

Aldo Moro and Humanitarian Law

Abstract

Aldo Moro certainly undergoes, in his training as a Catholic intellectual, the influence of Mounier and Maritain's personalism and is part of the personalist philosophy with a remarkable stature and authority, precisely because of the depth and richness of his thought with the which he has been able to philosophically establish the concept of person in respect of which he has developed a conception of ethical and humanitarian law.

For Moro the law is justice and has the task of ordering and humanizing the life of relationships on democratic bases, not leaving aside the ethics that is the essential prerequisite and also aiming to direct life itself to seek the truth that always illuminates and makes brave.

With this essay we want to highlight how the conception of law in Aldo Moro connotes itself as a humanitarian right that humanizes relations between men orienting them to the search for truth. Humanitarian law retains its identity even when the juridical ideal translates as force, never identifying itself with brute power, but always remaining a real ideal.

Keywords: person, law, ethics, justice, democracy.

1. Law and ethics law

All the Christian thought of the last two centuries – from Kierkegaard to Rosmini to Newman, from Marcel to Maritain to Mounier – is built around the category of person, which is opposed both to the closed individual, and to the “class” understood as a collective in which the individual disperses and in some way cancels himself.

The question of consistency proper to human rights is always found at a crossroads, at the same time methodological and foundational. Far from showing itself to be subject to the wear and tear of various theories and orientations, it always re-emerges with profound vigor as Waldstein warns (Waldstein, 2014).

The reflection on the balance of life and thought of Aldo Moro, forty years after his death, can offer valuable insights for the development of a new ethical and juridical humanism open to the social and for the application of a humanitarian right characterized by the respect for human rights.

Certainly the apulian statesman in his training as a Catholic intellectual has felt the influence of Mounier's community personalism and in particular of the thought of Jacques Maritain and of his work *Integral Humanism*. In fact, in an interview on television (22 May 1973), following the death of the French philosopher (28 April 1973), Aldo Moro expressed himself thus: «Maritain's influence on the Italian Catholic world has been manifested in previous years World War II and then, more and more intensely, from the moment of the resumption of democratic life in Italy (...). Maritain's influence on Italian Catholics manifests itself through some dominant ideas elaborated with intellectual rigor and presented with singular emotional force. First of all there is the call to autonomy and, so to speak, to the value proper to temporal reality. One can not look with indifference to society, to the risks of division and injustice, to the reasons for unity, to political destiny. The purpose that the Christian proposed, Maritain believed, is not to make the world the kingdom of God, but of it, according to the historical ideal of different ages, a place of fully human life, whose social structures have the measure of justice and the dignity of the person» (Moro, 1978, p. 3 ss.).

In this personal thread Moro fits with a remarkable stature and authority, precisely because of the depth and richness of his thought with which he has been able to philosophically establish the concept of person in respect of which he has elaborated a conception of ethical right and therefore humanitarian. He understood the 'relational nature of the person', in both a horizontal and vertical perspective, reflecting also on the human condition and on the concrete political and social-historical situation, aiming at the same time to gain a new vision of man and to understand the truth of existence and meaning of life which the human spirit must take on as an essential task. «The human spirit, writes Moro, is faced with the task of understanding the meaning of life. This is the problem of philosophy, which represents the effort of the human spirit, which turns into

itself in a careful reflection, to understand the nature of man, its value, its task, the particular forms through which the human life takes place and reality is. It is well understood that the problem, the apulian statesman continues, is not only of those who practice philosophy, but of every man as a rational being, who has the possibility, on the one hand, and the profound experience of to realize the value of his life and the directive to be given to it, so that this value is concretely realized» (Moro, 2006, p. 28).

