

Hacia una nueva ética global

Oswaldo de Rivero*

Si examinamos la historia del *homo sapiens* y lo hacemos sin narcisismo, tenemos que concluir que sigue siendo un *depredador* de su propia especie. La tendencia de los humanos a la depredación de sus semejantes se ha manifestado con mayor o menor intensidad, pero sin pausa, durante los últimos 10 mil años de civilización en todos los sistemas socio-políticos: la esclavitud, el feudalismo, el absolutismo, el colonialismo, los totalitarismos nazi-fascista y comunista y también ahora con el capitalismo democrático. Además todas las culturas han racionalizado y glorificado el más alto exponente de depredación humana, *la guerra*.

Las raíces de la constante depredadora en la historia de la humanidad se encontrarían en una tendencia instintiva del *homo sapiens* a considerar a su propio grupo (familia, banda, tribu, clan, etnia, nación, religión, cultura y género) *diferente* y *superior* a otros grupos humanos y así dividir la propia especie humana entre *nosotros* y *los otros*. Los humanos tienen una tendencia instintiva a la *seudo-especiación* de otros humanos (*a tratarlos como si fueran una especie diferente*). Esto permite no compartir nuestra humanidad con otros seres humanos que son diferentes o rivales, y así elaborar una abstracción como el concepto de «enemigo». Las rebajas de humanidad son una constante de la historia del hombre y lo siguen siendo hoy con la exclusión social, las violaciones masivas de derechos humanos, el terrorismo y los genocidios.

A partir de la Iluminación, el racionalismo occidental creyó que esta tendencia instintiva depredadora del hombre podría ser controlada construyendo sociedades justas. Desde entonces la conquista de la felicidad se va a convertir en Occidente en el arte revolucionario de organizar sociedades justas. Las primeras tentativas fueron la revolución americana y francesa; de allí comenzó a emerger el moderno concepto de ingeniería político-social que

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Ayuso, Miguel



Hacia Una Nueva Constitución Política:

Hacia una nueva constitución política de Costa Rica José Andrés Carillo Chaves, 1995 **The Rise and Fall of the EU's Constitutional Treaty** Finn Laursen, 2008-07-31 This book analyses the EU's Constitutional Treaty which emerged in draft form from the European Convention in the summer of 2003 and which was finalised by an Intergovernmental Conference (IGC) in June 2004. It describes the main novelties of the treaty and looks at policies of important actors: Member States and Community actors, the Commission and European Parliament and the roles played by the Convention and the Italian and Irish Presidencies during the process of deliberation and negotiation that produced the treaty. It further studies the failure of ratification in France and the Netherlands and the implications for the process of European integration of this failure. It finally touches on the question whether a constitutional equilibrium has been reached. Since the new Lisbon Treaty negotiated in 2007 contains much of what was in the Constitutional Treaty, the analyses of the book remain pertinent for this latest EU treaty. **The Oxford Handbook of Constitutional Law in Latin America** Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2022 This Oxford Handbook details the constitutions and constitutional history of Latin America, providing comparative analysis of the prevailing institutional models and major themes in the region's constitutionalism.

Constitutional Reasoning in Latin America and the Caribbean Johanna Fröhlich, 2024-09-05 This book examines the reasoning practice of 15 constitutional courts and supreme courts including the Caribbean Commonwealth and the Inter American Court of Human Rights. Enriched by empirical data with which it strives to contribute to a constructive and well-informed debate, the volume analyses how Latin American courts justify their decisions. Based on original data and a region-specific methodology, the book provides a systematic analysis utilising more than 600 leading cases. It shows which interpretive methods and concepts are most favoured by Latin American courts and which courts were the most prolific in their reasoning activities. The volume traces the features of judicial dialogue on a regional and sub-regional level and enables the evaluation and comparison of each country's reasoning culture in different epochs. The collection includes several graphs to visualise the changes and tendencies of the reasoning practices throughout time in the region based on information gathered from the dataset. To better understand the current functioning and the future tendencies of courts in Latin America and the Caribbean, the volume illuminates how constitutional and supreme courts have actually been making their decisions in the selected landmark cases which could also contribute to future successful litigation strategies for both national constitutional courts and the Inter American Court for Human Rights. This project was made possible due to the collaboration and funding provided by the Rule of Law Programme for Latin America of the Konrad Adenauer Foundation and the Law School of the University of San Francisco de Quito. A Guide to the Law and Legal Literature of the Mexican States Helen Lord Clagett, 1947 **Mensaje presidencial** Chile. President, 1977 **New Constitutionalism in Latin America** Almut Schilling-Vacaflores, 2016-04-29 Latin America has a long tradition of constitutional reform. Since the democratic transitions of

