

Csaba Varga

**Reminiscences to a Fervent Mediator  
of Magisterial Humanistic Ideas:  
Professor Luis [Eduardo] Villar Borda (1929–2008)**

Many of us could get acquainted with Professor LUIS VILLAR BORDA at the World Congresses of the International Association for Philosophy of Law and Social Philosophy held at either Granada and Cracow or elsewhere in the recent past, standing or sitting around his table of exposition where a long series of most challenging items of his great *Serie de Teoría Jurídica y Filosofía del Derecho* was exhibited. A smiling elderly gentleman suggesting great experience and intellectuality fought for through a long and expeditious life, elegantly dressed and speaking from an elevated distance *Jenseits von Gut und Böse* (as FRIEDRICH NIETZSCHE termed the position of moral investigations), with no ending Professor VILLAR BORDA proved to be easily approachable to anyone interested in the authors and/or titles of the huge a many books he edited in his series. Albeit English must have been mixed with some German and Spanishly pronounced French for that communication could go on smoothly and effectively in both abstract and concrete terms leading to either main or marginal issues of our common vocation in legal philosophy, his attention towards such topics made any potential communication problem transcended.

What was he interested in? I felt that his inquiry focussed first of all on the humanity as such and all possible concerns relating to and caring for humaneness. Secondly, his reflection was linked to scholarship in general, formulated in terms of cognition and theorisation which might help the former's deeper and pro-active understanding. And thirdly, by the mercy of human destiny and thanks to his self-consciousness, he became a master of how to deal with and also solve such problems as treated in their legal philosophical aspects and connections. Certainly he developed well defined research preference as his personal competence for his own work as topical limitation, but, in point of principle, his perspective of intellectually acquiring and theoretically understanding the world may have been almost infinite. In fact, he was a partner to listen to or talk on any piece of news on institution building, educational program or research initiative so far as it could be linked to the fields with some theoretical legal relevancy. When I happened to remember to him the happy or bitter memories of the terrible facts of how we in Hungary could, on the one hand, and were expected as should, on the other, cultivate socialist jurisprudence in a communist country, he revoked at once the part of his past he had spent as the last ambassador of Columbia in the so called German Democratic Republic. When I reported to him about timely problems after the fall of this vicious *ancien régime*, he just replied by the exemplification of, accompanied by his own conclusions he had drawn from, the trends of contemporary legal theorising in the German Federal Republic.

He was one of the last giants of a great generation in Columbia,<sup>1</sup> so Columbian compatriots mourned him correspondingly.<sup>2</sup> One involved in his nation's fights, member of its political

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<sup>1</sup> Gabriel García Márquez *Vivir para contaria* (2002) remembers him as a mate during their law studies (diplom in 1953) at the Universidad Nacional de Colombia [in Hungarian translation: *Azért élek, hogy elmeséljem az életemet* ford. Székács Vera (Budapest: Magvető 2002), pp. 137–138].

<sup>2</sup> From professional side, cf. *Libro en memoria del Prof. Dr. Luis Villar Borda* (Bogotá: Universidad Externado de Columbia 2008) 500 pp.

bodies and a co-drafter of the 1968 reform Constitution, as well as ambassador,<sup>3</sup> and all through an academic jurist<sup>4</sup> as educator and author, channelling his preoccupations more and more definitely from constitutional and municipal problems areas towards an overall interpretation from the heights of legal theorising and philosophising.<sup>5</sup> The series he had launched had the same function of reorientation what we were expected to do through translating and publishing western and atlantic classic contemporaries after the fall of communism. He could do that through booklets and large books of monographs rather than what we in fact did, that is, by huge number of selected papers in field- or problem-centric anthologies.<sup>6</sup> But his series, indeed, enriched itself by offering a genuinely large perspective,<sup>7</sup>

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<sup>3</sup> In Switzerland, Finland, People's Republic of China, then Deutsche Demokratische Republik. Cf. his *El último embajador* Testimonio de un colombiano que vio construir y caer el Muro de Berlín (Bogotá: Tercer Mundo Editores 1992) 236 pp.

