Humanity: An Endangered Idea?

Edited by
INGOLF U. DALFERTH and
RAYMOND E. PERRIER

Religion in Philosophy and Theology
125

Mohr Siebeck

Religion in Philosophy and Theology

Edited by

125

Humanity: An Endangered Idea?

Claremont Studies
in the Philosophy of Religion,
Conference, 2019

edited by
Ingolf U. Dalferth and
Raymond E. Perrier

Mohr Siebeck

Ingolf U. Dalferth, born 1948; 1977 Promotion; 1982 Habilitation; Professor Emeritus of Systematic Theology, Symbolism and Philosophy of Religion at the University of Zurich; Danforth Professor Emeritus of Philosophy of Religion at Claremont Graduate University in California.

Raymond E. Perrier, born 1988; 2018 awarded PhD in Religion at Claremont Graduate University; 2019 Adjunct Professor of Philosophy and Religion at Hinds Community College; 2021 Senior Instructional Content Developer at Prime Power Services, Inc.

ISBN 978-3-16-161715-7 / eISBN 978-3-16-162000-3
DOI 10.1628/978-3-16-162000-3
ISSN 1616-346X / eISSN 2568-7425 (Religion in Philosophy and Theology)

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at *http://dnb.dnb.de*.

The book was typeset, printed on non-aging paper and bound by Laupp & Göbel in Gomaringen.

Printed in Germany.

Preface

The theme of 40th Philosophy of Religion Conference in Claremont in 2019 was *Humanity: An Endangered Idea?* Much of the discussion of personhood in recent years has focused on the differences between humans and animals, usually with the intention of showing how much we share with other living beings and why they should not be judged and treated significantly differently from us humans. But just when one welcomes this development, the question remains open, what then is it that distinguishes us as human beings? How do we want to live as humans among other living beings, and what is the core and the point of our humanity? Do we have to renounce such an idea because it gives reason to discriminate against other living beings? Or do we need it today at least as much as in the past, because only then can we reasonably judge where the meaningful description of differences turns into unjustified evaluations and devaluations of others? This volume marks some cornerstones of an overdue discussion that the humanities cannot avoid if they want to have a future in the academy.

We had to wait a long time for the final version of some contributions, and in some cases, we had to give up waiting. But what we now present has still become a substantial volume that sheds a differentiated light on the subject and makes an important contribution to its discussion.

We are grateful to the *Udo Keller Stiftung Forum Humanum* (Hamburg) which has again generously provided ten conference grants to enable doctoral students and post-docs to take part in the conference and present their work on the theme of the conference. Five of those papers are published here along with the other contributions to the conference. We couldn't do what we do without its support. We gratefully acknowledge the support of Claremont Graduate University and Pomona College. We are indebted to the contributors to this volume, to Mohr Siebeck who has accepted the manuscript for publication, and to Trevor Kimball (San Luis Obispo) who helped to get the manuscript ready for publication.

Ingolf U. Dalferth
Raymond E. Perrier

Contents

III. Transhumanism

IV. Artificial Intelligence

V. Ethics

Introduction: Humanity: An Endangered Idea?

Ingolf U. Dalferth

1. GPT-2

A week before the conference in Claremont on February 22–23, 2019, OpenAI released a very powerful language model called GPT-2.[1] "GPT-2 is a large transformer-based language model with 1.5 billion parameters, trained on a dataset of 8 million web pages. GPT-2 is trained with a simple objective: predict the next word, given all of the previous words within some text."[2] The model "generates synthetic text samples" in a variety of styles, from news articles to fan fiction "in response to the model being primed with an arbitrary input. The model [...] adapts to the style and content of the conditioning text."[3] And it is astonishingly successful in doing so.

Here is an example.[4] The system prompt (human written) was the following:

> In a shocking finding, scientist discovered a herd of unicorns living in a remote, previously unexplored valley, in the Andes Mountains. Even more surprising to the researchers was the fact that the unicorns spoke perfect English.

The model completion (machine-written) looked like this:

> The scientist named the population, after their distinctive horn, Ovid's Unicorn. These four-horned, silver-white unicorns were previously unknown to science. [...] Dr. Jorge Pérez, an evolutionary biologist from the University of La Paz, and several companions, were exploring the Andes Mountains when they found a small valley, with no other animals or humans. [When they] ventured further into the valley [...] Pérez and his friends

---

[1] Cf. https://towardsdatascience.com/openais-gpt-2-the-model-the-hype-and-the-controversy-1109f4bfd5e8 (4/21/2022).