the 1980s most countries have amended their constitutions at least once and some have even undergone constitutional reform several times The global phenomenon of a new constitutionalism with enhanced rights provisions finds expression in the region but the new constitutions such as those of Bolivia Colombia Ecuador and Venezuela also have some peculiar characteristics which are discussed in this important book Authors from a number of different disciplines offer a general overview of constitutional reforms in Latin America since 1990 They explore the historical philosophical and doctrinal differences between traditional and new constitutionalism in Latin America and examine sources of inspiration The book also covers sociopolitical settings which factors and actors are relevant for the reform process and analyzes the constitutional practices after reform including the question of whether the recent constitutional reforms created new post liberal democracies with an enhanced human and social rights record or whether they primarily serve the ambitions of new political leaders

El Proceso Constituyente en 138 preguntas y respuestas Javier Wilenmann von Bernath, Constanza Salgado Muñoz, Fernando Atria Lemaitre, 2020 Chile est enfrentado a un proceso constituyente que genera muchas expectativas pero tambi n muchas inquietudes El proceso constituyente en 138 preguntas y respuestas es una herramienta de estudio y debate escrito de la manera m s simple y directa en base a las preguntas m s frecuentes que se han generado en los cabildos y asambleas ciudadanas con el fi n de entregarle instrumentos de discernimiento al nico soberano el pueblo de Chile Qu deber a incluir la nueva Constituci n para cambiar el sistema de AFP Es factible nacionalizar recursos como el agua v a una nueva Constituci n De qu manera un cambio en la Constituci n favorece un cambio al modelo neoliberal The Ways of Federalism in Western Countries and the Horizons of Territorial Autonomy in Spain Alberto López - Basaguren, Leire Escajedo San Epifanio, 2013-06-13 Territorial autonomy in Spain has reached a crossroads After over thirty years of development the consensus regarding its appropriateness has started to crumble The transformation project embodied by the reform of Statute of Catalonia 2006 has failed to achieve its most significant demands Although the concept of Spain as a Federation is disputed more within the country than beyond the evolution of the Spanish system needs to follow a markedly federalist path In this perspective reference models assume critical importance This edition gathers the works of a broad group of European American and Spanish experts who analyse the present day challenges of their respective systems The objective thus is to contribute ideas which might help to address the evolution of the Spanish system in the light of the experience of more established Federations This second volume focuses its attention on the difficulties and challenges faced in two particular fields On the one hand the field of intergovernmental relations and on the other questions related to the integration and acknowledgement of diversity and of Fundamental Rights with special reference to the cases of Canada and Spain Finally there is analysis of other specific aspects of the system of territorial autonomy in Spain **Boletín judicial** ,1988

Temas de derecho internacional para el diálogo constitucional chileno Sebastián López Escarcena, 2021-07-15 Las relaciones entre el derecho internacional y el derecho interno comprenden principalmente dos problemas vinculados entre s

