

Germán José Bidart Campos (1927–2004)

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ABSTRACT

This contribution to the forthcoming book *Law and the Christian Tradition in Latin America: Biographies* (London, Routledge, 2020, Rafael Domingo and Matthew Mirow, eds.) presents Professor Germán José Bidart Campos. A towering figure of Argentine Constitutional Law, Bidart Campos was at the same time a conscientious Christian. His religious beliefs, nevertheless, were occasionally in tension with some of the policy positions he adopted, especially in his later years. This article attempts to prove that, notwithstanding that tension, Bidart Campos persevered to the end in reconciling constitutional conviction with Catholic dogma.

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Biographical Introduction

Germán José Bidart Campos was born in Buenos Aires on December 9, 1927. He rose to be the most important Argentine constitutional scholar of all times, even as he always held to a stalwart adherence to the Catholic faith he professed. While he did so without compromise whatsoever—he was to remain deeply faithful to his Christ-informed conscience¹—he did not avoid controversy on that score, especially in his final days. He died of a heart attack at his home in

Buenos Aires at the age of seventy-six, on September 3, 2004,² surrounded by a small group of friends and disciples.³

Bidart—as he was (and still is) typically called in Argentina, where multipart surnames like Bidart Campos are shortened to the first part—studied law as an undergraduate at the state university of Buenos Aires, known as UBA, which conferred on him the degree of *abogado* (similar to bachelor in laws) in 1949. He subsequently pursued a doctorate in law and in 1953 became a doctor at the age of twenty-five.⁴ From that tender age, he started teaching law (and political science) in such a way that his teaching contributions would mold future generations of scholars and students. Moreover, he was not only a jurist but also a humanist,⁵ and this was reflected in all of his scholarship. Formed in the scholasticism of the followers of Thomas Aquinas, Bidart complemented classical views of law and politics with those modern ones of Wilhelm Dilthey and of the Spanish thinker José Ortega y Gasset.⁶

Bidart was a strong adherent to natural-law theory, and he wrote a book on the value of justice and natural law, titled *Valor justicia y derecho natural*.⁷ But he would add his own tweaks to the classical view of Aquinas and others in his tradition, under the influence of Max Scheler and his philosophy of value. Bidart's overall conclusion on this subject was that the idea of human rights is “the new natural law.”⁸ This particular position, regardless of its wording,⁹ is not altogether different from the one held by the leading contemporary natural-law philosopher in the English-speaking world, John Finnis,¹⁰ who was to a large extent a contemporary of Bidart's. Even though Finnis visited Argentina three times (one of them while Bidart was still lingering), Bidart

did not speak or read in English, and Finnis does not speak, and only reads a bit in, Spanish, so there was not much of an interaction.

It is little known that Bidart was a very fine poet.¹¹ In 1977 he published in Mexico a book including sonnets in honor of the Virgin Mary,¹² a collection of which not many people are aware.¹³ This work reflects, in endearing terms, his faith and love for Christ and his mother.

Surely Bidart inherited his humanism—this vision of law as something transcending the technical domain—partly from the only teacher whom he acknowledged as a master of sorts: Werner Goldschmidt,¹⁴ a professor of conflicts of laws who was very interested in philosophy. Indeed, Goldschmidt coined “trialism” (*trialismo*), a legal-philosophical school that Bidart happily endorsed.¹⁵ It consisted of a triple approach to law: sociological, normological, and axiological. This approach can be traced through all of Bidart’s works, where he systematically and gladly acknowledges Goldschmidt’s model and guidance.¹⁶ Whatever Bidart is writing about, he always starts with facts, follows with norms, and wraps up with evaluation. I remember, incidentally, that in my first day of law school, there was a small poster at the entrance of the building informing of the death of Professor Goldschmidt, who had taught for decades at my school, the Pontifical Catholic University of Argentina (UCA). I later learned that only two persons outside the family had attended the wake: the one who told me this story (Guillermo Lozano, a junior lecturer of conflicts of laws)—and Bidart Campos.