For Moro law is justice and has the task of ordering and humanizing the life of relationships on democratic bases, not leaving aside the ethics that are the essential prerequisite. It is now clear that «law is resolved precisely in the universal ethical law which dominates the world of action of which it represents value and which guides the process as a truth immanent to it» (Moro, 2006, p. 40). Moro is convinced that «law is the ethical law itself as the truth and therefore the determinant of a complete process of implementation of the total ethical life of the community» (Moro, 2006, p. 45). The Pugliese statesman underlines the meaning of law as a value which, while requiring the realization of the fact, nevertheless remains as a criterion for evaluating the fact and therefore can not in itself be a criterion of juridical and justice in the becoming of human life. This is why Moro affirms «the ideal superiority of the right in the face of force, which, in itself, does not create law and that is not legitimate at the level of the universal ideal for its sole expression as power and therefore as life (...). It is certainly true that the juridical ideal in the meantime lives because in reality it translates as force, but if the right is necessarily in the form of power, it is never identified with brute power, but it is always a real ideal» (Moro, 2006, p. 45). Therefore the living experience of juridical life is realized in a recognition of the subjects as values, since in each one the universal is present; recognition that leads to the respect of one's own and the other's spiritual dignity. And it is precisely recognizing oneself and recognizing others in one's own human dignity that represents the affirmation of the total value of truth and therefore of society itself as a universal value. None of us is of course an isolated individual, as saying person, as Mounier teaches us, means to say community, while affirming that the community is not everything but an isolated individual is nothing. While it is true that in the act in which each of us «engages his singularity in universal expansion, he is a realizer, as far as he is concerned, of the universal value expressed in everyone, and therefore collaborates with all to establish truth in life» (Moro, 2006, p. 45).

2. Democracy and moral life

The thought, the life and the action of Aldo Moro, open to dialogue with the secular culture, even if characterized by a clear political vision of Christian witness and moral responsibility, never lose sight of the socio-economic and cultural context within which he operated both nationally and internationally.

Already in June 1945 Aldo Moro, in an article entitled *Democracy and moral life* published in the periodical “*La Rassegna*”, wrote that at that particular moment of the life of the country for the democratic reconstruction it was necessary to appeal to the solid spiritual bonds, to the serious one human education, to affectivity and comprehensive collaboration, «which all of them implement, if not the form, certainly the substance of democracy» (Moro, 2011, p.104). And noting the reason for the failure precisely in the lack of these resources, in the disorder of conscience, he admonished to commit himself concretely so that the failure had nothing definitive not being able to fail «the clear truth, Christian and human, of democracy as a reality of ‘trust’, of spontaneous agreement, of collaboration, of concrete extension of the attributes of human dignity. We have many faults, therefore, but together many possibilities. Let us begin by recognizing, continues Moro, the eternal truth of democracy, to see it, not in its proper form, which is ancillary, but in substance as a perennial longing for humanity which is identified with the anxious and continuous expectation of a higher revelation of life, of a better life (...). Let us agree to declare the failure of democracy, only when we are ready to declare our moral life in a defeat. That is never. And we nourish our arid and weary interest in the common good, for the things of our brothers, in the same love and trust that sustain us in the arduous effort of our moral perfection» (Moro, 2011, 104).

Moro, as a statesman and a witness to active Christianity, insists on establishing a substantial and non-formal democracy for the reconstruction of a free and peaceful national community, aimed at regenerating spiritual, moral and intellectual resources, and thus starting the process of social and economic development of the whole country.

We can not forget Moro as a politician with excellent mediation skills who have worked so hard to build a peace that goes beyond national borders, a statesman with a far-sighted look at Europe, the Mediterranean, the world and who knew how to place problems of the country in the broader and decisive continental and international dimension so as to affirm that nobody is called to choose between being in Europe and in the Mediterranean, because the whole of Europe is in the Mediterranean.

Moro has taught us that peace can not have value if it is not built on spiritual foundations, if we do not suppress hatreds and enmities by means of reconciliation based on mutual charity, so that the journey of civilization can be resumed in harmony. So he wrote in May 1945: “We feel that peace to be lasting must be founded above all in the spirits: the organization that must serve to preside over it must stand on this basis if it really wants to last in the future” (Moro, 2011, p.).