la incorporaci n del primero en el segundo por un lado y la jerarqu a del derecho internacional en el derecho nacional por otro A pesar de que las soluciones que se ofrecen a este respecto en el derecho constitucional comparado son variadas no siempre estas se refieren al derecho internacional Desde esta perspectiva su situaci n en Chile no es tan mala La tendencia comparada actual sin embargo es asignarles un lugar cada vez m s destacado a las fuentes del derecho internacional en las constituciones pol ticas Una nueva Constituci n para Chile nos ofrece la inmejorable oportunidad de volver sobre este importante asunto y preguntarnos c mo regular las relaciones entre el derecho internacional y el derecho interno de la manera m s adecuada posible Este libro tiene como principal objetivo contribuir al debate constitucional chileno en asuntos que resultan ineludibles en toda discusi n de esta naturaleza Con este fin los art culos que lo componen abordan de una manera tanto te rica como pr ctica diversos aspectos destacados de las relaciones del derecho internacional con el derecho interno Se ofrece as un recuento amplio y prospectivo de estas til no solo para quienes se involucren en el proceso constituyente nacional sino para toda persona interesada en el derecho p blico en general De esta manera la presente publicaci n busca no solo hacer un balance de c mo las relaciones entre el derecho internacional y el derecho interno se encuentran normadas en la Constituci n Pol tica de la Rep blica sino tambi n proponer alternativas para una nueva carta fundamental en diversos temas de importancia p blica como son la institucionalidad de las relaciones exteriores en Chile la incorporaci n y la jerarqu a de los tratados en nuestro pa s el control preventivo y la inaplicabilidad por constitucionalidad de estos la implementaci n del derecho internacional por los tribunales chilenos entre otros *revista de derecho y*

jurisprudencia , **El derecho fundamental a deliberar** Andr s Rolando Ciro G3mez, 2020-08-04 Este texto presenta al lector un an lisis in dito de la dimensi n iusfundamental de la prohibici n constitucional de deliberar que recae sobre los miembros de la Fuerza P blica en Colombia dimensi n inexplorada y desatendida por las ramas del poder p blico por las organizaciones civiles y por el pensamiento acad mico y pol tico de la sociedad en su conjunto Corresponde a una versi n mejorada de la tesis de doctorado elaborada por su autor reconocida por su tribunal evaluador con la m xima calificaci n Esta es una de las mejores tesis de doctorado que he tenido la oportunidad de dirigir Con la incomparable originalidad fundado en el marco conceptual de las teor as de la democracia deliberativa el documento desarrolla una teor a jur dica y de filosof a pol tica sobre el derecho a deliberar Con base en ella refuta la prohibici n de deliberara y de ejercer los derechos pol ticos que injustificadamente se ha impuesto sobre los miembros de la Fuerza P blica en Colombia y propone una reforma institucional que reivindique la dignidad y los derechos fundamentales de estos ciudadanos Asimismo a lo largo de este ejercicio el doctorado propone contribuciones de inmenso valor a la propia teor a de la democracia deliberativa Quiz s l m s notable es el concepto de oportunidad equitativa Carlos Bernal Pulido **Pol tica y derecho ante la laicidad contempor nea** Ayuso, Miguel, 2022-02-01 Este volumen recoge las actas del XII Congreso Internacional de la Asociaci n Colombiana de Juristas Cat licos acogido por la Universidad Cat lica de Colombia y organizado como siempre por la Uni n Internacional de Juristas Cat

licos Roma el Grupo Sectorial en Ciencias Políticas de la Federación Internacional de Universidades Católicas París y el Consejo de Estudios Hispánicos Felipe II Madrid Seg n también lo acostumbrado el congreso cerr un proyecto de investigación internacional trienal En esta ocasión se desarroll telem ticamente por las razones conocidas los días 26 y 27 de febrero de 2021 El libro se divide en cinco partes y un ap ndice En la primera retrospectiva se trata de la laicidad cat lica de Dante y del origen protestante de la laicidad moderna Se examinan a continuaci n las dos versiones de sta la francesa y la americana Una tercera tematiza la relaci n entre laicidad moderna y libertad de religi n mientras que la siguiente pone el foco en la doctrina de la Iglesia Sigue la conclusi n articulada y extensa Un ap ndice que se explica por el lugar donde tuvo lugar el congreso repasa el tema en Colombia Las cuestiones que se afrontan en estas p ginas no dejan de ser actuales y perennes El programa concebido org nicamente se ha ejecutado razonablemente seg n la l nea trazada en su dise o Estamos pues ante un aporte til a la filosof a de la pol tica y el derecho p blico am n de la doctrina social de la Iglesia Bajo la direcci n de Miguel Ayuso Madrid han colaborado en el mismo los tambi n profesores Danilo Castellano Udine Juan Fernando Segovia Mendoza Francisco Fl rez Bogot Nicol s Romero Bogot Bernard Dumont París Julio Alvear Santiago de Chile Jos Joaqu n Jerez Madrid Luis Mar a de Ruschi Buenos Aires Ricardo Dip S o Paulo Carlos Arnossi Buenos Aires Santiago P rez Zapata Bogot y Manuel Mar n Bogot

