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# Human Dignity 2.0: Beyond a Rigid Version of Anthropocentrism

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## I. Introduction

The question concerning the moral status of living beings is a central one within current bioethical debates and many life and death issues are connected to it. The field of discourse is divided up between Catholic thinkers like Spaemann who argues for the validity of human dignity which starts with the fertilization of the egg cell (Spaemann 88) and naturalist philosophers like Singer who puts forward reasons for associating the moral status with personhood, as only persons possess morally relevant qualities, i.e. self-consciousness and sentience (*Practical Ethics* 11, 120-44, 166; See also *Animal Liberation*). I will argue for a concept of human dignity which considers Singer's criticism concerning speciesism and moves beyond a rigid anthropocentric position as it was proposed by Spaemann (Spaemann 88-92). Thereby, I will progress as follows: In part one, I will present some methodological reflections which support the following argument of parts two and three. In part two, I will present selected aspects of the debate concerning the moral status of living entities and also explain scientific insights concerning various types of organisms. In part three, I will suggest a concept of dignity and personhood which I regard as plausible and appropriate for our times.

## II. Methodological Reflections

Many philosophers from Nietzsche via Heidegger to contemporary communitarian thinkers like Sandel and MacIntyre criticized nihilism and identified it with many problematic attitudes and behaviors. Consequently, they put forward values by means of which nihilism can be overcome (e.g. MacIntyre 359-71). I do not agree with their criticism.

In contrast to their platitudes concerning nihilism, I regard nihilism as a wonderful achievement and one, which is worth defending (Sorgner 239-42). In order to provide some reasons in favor of this attitude, I will progress as follows. In the first part, I will clarify the concepts of nihilism, paternalism and culture. In the second part, I will put forward some reasons why I affirm nihilistic cultures, but not paternalistic ones. In the third part, I will provide some hints concerning how to solve questions concerning values within a nihilistic culture whereby I am concerned in particular with our contemporary posthumanist culture in which a high respect for the sciences and technologies represents the spirit of our times.<sup>1</sup>

### 1) Nihilism, Paternalism, and Culture

Concerning “nihilism,” I am referring both to aletheic as well as ethical variants of nihilism.<sup>2</sup> I take it that aletheic nihilism stands for the following concept: Aletheic nihilism implies the affirmation of perspectivism whereby perspectivism stands for the attitude that all perspectives are interpretations. However, the concept “interpretation” does not imply that the judgment in question has to be a false one. An interpretation can represent a false judgment. However, perspectivism also implies that so far we have not yet gained the option of having a criterion by means of which we can distinguish a true from a false judgment. Hence, an interpretation is a statement which can be false, but it does not have to be false. Still, it is not yet possible for us to clarify whether a judgment is actually false or true. It is this basic attitude which aletheic nihilism affirms.

Ethical nihilism, on the other hand, refers to the doubt concerning the possibility of non-formal accounts of the good, whereby the concept good refers to values, but not to norms. This position implies that it is possible to put forward a non-formal account of norms. Elsewhere, I have argued in favor of the norms of freedom and equality (Sorgner 239-44). However, I do not uphold their universal validity. I merely regard them as wonderful achievements for which it is worth fighting.

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1. Chapter I “Methodological Reflections” includes selected and updated passages from the article “Paternalistic Cultures versus Nihilistic Cultures” which I was invited to write for the *European Journal of Science and Theology* (February 2013, Vol.9, No.1, 19-33).

2. Compare Sorgner 242.

I am happy that many other citizens and scholars agree that negative freedom and equality are wonderful achievements. It is an implication of alethic nihilism that these norms are not universally valid and I agree. For a normative judgment to be universally valid means that its truth is independent of a human decision. However, it is this understanding which is being doubted by alethic nihilism. Whether a normative judgment gets accepted and applied depends primarily upon a decision made by human beings. Whether a norm is actually universally valid or not cannot currently be known.

Ethical nihilism goes beyond alethic nihilism which implies that it is implausible to claim the universal validity of values. Ethical nihilism not only upholds the former but claims further that any non-formal account of the good is bound to be implausible or even dangerous due to its potentially violent implications.

Paternalism implies the negation of nihilism. Any non-nihilistic culture is paternalistic. If it is regarded as not being the case that all perspectives are interpretations, then an alethic paternalism is given.<sup>3</sup> Analogously, an ethical paternalism can be defined. Ethical paternalism affirms that it is possible to make non-formal value judgments. Nussbaum's strong but vague concept of the good affirms an ethical paternalism by arguing in favor of a universal concept of the good.

