Human Rights in a Plural Ethical Framework: A Questioning on the Threshold of Legal Orders

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According to one of the most famous and influential formulations by Michael Ignatieff, human rights can nowadays be considered to have acquired the status of a lingua franca. Every discourse on global and domestic justice is shaped and formulated by means of the semantics of human rights: from the realm of its theoretical implications, to that of its political implementation, to its legal codifications.

Yet what captures the attention is the fact that this state of affairs, however indubitable on the side of its facticity, notably lacks a comparable character of indisputability on the side of its justificatory framework. In effect, while at its origin the human rights discourse could be said to have its foundation in the domain of a unifying natural law – either theologically or secularly conceived – and, likewise, during the age of revolutions, though abdicating its thick metaphysical grounding, could still defend its universal claim by relying on the very character of humanity (of human rights), no commensurable strategy of foundation could be assumed to persist into the current era. Today’s societies are simply more secularized and fragmented than they were two centuries ago. They explicitly reject a unitary and cohesive vision of morality. They cannot impose a single ethical standard of life upon their members. In simple words: these societies no longer build a universe, but a multiverse.

Therefore, drawing on human rights as a (potentially) universal device for, say, establishing a minimal unitary cohesion, solving situations of conflict or promoting cooperation, can either be considered as an entirely unjustified endeavor, or at least one which leads to the formulation of an inevitable paradox, in that the very social contexts that spurn substantive forms of ethics are nevertheless called to adhere to a new kind of all-encompassing criteria of normativity.

All this gives rise then to the overall impression, expressed from several perspectives, that the discourse of human rights ultimately represents none other than a new and odd Sittlichkeit which, because of its weak or nebulous foundation, turns out to be both profoundly illegitimate in the universal-reaching ethical claim it raises, and irreducibly violent when it comes to the forms of its implementation (and imposition) upon subjects and institutions.

Notoriously, several contemporary legal discourses attempt to face such a predicament by systematically bypassing the ethical dimension of human rights and exclusively focusing on their legal aspects. Pragmatic as it may seem, such a legalistic shift, far from solving the most problematic issue at stake in the idea of human rights, ends up simply deferring it. For no unilateral approach – in our opinion – be it juridical or ethical, enables one to genuinely grasp the very thrust of human rights as such. Human rights are neither a purely ethical matter nor an exclusively legal concern, but

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1We are particularly grateful to Tara Mulqueen for her kind and generous assistance in editing the text.
2Ignatieff 2001, 53.
3Baldissoni 2010.
4Just to quote a few, see: Chakravarty 2000, Quijano 2007, Mignolo 2011.
rather exactly what marks the very space between these two dimensions.

Accordingly, any comprehensive analysis regarding human rights is invested in the task, not of abandoning, but instead of insisting even more strongly on such a decisive connection. And this is especially true for a phenomenological approach, such as the one which inspires Metodo, explicitly concerned with the attainment of the “things themselves” from a plural perspective.

Hence, in the wake of such an evaluation, the overall aim of our thematic issue is to highlight and make explicit the theoretical challenge we believe that the discourse of human rights continues to exert, in terms of the problematic connection it gives rise to between the dimensions of the ethical and the legal. More neutrally defining this problematic connection as a “threshold,” one could then ask: how can this threshold between the legal and the ethical, as made apparent by human rights, be understood phenomenologically?

That this one question represents a pivotal issue, one which continues to warrant attention, and should be readdressed time and again, is demonstrated best by the very wide and diverse range of contributions we have received from our invited authors. The plurality of their views makes for a vibrant debate, which shows itself as being far from resolved.

One line of argument in this debate can be identified in the position of those authors, such as Hans Jörg Sandkühler (University of Bremen) and Horacio Spector (University of San Diego and Universidad Torcuato Di Tella), who tend to describe the aforementioned threshold as a place of clear disjunction.

