements for factual contexts and can lead to a reflection on rights but they can't give a justification. A justification requires the transition from the empirical to the ethic and normative element. Considering the connection between the empirical observation, the statistical analysis and regularity of phenomena on the one hand, and the statement of an ought to be on the other, the question is not univocal. Theft, for instance, is empirically rather rare, so the prohibition to steal seems to work. On the other hand, we find strong empirical recurrences throughout the history of a clash among big states or empires in the fight for hegemony, and this has been considered as a natural event for long ages. Anyway, today the moral sense urges so that the misfortune of a war can be avoided. In this case, a moral progress takes place, condemning war not as natural fate but as a choice.

Q. In your opinion, in which direction should we work to guarantee a future and a hope for the practice of human rights?

A. We should speak about an ethics of responsibility and future as proposed by H. Jonas. Just to give a meaning to what we have said until now, I would make a list of duties for present and

future human beings: I) Don't forget your duties; II) Constantly reconsider the notion of the other and its content; III) Don't abandon the specific difference between man and animal; IV) Work to spread the "principle person" worldwide since, nowadays, large countries still do not consider it important; V) Set a limit to power and technique, which is a deep ambiguous power; VI) Protect the environment. An ontological and axiological consideration of human rights should lead to a better integration amongst duties, balancing them and considering the rights of both the strong and the weak. Another sore point is to understand the statute of being another: there are real others who are not recognized as such, so that they get hardly any appropriate social representation. In this, as in other cases, social communication is precious, but it cannot be a one-way communication. This implies that we avoid focusing on the subjective preferences of an ego-centered on itself. In the spiritual and ethical-political sphere of the West there is a wide use of preferences, often because there is no clear border between them and the real rights-duties. Preferences are not able to take up the challenges raised by biotechnologies. Among the various cases, I remember the adoption of cognitive, physical and psychic enhancement techniques which can cause problems not only to the individual "enhanced man" but to the equality of human beings. This can happen when some subjects, groups or communities use this enhancement to dominate over the non-enhanced.

Q. Is there a possibility of cooperation in a divided world? Is a practical agreement on human rights (and duties) possible?

A. The issue can be treated in the light of Maritain's speech at the Unesco International Conference that took place in Mexico City in November 1947, when the Cold War had already begun, only a few months before the Berlin Blockade (1948). The title of the speech is completely clear: The Possibilities of Cooperation in a Divided World. The philosopher was head of the French delegation at the time. The divisions at that time were partly different from the ones of today, but Maritain's method still remains valid. Taking into account the different philosophical justifications of human rights, Maritain believed that they had reached a fine synthesis among the several perspectives and justifications during the preparations of the UN statement. In the extraordinary historical conditions of 1947-48, it reached a fairly broad consensus. He observed: «Although indispensable, rational justifications are powerless to create agreement among men. They are indispensable because everyone believes instinctively in the truth and wishes to give consent only to what is true and rationally valid. Rational justifications are powerless to create agreement among men, they're basically different and even opposed» because the philosophical traditions they derive from being in conflict with each other⁸. A Christian and a Rationalist will give different justifications for human rights ("And God forbid that. I should say it does not matter to know which of the two is right! It matters essentially"), yet they can agree on a certain number of basic rights, such as those of the 1948 Declaration. The element on which his speech is based is the practical purpose of UNESCO (and of the UN). This promotes the search for an agreement within diversity, which involves common principles and a common practical thought: «agreement among its members can be spontaneously achieved, not on common speculative notions... but on the affirmation of the