The third concept, which is important in this context, is the concept "culture." Here, I am drawing upon a very wide concept of culture, which can be seen as the opposite of the concept "nature." Consequently, culture refers to a locally and temporarily limited realm, which is being determined by a specific attitude concerning ontology and ethics. Hence, in paternalistic cultures human beings share a similar understanding of what the world actually is. There needs to be made the further distinction between a strong and a weak version of paternalistic cultures. The Holy Roman Empire certainly represents a strong version of a paternalistic

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3. If it is assumed that there is a moral truth which cannot be ascertained, then I regard the corresponding culture still as a nihilistic one, because it is still the case that all political rules, laws and prescriptions need to be seen as interpretations due to the implausibility of having certain knowledge of their validity. Such a position could be upheld by thinkers who belong to the tradition of negative theology. I am very grateful to Michael Schramm and Michael Hauskeller for raising this issue.

culture, whereas West Germany during the 1950s-60s can be identified with a weaker version of a paternalistic culture. In the first case, a strong and detailed account of the good is regarded as valid for all citizens. In the latter case, a certain plurality is accepted, but there are vague conceptions of the good life which are supposed to be valid for all people.

In what respect can it be said that Germany at the beginning of the 21<sup>st</sup> century differs significantly from West Germany during the 1950s-60s? Here, the relevance of commentaries of the foundational law needs to be pointed out. There are some prominent commentaries, which are particularly important for understanding how the various articles of the law ought to be read. During the 1950s-60s, a commentary edited by Maunz and Dürig was particularly influential, and Dürig himself was responsible for the commentary on Article 1 of the foundational law, the one which deals with the central and foundational relevance of human dignity. Herein, he put forward that human dignity refers to a quality which is actually ontologically present in all human beings and it is this understanding of human beings which is supposed to be valid for all times at all places (Dürig 1-26). In 2003, Herdegen was given the chance to update the commentary to Article 1 of the foundational law for the commentary, which was originally edited by Maunz and Dürig. In contrast to Dürig, Herdegen stressed that human dignity does not stand for an eternal quality, which is actually ontologically present in all human beings, but that the concept solely depends upon an agreement among human beings like all other laws, too (Herdegen 1-58). Thereby, Germany moved from a weak paternalistic culture towards a nihilistic one, and I affirm the movement in this direction.

## **2) Reasons for Preferring Nihilistic Cultures to Paternalistic Ones**

Our culture is a nihilistic one, because many of the above mentioned nihilistic qualities are being widely shared. However, from my perspective our culture still needs to progress further towards nihilism, because it has not yet sufficiently embraced ethical nihilism.

In any case, I wish to point out that our enlightened culture has come about as a result of many movements, deeds, and acts which have taken place during the enlightenment. During the Middle Ages, human beings had to believe what their political and religious leaders wanted them to believe. This applies both to their understanding of the world

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as well as of the values and norms they ought to subscribe to, ought to act in accordance with and ought to believe in. Thereby, the political and religious leaders were violent and cruel towards their citizens, because these were forced to hold on to and act in accordance with a world view, which in most cases did not correspond to the physiological and instinctual demands of the various individuals. Human beings of all social levels realized that harm was done to them in this manner and that such a social structure was merely in the interest of the religious and aristocratic leaders. Consequently, many individuals and groups took a lot of great and dangerous efforts in order to free themselves from this paternalistic oppression, so that it becomes possible for them to realize their own individual understanding of the good life, to live in accord with their own physiological demands and to form and stick to their own understanding of what the world is like (Sorgner 239-42). This struggle can be seen on a philosophical as well as on a political, scientific, religious, or artistic level. The French Revolution represents a part of this struggle in the same way as Feuerbach's, Schopenhauer's or Nietzsche's philosophies are a part of this development. The increasing relevance of the natural sciences and technologies and the devaluation of a dualistic metaphysical conceptualization of the world reveal another aspect of this movement. In the *Kritik der zynischen Vernunft* [*Critique of Cynical Reason*] (44-158), Sloterdijk describes appropriately various developments, which have taken place during the enlightenment which enabled the move away from paternalistic social structures. In this way, the norm of negative freedom has gradually become more and more important, because it provides individuals with the possibility to realize their own concept of the good life and to live in accord with it. It was this goal, which the various enlightenment figures have tried to promote, and I am very glad that they were successful in moving towards nihilism in this way. Paternalistic cultures give universally valid answers concerning values, norms and what the world consists of. However, each human being is unique, has very specific individual passions, instincts and demands, which cannot be described by means of universally valid judgments, and wishes to realize her own understanding of what a good life consists of. Universally valid and non-formal value judgments do not take this radical plurality of human existences into consideration. Paternalistic cultures are based upon such judgments. Hence, such cultures are bound

to be in conflict with the individual's wishes, drives and demands. By affirming the validity of their own conceptualization of the world, which is also supposed to represent the legal basis of their own culture, harm, violence and cruelty is being done to the radical multiplicity of human existences. In order to reduce the pain, which necessarily is associated with the claims of a universal validity and a non-formal account of the good, it seems to me as advisable to try to free oneself of those claims and to attempt to realize the dissolution of encrusted structures. Even if the dissolution of an encrusted structure will lead to another encrusted structure, then the nihilistic impulse teaches us to permanently move beyond these types of structures, which lack the dynamic fluidity of life so that the glittering diversity of our radically pluralistic goals can be realized.