In his contribution, Sandkühler proceeds from the premise that human rights discourse does involve a link between the realm of the ethical and the one of the legal; however, this is only insofar as the (historical) genesis of the issue is concerned, and not in terms of a foundational connection, i.e. in the sense that the latter would (or could) ever find in the former its «ethical justification» (§ 1). On the contrary, the competing and conflicting moral intuitions abiding in current plural socio-political contexts make it impossible that a particular morality could ever be able to justify the universal claim attached to human rights. Therefore, according to the author, such a claim can and must find its foundation and justification only in the realm of a positivized right and by means of the semantics of juridical validity. Flipping the title of an important book by Matthew Kramer, one could then depict Sandkühler’s overall position by saying that the discourse of human rights traces exactly the place where law and morality do not meet.5

In a quite similar vein Spector, too, defends the view according to which a «successful unified account of moral and legal rights» should be considered as «unworkable today» (p. 35). According to him, indeed, the theoretical frames and intertwined ideas entailed in the human rights discourse are too diverse and changing in order for «a unified analysis of moral and legal rights» (p. 36) to be considered as a really viable endeavor. Drawing on this premise he then proposes, through a precisely defined and theoretically dense analysis, an appraisal limited to moral rights as deontic principles developed in a nonconsequentialist line of argument.

A diametrically opposed view is endorsed in the reflections proposed by Francesco Viola (University of Palermo), Baldassare Pastore (University of Ferrara) and Edoardo Greblo (University of Trieste), who clearly defend – each one in his own style of analysis – a radical ethico-legal correlation underlying the discourse of human rights. Thus, if in the former case, the threshold we are questioning was described in terms of an

5The title of Kramer’s book we are referring to here is Where Law and Morality Meet (Kramer 2004).
irreducible disjunction, now it appears as the space of a radical conjunction. The three authors refer here to a precise foundational conjunction, in which the founding part is represented by the ethical dimension.

For Viola, in effect, any legal discourse on human rights, however formally structured, cannot avoid as its ultimate justificatory underpinning a reference to an axiologically deep dimension. However, this foundational connection cannot be conceived in terms of a purely theoretical causation, as if A could strictly derive from B. Rather, it should be interpreted through the lens of an Aristotelian inspired practical reason, in light of which rights represent the final point of a teleologically-oriented and ethically motivated progression in praxis, stemming from values, passing through principles and finding their final but not conclusive contextualization as norms. As the author himself writes: «[Rights] have their origin in values [. . . ] which make a claim to justice. They turn into legal principles, thereby making values merge into practices within social contexts. Finally, they produce norms which [. . . ] determine the attribution of legal powers and [. . . ] juridical obligations» (p. 54).

A quite similar foundational connection between the ethical and the legal dimension is also maintained by Pastore, though by way of a peculiar hermeneutical line of reasoning. In his view, the irreducible «ethical core» which is to be acknowledged at the heart of any discourse on human rights and should be identified with the very motive of human dignity (p. 60), though provided of an «axiological superiority», «normative preeminence» (p. 65) and universal persistence (p. 62), needs nevertheless to be constantly actualized and contextualized. And this is because of the always plural and historical character of the socio-political domains in which it emerges. In light of this relation between universality and historicity, it is then exactly the task of an interpretive endeavor to reach, by means of thorough intercultural communication, political confrontation and «prudential, phronetic» evaluation (p. 69), a well-balanced (even though never completely accomplished) normative realization of the originary axiological fulcrum. The hermeneutical proposal advanced by Pastore can be considered, in other terms, as the project assuming the constant necessity of translating the axiological into its irreducibly historical and limited juridical incorporations (p. 67-8).