Shortly after Goldschmidt’s death, in 1988, when Bidart had just turned sixty, I was lucky enough to have him as my own professor.¹⁷ By then he had already taught as a chaired professor

for decades. He also had been one of the first deans of UCA, from 1962 to 1967.¹⁸ The brief, ensuing recollections here are personal and go back to those days.

As there were only sixteen students in that constitutional-law course, and as Bidart had a very close and warm demeanor, I have indeed many anecdotes, though of course I can include only a few because of space limitations. One thing to know about Professor Bidart Campos is that he wanted his students to call him by his first name, Germán,¹⁹ which most of us, however, never did. We knew full well, even in our ignorance, that we were facing the most important Argentine professor of all times, and we did not want to spoil the magic. But the very fact that he would insist that we called him Germán says a lot about the person behind the persona: he was relaxed and informal²⁰ (although he would always dress in a suit in those days). In fact, it is in the light of this relaxed manner that some of the controversies during his final years, to which I refer in the closing section, ought to be understood.

Bidart was an egalitarian through thick and thin. An anecdote of my days as a student illustrates this trait well. On the first day of class, he said, “I have just been told that from now on students will not be allowed to smoke in class. On the other hand, we, professors, will be allowed to continue smoking in class. I will not have that disparity. I am a great smoker, but if you are not to smoke I shall not smoke myself.” Other than the likely shock the reader will experience by learning or, depending on the reader’s age, recollecting, that smoking was allowed at all in such academic contexts, the point of this anecdote is to stress the fervent extent to which Bidart embraced equality, regardless of age or professional status.

Finally, I remember distinctly when he announced who would be, in his own view, his intellectual successor—whom he declared in one of his 1988 lectures to be “the new formula one of constitutional law.” This was Professor Néstor P. Sagiús, who was then already a name in his own right and subsequently rose to be the star that Bidart had described, foreseen, and prophesied. Of course, in line with his informal tone, what Bidart said was: “The new formula one... is Néstor.”

Major Themes and Contributions

As I noted earlier, Bidart started to write from a very tender age²¹ and was always faithful to his vocation as a writer and as a scholar, favored perhaps by the circumstance of his remaining a bachelor until his death. He wrote dozens of books and hundreds of articles.²² Just as importantly, as I was fortunate to attest, he was an amazing teacher.²³

What were his major themes and contributions? From its inception, Bidart’s academic production was not restricted to his main area of interest, which was, unquestionably, constitutional law. He wrote vastly on political science and held a chair of political science at UBA. He also wrote on international law of human rights, a field in which he was a pioneer and a vocal actor, even in difficult times of military dictatorships; and on social doctrine of the church. Regarding the latter, he worried about the tensions between church doctrine and economic liberalism. He therefore devoted a whole book to exploring those issues, whose telling title in English would be more or less *The Re-Creation of Liberalism*.²⁴ The long and the short of that extended essay is that for market economy to be compatible with the social doctrine of the

church, it ought to be tempered by social considerations, the way the church suggested and still suggests.

But of course it was the discipline of constitutional law which mostly benefited from Bidart's wide-ranging contributions. I am quite tempted to share yet another personal anecdote that might throw some light on the way that discipline was (and still is) perceived and regarded in Argentina, though I fear that it might not be very different around the rest of the world. When I finished law school, I thought I would start teaching. The way it works in my country is that you approach your favorite professor and ask him if you could assist him. I had two favorites. One was Bidart, and the other was his nemesis, Jaime Luis Anaya, our professor of commercial law, a distinguished scholar, and a very fine person. I decided to choose Bidart, and I later became a professor of constitutional law (indeed, holding the very chair at UCA that he had held for many decades). Shortly after I was inducted into academia, as a teaching assistant under Bidart's aegis, I ran into Anaya in one of the corridors of the law school. He asked me point blank: "So, Mr. Legarre, have you started teaching yet?" After I replied, he continued: "What are you teaching? Constitutional law, really? That is wonderful! Although it is a true pity that we have lost you for the cause of the law." What he meant was that constitutional law is not law. Real law is commercial law, and private law in general. Constitutional law is more like a bunch of moral ideas under the pretense of law.