### **3) A Methodology for Arguments within our Nihilistic Culture: Three Pillars as Dynamic Triangle**

I regard our contemporary posthumanistic culture as one version of a nihilistic culture because it both affirms perspectivism as well as a type of this-worldliness. What is important here is to reply to the question of how it is possible to argue in favor of certain norms within a nihilistic framework? My own suggestion is based upon the following three pillars for argumentation.

1. Acknowledgment of widespread or dominant opinions: Hereby, I both refer to sociological research as well as to narratives which I am putting forward to underline and stress that the issue in question is one which is being shared by many if not most people.
2. Acknowledgment of scientific and technological findings: Hereby, I recognize the state that our age is a scientific and technological one. To many of us scientific and technological research leads to solidly based insights. I am not claiming that we are getting to know the truth as correspondence to the world in this way. However, if we wish to base our judgments on something, then this type of research is usually a reliable method for finding solutions that work. By referring to the latest insights in these fields, I am taking this spirit of our times into consideration.

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3. The initial two insights only ought to be recognized, if they do not undermine the wonderful achievement of negative freedom: I regard negative freedom and derived from it also equality as the two central norms which are worth fighting for, because I think that violence against the individual gets minimized, if these norms get acknowledged, and because my physiology regards these two norms as valuable ones, too. I am trying to stress the relevance and importance of these two norms by putting forward the aforementioned genealogy. Luckily, I am sharing the acknowledgment of the relevance of these two norms with many citizens of enlightened countries, and I am glad to be able to point out that there are also citizens in non-enlightened countries who affirm these norms (Sorgner 243-44). Non-enlightened countries have a strong metaphysical foundation of their political culture, whereas this is not the case or is merely the case in a weaker form within enlightened countries.

By having these three pillars, a dynamic triangle is given on the basis of which I can develop further insights by means of a hermeneutic-dialectic consideration of the various issues in question. It is this methodology, which provides me with a basis of being able to affirm negative freedom and a this-worldly, immanent relationality without having to move beyond nihilism.

My central goal within part I was to explain why I regard nihilism as a wonderful achievement and one, which is worth defending. In this way, I stressed both that nihilism leads to a reduction of violence against individuals as well as to the possibility that individuals get placed in a position such that they can realize a radical multiplicity of concepts of the good life. In the end, I put forward a methodology such that it becomes clear that nihilism does not have to lead to a indifference concerning various understandings of the world, but that it is actually possible to find a method of arguing for certain positions without having to move beyond nihilism.<sup>4</sup> In the following parts, I will apply this method

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4. The methodological reflections mentioned in this part of the paper provide the epistemological outline for my suggestion concerning the concept of human dignity. Concerning the concept human dignity, I am merely putting forward a suggestion which I regard as a plausible and timely one. However, I do

to the question of human dignity.

### III. Human Dignity, Nihilism, and Posthumanism

Legal regulations concerning the moral status of living beings are often such that the highest rank only applies to members of the human species (e.g. Krüger 11). In addition, the anthropology in these set of rules is often such that human beings are categorically separate from other living beings (e.g. Sorgner 251). A good example is the German foundational law (“Grundgesetz”). Natural persons are human beings as legal subjects, e.g. bearers of rights and duties. They have that role from birth until death. All human beings possess human dignity which applies to human beings before and after birth, which is a quality human beings cannot lose and which implies that they must be considered in a special way, e.g. they must not be treated solely as a means which, however, can be done with things or objects. Animals, on the other hand, ought to be treated like things, even though they are not regarded as things (e.g. Sorgner 251-64).

What is problematic with this attitude is that it does not correspond to the worldviews of many members of large social groups in Western industrialised countries, because it implies a categorical separation between human beings and other living beings. Only human beings are subjects, other living and non-living beings are or at least ought to be treated like objects or things. This understanding is an inheritance of our Christian and Kantian past (Sorgner 244-50). Christians, Kantians and related thinkers held that human beings are categorically superior to other living and non-living beings because only they have a rational soul, have an immaterial self-consciousness, or were created in God’s image. From this they infer that only human beings are subjects and that only they possess dignity, which implies that they ought to get treated and considered in a special way (Sorgner 30-108).

Such a dualistic worldview, which seems to be implicitly contained in the legal basis mentioned, is no longer shared by many citizens in

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not aim to present a universally valid moral concept, because my methodological basis does not provide me with the necessary means for presenting such a position.