In slightly different terms the foundational character adhering to the ethical dimension also shapes the position endorsed by Edoardo Greblo. Only now, in Greblo’s stance, such a dimension takes up the decisive political form of a «democratic ethos» (p. 93) which, precisely by incorporating the mainstay of the human rights’ discourse, shows itself as capable of functioning as a minimal basis for a viable democratic project to be realized at a global level. Greblo, in effect, proceeds from the premise that the current globalized political dimension makes it hard, if not impossible, for democratic institutions to achieve the actual respect of subjective negative rights (limitation of power over subjects) and the realization of subjective positive rights (implementation of opportunities for political agency and democratic self-rule) (pp. 80, 92) at the national level. Consequently, a real democratic project, both in its political and legal dimension, can work today, according to Greblo, exclusively at a super-national level and only in as far as it appropriates the ethical coordinates entailed in the human rights’ idea. That human rights, in turn, can provide such a foundational nucleus for a postnational democratic endeavor is based, for Greblo, on four main points (p. 81). First of all, human rights apply to individuals; hence, they can be claimed regardless of the context, be it national or international. As one can easily notice, Greblo’s stance displays here an irreconcilable distance from the Arendtian position, which places the actual possibility of a «right to have rights» (ARENDT 1958, 296) in the range of...
are recognized worldwide as constraining standards for legitimacy; therefore, their enforcement can be required and realized in any domain. Thirdly, their application does not necessitate an already established global institutional order; but rather, their applicability already functions both at the national level, as well as in the plural ambitions of global governance. Fourthly, they do not immediately imply any particular institutional apparatus for their realization, but rather they simply articulate objectives or goals; which means that they are quite adaptable to the already existing institutional mechanisms, as well as to newly emerging forms of governance. All these aspects constitutively attached to the human rights’ idea makes it then the best candidate to function as the basis of an extension of the democratic ethos to a global level.

With the cogent phenomenological analysis proposed by Burkhard Liebsch (University of Bochum) we are confronted with another kind of topological appraisal of the threshold that relates the legal and the ethical dimensions entailed in human rights. He neither negates – as in the case of the first group of inquiries – nor affirms – as in the second group of considerations – the possibility of a unitary ethical foundation or ultimate axiological justification of human rights as legal rights. Instead he considers the issue itself of the exigency of founding human rights as misplaced or at least overrated (p. 98). In effect, he proceeds from the assumption that for those who are already persuaded by their value both the possibility of a successful as well as that of an unsuccessful justificatory underpinning turn out to be superfluous, since no observer of human rights would adhere to them more strongly as a result of a process of better argumentation or, conversely, ever stop adhering to them in the case of a failure to find ultimate and universal justificatory grounds. And quite the same applies to those who, on the other hand, do not share such a conviction. The revelation of alleged universal grounds would have no effect whatsoever in the process of eventually making them change their mind, since their position is not based on competing grounds, but rather on other irreducible anthropological convictions (pp. 98, 100). Liebsch, then, through such an assumption aims at showing that what actually gives hold to human rights – whenever this happens, which is not always the case – is not their ostensible axiological grounding, i.e. not their alleged substantiation in an ethical or ontological arche, but rather the irrevocability of an «absolute demand» (p. 98) which imposes itself and calls for a «minimal» respect of the other (p. 99) way before the moment of foundation itself even has the possibility to come to the fore. To put it in simple terms: this kind of demand does not speak the language of foundation or justification because it derives the drive to respect not from a definition of contents, but rather out of the minimal and simultaneously hyperbolical experience of «not being able to imagine otherwise» (than feeling respect for the other) (pp. 98, 99). As a consequence, the “an-archical” appeal to respect, that here emerges and finds no backdrop in any substantive ethical core, not even in an alleged ontological substitute represented by the motive of human dignity (p. 102), shows the place of its genealogical uprise only in the realm of a lived political experience. And what Liebsch precisely intends as political experience is none other than one which refers to the numerous instances in life and history in which violations of a minimal respect have actually taken place. Thus, if not the ethical foundation, if not the ontological entitlement, then only the actually experienced citizenship. For a discussion on the important implications regarding this point from an Arendtian and simultaneously phenomenologically inspired point of view see Birmingham 2006 and Parekh 2008.

