

“Race” and “Human Nature” in Law: Proxies for Unfairly Framing the Concept of “Person”?

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Abstract: This article traces the conceptual interrelationship between the concepts of Human Nature and Race, analyzing the problems connected with their meaning, especially when they may be used to redefine another controversial concept, that is, Person. It includes these problems within a larger conceptual-linguistic framework termed “question of word”. This formula highlights that debates concerning use of concepts cannot be confined within the disputes over the selection of the best word by merely paying attention to its lexical meaning. Rather, the formula puts emphasis on the fact that to select and choose concepts is not a neutral operation, especially when the selected concepts are doomed to make profound impacts on human thought and social, interpersonal relationships. The analysis tries to highlight the negative impacts that limiting the concept of Person has on a legal system based on the protection of fundamental rights as developed in Europe. The article warns against the risk that this limitation can become a backdoor to codified discrimination, specifically a backdoor for “arbitrating” fundamental rights.

Keywords: Human nature, Race, Person, Legal analytical philosophy, Fundamental rights.

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