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Western industrialised countries (Sorgner 251-62). Consequently, Singer suggested an alternative basis concerning the moral status of beings (*Practical Ethics* and *Animal Liberation*). Human dignity and related concepts lead to an attitude which corresponds to that of sexism or racism according to Singer, because it implies a special treatment of members of the human species which other living beings with similar capacities ought not receive due to their not belonging to the human species. As a consequence, he decided to reconsider the moral status of beings by focusing on morally relevant capacities. To consider suffering and the capacity to suffer are morally relevant dimensions. Sentient and self-conscious beings are particularly prone to suffering. Hence, they ought to be considered in a special manner, which is his reason for regarding all and only sentient and self-conscious beings as persons, he argues. Consequently, there would be apes which are persons and born human beings which would not get regarded as persons.

Singer's suggestion is an interesting one, and one which considers many attitudes which are currently plausible. However, I think that his suggestion is too radical, and it does not consider the successes the concept "human dignity" has had during the recent and not so recent past, which is the reason why it is still being regarded as a valuable one according to many people today. The future needs the past. Radical legal changes concerning morality are rarely in the interest of most people. It also asks too much of most people. Hence, I think a different understanding of the moral evaluation of entities is needed which considers and integrates the benefits of the past, is aware of current attitudes, and is conscious of potential future developments. It is my aim to consider the current state of affairs, and to acknowledge the benefits of past concepts, so that I can suggest a plausible hierarchy in part three of this article which is appropriate for today.

### 1) Advantages and Disadvantages of Human Dignity

One of the greatest advantages of the concept of human dignity is that it has supported the realisation of liberal democratic systems (Vattimo 190; Sorgner 239-42). Given the cultural development in Western countries since medieval times, it has to be recognised that a move away from paternalistic structures towards liberal democratic systems has occurred. During this period of time, fights have taken place in several dimensions,

the political, cultural, and social as well as the individual and philosophical ones. Human beings fought on all these levels to no longer be treated paternalistically by members of the aristocracy or the church, so that human beings are able to live in accordance with their own understanding of what it means to live a good life without having to consider the concepts of a good life as prescribed by royal or religious orders. Human dignity as a concept which explains the importance of each individual human being has supported this movement away from totalitarian and oppressive systems which was well described by Sloterdijk (*Nicht gerettet* [*Not Saved Yet*]). Most people in Western countries today regard the realisation of liberal democratic systems as a wonderful achievement and so do I. As there is a connection between human dignity and liberal democracies, it is clear that there are advantages connected to the concept and that it has brought with it many excellent moral successes. Realising the successes which go along with the concept of dignity, it becomes clear why many people today regard the concept human dignity as an incredibly valuable achievement. This attitude needs to be considered concerning the moral basis of our legal systems, which is the reason, why I regard Singer's suggestion concerning the moral status of living entities as too radical and inconsiderate of the moral evaluations of many people today. However, from this it does not follow that the concept of human dignity ought not to get criticised and should be kept without any revisions. The concept dignity implies many aspects which are irrelevant concerning the successes it has brought about and which are also highly implausible from the perspective of many contemporary perspectives, e.g., the current state of affairs in the natural sciences. The categorical separation of human and other natural beings is one such aspect.

## 2) Human Beings and Other Natural Beings

The relationship between human beings and other natural beings has changed considerably since Darwin put forward his theory of evolution. However, the importance of this theory has only been recognized in various fields of inquiry during the previous century when specific disciplines were established which particularly considered the theory: evolutionary epistemology, evolutionary ethics, evolutionary economics, and evolutionary aesthetics.

A cultural movement called posthumanism came about forty years

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ago which recognises the cultural importance of the altered relationship between animals and human beings. The movement is not a too unified one. Within this movement, there have been discussions concerning the duration of humanism which used to be the dominant cultural form before the posthumanist era. Sloterdijk regarded the humanist period to have started with the beginning of stoic philosophy (*Critique of Cynical Reason* 304-07). Hassan, on the other hand, held that humanism only came about during the Italian Renaissance: “We need to understand that five hundred years of humanism may be coming to an end, as humanism transforms itself into something that we must helplessly call posthumanism” (Hassan 843). In any case, the following statement from Badmington seems to be plausible: “[T]he crisis in humanism is happening everywhere” (Badmington 9). It has to be stressed that humanism here refers to a Christian and Kantian version of humanism, and not a secular one.

In my recent monograph *Menschenwürde nach Nietzsche [Human Dignity after Nietzsche]*, I argued that it is a highly problematic attitude to regard human beings as categorically separate from other beings and that it ought to be revised concerning the concept of human dignity in the German foundational law, as it lacks support from many contemporary social groups. In this context, I mentioned reasons against the categorical culture-nature distinction by means of which it is possible to reject a radical subject-object distinction, whereby I carefully considered Eva Japlonka’s theory of epigenetics (Japlonka and Lamb). Further support for a naturalistic understanding of human beings comes from the philosophy of mind. Various scholars in this field attempt to put forward how the mind with all its special capacities can have come into existence by means of evolutionary processes. One of the most prominent books in this respect is entitled *The Embodied Mind* and was written by Varela, Thompson, and Rosch. These reflections show that a non-dualist and a rather immanent understanding of human beings has become more and more plausible.