This does not imply, however, as Spector thoroughly shows in his contribution, the exclusion of the possibility of an axiological grounding of human rights as moral rights.

The use of the term “an-archical appeal” aims at highlighting, here, the clear Levinassian inspiration (Levinas 1961) that Liebsch’s position reflects.
instances of disregard and violation of the other can confer cogent effectiveness to the exigency of human rights and to the vision of a livable existence permeating them. And accordingly, for Liebsch, the mechanisms of their realization and implementation similarly cannot originate in the domains of axiology and legality, but rather only in the realm of a genuine political practice. In his view, such a practice takes the peculiar form of a politics of attestation and witnessing, namely a politics of responsiveness to the demands emerging from the other as violable other. In the wake of such a vision, respect of human dignity and human rights, according to the author, are ultimately matter of a promise that raises not so much questions of ethical substantiation or legal applicability, but rather an eminent need of political credibility.

Peter Fitzpatrick (Birkbeck, University of London), too, shares a quite similar critical stance toward the pretension of ultimate foundations underlying the idea of human rights. However, in his case, the way in which he develops the analysis of the threshold between the legal and the ethical dimension takes the particular form of a deconstructive undertaking. Drawing not only on Derrida’s style of inquiry, but also on the tools of decolonial studies and the genealogical methodology of Michel Foucault, Fitzpatrick aims at showing, in the first place, that the universal claim raised in the human rights discourse, despite its being more ethically or legally oriented, is doomed to be proven wrong. The all-encompassing idea of human nature underlying it is by no means such, but is rather the result of a particular projection and process of normalization, displaying an undoubtedly contingent genesis: namely one corresponding to Western rationality, starting from the ius gentium tradition, continuing with natural law and then natural rights discourses, and finding its climax in the idea of human rights (pp. 122, 126). However, if Fitzpatrick’s reflection would stop at this level of analysis, it would represent nothing terribly new. He would indeed limit himself to reporting more or less what many decolonial approaches have already denounced in terms of the violent and imperial impetus constitutive of the Western history of thought. Instead, Fitzpatrick extends and improves upon this line of critique. And this along two precise trajectories. In the first place, he extends his own deconstructive analysis to the Western-skeptical and Western-critical discourses themselves, and shows how these, in simply opposing the Occidental picture, risk becoming “somewhat infected by it” (p. 122) themselves and thus fall prey, by way of a dialectical flip, of the same tendency they criticize. In other words, they merely end up proposing another competing picture of the human and inheriting the same “universalizing pretension” (p. 122) they aim at discarding. Consequently, for Fitzpatrick, the decisive theoretical stake that a deconstructive approach is called to face, once it has unmasked both the hyperbolic pretension of the Western discourse, on the one hand, and the somewhat specular attitude of its reactive responses, on the other, is the evaluation of the possibility of a genuinely plural appraisal of “humanity” and by that of human rights, such that this appraisal is capable of articulating a radical “delinking” (p. 128 f.) from any totalizing, universalizing or quasi-transcendental nostalgia. This major challenge shapes Fitzpatrick’s second step of reflection. And, in his view, the only viable possibility of accomplishing a thoroughly plural discourse concerning humanity and human rights is through a radically intended intercultural dialogue (p. 128

10 For another account which clearly states – from a strongly Ricoeurian perspective – the originary and irreducible “political” character implied in the discourse of human rights, see the recent outstanding article by Andrew Schaap (Schaap 2013).