[2] https://blog.openai.com/better-language-models/. Cf. https://www.faz.net/aktuell/feuilleton/debatten/open-ai-warnt-vor-der-eigenen-entwicklung-gpt-2-16047940.html. (4/21/2022). Since May 2020, an improved version GPT-3 has been on the market, which is even more effective.

[3] Ibid.

[4] The following is taken from https://blog.openai.com/better-language-models/. Cf. https://www.faz.net/aktuell/feuilleton/debatten/open-ai-warnt-vor-der-eigenen-entwicklung-gpt-2-16047940.html. (4/21/2022).

were astonished to see the unicorn herd. These creatures could be seen from the air without having to move too much to see them – they were so close they could touch their horns. While examining these bizarre creatures the scientists discovered that the creatures also spoke some fairly regular English. Pérez stated, "We can see, for example, that they have a common 'language,' something like a dialect or dialectic." Dr. Pérez believes that the unicorns may have originated in Argentina, where the animals were believed to be descendants of a lost race of people who lived there before the arrival of humans in those parts of South America. While their origins are still unclear, some believe that perhaps the creatures were created when a human and a unicorn met each other in a time before human civilization. According to Pérez, "In South America, such incidents seem to be quite common." However, Pérez also pointed out that it is likely that the only way of knowing for sure if unicorns are indeed the descendants of a lost alien race is through DNA. "But they seem to be able to communicate in English quite well, which I believe is a sign of evolution, or at least a change in social organization," said the scientist."[5]

The interesting thing about this text is not the fairly absurd story, but that the alleged report was written without any help of humans. The model generated it on the basis of the dataset on which it was trained, and it could generate an endless number of similar texts unsupervised by any human being. After training the model, humans are not needed any more – or less and less. We are creating technologies whose output is so human-like that we can hardly distinguish any more between a human-generated text and a machine-generated text.

It is easy to see why OpenAI has released only a small version of this model and not "the dataset, training code, or GPT-2 model weights."[6] There is a real danger of applying "these models for malicious purposes, including [...]: generate misleading news articles; impersonate others online; automate the production of abusive or faked content to post on social media; automate the production of spam/phishing content."[7] Clearly, concerns about potential abuse are more than justified. And the company is right in warning: "The public at large will need to become more skeptical of texts they find online, just as the 'deep fakes' phenomenon calls for more skepticism about images."[8]

A few weeks after the conference, I received a letter from an online company that specializes in professionally produced series of publications and articles aimed at a broader audience. They asked me if I would agree to them writing new academic papers under my name based on my published work in the English-speaking world. They would only use material from me, so anything new would really be my doing. But I would no longer have to worry about extending my list of publications, as they would be happy to do this for a small fee, of course.

---

[5] https://blog.openai.com/better-language-models/. (4/21/2022).
[6] Ibid.
[7] Ibid.
[8] Ibid.

2. Five Callenges

These are just a few examples of many. But they help to explain why we have chosen as the theme of the 40th Philosophy of Religion Conference in Claremont (February 22–23, 2019) *Humanity: An Endangered Idea?* Developments like GPT-2 as well as contemporary debates about the alleged demise of the humanities have brought to the fore that we are forced to re-think our humanity. Once we thought that the use of language is one of the things that mark us off from other animals. Now we see that it does not even help to distinguish between our text-generating models and us anymore.

So what is it that makes us different from the technologies we create? Why should we continue to put money into schools of arts and humanities and not invest in more profitable science or technology projects?

We are at a loss to give a convincing answer because we have lost a common understanding of humanity (if we ever had one) that could govern our debates and give direction to our research and discussions.[9] Of course, *humanity* is not *humanism*, and a defense of humanism is not as such an argument for humanity or vice versa. But can one argue for humanity without falling into the trap of 'speciesism'? Or do all arguments for humanity play into the hands of those who welcome 'The Anthropocene', as some have dubbed our age, because we have managed to undo all boundaries between 'humanity' and 'nature' that have traditionally prevailed?[10]

There is no straightforward positive or negative answer to these questions, as we shall see. Who and what we are as humans have always been controversial questions, and so have been the views about our impact on the environment in which we live. We may agree "that you cannot adequately describe a human person with the range of concepts which is adequate for the description of a chair, or a cabbage or even an electronic calculating machine."[11] But this does not imply that we would agree on a positive account of what it means to be a human person. People differ not only about the *is* of humankind and what humans are and do in fact, but also about the *ought* of a humane humanity and how one should live as a human being.