In the field of animal ethics, some prominent experts stressed the importance of morally acknowledging the altered relationship between animals and human beings. In his book *Animal Liberation* Singer criticised the human attitude to discriminate animals just because they do not belong to the human species as behaviour which is similar to that of

racists and sexists (83). Consequently, he recommends in his book *Practical Ethics* a utilitarian ethics which is based upon the consideration of interests (137; 161; 175). His criticism makes clear that human beings do not represent a group which ought to be evaluated radically different from other natural beings but rather ought to get treated according to the same standards as other living beings.

I agree with Singer that the altered understanding of the relationship between human beings and other natural beings needs to get acknowledged morally. However, his suggestion seems to me as too one sided. It does not acknowledge other plausible positions, e.g., the one according to which the concept human dignity has been a particularly successful one because it has brought about wonderful consequences both during the previous 500 as well as during the ultimate 60 years, as the concept of dignity also increased in importance as a reaction to the events which took place during the Third Reich. Hence, I think that both perspectives (respect for human dignity; humans are merely gradually different from others beings) need to be brought closer together, instead of replacing one radical suggestion with another one.

Another way of attributing a higher moral status to animals was established in the Swiss legal system in 1992 by means of a people's vote. They integrated the concept "dignity of all creatures" in their constitution (see Baranzke 24). One reason against this option is that it sounds too religious, as a creature cannot be thought without a creator. However, it represents a move into the right direction.

The dissolution of the special status of human beings has also been recognised in the UK which becomes particularly clear in the example of human-animal embryo research. On September 5, 2007, the Human Fertilisation and Embryology Authority was in favour of the development of human-animal embryos for research purposes. In May 2008, the British parliament gave researchers the permission to realise such embryos which must however get destroyed after two weeks and must not get implanted in a womb.

Concerning the moral status of animals, there have been quite a few publications in recent years which suggested either that animals ought to have the moral status of a person, as it was done by Francione in his book *Animals as Persons* from 2008, or that animals ought to be seen as subjects, as it was done by Castricano in his article "Animal

Subjects” from 2008, which was published in an essay collection with the same title.

Such a development raises several ethical questions, e.g., how can the insight that animals can be persons or subjects be reconciled with the concept of human dignity which has been an important and successful one? A legal hierarchy concerning the moral status needs to integrate the successes of the past with contemporary insights. In this context, the following question also needs to be asked: If animals can be subjects, why should it not be possible to eventually allow marriages between human beings and animals? The film director Ulrich Seidl made a disturbing film report entitled *Tierische Liebe* [*Animal Love*] about human beings who live together and have an erotic relationship with their pets. The same topic was dealt with by the Danish author Peter Hoeg in the novel *The Woman and the Ape*, which was published in 1996. The protagonist Madelene rescues the ape Erasmus from a scientific study which leads to a sexual relationship between them. Thereby, the species of apes is being represented as more intelligent and moral than the human species. However, not only the relationship between human and other natural beings has changed, but also the relationship between the natural and the so-called inanimate nature.

### **3) Human Beings and Non-Organic Objects**

Yet, not only has the relationship between human beings and animals changed. The relationship between human beings and computers and other non-organic objects also needs to be reconsidered due to recent developments. An organism which is constituted out of an artificial and a natural system is a cybernetic organism or in short a cyborg. There are many ways of how a cyborg can be created. In the following section, I will solely present some examples of research concerning brain computer interfaces, in short BCIs. One can distinguish between invasive and non-invasive BCIs. All the examples which I will mention show the closeness between human thoughts and digital and mechanical events. A further step towards the development of a cyborg as an organic unity is being undertaken in the field of artificial brain research which I will discuss, too.

Example 1 (Invasive brain-computer interfaces): Matt Nagle lost the capacity to use his limbs and his torso after an injury. In 2005, he

became the first person who was able to control an artificial hand by means of a brain computer interface. An electrode was implanted in that part of his brain which is responsible for moving the arms. And just by thinking about the corresponding actions, he was able to move the hand and a computer cursor, to switch on and off the TV, and to turn on and off the lights.<sup>5</sup>

Example 2 (Non-invasive brain-computer interfaces): Magnetoencephalography is an example of a non-invasive brain computer interface. A striking example concerning the potential of this type of interface was published in December 2008, because scientists managed to reconstruct images directly from the brain and to display them on a computer.