11 In the responsive structure of attestation that Liebsch here proposes, not only the Levinassian thrust, but also the influence of Bernhard Waldenfels’s phenomenology of responsiveness (Waldenfels 1994) clearly resonate.
f.), namely a relation which, far from envisaging the presupposition of mediating places of universality or transcendentality, implies the very possibility of constructing something like a “universal” only by means of a responsive undertaking in which each cultural order reacts to the solicitations and demands of the others. From such a perspective, humanity appears, then, not as unitary essential content or as provided with a grounding axiological core, but rather – in a quite similar vein to Liebsch’s position – as the minimal form of what one cannot ever avoid (being responsive to) within the plural relations themselves. It is not by chance that Fitzpatrick, too, in this context, ends up referring to the author, namely Emmanuel Levinas, who has most notably attempted to give hold to the primacy of the human relationality while discarding foundational or ontological devices. Fitzpatrick writes indeed: «we could assert that humanity is that which cannot be ultimately excluded. This does not insinuate a completeness of inclusion. An illimitable inclusiveness, whether incipient or otherwise, would dissipate any idea of the human at all. What is involved, along with Levinas, is the impossibility of ever being ‘sufficiently human’, of an enduringly settled, essential ‘human’» (p. 127).

The range of analyses which critically address the dominant understanding of human rights encompasses not only the deconstructive approaches, with their intent of shaking the foundations of any purported universality claim. Other critical approaches show different and quite decisive variations of what we have until now defined as the problematic ethico-legal threshold entailed in the idea of human rights. In his legal-philosophical inquiry Tommaso Greco (University of Pisa), in effect, points directly to the fact that such a verge, even before calling for a critical scrutiny as to its grounding or universal quality, shall be considered under another preliminary critical perspective, one which is concerned with its power to conceal. For Greco, what the mainstream discourses on human rights overshadow with their attention devoted to the grounding and affirming of guarantees for individuals is another domain which is at least as important: the one concerning citizens’ obligations. As a consequence, the author defends the thesis according to which it is only by means of an appropriate and thorough consideration regarding duties (§ 5) that a discourse on rights and, consequently, on human rights can achieve the comprehensiveness, validity and effectiveness it envisages.

Such an overshadowing effect attached to the discourse of human rights acquires, then, an even stronger character, as soon as we address the extremely compelling politico-genealogical account proposed by Costas Douzinas (Birkbeck, University of London). In his analysis, the threshold of concealment becomes, psychoanalytically speaking, a true and proper threshold of repression. According to Douzinas, we are dealing with a capital removal that takes place at the very origin of the human rights discourse and comes down to this: human rights emerge as the result of the political exercise of revolutionary resistance; and yet, as soon as the revolutionary spirit is translated and deposited into declarations and juridical documents, the right of resistance itself, embodying its originary democratic impetus, is discarded and loses any real space of acknowledgment (§ 1) and legitimate expression (§ 2). In Douzinas’s view, such a rejection and removal of this right, both from the realm of the philosophical tradition as well as from the domain of legal productions, can be explained in terms of a reactive attempt to foreclose radical change by making a particular conception of legal rights the insurance policy for the established order. However, extending further the aforementioned psychoanalytic metaphor, as it happens in any event of repression worthy of such a name, what is repressed cannot be cancelled once and for all, but rather it keeps returning with its disturbing effects and haunting

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reappearances throughout the history of the repressing subject (§ 3). And precisely by means of such a return of the repressed, Douzinas shows how the legal attempts to remove the political origin of rights discourse was doomed to fail. In the wake of this assumption, he examines then the legal, jurisprudential and moral arguments for the right of disobedience and to resistance (§§ 4, 5). And, at the end of his thorough and cogent politico-genealogical inquiry, his conclusion is clear: a «right to the event» (§ 6) of resistance represents no secondary or only derivative political expression; it has instead always accompanied legal rights in a ghostly form ensuring that the law is regularly shaken to its core and not allowed to become sclerotic.

