

Eugenio Bulygin (1931–2021): The Wonderful Russian

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On May 11, 2021, in Buenos Aires Eugenio Bulygin died—a victim of the COVID pandemic—shortly before his ninetieth birthday. Indeed, he was born on July 25, 1931, in Kharkov, Ukraine, at the time part of the Soviet Union. During his first years the world he was living in was chaotic. He was born in a family of educated professionals who had to flee both from the Stalinist terror and from the German occupation, to end up in Linz, Austria, after the Second World War. In 1949, under UN auspices, his parents decided to emigrate to Argentina. Eugenio obviously spoke Russian; he had learnt German in Austria and had rudiments of French and English, but not of Spanish. I remember that he once told me that in Buenos Aires he used to spend time at a chess club where the language was less important, and that is how he became acquainted with Spanish.¹

From 1953 to 1958 he studied at the law school of the University of Buenos Aires. During these years, he started to get involved with the legal philosophy group directed by Prof. Ambrosio Gioja, a very talented scholar, albeit with a limited written production. In this group there were some very gifted legal philosophers, such as Genaro Carrió, who later would become a close friend of Eugenio, and also president of the Argentinian Supreme Court, following the end of the military dictatorship. Most importantly, however, that is where Bulygin met Carlos Alchourrón, who would also become a personal friend, a coauthor of many publications, and his gateway to analytic philosophy.² In 1963, Bulygin earned his Ph.D. at the University of Buenos Aires and, in the following years in the 1960s, he was awarded several fellowships for research stays at German universities (Cologne and Bonn) and at the University of Oxford. During these stays, Bulygin formed deep academic contacts

*The title of this short essay was inadvertently provided to me by Ronald Dworkin, who at a dinner in Barcelona in 2011 exclaimed to me, “Ah, Eugenio Bulygin, the wonderful Russian.”

¹ A good biographical sketch can be found in Bulygin and Litschewski Paulson 2015.

² Genaro Carrió would sometimes, in jest, write epitaphs for his friends. It seems that he did the same for Alchourrón and Bulygin: “De la tierra de Chejov y de Kosygin, / a la tierra de Gardel y de Perón, / sabios dioses trajeron a Bulygin, / como es lógico, a brazos de Alchourrón.” That is to say: “From the homeland of Chekhov and Kosygin, / to the homeland of Gardel and Perón, wise gods brought Bulygin, / as is logical, into the arms of Alchourrón.” This anecdote, like so many others, was told to me by another close friend of Bulygin, his brother-in-law, Prof. Ernesto Garzón Valdés. In fact, when I was rector of Pompeu Fabra University, in October 2011, Ernesto and Eugenio were distinguished as honorary doctors at my university.

with professors such as Ulrich Klug, Hans Welzel (his supervisors in Germany), and H. L. A. Hart (his supervisor at Oxford). At Oxford, he also formed other relevant academic friendships with scholars such as Peter Strawson, Arthur Prior, John Mackie, Elizabeth Anscombe, Peter Geach, Alfred Ayer, Isaiah Berlin, and Anthony Kenny. At Oxford Bulygin deepened his personal and academic relationship with Prof. Georg Henrik von Wright, who shortly before had visited the University of Buenos Aires.

Upon coming back to Buenos Aires, he was appointed professor of legal philosophy at the university in 1970. At his university he was dean of the law school after the fall of the military junta in 1984, changing the school's syllabus in order to make it suitable for the new democratic times. He also served as judge on the Argentine Court of Appeals in civil matters from 1986 to 2001. Until his death, he was visiting professor at many universities in several European and Latin American countries, mainly in Spain and Italy. In 1999 he was elected president of the International Association for the Philosophy of Law and Social Philosophy (IVR), serving until 2003.

His intellectual production is outstanding, often coauthored with Carlos Alchourrón. His main work was *Normative Systems*, of 1971.³ In the background of this book are, in my view, three main influences: (a) Hans Kelsen's insistence on elaborating a legal theory focused on the notion of a *legal system* (a plurality of legal norms conceived as a structured system);⁴ (b) the notion of a *deductive system* elaborated by Rudolf Carnap (1934) and Alfred Tarski (1941) (a deductive system being a set of propositions closed under logical consequence); and (c) the *deontic logic* developed by Georg Henrik von Wright, a way of conceiving the logical relations between norms.⁵ With this powerful toolkit, they built a very elegant notion of legal system with a new account of the main questions in legal theory, including an original approach to the analysis of legal antinomies and legal gaps. Generations of legal theorists have grown studying this book, which, with a fortunate expression, Bruno Celano called "a crystal of condensed light" (Celano 2020, 16; my translation).