In February 1944, already a young professor at the University of Bari, Moro wrote: “We do not ask much, but only what is compatible with the justice of international relations and the equal liberty of all. We are ready, equally, to give everything that can honorably be asked of us, as a member state of an international community and of a truly solidarity-based Europe. For this we call upon the resources of the Spirit in all free and responsible men, because the fruitful labor of a moral conquest prepares the way for the able diplomatic work and places the public opinion of all countries to accept the sacrifices of particular aspirations imposed. from the just peace, which the whole world awaits as compensation for the immense effort of this war of liberation” (Moro, 2011, p. 23).

The prophecy of morotea spirituality, therefore, is combined with the dimension of shalom, of hope, of the possibility of a future of freedom, peace and justice. It should not be forgotten, in fact, that the Pugliese statesman gave an indispensable contribution to the project of a European Community in which the values of pluralism, intercultural dialogue, solidarity and respect for human rights were at the center, so that Europe would be the protagonist of the international politics. In this regard, the decision to elect by direct universal suffrage of the European Parliament under the Moro Presidency in 1975 and which subsequently led to the first election of the European Parliament by universal suffrage in 1979 remained fundamental.

On the occasion of an international conference on the thought of Moro held in Bari in 1979, the honorable Pierre Harmel highlighted the high thickness of the work and the excellent qualities of the Pugliese statesman for the construction of a united and pacified Europe: «Générosité, force de la pensée, respect, patience, tells sont à mes yeux, je l’ai dit, les marques, du grand caractère du Président Moro. Je les retrouve dans son action pour la construction européenne» (Harmel, 2016, p. 43). Also Raphael Caldera speaks of Moro statesman as a prophetic figure at the political level and affirms that «the generous blood of the great Italian statesman has fertilized the vivification of the fundamental values that nourish the life of his homeland and has provoked a supportive and similar movement

in countries so bound to Italy as those of the European Community and those of Latin America «(Caldera, 2016, pp. 37-38).

3. Spirituality and ethics of law

The intellectual and ethical-political commitment of the statesman Moro, brilliant thinker who wrote and worked in one of the most difficult and interesting seasons of Italian culture, undoubtedly assumes considerable value in terms of testimony, a value undoubtedly destined to stand trial weather. All his multiple activities as a statesman, philosopher of law, jurist, politician, educator, promoter of culture is animated by the awareness of having to pursue the truth and to witness with his own existence, even before the writings, the fecundity of a thought that feels the urgency of being incarnated in life.

Moro certainly underwent the influence of the philosophers Maritain and Capograssi on the concept of the intrinsic connection of law with economy and morality, indeed with the integrity of the person. The whole problem of law for the apulian statesman is contained in the concept of a person. Moro expressly states that the purpose of law is ethical, since law is the same ethical law and society is “ethical cooperation and therefore the implementation of law is the total implementation of truth, which is realized in the form of collaboration” (Moro, 2006, p. 47).

Moro recognizes the spiritual and ethical character of society and law and affirms that subjective law as “expression of unity and truth of social life is realized through multiplicity and precisely through the combined situations of subjective and obligation law, in which that objective reality takes place in the ethical developments of the individual subjects “(Moro, 2006, p. 48).

Law has the task not only to regulate the life of relationships, but also to humanize it and to direct it to seek the truth in order to avoid evil and illicit activity. In fact, when the subject, invested with the necessity of realizing the law for the person entitled to the right, does not fulfill his task and denies, in his concrete process of life, the truth that he is called to realize, configures a position that for ethics it is evil and for law it is illicit.

Spiritual and ethical is also the strength, according to Moro, that to the subject incurred in the illicit can appear a harsh expression of power that opposes his physical freedom, while it is “in fact spiritual process in all, which constitute the only social and that in this case they want the truth for the whole society, including the one who betrayed the truth “(Moro, 2006, p. 49).