Example 3 (from interfaces towards an organic unity): Artificial brain research has the goal to download the content of the brain to computer hard- and software. One of the goals of the artificial brain project, which was initially suggested by Raymond Kurzweil and some other inventors, is to bring about a machine which is as intelligent as a human being and which may even have all the capabilities of human beings. The great hope which some political and business leaders have concerning this project becomes clear given that the Pentagon gave IBM 4.9 million US dollars for making research concerning the creation of intelligent computers in November 2008, as BBC news announced.<sup>6</sup> Supercomputers are supposed to simulate neurons. The initial goal of the project was to create a computer which has the complexity of a cat's brain.<sup>7</sup>

It might be the case that one has to use biocomputers or DNA-computers to bring about this task. The fundamental ideal of biocomputers or DNA-computing is that computers use DNA and RNA as a medium for storing and working with data. The initial idea for such a computer was already developed by the Noble Prize winner Richard Phillips Feynman in a lecture at the end of the 1950s. The potential of this type of computers is enormous. Some scientists from the Weizmann Institute published

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5. See Hochberg 164–71.

6. <<http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/science/nature/7740484.stm?ad=1>> (last checked on August 11, 2011).

7. Bostrom and Sandberg from the future of humanities institute at the University of Oxford have given a roadmap concerning whole brain emulation: <[http://www.philosophy.ox.ac.uk/\\_\\_data/assets/pdf\\_file/0019/3853/brain-emulation-roadmap-report.pdf](http://www.philosophy.ox.ac.uk/__data/assets/pdf_file/0019/3853/brain-emulation-roadmap-report.pdf)> (last checked on August 11, 2011).

an article in *Nature* in 2004 in which they put forward that they had developed a computer which theoretically was able to diagnose cancerous activities within a cell. After the diagnosis, it was supposed to be able to release an anti-cancer drug.<sup>8</sup> What is most promising about biocomputers is the potential concerning their efficiency and their abilities. Even though the biocomputers which have been designed already are relatively simple, they show the importance this field might have one day.

It might be the case that the simulation of neurons and the creation of complex neuronal structures, which is one goal of artificial brain research, needs the efficiency of biocomputers. However, as I said before, IBM with the support of the Pentagon already aims for the simulation of the complexity of a cat's brain by means of traditional silicon based computers. If this project is successful, then the boundaries between cats and computers get blurred. The boundaries between cats, dogs and human beings have gotten blurred already.

#### 4) Moral Status of Non-Living Entities

Given the similarity of human intelligence and artificial intelligence and also the option of creating consciousness by means of computers, why should it be impossible for computers to have a moral status, e.g., to be recognised as a type of person? In 2009, scientists from the University of Cambridge and Aberystwyth University created a robot called Adam which they regard as the first machine which is able to independently discover new scientific findings.<sup>9</sup> IBM and the Pentagon are trying to create a supercomputer which has the complexity of a cat's brain. The once categorical separation of a cat's brain and that of a human being's has become blurred already, too. Both developments significantly alter the distance between human beings and computers.

In the German foundational law, we still have the categorical distinction between human beings who are bearers of dignity and animals who are supposed to be treated like objects. If you torture an animal, then it is evaluated as a type of damage to property. Hence, the political recognition of the dissolution of the subject would imply that the German constitution no longer upholds an infinite distance between human beings and animals,

8. See Benenson et al. 423–29.

9. <<http://news.cnet.com/robo-scientist-makes-gene-discovery-on-its-own/?tag=newsLatestHeadlinesArea.0>> (last checked on August 11, 2011).

but merely a gradual one. Consequently, the concept of human dignity as it is present in the foundational law in Germany would have to get revised.

Given that cyborg research continues to progress as fast as it does at the moment, it seems relevant to also have a basis for morally accommodating certain types of computers, e.g., computers which will have developed consciousness or maybe even self-consciousness. The difference between human beings and other types of entities has become smaller already. Thereby, the basis of yuk-arguments on which bioconservatives rely vanishes, because they implicitly contain a human hubris which we no longer share, i.e., a categorical gap between human beings and other entities: Hence, it used to be yuk to mix with other types of entities. However, in the meantime, we have realised the following: We are not so infinitely distant from the rest of the world that such hubris is well founded and supported.

In order to both recognise the successes of the concept and also to accommodate the altered relationship between human and non human beings, new concepts concerning moral status need to be formed which take both aspects into consideration. Singer's suggestion is not a potential solution, because it disrespects the achievements and successes connected to the concept of human dignity. In order to accommodate the various perspectives mentioned, I suggest the following basic moral attitude.

#### **IV. A Suggestion of a Hierarchy of Moral Statuses**

In order to consider the importance of past events and successes connected to the concept of human dignity, I suggest that only human beings can be bearers of dignity. Dignity in connection with the norms of freedom and equality which represent the basis of liberal democracies is a concept which is worth preserving. However, it needs to get revised, as can be seen from the thoughts mentioned above. Given the premise of the foundational law, it is likely that dignity also applies to unborn human beings. However, this is an attitude which needs to get revised, because it is an attitude which does not get accepted by many members of large social groups in Western societies. Due to the great variety of attitudes which get applied to unborn beings which belong to the human

species and given the importance of the norm freedom, it is inappropriate to attribute dignity to these entities such that it is legally constringing. The importance of the norm of negative freedom needs to be acknowledged here. Metaphysically, it is unclear whether unborn human beings ought to have dignity or not. Many citizens in Western industrialised countries hold views which imply that unborn human beings are not supposed to have human dignity. As negative freedom is a valuable achievement which needs to get recognised in liberal democratic societies, these citizens ought not to be forced to acknowledge that unborn human beings have human dignity.