I must say that Bidart did not do much to dispel what could have seemed a myth on the nonlegal nature of constitutional law. On the contrary, he did not pay much attention to texts and norms, concerned as he was with ideas and values more than anything else. This is my own criticism to,

and my reservation regarding, his constitutional theory. But then he shares that fault, alas, with most of my contemporary fellow constitutional scholars, for whom any preoccupation with norms has an old-fashioned ring of positivism. I find this rather absurd, as the position they depart from was Thomas Aquinas's rather than Kelsen's; but that story belongs to another book!

Back to his work in constitutional law, I would like to draw a clear distinction within his work; the distinction is chronological, but its import goes beyond a matter of time. His first books on constitutional law—published for the first time in the sixties—were long, theoretical, learned, and full of footnotes (many of them, in dialogue with the leading European public law scholars).²⁵ In contrast, his work from the mid-eighties until the end of his life, starting with *Tratado Elemental de Derecho Constitucional*,²⁶ was of a very different nature and style, marking a clear break and a beginning to what I consider a different phase in his academic life: addressed to any reader, including students; easier, simpler (but sometimes at the expense of the complexity of the issues involved); much shorter, unannotated. My preference was with what I could term “the first Bidart Campos.” So once, when I was still his student and happened to meet him randomly at a bus stop—Bidart would use public transportation; perhaps it was part of his antisnob demeanor; plus he probably did not have enough money for a daily taxi, as he was modest and did not earn much as a professor—I asked him: “Why this change?” that I had perceived in his work. He did not give me an answer but merely smiled.

Bidart had a short stint in public office, from 1967 to the early seventies. He was director of the Registro Civil de la Ciudad de Buenos Aires—the head of the office in charge of certain public registrations—and his book *Resoluciones y dictámenes del Registro Civil de la Capital Federal*

bears witness to his time there.²⁷ This stint lasted through more than one de facto government—which circumstance, it should be noted, was in tension with his reiterated criticism of such undemocratic regimes.

General Appraisal and Influence

Bidart's work is of lasting influence. The fact that, on the occasion of the tenth anniversary of his death, the most important study group of constitutional law in Argentina, the Asociación Argentina de Derecho Constitucional, published a festschrift in his honor in the official magazine of the group is telling.²⁸ Likewise, that same year, 2014, a big event to celebrate his memory was organized at the Universidad de Buenos Aires (UBA).²⁹ The event stressed the crucial role Bidart had during the dark years of the military dictatorship of 1976–83, when his voice was to constitutional law what the forerunner of Jesus, John the Baptist, had been to the desert.³⁰ It is noteworthy that one of the speakers at the UBA event openly criticized Bidart's Catholicism, both because the remark confirmed another comment that I noted earlier—namely, that Bidart was a stalwart Christian—but also because this critic (Professor Roberto Gargarella) affirmed that his criticism constituted an homage to Bidart's love for freedom of expression.³¹ I believe Gargarella was right in thinking that Bidart would have welcomed his peaceful dissent.

Interestingly, and rightly, the UBA event also underscored Bidart's crucial role in highlighting the constitutional relevance of international law of human rights, which would be fully recognized in the constitutional amendment of 1994. One of the participants at the UBA event, Professor Susana Albanese, aptly showed Bidart's direct influence in that amendment regarding

the constitutional ranking of the most important human-rights treaties³² and pointed out the relevance of one of his books on the topic, one which she had coauthored with him.³³