Finally, another possible topological modulation of the ethico-legal verge implied in the idea of human rights emerges in the legal-phenomenological inquiries proposed by William Conklin (University of Windsor) and Fabio Ciaramelli (University of Catania). Both analyses, converging on a common explicit confrontation with Sophocles’s central _topos_ of Antigone’s claim, intend to display – each one in its own proper style of analysis – how the very core demand entailed in human rights discourse implies the inevitable relation to a pre-legal realm for the legal order. However, unlike what we have seen above, for our two authors this space of pre-legality originates neither in the immediate reference to a preceding ethical domain in its grounding function, nor in the rejection of an extra-juridical domain with its menacing impact on the formality and validity of legal order itself. This realm of pre-legality, instead, takes up the peculiar form of a place which, on the one hand, does abide inside the legal order, since it represents its very source, and yet, on the other, implies an irreducible unavailability, unappropriability and unattainability, being exactly that which has already eluded from the beginning – and keeps on escaping – all legal framing or absorption. Using Waldenfels’s terminology (which is by no means extrinsic to these two authors’ philosophical formation) in this context one could speak, then, of such a realm of pre-legality as an «originary alienness», interior to every legal order.

It is very useful in this respect to briefly refer to the work of Hans Lindahl, who has recently developed a comprehensive juridical-phenomenological analysis devoted precisely to such an originary _topos_ of pre-legality. He speaks, more precisely, in terms of an «a-legalità» – a _liminal dimension_ which cannot be simply intended as “within” the order as «legal», or “outside” the order as «illegal», but rather as «a-legal», i.e. as deriving from the exertion of a demand which is not yet part of the politico-legal order and which could, however, be part of it by having already set in motion the altering and transformative process thereof. As he puts it: «The ‘il’ of ‘illegality’ speaks to a privative form of legal order: legal _dis_ order. By contrast, the ‘a’ of a-legalità is not privative, or in any case not only privative: a-legal behavior (also) intimates another legal order. […] Not the reaffirmation of boundaries, as drawn by a given legal order for a certain situation, but their questioning is at stake in a-legalità. Accordingly, a-legalità, like illegality, reveals that legal boundaries govern behavior and also, conversely, that legal boundaries depend on behavior. But if the qualification of an act as illegal serves to reaffirm the primacy of boundaries over behavior, a-legalità primarily reveals the _capacity of behavior to draw boundaries otherwise_.»

On Conklin’s and Ciaramelli’s account, such a «capacity of behavior to draw boundaries otherwise» is exactly what they see enacted by the embodied demand pushed forward by Antigone’s claim. Such a claim is not a sheer illegal demand – otherwise it would not have a _shaking_ effect on order – and not a mere ethical but

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12 Waldenfels deals particularly with the topic of alienness within legal orders in Waldenfels 2006, 119-38.
13 Lindahl 2013, §§ 1.2-1.4.
14 Lindahl 2013, 37 (emphases added).
already incipiently legal request – as if this request were simply on hold to be translated into a juridical codification – but rather an a-legal claim, so that it is perceived as intrinsically regarding legal order and yet in a way that it represents the transgression thereof.

Giving a closer look at Conklin’s phenomenological inquiry on human rights, its peculiar contribution lies in its thorough confrontation with the contemporary Anglo-American realm of legal studies. Drawing especially from Edmund Husserl’s early writings, he argues that most legal analytical approaches, by resting mainly at the level of concepts (§ 2), fail to grasp the pre-legal dimension constitutive of any juridical structure which is to be located, instead, in the domain of the acts of meaning embodying all written language. And it is in order to exemplify such a capital lack on the side of analytic discourses that Conklin makes reference to the importance of Antigone’s experiential knowledge in Sophocles’s *Antigone* (§ 6). Antigone’s unwritten laws, according to Conklin, present the very liminal domain of a radical signifying *before* the law, which is characterized by the absence whatsoever of mediating concepts. This act of meaning-certification articulating itself as an unwritten language can be traced, furthermore, in other topical elements of an arising (pre-)legality (§ 7): the experiential body as the source of the acts of meaning, the domain of *praetudicia* (prejudgements), the ambit of collective memories, the «act character» of meaning, and the act of interpretation of social behavior. After such a descriptive progression, the author concludes his meditation by raising the prospect of whether human rights can be really considered universal provided that acts of meaning, articulating all pre-legal ranges, being inevitably contingent and contextual, give the clear impression of negating the possibility of universality as such (§ 8). For Conklin, the way out of this predicament can be achieved only by drawing again on the resources of phenomenology: specifically on a phenomenology of intersubjectivity, out of which universality is not just presupposed, but becomes instead the very stake of a dialogical and cross-responsive construction.