Claiming that unborn human beings are not bearers of dignity does not imply that they ought not to be considered morally. Of course, they have to be considered morally. Due to the fact that there is a great disagreement concerning the moral status of unborn human beings and it is not a question which can be solved empirically, the disagreement needs to get considered legally, too. Due to the disagreement concerning moral status, this aspect might be one in which it can get acknowledged that human beings differ merely in degree from other beings. Hence, it might be plausible to apply a slightly revised version of Singer's theory of persons and non-persons which relies on morally relevant capacities in this respect, i.e., before birth. He holds that sentient and self-conscious beings are persons, sentient and conscious beings are non-persons of a higher type, and non-sentient and non-conscious beings are non-persons of a lower type. In order to stress that there are mere gradual differences between the various beings, it might, in contrast to Singer, be even more appropriate to distinguish between various types of persons and to refer solely to non-sentient and non-conscious beings as non-persons. Consequently, non-conscious beings, who are capable of suffering, and according to many studies fetuses belong to this group, as well as conscious and sentient and self-conscious and sentient beings have to be seen as types of persons, but as persons who differ with respect to their moral status. Given these reflections, the following hierarchy of evaluations follows:

1. Beings which belong to the human species can be non-persons, persons or bearers of dignity. This view takes into consideration that the difference between human beings and animals is merely a gradual but not a categorical one.

2. Born beings which belong to the human species, however, have dignity. In this way, the successes of the concept in particular concerning the events during the Third Reich get acknowledged.
3. Unborn beings which belong to the human species ought to get classified according to a slightly altered version of Singer's classification scale, so that the argument of speciesism can be considered appropriately.
4. Unborn beings which belong to the human species but which are in the initial stages of the development (before the end of the process of organogenesis) are neither sentient nor conscious nor capable of suffering. Hence they would have to be judged as non-persons. Otherwise, the killing of chicken and fish could not be rendered plausible.
5. Unborn, non-conscious beings who belong to the human species and who are capable of suffering (e.g. foetuses) represent a type of person, but rather a level 1 type of person.
6. Other beings who are capable of suffering but who do not possess consciousness ought to be classified analogously as level 1 type of persons.
7. A further morally relevant step is the development of consciousness. Hence, sentient and conscious beings could get classified as possessing level 2 type of personhood, e.g. grown up fish.
8. Some apes, the ones which are sentient and self conscious, can get classified as having a level 3 type of personhood.
9. If it was the case, that consciousness can get developed by means of a set of computers, such a complex could have a level 2 type of personhood.

Hence, we have a wide range of statuses, which beings who belong to the human species can have, starting from dignity via a type of personhood until non-personhood:

Born beings who belong to the human species possess dignity. Unborn beings, who belong to the human species, however, ought to be considered as a level 1 type of person in the case of foetuses or in the initial stages of the embryonic development as a non-person.

By upholding the concept of human dignity in certain respects, the successes

of that concept get acknowledged. By separating the concept of personhood from that of dignity, but by also allowing the integration of human beings in the hierarchy of persons, the dissolution of the categorically special status of human beings gets recognised. The advantage of this suggestion is that it integrates seemingly irresolvable conflicting moral attitudes.

I do not assume that all problems can be solved on a theoretical level, if one wishes to implement the aforementioned suggestion. Moral evaluations also have to take into consideration the specific cultural embeddedness and not solely the general theoretical one. Even if the reflections mentioned here apply to enlightened contemporary countries on a general theoretical level, the practical implementation cannot be the same in each country. With respect to the cultural historical embeddedness, the differences between countries such as Ireland, the Netherlands or Germany are too big and relevant. Consequently, in the case of a practical implementation the specific cultural historical embeddedness has to be considered in addition to the general theoretical reflections concerning contemporary enlightened moralities.

Concerning Germany, this might have the following implications: There might be good reasons for regarding foetuses as level 1 type of persons and fishes as level 2 type of persons which does not have to imply, however, that foetuses can be killed but not fish. Due to the specific cultural historical background of Germany it might be advisable and appropriate to make an exception concerning level one type of persons who belong to the human species. Due to the argument of caution, they can be legally protected in a special manner, even if they are not bearers of dignity concerning their moral status. An analogous argument, however, might not be appropriate for a country like the Netherlands.

### **1) The Future of Human Beings**

Given the use of enhancement technologies, it is also possible that human beings continue to develop such that trans- and posthumans come into existence. Esfandiary calls enhanced human beings transhumans and enhanced beings which no longer belong to the human species posthumans (See Bostrom 12-14). Bostrom, on the other hand, suggests that posthumans still belong to the human species but have capacities which at least concerning one capacity go beyond what is currently possible

for a human being (Bostrom 1). Silver distinguishes between the genrich and the naturals (Silver 4).