This is a suitable place to mention that Bidart had always held that all international treaties—whether human-right treaties or not—have a higher ranking than all laws of Congress. In this he followed a position held before him by Werner Goldschmidt (his only master, as I have noted), who had consistently criticized the case law of the Supreme Court to the contrary. In effect, our Supreme Court had held the “American position” that treaties and laws of Congress stand on the same level, and that the principle of *lex posteriori derogate priori* (that is, later in time, better in right) applies equally to treaties and laws of Congress. The Argentine Supreme Court in 1992 overruled its own precedent and subscribed to the position that had been held by both Goldschmidt and Bidart,³⁴ namely, that treaties rank above laws of Congress, no matter their timing. Two years after this crucial decision, the 1994 Amendment to the Argentine Constitution incorporated this doctrine, and Bidart, who was actively involved as a jurist and adviser at the reforming constitutional assembly,³⁵ was generally credited as one of the intellectual authors of the new norm, which simply and clearly states that “treaties and concordats have higher standing than laws.”³⁶

Bidart was very interested in social issues and in the social aspect of the law,³⁷ all of which was informed by his Christian formation and conscience.³⁸

Books would be published to honor him even during his lifetime.³⁹ His fame extended abroad, especially in Latin America, where he was well known and respected.⁴⁰ The number of scholars

who requested and received from him a preface to their own books was enormous.⁴¹ So, too, was the number of scholars and others to whom he dedicated his own books, which exemplified his warm affection for so many colleagues,⁴² and the number of dedications to his Catholic faith as well.⁴³ I find particularly interesting, concerning the latter, that one of his most important books—his *Basic Treatise on Constitutional Law* (the *Tratado Elemental de Derecho Constitucional*)—was dedicated to “María and Manuel, for an old debt of fraternal friendship.”⁴⁴ It seems clear to me that he means Mary and Jesus, as there have been some saints in the Catholic tradition known for calling them María and Manuel.⁴⁵

There are, at any rate, many more important ways to measure the general appraisal of his legacy. One of his disciples, Pablo Manili, wrote in a book titled *Maestros del Derecho Constitucional* (Great teachers of constitutional law) that “Germán produced a fundamental change in the way we view constitutional interpretation; he viewed the Constitution as a norm and underscored its normative force—by way of contrast with views that saw the Constitution as a catalogue of illusions and political declarations.”⁴⁶ Manili was largely right, the caveat being that by the time Bidart wrote, there already was a consensus around the idea that the Constitution was a legal instrument. Indeed, as Dolabjian shows (when he contrasts European theory and practice), as early as in the late nineteenth century the normative force of the Argentine constitution was largely in place both in the case law of the Supreme Court and in the doctrine of early writers such as José Manuel Estrada, Joaquín V. González, and Nicolás Matienzo.⁴⁷ Perhaps Bidart’s greatest accomplishment on this score was to extend and apply the idea of normativity and of the normative force of the Constitution to its first part, the one dealing with rights, typically called in Argentina the Dogmatic Part.⁴⁸

At a personal level, Bidart was widely considered a humble person.⁴⁹ Along the same lines, one of his students described him as meek.⁵⁰ Of course these two adjectives together bring to one's mind the words of Jesus Christ about himself.⁵¹

As I come now to a conclusion, I refer to something I briefly indicated above by way of introduction. In the final years of his life, Bidart was surrounded by a significant degree of controversy, especially regarding his purported interpretation and application of certain aspects of Catholic doctrine and mores. On one hand, he wrote a couple of journal articles defending positions that seemed at odds with Christian (and even natural-law) views. Although everything he wrote in those days ended up published in *El Derecho*, the journal of Pontifical Catholic University of Argentina (of which he had been the editor-in-chief for scores of years), the single most important of those controversial articles apparently was found too shocking for that journal by the then editor-in-chief (Bidart's successor).⁵² Bidart therefore decided to send the piece to *Jurisprudencia Argentina*—the secular competition of sorts. It was a case note advocating for the change of name for a transgendered person.⁵³ Moreover, his apparent divergence with traditional Catholic teaching—never overt; always played down by Bidart himself—was not circumscribed to gender matters. The more recent, 2000 edition of his *Basic Treatise on Constitutional Law* (as referenced below in the Bibliography) deal with topics such as privacy and drug abuse, and the constitutional right to freedom of association of homosexual persons, in ways which may seem removed not only from traditional Catholic doctrine but also from Bidart's own initial positions on such questions as per previous editions of the same book.

