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## Carlos S. Nino: Public Intellectual

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## 1994 LAWYER OF THE AMERICAS AWARD

### CARLOS S. NINO: PUBLIC INTELLECTUAL

IRWIN P. STOTZKY\*

Carlos Nino is one of the very few people who lived the life of a public intellectual. In this role, Carlos demonstrated two major qualities. First, as a public intellectual, Carlos was actively engaged in public affairs. During the Alfonsín administration in Argentina, he held a variety of political positions, including Presidential Advisor (1983-1989) and coordinator of the Council for the Consolidation of Democracy (1985-1989), and his influence is clearly visible in many of the political reforms implemented during President Alfonsín tenure in office. Moreover, almost the entire theory and structure underlying the new Argentine Constitution is based substantially on Carlos' ideas. It is ironic that the constitutional reforms Carlos so strongly believed in took on life only after his death. It is doubly ironic that Carlos died in La Paz, Bolivia, while on a trip to help the Bolivian government draft a new constitution.

Carlos also wrote extensively, both in scholarly journals and in lay publications, such as newspapers, on an entire range of public issues that consistently presented themselves for consideration over the course of his lifetime. He was extremely generous with his time and spent long hours in helping to educate and transform scores of young students into maturing scholars. Indeed, many of these people were instrumental in incorporating Carlos' ideas into the new constitution.

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Carlos lived the principles he espoused. He believed passionately that the only way to resolve problems was through rational discussion. To Carlos, this was so because rational discourse helps identify and eliminate errors from one's thinking and protects one from dogmatic views, and because such discourse is an essential element in the creation and protection of human rights and democracy. He, therefore, committed himself to the creation of an institution - the Centro de Estudios Institucionales (CEI) - that would provide the foundation for the development of rational discourse. This Center became a focal point for research on public issues, the training of young scholars and public figures, and it also evolved into an international meeting center for scholars from different legal cultures in Europe, Latin America, and the United States.

Carlos also possessed the second major quality of a public intellectual: although actively engaged in public affairs, he owed his ultimate loyalty to the truth of ideas. His intellectual and political work is profound and prolific. He authored approximately a dozen books and scores of articles. In addition, he combined his writing with an almost inexhaustible passion for teaching. But the amount of his production is secondary to the significance of his work. Virtually every aspect of his teaching and writing was a search for truth. Moreover, in his public, political work, Carlos never deviated from his search.

Carlos Nino was deliberately eclectic in his intellectual and political work. He believed that the compartmentalization of academic disciplines was the product of corporate interests. There were no valid scientific or intellectual necessities or practical reasons for this separation. Thus, he incorporated philosophical, legal, political science, sociological, and economic ideas and theories into his work. Indeed, his work demonstrates a profound commitment to the position that intellectual work and political work should not be separated, and that political action has a better opportunity of being correct if preceded by rational discourse. The new Argentine Constitution is a refraction of all of these ideas.