The moral challenge related to all these distinctions is the same and has been depicted well in the movie *Gattaca*: Posthumans and human beings differ so much that two moral standards come into existence whereby moral equality is considered only among posthumans and among human beings, but not among posthumans and human beings. Bostrom does not regard it as likely that such a moral separation or gap between posthumans and human beings comes into existence, but he holds that it is possible and likely that both can get judged on the same moral basis and can get considered equally. One reason in favour of this suggestion is that posthumans will also be morally advanced which might make such an outcome likely. This line of thought can get further support by means of the following reflections. Due to us having gained further capacities and more scientific insights since medieval times, a moral progress has taken place, too, and a higher estimation of our norms of freedom and equality goes along with this development.

Even though I would hope that his suggestion is correct, I am less optimistic or certain in this respect. There is the risk that beings with different capacities will receive a different moral status, which is the reason why we have to take the *Gattaca* argument serious. This does not mean that I regard genetic enhancement as morally highly problematic. However, it does mean that one has to progress with great care, so that both human beings as well as trans- and posthumans can be judged on the basis of the same dignity.

## V. Conclusion

It had to be acknowledged that a rigid anthropocentric perspective according to which human beings are categorically separate from other beings is implausible according to members of many social groups in Western countries. On the other hand, the anthropocentric concept of human dignity helped to promote liberal democratic structures, which most of us value immensely, and it also stressed the need for remembering the importance to go against paternalistic and totalitarian systems like the Third Reich. The traditional debate concerning moral status is dominated by philosophers who stress either the first aspect, like Peter

Singer, or the second one, like Robert Spaemann. In order to avoid a morally problematic anthropocentric basis and in order to accommodate the position that human beings and other natural beings differ merely in degree, but not in kind, I suggest to dissociate the concept of dignity from that of personhood whereby both remain central moral notions. Personhood ought to be a notion independent of that of bearers of dignity and dependent upon certain capacities, maybe similar to the ones Singer suggested. Dignity, however, ought to apply only to born human beings to recognise the successes of that concept during the Enlightenment which have supported the establishment of liberal democratic systems in the Western world, to acknowledge the importance of freedom and equality, and to express the wish that we do not ever wish to live in a totalitarian system like the Third Reich again in the future. Hence, we would get the following hierarchy of moral statuses of human beings, apes and computers:

1. Born beings which belong to the human species have dignity.
2. Sentient and self-conscious beings like some apes and dolphins are level three types of persons.
3. Sentient and conscious beings like grown up fishes or budgies are level 2 types of persons.
4. Non-conscious beings who are capable of suffering are level 1 type of persons, e.g. foetuses.
5. Non-conscious beings who are incapable of suffering are non-persons. This description applies to fertilised human eggs or bacteria.

In this way, the moral status of apes can be appropriately recognised and the merely gradual difference between apes and human beings gets acknowledged, too. If it was the case that computers develop a type of consciousness, then the above suggestion is such that computers, too, can receive an appropriate moral recognition.

As mentioned before, I do not assume that this suggestion which takes central scientific and contemporary insights into consideration can be applied to political constitutions of all enlightened countries. In the case of a practical implementation the specific cultural and historical embeddedness always has to play a decisive role, so that the theoretical foundation gets balanced with widespread historically formed moral

estimations. Concerning Germany, this method would most likely imply that fetuses receive a higher moral recognition due to the argument of caution which leads to such a higher worthiness of protection.

I hope that this suggestion helps to revalue the moral statuses of beings concerning legal decisions, whereby not only past achievements get acknowledged, but also contemporary insights and attitudes, like the importance to move beyond a rigid version of anthropocentrism which is closer to (non-dualist) Eastern ways of thinking than to Western ones.

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## Abstract

The question concerning the moral status of living beings is a central one within current bioethical debates, and many life and death issues are connected to it. The field of discourse is divided up between Catholic thinkers like Spaemann who argues for the validity of human dignity which starts with the fertilization of the egg cell and naturalist philosophers like Singer who puts forward reasons for associating the moral status with personhood, as only persons possess morally relevant qualities, i.e. self-consciousness and sentience. I argue for a concept of human dignity which considers Singer's criticism concerning speciesism and moves beyond a rigid anthropocentric position as it was proposed by Spaemann. Thereby, I progress as follows: In part one, I present some methodological reflections which support the following argument of parts two and three. In part two, I present selected aspects of the debate concerning the moral status of living entities and also explain scientific insights concerning various types of organisms. In part three, I suggest a concept of dignity and personhood which I regard as plausible and appropriate for our times.

**Keywords:** dignity, posthumanism, Singer, Spaemann, anthropocentrism, dualism, personhood

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