On the other hand, there was an unfortunate incident in his personal life that drew the attention of the public in a negative way. One afternoon Bidart went to La Biela—a very traditional coffee place in the very traditional neighborhood of Recoleta—dressed with a sleeveless vest. One of the waiters told him that with such attire he could not stay at La Biela, and he was asked to leave the premises. That same day, very annoyed and offended, the professor sent a letter to the editor of the newspaper *La Nación* (which was promptly published, given the authority of the sender), in which he told the Argentine public what had happened at the Recoleta coffee place and complained of having been discriminated against, in breach of the Argentine Constitution. Immediately, a score of other letters followed, defending the right of the private company who owned La Biela to decide about their premises as they saw fit, criticizing Bidart, and regretting a conduct that was considered by most readers not to be up to the standards that the professor had gotten everyone used to expecting from him.

My own appraisal of the impact of these two developments in the general appraisal of the work of Bidart is that whether or not one approves, from a Christian perspective, of Bidart's take on the change of name of transgendered persons (and other similar positions he adopted on analogous matters in the last years of his life, some of which I referenced earlier), or of the infamous incident of the sleeveless vest at La Biela, those are at most tiny spots that do not detract from the whole. Bidart Campos was a conscientious Catholic and a tremendous Christian scholar throughout. No one is perfect, nor was he. But his contributions to the study and teaching of constitutional law will remain forever high in the firmament of the great Christian jurists of Latin American history.

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¹ One of his disciples, Pablo Manili, rightly described him as a “fervent Catholic” (Manili, *Maestros del Derecho Constitucional*, 20).

² He is buried in the City of Lujan, by the grave of his mother. Lujan is the seat of Argentina’s national shrine to the Virgin Mary, to whom Bidart was very devout. See Palomino Machego and Remotti Carvonell, *Derechos Humanos y Constitución en Iberoamérica*, ii (with a picture of the grave).

³ This is Bidart’s obituary in *La Nación*, an important Argentine newspaper and a reliable source: <https://www.lanacion.com.ar/politica/murio-el-constitucionalista-bidart-campos-nid633570>.

⁴ His doctoral dissertation was titled “La democracia como forma de estado” (Democracy as form of state). For Bidart’s biographical information, see this trustworthy webpage administered by the prestigious Konex Foundation: https://www.fundacionkonex.org/b1368-german_j_bidart_campos.

⁵ Jimenez, “En memoria de Germán José Bidart,” obituary in the Spanish newspaper *El País*. Ferreyra is of a similar view: Ferreyra, 258.

⁶ Varela, p. 3.

⁷ Bidart Campos, *Valor justicia y Derecho natural*.

⁸ The idea that Bidart equated natural law and human rights is Professor Domingo Rondina’s, at a commemorative event at UBA. I think Rondina was quite right; see Rondina, 255.

⁹ Finnis would not have accepted the wording “new natural law,” however. See Legarre, “HLA Hart.”

¹⁰ Finnis’s position on this topic was elaborated at length in his monograph *Aquinas: Moral, Political, and Legal Theory*.

¹¹ Bidart Campos, *El aljibe*.

¹² Bidart Campos, *El misterio de María*.

¹³ An exception is Professor Alberto Rodríguez Varela, who underscored the existence and value of this book by Bidart. See Rodríguez Varela, speech in honor of Bidart at the Argentine Scientific Society, p. 4.

¹⁴ Rodríguez Varela, who knew Bidart for more than forty years, stated that Werner Goldschmidt was Bidart’s “master and friend.” Rodríguez Varela, speech in honor of Bidart Campos, p. 4.

¹⁵ Bidart even went ahead and quite early on wrote a philosophical monograph in trilateral key: *Filosofía del derecho constitucional*.