<sup>4</sup> With postgraduate studies at Leipzig (1956–57) and then in Berlin at the Humboldt University (1957–59).

<sup>5</sup> After his *Cursos de Ciencia del Derecho y Derecho Constitucional Colombiano* (1960) and edited *Oposición, insurgencia y amnistía* Estudio jurídico í político sobre las posibilidades de la paz (Bogotá: Editorial Dintel 1982) 167 pp., he authored *Kelsen en Colombia* (Bogotá: Editorial Temis 1991) 90 pp., *Ética, derecho y democracia* (Santafé de Bogotá: Ediciones Jurídicas Gustavo Ibañez 1994) 268 pp. [Nuevo derecho 3], *La paz en la doctrina de derecho de Kant* (Bogotá: Universidad Externado de Colombia 1996) 113 pp., *Donoso Córtes y Carl Schmitt* (Bogotá: Universidad Externado de Colombia 2006) 180 pp. as well as *Derechos humanos Responsabilidad y multiculturalismo* (Bogotá: Universidad Externado de Colombia 1998) 104 pp.

<sup>6</sup> Cf., by the author, *Contemporary Legal Philosophising* Schmitt, Kelsen, Lukács, Hart, & Law and Literature, with Marxism's Dark Legacy in Central Europe (On Teaching Legal Philosophy in Appendix) (Budapest: Szent István Társulat 2011) [forthcoming], part two "On Imposed Legacy".

<sup>7</sup> All in his university edition (Bogotá: Universidad Externado de Colombia) in a nice and almost pocket-book series (of 11x16.5 cm) of [Serie de Teoría Jurídica y Filosofía del Derecho], from which I am exemplifying only with some titles representing legal theorising (in which it is worthwhile considering the time sequence as well, witnessing about a definite line of development): Robert Alexy *Teoría del discurso y derechos humanos* (1995) 136 pp., Manuel Atienza *Derecho y argumentación* (1997) 138 pp., Juan Antonio García Amado *La filosofía del derecho de Habermas y Luhmann* (1997) 203pp., Robert Walter *Kelsen, la teoría pura del derecho y el problema de la justicia* (1997) 120 pp., Jan Schapp *Derecho civil y filosofía del derecho La libertad en el derecho* (1998) 99 pp., Arthur Kaufmann *Filosofía del derecho* (Bogotá: Universidad Externado de Colombia 1999) 655 pp., Hermann Klenner *Thomas Hobbes Filósofo del derecho y su filosofía jurídica* (1999) 177 pp., Robert Walter *La doctrina del derecho de Hans Kelsen* (1999) 120 pp., Xacobe Bastida Freixedo *El derecho como creencia Una concepción de la filosofía del derecho* (2000) 303 pp., Stanley L. Paulson *Fundamentación crítica de la doctrina de Hans Kelsen* (2000) 193 pp., Robert Alexy *La pretensión de corrección del derecho La polémica Alexy/Bulygin sobre la relación entre derecho y moral* (2001) 124 pp., Luigi Ferrajoli *El garantismo y la filosofía del derecho* (2001) 198 pp., Pablo Raúl Bonorino *Objetividad y verdad en el derecho Variaciones sobre un tema Dworkin* (2002) 226 pp., Carlos Miguel Herrera *Derecho y socialismo en el pensamiento jurídico* (2002) 264 pp., Clemens Jabloner *Hans Kelsen 1881-1973* (2003) 234 pp., Joseph Raz *Valor, respecto y apego* (2003) 222 pp., Fernando Rey Martínez *La ética protestante y el espíritu del constitucionalismo La impronta calvinista del constitucionalismo norteamericano* (2003) 127 pp., Bernd Rüthers *Carl Schmitt en el Tercer Reich ¿La ciencia como fortalecimiento del espíritu de la época?* (2004) 174 pp., Dante Cracogna *Cossio y la teoría egológica del derecho Ensayos* (2006) 183 pp., Bjarne Melkevik *Rawls o Habermas Un debate de filosofía del derecho* (2006) 264 pp., Ulfried Neumann *La pretensión de verdad en el derecho y tres ensayos sobre Radbruch* (2006) 184 pp., Gregorio Peces-Barba Martínez *La Constitución y los derechos* (2006) 294 pp., Jan-R. Sieckmann *El modelo de los principios del derecho* (2006) 330 pp., Silvana Castignone *La máquina del derecho La escuela del realismo jurídico en Suecia* (Axel Hägerström, Karl Olivercrona y Vilhelm Lundstedt) (2007) 209 pp., Eveline T. Feteris *Fundamentos de la argumentación jurídica Revisión de las teorías sobre la justificación de las decisiones judiciales* (2007) 317 pp., Morris Lorenzo Ghezzi *La distinción entre hechos y valores en el pensamiento de Norberto Bobbio* (2007) 130 pp., Brian Bix *Lenguaje, teoría y derecho* (2008) 128 pp., Hubed Bedoya *Dogmática como derecho* (2009) 255 pp., Hans Kelsen *Autobiografía* ed. Matthias Jestaedt (2008) 176 pp., Carlos Bernal Pulido *El neoconstitucionalismo y la normatividad del derecho* Escritos de derecho constitucional y filosofía del derecho (2009) 397 pp., Teodoro Dalavecuras *La sociología del derecho de Theodor Geiger* (2009) 178 pp., Juan Antonio García Amado *El derecho y sus circunstancias Nuevos ensayos de filosofía jurídica* (2010) 815 pp. Cf. also H. L. A. Hart *Entre utilidad y derechos* (Universidad Externado de Colombia Centro de Investigación en Filosofía y Derecho 2002) 46 pp. & *Utilitarismo y derechos naturales* (Universidad Externado de Colombia Centro de Investigación en Filosofía y Derecho 2003) 35 pp.