same set of convictions concerning action»⁹. The author refers to the ideology and principles of fundamental action implicitly recognized, and also to the vital state and formulation of the conscience by free people, believing that there is «a sort of unwritten common law, at the point of practical convergence of extremely different theoretical ideologies and spiritual traditions» (Ibidem). They «constitute a kind of essential paper for an effective common action, and that would be very important, for the good and the success of the work of peace...» (p. 39). According to Maritain, this paper is recognizable in the future Universal Declaration: «This is why I believe this new declaration of human rights, to which Unesco contributes, is one of the greatest works undertaken by the UN» (p. 40). Twenty years later Maritain takes up the speech of 1947 in *Le paysan de la Garonne* (The Peasant of the Garonne), quoting its fundamental steps, including a list of basic conditions which make a practical agreement among men with different world-views possible and fruitful.¹⁰ He adds that the method of practical agreement firstly suggested to achieve peace, can and must be applied if necessary, to achieve objectives of great importance for the good of human kind. It is reaffirmed that the oppositions of theoretical nature do not make practical collaborations impossible. Without them, wars of all kinds could break out. He also specifies that a deviation in the opposite direction (that of relativism in which everything is equivalent) would also be dangerous and even more catastrophic, because it would ultimately overshadow truth itself, and neglect or forget our speculative convictions (p. 110). Seventy years after, I would add that practical agreement on the table of rights has decreased in relation to various factors: the libertarian hermeneutics of rights and the Christian one tend to differentiate; the emergence of new 'real others' that were not conceived at the time; the call to responsibility and duties is still extremely defective almost everywhere; technological and biotechnological developments raise a series of issues that require a primary philosophical study, which the libertarian school cannot offer. Perhaps the agreement on climate and environment will be less difficult, despite the present issues and the reluctance of large countries, while the path towards nuclear disarmament and the recognition that possession of nuclear weapons is immoral in itself appears arduous.

AA. VV., *Metaphysics of Human Rights 1948-2018*, ed. by L. Di Donato and E. Grimi, Vernon Press, 2019, pp. XIX- XXXIII

¹ On the question of duties and responsibilities see the “UNESCO Declaration on the Responsibility of the Present Generations towards Future Generations” (November, 1997), especially the preamble and 12 articles dealing with the needs of future generations, the

perpetuation of humanity, the conservation of the earth, the environmental protection, the human genome and the peace. See also the “Universal Declaration of Human Responsibilities”, by the InterAction Council (1997), in the preamble and 19 articles in which, noticing that “Whereas the exclusive insistence on rights can result in conflict, division, and endless dispute, and the neglect of human responsibilities can lead to lawlessness and chaos”, they asked for a declaration that balances the notions of freedom and responsibility. Finally, it is significant to mention the five articles of “A Bill of Rights for Future Generations”, proposed by Jacques-Yves Cousteau to UNESCO and approved in 1991. A decade ago, I expressed the opinion that a broad integration of the text dated back to 1948 was necessary to introduce the question of responsibilities and duties. Today I reconfirm the assumption at the time.

2 Jonas, H. (1993). *Das Prinzip Verantwortung, (The Imperative of Responsibility)*, Torino: Einaudi, p. 16.

3 On the differences between exclusive and inclusive goods see Possenti, V. (2013). *Il Nuovo Principio Persona (The new principle person)*, Roma: Armando.

4 See Possenti, V. (2014) *Pace e guerra tra le nazioni. Kant, Maritain, Pacem in terris, (Peace and Wars among Nations. Kant, Maritain, Pacem in Terris)* Roma: Studium. The UN is based on a deal that establishes the perfect equality of all its members as defined in the *Pactum Societatis* by Hobbes. At the same time, it denies the deal by introducing the right of veto, which is exclusive of the five great Powers making some “equals more than others”. Sturzo was, among many others, against the right of veto attributed to the five Powers. See Sturzo, L. (1992) *La comunità internazionale e il diritto di Guerra, (The international Community and the Right of War)* Roma-Bari: Laterza.

5 Message to UN conference whose aim was a legally binding instrument on the prohibition of nuclear weapons leading to their total elimination”, 23rd March 2017.

6 Speech at the conference “Perspectives for a world free from nuclear weapons and for an integral disarmament”, 10th November 2017.”

7 See Possenti, V. *Specismo, antispecismo e questione della persona (Speciesism, Antispeciesism and the matter of the person)* soon to be published in *Doctor Communis*.

8 Maritain, J. (2003). *L'uomo e lo Stato (Man and the State)* Genova-Milano, p. 76. 9 Maritain, J. (1976). "Possibilità di cooperazione in un mondo diviso", "Il filosofo nella società" (*Possibilities of Cooperation in a divided World*), (*The Philosopher in the Society*), Brescia: Morcelliana, p. 38. Next quotes are referred to this text.

9 Maritain, J. (1969). *Le Paysan de la Garonne (The Paesant of the Garonne)* Brescia: Morcelliana, p. 107.