Constitución política de Colombia: actos legislativos que la reforman y leyes Colombia,1862 *Derecho y política de la educación superior chilena* José Julio León Reyes,2020 Este libro se enfoca en el an lisis de la evoluci n del sistema de educaci n superior chileno desde un punto de vista jur dico y a la vez social mostrando las continuidades y rupturas de la pol tica y regulaci n estatal para el sistema desde la fundaci n de la Rep blica hasta la gran reforma aprobada por la ley N 21 091 de mayo de 2018 Pretende as llenar un vac o en la literatura que o bien mira al pasado distante e idealizado del Estado Docente o bien al pasado reciente de la dictadura militar 1973 1990 en el que se sit a el origen del modelo de mercado de la educaci n Esta investigaci n se aparta de esas lecturas y muestra que principios tales como la iniciativa y participaci n privada autonom a y libre elecci n en educaci n tienen una larga historia en Chile y son parte de la tradici n republicana no un producto de la agenda neoliberal impuesta durante la dictadura militar El autor desde una perspectiva original que conecta el desarrollo del debate pol tico el contenido del Derecho y la configuraci n del sistema de educaci n superior pone los problemas de la educaci n superior en el contexto m s amplio de la tensi n entre lo p blico y lo privado las funciones del Estado y los l mites del poder estatal la dominaci n burocr tica y la autonom a de los particulares Se trata de un ejercicio de interpretaci n jur dica pol tica que proporciona no solo una completa s ntesis del derecho de la educaci n superior vigente en Chile con sus antecedentes sino que tambi n se adentra en temas como el significado de los derechos fundamentales y los l mites del poder estatal que ser n claves para comprender y participar en el proceso constituyente que ahora se inicia en el pa s

Derecho Constitucional chileno José Luis Cea Egaña,2022-08-05 Este primer volumen del Curso de Derecho Constitucional Chileno del profesor Jos Luis Cea Ega a contiene un completo an lisis de la

trayectoria constitucional de nuestra República desde 1925 a la fecha y las características y todas las reformas de las cartas fundamentales de aquel año y de 1980 además de la explicación del sentido y alcance de los capítulos I y II de la Constitución actualmente vigente y su legislación complementaria. En esta nueva edición han sido incorporadas las más recientes modificaciones al Derecho Positivo y las diversas interpretaciones que de ellas se han hecho en particular por el Tribunal Constitucional. Además el autor analiza la actual discusión sobre el proceso constituyente y entrega valiosos elementos de juicio que habilitan al lector para adoptar una posición reflexiva en este asunto. Esta obra ha sido pensada con el fin de que sea útil a profesores y alumnos en el proceso docente y también para que sirva a los órganos del Estado, los abogados y la ciudadanía en general interesada en el sistema político que nos rige. La inclusión de gráficos y cuadros estadísticos que ilustran sobre los rasgos principales de los procesos electorales, la abundante jurisprudencia y referencias doctrinarias y la transcripción de la historia fidedigna de los procesos constitucionales, además de un completo índice onomástico y de conceptos consolidan a esta obra como un referente indispensable del derecho.

Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos, Volume 27 (2011) Inter-American Commission on Human Rights, 2022-10-24. The print edition is available as a set of three volumes 9789004279520. constitucion politica de la republica de chile Carlos A. Gonzáles Moya, 1993. Sistema de la responsabilidad extracontractual del Estado en la constitución política de 1980 Hugo Caldera Delgado, 1982.

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