within which he cared in person for the translation of his preferred authors, the Munich professor ARTHUR KAUFMANN and the director of the Vienna Kelsen-Institute, ROBERT WALTER.<sup>8</sup>

His own path and direction, moreover, his predilection in legal philosophy could roughly speaking be clearly seen and reconstructed from the mere list of the authors and titles he had adopted in his series. But all this notwithstanding his list of personal preferences may have been so finiteless that, properly speaking, we should rather claim that he had nothing like a *numerus clausus* or anything of a closed sight in mind when launching and re-launching his series.

As a matter of fact I had presented some books to him while the first encounter and he responded to them with some reading memory shared with me while the second one. As the next step, I dared suggesting him to invite me as a potential next author and title to be translated for as to be included within his series, and he agreed on to considering the offer. I responded to such a latent query by drafting a scheme entitled *Contents »Derecho & Filosofía«*, saved electronically on the March 30, 2007, including, almost extending to a three-hundred-printed-page volume, papers already translated into Spanish and the rest already made available in French as he asked for, but, unfortunately, being too late in his life, no answer could come this time.

I do preserve his memory as a great synthesist, in his quality of an excellent series editor at the least. His openness to whatever kind of meritable human endeavours in theoretical domains was simply exemplary. I guess that a tormented national history and personal story aware of national history may have taught it and also fuelled it. Lived through and fighting against one of the epoch's dictatorships, I have also felt a definite moral challenge to draw adequate conclusions by identifying and reassessing basic values. This is why I could approach to him with the psychological experience of family resemblance in being committed to great causes. This is why his dramatic and early passing away has shocked me. And this is why I feel to be so much secure by having the news of the live memory he is granted by his homeland.

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<sup>8</sup> Gustav Radbruch *Relativismo y derecho* (Bogotá: Temis 2009) xxi + 72 pp. & Arthur Kaufmann *La filosofía de derecho en la posmodernidad* 3. ed. (Bogotá: Temis 2007) xvii + 89 pp.