¹⁶ See Dolabjian, “Sobre la fuerza normativa de la Constitución,” 699.

¹⁷ In Argentina, usually two instructors take care of each group of students: a chaired professor and a so-called adjunct professor. I was taught constitutional law by Bidart as the chair and by María Cristina Serrano as the adjunct. See her enlightening contribution to a festschrift for Bidart: “Doctor Germán J. Bidart Campos: Maestro y Amigo.”

¹⁸ See Manili, *Maestros del Derecho Constitucional*, 1.

¹⁹ His disciple and former student Manili even calls him “Germán” in writing (which is even more striking but would have surely been liked by Bidart). See Manili, *Maestros del Derecho Constitucional*, especially page 6, where Manili uses “Germán.”

²⁰ Serrano, “Doctor Germán J. Bidart Campos,” 642.

²¹ Bidart Campos delivered the speech that earned him induction into the very prestigious Academia Nacional de Derecho when he was only twenty-seven.

²² For a rather complete list of Bidart Campos’s books, in chronological order, see Ferreyra, “Creo en estas letras.”

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- ²³ I find Cristina Serrano’s description of his teaching style by far the best. Serrano, “Doctor Germán J. Bidart Campos,” 641–42. I can relate, especially as she taught me in 1988 side-by-side with Bidart.
- ²⁴ Bidart Campos, *La re-creación del liberalismo*.
- ²⁵ Great examples of such books are: Bidart Campos, *Derecho constitucional. Realidad, normatividad y justicia en el derecho constitucional*, and *Derecho constitucional del poder*.
- ²⁶ Bidart Campos, *Tratado Elemental de Derecho Constitucional*.
- ²⁷ Bidart Campos, *Resoluciones y dictámenes*.
- ²⁸ See Asociación Argentina de Derecho Constitucional, “Liber Amicorum Germán J. Bidart Campos.”
- ²⁹ A summary of the different panels at the UBA ten-year anniversary event of September 10, 2014, can be found in *Academia. Revista sobre enseñanza del Derecho* 12/24 (2014): 251–59.
- ³⁰ *Ibid.*, 252. The analogy is mine.
- ³¹ *Ibid.*, 253.
- ³² *Ibid.*, 255, where Albanese explains the point made here in the text. See, too, Article 75, Section 22 of the Argentine Constitution, as amended in 1994, which reads as follows (in what is relevant): “The following [international instruments], under the conditions under which they are in force, stand on the same level as the Constitution, [but] do not repeal any article in the First Part of this Constitution, and must be understood as complementary of the rights and guarantees recognized therein: The American Declaration of the Rights and Duties of Man; the Universal Declaration of Human Rights; the American Convention on Human Rights; the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights and its Optional Protocol; the [International] Convention on the Prevention and Punishment of Genocide; the International Convention on the Elimination of all Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment; and the Convention on the Rights of the Child.”
- ³³ Bidart Campos and Albanese, *Derecho Internacional, Derechos Humanos y Derecho Comunitario*.
- ³⁴ Argentine Supreme Court, *Ekmekdjian v. Sofovich*, July 7, 1992.
- ³⁵ Manili rightly points out that at the 1994 Constitutional Assembly, former Argentine president Raúl Alfonsín hired Bidart Campos as his consultant and adviser. Manili, *Maestros del Derecho Constitucional*, 2.
- ³⁶ From Article 75, Section 22 of the Argentine Constitution, as amended in 1994.
- ³⁷ A book he wrote well into his prime is tellingly titled *El orden socioeconómico en la Constitución*. See also Fessia, “Muere Bidart Campos.”
- ³⁸ One of his last books, published in 2003, is proof of this Christian conscience: *La Doctrina social de la Iglesia y el Derecho Constitucional*. Little known, but very much in point too, is his earlier, historical essay *La Iglesia en la historia: su influencia en lo espiritual, social, cultural y político*, published in Mexico in 1977.
- ³⁹ For example, the year before he passed away, one of his disciples, Víctor Bazan, celebrated Bidart by publishing *Defensa de la Constitución*.
- ⁴⁰ An example is the book in his honor published in Perú two years before his death: Palomino Machego and Remotti Carbonell, *Derechos Humanos y Constitución en Iberoamérica*. See also Professor Horacio Rosatti’s view that Bidart had an unparalleled impact in South America, in *Academia. Revista sobre enseñanza del Derecho* 12/24, 256.
- ⁴¹ I am one of them, and I can bear witness to the generosity and kindness of his introductory remarks to my first book: Legarre, *El requisito de la trascendencia*.
- ⁴² It would be difficult and pointless to try to mention them all, but I will just say here that as he approached the end of his academic production, he would dedicate one single book to a good number of people. For example, *La interpretación del sistema de derechos humanos* was dedicated to Alberto Antonio Spota, Humerto Quiroga Lavié, Juan Carlos Hitters, Osvaldo Gozaini, Adelina Loiano, Eduardo Oteiza, and Alberto R. Dalla Vía (all of them colleagues or disciples) “for everything they have given me both academically and affectionately.” *El derecho de la constitución y su fuerza normativa* was dedicated “In memory of Laura Esther Pico, Josefina Celina Anción, Rosa Esperanza Negri, Concepción Marquese, Lucilda S. de Lúgaro, Amelia P. de Echegoyen, María Inés D. de Bourda, Dolores P. de Tarsia, y Elena E. Lacourt.” This trend of dedicating one book to many people of course increased the total number of those who got published dedications from Bidart.
- ⁴³ *La re-creación del liberalismo, política y derecho constitucional* is dedicated to “the beloved memory of John Paul I”; *Valor Justicia y Derecho Natural* is dedicated to the first president of Pontificia Universidad Católica Argentina, Monsignor Octavio N. Derisi, “for his friendship.”
- ⁴⁴ Bidart Campos, *Tratado Elemental de Derecho Constitucional*. I hope the reader will not mind my noting that my own copy of the book has a handwritten dedication to me: “To Santiago, with much affection.”