Trying and affirming truth and justice also through humanitarian law was the goal of Moro's life because the truth, as he affirmed, determines the goal of human life and for this must be conquered with a patient, humble and trusting search. A truth that must be restored to things, to events, to institutions, to ideals and which must be communicated so that it may make itself felt in the consciousness of those who live and work in this world, its tendency towards a supernatural goal, that is, towards God.

Justice, which must be fulfilled through the law, is ultimately "the highest expression of love, the most generous gift that men can make to man" (Moro, 2006, p. 50), and also when he has to react against the man who has committed the illicit act must refuse to let it degrade into a mere object and must work to see that subjectivity and spirituality re-emerge and thus reaffirm the truth of the law in all its universal extension.

It is necessary to follow every path that leads to moral restoration in society because if this does not happen, one can well say that "the right has failed in the implementation of its true task, even if its immediate and temporary aim to re-establish itself is realized. the objective order of justice" (Moro, 2006, p. 51).

If then this possibility is not realized in all its entirety and therefore life itself lacks in some way to realize all its truth, we will have that irreducible residue of evil, which attributes so much of its pain to life. "We must think, however, Moro continues, that such a restoration of moral values in the story of history, which the law directs tracing the ways of truth, is more extensive and deeper than it appears outwardly and that the mysterious energies of the spirit, operating in all who constitute society and in particular in some of whom the voice of the supreme truth speaks the highest, they redeem the evil that is accomplished in social life and this interiorly restores it in its own value" (Moro, 2006, p. 51).

Meditation on Moro's thought and life as well as on the conception of law appears today, after forty years from his death, vital and fruitful as it aims at identifying an ethical and juridical humanism in defense of freedom and dignity. of the human person. Moro in all his writings starts from the centrality of the person, clarifies his inviolable rights, personal and social, in terms of freedom, he grasps the applications in the full freedom of initiative and freedom of relationships between people from whom "the civil society" in its articulations.

"Civil society" derived as a relationship between people, is a priority for any subsequent political and legal-state organization.

The sublime thinker, as the apulian statesman, found in his interiority the inexhaustible source of his intellectual, temporal and spiritual works, in the conviction that only by practicing the truth is it possible to stem the damages of “bad thinking and the worst of love”, as Rosmini taught, proposing at the same time a way of future and renewed civilization of the spirit as a basis for the construction of a civilization of love in which authentic values together with the centrality of the person play an important role.

All of Moro’s writings urge us today to reflect on the prophetic and illuminating ideas of his thought that must certainly be considered as a very useful guide to rereading the aberrations of political ideologies collapsed in the last century and which had led to threaten the dignity of the person and his inviolable rights .

Furthermore, it cannot be denied that Moro was a consistent witness to the Christian faith, an uncomfortable witness to all those who seek to overshadow the revolutionary significance of the Gospel. His militancy as a Catholic intellectual who believes in the primacy of the Spirit, but is alien to any disembodied spiritualism, contrasts with the belief of all those who profess a Christianity reduced to moralism unable to deal with the increasing complexity of social life. Moro is the believer who realistically faces the tragedy of events, with the yeast of the spirituality of the Easter event, as in the fifty-five days of his cruel and unjust imprisonment; a human story characterized by an experience so tragic, but also soaked in the illumination of the dawn of the Resurrection, as can also be seen from the famous letters written during that period. The apulian statesman has adopted the maritainian model of “Christian politics”, elaborated starting from a perspective image of the historical ideal of the “new Christianity” embodying the intellectually most rigorous and highest expression of the personalistic season of Christian thought (Maritain , 1968).

Moro has never stopped in front of the difficulties, convinced as he was that the *homo viator*, to put it with Marcel, is always accompanied by the *Deus viator* (Marcel, 1967). Renewing and proposing new solutions was a feature of his visionary personality, always proactive before any crisis, new challenges and unprecedented problems, because he believed in the dawn of a new start in peace and harmony to fertilize the life and thought of those values that only give meaning to the truth of human existence and to the civilization of love in which he believed and for which he spent his entire life.