The particular intent underlying Ciaramelli’s legal-philosophical commentary on Sophocles’s *Antigone* is to suggest that what lies *before* the law and simultaneously represents its inner driving force – in sum: what constitutes the domain of pre-legality – should be grasped as the originary dimension of human desire. This dimension which abides in morality, politics, and law cannot however be fully embodied in – and reduced to – them. And this explains why it keeps representing, at the same time, their ensnaring and haunting source. Antigone’s desire displays exactly this state of affairs through her hyperbolic claim: its singularity and uniqueness, its one-sidedness, reveals itself as the last source of rights and simultaneously as the ultimate source of conflictive resistance that social order cannot negate without giving rise to a sentiment of injustice (§ 3). In the wake of such a philosophical appropriation of *Antigone*, Ciaramelli, then, in a remarkable proximity to Douzinas’s mainstay, places the emergence of *nomos* in this very liminal and seminal place, in which the drive for political demands and for political conflict become undistinguishable (§§ 3, 4). Ultimately, in this strange *topos* – or *topos* of strangeness – it is made evident, to speak with Cornelius Castoriadis, that all instituted orders and all codified legal productions relate back to an untamable instituting moment, in which the always possible dynamic of alteration and insurgence of conflict proves itself to be the primordial and consequently ineradicable character of human institutions.

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16Castoriadis 1975. Castoriadis’s influence over Ciaramelli’s philosophical trajectory is evident throughout his text (esp. in §§ 4, 5).
The closing section of this thematic issue of Metodo is comprised of two submitted articles addressing two important aspects in the debate on human rights. The first paper by Sangkyu Shin deals with the problem of human dignity in the perspective of human enhancement. The author evaluates whether it is plausible to maintain the claim that the alteration of human nature by means of technological interventions implies a moral rejection. Going through some representative lines of argument within the debate, he concludes that, although there are potentially good reasons to make several objections, there are no ultimate compelling arguments which authorize an objection to human enhancement as a whole.

Benedetta Bisol, Antonio Carnevale and Federica Lucivero propose instead a phenomenologically-oriented scrutiny of the human rights issue in the context of the reference that several ethical analyses on science and technology make to the Charter of Fundamental Rights of the European Union. In their view, this document, thought representing a very flexible and effective tool for ethical reflections and providing useful guidelines for regulating technology, poses important theoretical and methodological problems. In the first place, it displays a major lack in giving an acceptable philosophical underpinning of the principles it declares. On the other hand, the references it gives rise to end up articulating ethical analyses which present a quite remarkable superficial structure. Holding on these premises, the authors consider, then, the example of robotics and, discussing pros and contras of an ethical analysis centered on human rights, argue for an integration with a phenomenological approach which takes into account the mutual interaction of both values and social practices.

By reading the contributions presented in this issue, the editors hope that both the informed scholars as well as the neophytes can gain the clear impression that the discourse on human rights, notwithstanding all its important particular aspects, still gives cause for a vibrant debate regarding its very open theoretical stake.

References


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MIGNOLO, W. 2011, The Darker Side of Western Modernity: Global Futures, Decolonial Options, Duke University Press, Durham NC.
WALDENFELS, B. 1994, Antwortregister, Suhrkamp, Frankfurt a.M.
— 2006, Schattenrisse der Moral, Suhrkamp, Frankfurt a.M.