⁴⁵ E.g., Josemaría Escrivá de Balaguer, who, during the Spanish Civil War, referred to Jesus as “Manuel.” Although the war situation differed from Bidart’s, the two have in common the idea of “discretion.” See Vázquez de Prada, *El Fundador del Opus Dei*, 188.

⁴⁶ Manili, *Maestros del Derecho*, 6, with particular reference to Bidart’s *El derecho de la constitución y su fuerza normativa*. As Dolabjian explains, it is in the European tradition where the normative force of the constitution is watered-down, at least in the founding conception (by way of contrast with the founding conception in the United States, which was the inspiration for Argentina). See Dolabjian, “Sobre la fuerza normativa de la Constitución,” 658.

⁴⁷ Dolabjian, “Sobre la fuerza normativa de la Constitución,” 671–74.

⁴⁸ Bidart recorded this idea in *El derecho de la constitución y su fuerza normativa*, but even before that in *Teoría General de los Derechos Humanos*, one of the few books of his not to have been published by Ediar. I remember that Bidart shared with his students in class that he felt awkward about changing publishers for this book, which he did, he said, to try to reach a greater readership.

⁴⁹ See Jimenez, “En memoria de Germán José Bidart.” See also Bazan, *Defensa de la Constitución*, 9.

⁵⁰ That was the word used by Professor Juan V. Sola in the tenth anniversary UBA event. See *Academia. Revista sobre enseñanza del Derecho*, 12/24, 254.

⁵¹ “Learn from me, for I am meek and humble of heart.” Matthew 11:29.

⁵² Bidart’s successor was, incidentally, Professor Jaime Luis Anaya, alluded to above in the text as my professor of commercial law.

⁵³ Bidart Campos, “El cambio de identidad civil de los transexuales transformados”, JA 1990-III-103-111.