After *Normative Systems*, Bulygin (sometimes with Alchourrón, other times on his own) published a collection of papers dealing with a new issue: how legal systems evolve over time, with the attendant problems of the identity of legal systems and of change within them.⁶ As is well known, some of the ideas that Eugenio developed with Carlos have resonated widely in general philosophy. For instance, the idea of the *logical indeterminacy of a system*, arising from the study of normative revisions, has had a powerful impact on the issue of belief revision in epistemology, giving rise to the widely known AGM theory advanced by Carlos E. Alchourrón, Peter Gärdenfors, and David Makinson (see, most notably, Alchourrón, Gärdenfors, and Makinson

³ This work (Alchourrón and Bulygin 1971) has been translated into Spanish, German, Italian, and Russian.

⁴ See the second edition of his *Pure Theory of Law* (Kelsen 1960).

⁵ This conception was developed in a series of writings spanning from his seminal "Deontic Logic" (von Wright 1951) to his work that is most relevant to legal theory, *Norm and Action: A Logical Enquiry* (von Wright 1963). Ernesto Garzón Valdés and Eugenio Bulygin have told me that they made a Spanish translation of this book, but when they decided to publish it, they found out that a Spanish publisher (Tecnos) held the copyright on the translation, unfortunately a worse translation than theirs.

⁶ These papers are collected in Alchourrón and Bulygin 1990. Some of the most relevant of them (five with Carlos E. Alchourrón) are now published in English in Bulygin 2015.

1985). In 1969, the idea—also put forward by David Lewis (1979) and Risto Hilpinen (1981)—was elaborated by Thomas Cornides (1969) with the following example:

Let us consider a domestic system with two norms:

Na: Children may have dinner only if they have done their homework.

Nb: Children may watch TV only if they have had dinner.

On one of her children's birthday, their mother decides to authorize them to watch TV before doing their homework.

Nd: Children may watch TV before doing their homework.

Nd is not incompatible with Na or with Nb, but it *is* incompatible with a logical consequence of Na and Nb:

Nc: Children may watch TV only if they have done their homework.

Now, it is legitimate that the children should ask themselves whether, in order to watch TV, they should have sat down for dinner beforehand (without having done their homework) or whether they can watch TV before dinner (but having done their homework before dinner), that is, whether their mother's act abrogated Na or Nb, as it were. The mechanism of abrogation, therefore, not always produces a univocal result. In a similar way, the mechanism of belief revision not always allows us to achieve a univocal set of beliefs as a result.

This is only one example among many. For instance, in Bulygin's papers on the expressive conception of norms we can find important ideas about the ontology and philosophy of language, mainly concerning the issue of whether the use of language to guide the human behaviour is a semantic or a pragmatic phenomenon. Or we can find an elucidation of the place that permissive norms occupy in normative systems and, particularly, in practical reasoning.

In 1990, during the austral winter, I spent a postdoctoral research stay in Buenos Aires, working with Eugenio Bulygin and the late Carlos Nino. During this stay I discovered another trait of Eugenio's character: his generosity. He discussed philosophy with me many times; he would often invite me at his home and to the best *asado* in the world in Santa Catalina with his beloved wife, Elvira; and he made my memories of Buenos Aires unforgettable. There I met other persons of my generation who were also in the circle of Eugenio: Daniel Mendonca, who was a visiting postdoc; the Córdoba group (Argentina), directed by Ricardo Caracciolo, where Cristina Redondo and Pablo Navarro worked; and Jorge Rodríguez, from Mar del Plata. This is the core of what came to be known as "Bulygin's boys and girls": It elicits longing in reminding me of those times past. In the following years, the group grew larger, adding more researchers from Argentina, Chile, Mexico, Colombia, Spain, Italy, and other countries in Europe—and, recently, from Russia too.

One of the most important things we owe to Eugenio is, in my view, his way of practising philosophy as conceptual analysis. We learnt with him by reading him, attending his lectures, engaging in discussions with him. His deep and dark voice, his irony, his signature way of introducing a criticism after a lecture—"Lindo, pero completamente equivocado": Nice, but completely wrong—his immense patience in imparting to the youngest students the more difficult elements of an argument were always a source of support for us all. Therefore, all of us are now in a mournful state of intellectual orphanhood.

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