This is what Moro writes: “Life in the stupendous variety of its determinations must always be lived in the spirit of truth, which certainly does not deny that

variety, nor does it detract from any experience its own meaning of joy and sorrow, but it all enlightens them. of its light, bringing it to the most truly and highly human level”(Moro, 2006, p.28). The reflection of the Pugliese statesman is carried out in the living of the human condition and of the political and historical-social situation, and aims to gain a new consideration of man, to rediscover the concrete reality of the person, to understand the truth of existence and meaning of life which the human spirit must take on as an essential task.

From the studies of a philosopher of law, a jurist and those more properly referring to political theory, it emerges that, for Moro, belonging to a community, to a world of shared values constitutes an aspect intrinsically connected with human nature; it gives meaning to the various human activities, from those that are more specifically intellectual (from science to literature, from the right to art to religion), to those that are more properly social and political. It is man's own to make the original individual aspirations to freedom, justice, democracy with obligations towards others coexist in this community structure, which are obligations towards a reality that transcends it, towards values, towards a culture, towards a tradition that has received but which is called to interpret and to renew through its personal moral responsibility. It is precisely the person, in his ontological and cultural roots, in his responsibility towards what he founds and transcends it, to characterize the projects and paths of life in a horizon of truth. It is with these hints, interesting and original, that Moro has interpreted the conception of an ethical right that has the primary task of ordering and humanizing the life of relationship in local, national and international communities for a future of freedom, peace and justice that has as a noble purpose respect for the dignity of the person and human rights.

References

- Caldera, R. (2016). Una visione latino-americana dell'esperienza di Aldo Moro. w: F. Mastroberti – A.F. Uricchio (a cura di), *Il pensiero e l'opera di Aldo Moro*. Bari: Cacucci, ss. 37.
- Harmel, P. (2016). *Lé président Moro et l'Europe*. w: F. Mastroberti – A.F. Uricchio (a cura di), *Il pensiero e l'opera di Aldo Moro*. Bari: Cacucci, ss. 43.
- Indellicato, M. (2009). *La centralità della persona nel pensiero di Jacques Mariaïn*. Lecce: Pensa Multimedia.
- Indellicato, M. (2016). *Il fondamento etico-sociale del diritto nel pensiero di A. Moro*. w: A. Massafra, L. Monzali, F. Imperato (a cura di), *Aldo Moro e l'Università di Bari fra storia e memoria*. Bari: Cacucci, ss. 47.

- Marcel, J. (1967). *Homo viator*. Torino: Borla.
- Maritain, J (1968). *Strutture politiche e libertà*. Brescia: Morcelliana.
- Moro, A. (2006). *Lo Stato. Il diritto*. Bari: Cacucci, ss. 28.
- Moro, A. (2011). *Ma la pace è nelle mani dei popoli che sapranno vincere gli odi e riprendere nella concordia il cammino della civiltà*. *La Rassegna*, 10 maggio 1945, ripubblicato in G. Lamaddalena (a cura di), *Aldo Moro alle radici della nuova democrazia italiana*. Palo del Colle (BA): Liantonio Editrice, ss. 98.
- Moro, A. (2011). *Europa solidale*. *La Rassegna*, 3 febbraio 1944, ripubblicato in G. Lamaddalena (a cura di), *Aldo Moro alle radici della nuova democrazia italiana*. Palo del Colle (BA): Liantonio Editrice, ss. 23.
- Moro, A. (2011). *Democrazia e vita morale*. *La Rassegna*, 11 giugno 1965, ripubblicato in G. Lamaddalena (a cura di), *Aldo Moro alle radici della nuova democrazia italiana*. Palo del Colle (BA): Liantonio Editrice, ss. 104.
- Moro, L. (2016). *Mio nonno Aldo Moro*. Roma: Edizioni Ponte Sisto.
- Waldstein, W. (2014). *Scritto nel cuore*. Torino: Giappichelli.