Answers to the questions about our humanity and *humanitas* (Cicero) have been sought along five routes: by contrasting the human with the non-human (other animals), with the more than human (the divine), with the inhuman (negative human behaviors), with the superhuman (what humans will

---

[9] Cf. *Posthuman Glossary*, ed. R. Braidotti and M. Hlavajova (London: Bloomsbury Academic, 2018).

[10] Cf. M. Robinson, *What Are We Doing Here?* (New York: Farrar, Straus and Giroux, 2018).

[11] I. M. Crombie, "The Possibility of Theological Statements," in *Faith and Logic*, ed. B. Mitchell (London: Routledge, 1957), 57.

become), or with the transhuman (thinking machines). In each case the question at stake and the point of comparison is a different one: a relative difference within a shared animality, an absolute difference from the divine, a practical difference with respect to what it means to live a good human life in a world whose life-sustaining ecosystems have been dangerously put at hazard by our individual and collective behaviors, an evolutionary difference between the present and future states of humankind, or a difference in kind between human biological evolution and technological enhancement. In all those respects the idea of humanity has been defined differently. What makes humans human? What does it mean for humans to live a human life? What is the *humanitas* for which we ought to strive?

Today we have to discuss these questions in the light of at least five challenges:

(1) The first is the *biological challenge* to human distinctiveness. Biological and neurophysiological research increasingly level out and dissolve clear-cut distinctions between humans and other animals and living species: reason, rationality, deliberation, decision-making, free choice, intentional action etc. all come by degrees and can be found in one way or another in other animals as well. Humans are part of nature and must be understood as embedded in complex ecosystems. Therefore the view that humans are special and stand out from the animal world in a significant way is challenged, and human speciesism is banned.

(2) The second is the *technological challenge* that seeks to overcome the limitations of our biological nature by technical means. The truth about us is to be sought not in our evolutionary past, but in our technological future. The romanticism of ecological bioconservatives is countered with the technological optimism of a progressive perfectionism, transhumanism, extropianism or postgenderism. Compared to smart machines, it is not our intellect, but our biology that makes us special. However, if research into biological computing and nanotechnology keeps progressing at the present rate, then the difference between humans and machines will soon be negligible and there will be no space to define humanity. "The future belongs to inorganic life forms," as Martin J. Rees has predicted.[12] The challenge to the idea of humanity from this side is that humanity as we know it is expected to disappear when superintelligent thinking machines will have superseded humans and human intellect.

---

[12] M. J. Rees, "Unsere Nachfahren werden Maschinen sein," *NZZ*, October 21, 2017, (https://www.nzz.ch/feuilleton/unsere-nachfahren-werden-maschinen-sein-ld.1322780) (4/21/2022); M. O'Connell, *To Be a Machine: Adventures Among Cyborgs, Utopians, Hackers, and the Futurists Solving the Modest Problem of Death* (New York: Doubleday, 2017); R. McKie, "No death and an enhanced life: Is the future transhuman?" (https://www.theguardian.com/technology/2018/may/06/no-death-and-an-enhanced-life-is-the-future-transhuman) (4/21/2022).

(3) The third challenge is what I call the *anthropological challenge*. If we try to delineate what is human about humans not by comparing humans to other animals but to other humans, then it is striking to see that regularities of a common biology and evolutionary past are by far outdone by the cultural differences and plurality in which humans adapt to different situations and circumstances. There is no unity of humanity that has not emerged from a multitude of diversities – at the biological level, and at the cultural level.[13] Human life knows choice between options and the freedom to choose, not only the causality of nature and the conventional necessities of culture. The anthropological challenge to the idea of humanity is that humanity is a normative project, not merely a biological fact, and that there is an endemic normative conflict about how this project has been or should be worked out in human culture and history.

(4) The fourth challenge is the *cosmological challenge*.[14] We live in a vast universe, in which we are marginal and completely insignificant. And we live in a finite universe that is not made forever. The vastness of the universe may lead to a sense of the greatness of God, or to a fright about the insignificance of human beings. Here is what Pascal wrote four centuries ago: "When I consider the short duration of my life, swallowed up in the eternity before and after, the little space which I fill, and even can see, engulfed in the infinite immensity of spaces of which I am ignorant, and which know me not, I am frightened, and am astonished at being here rather than there; for there is no reason why here rather than there, why now rather than then [. . .] The eternal silence of those infinite spaces frightens me."[15] Pascal was not the only one who was overwhelmed by this fright. We are nothing. It is not much consolation to be told that we live in a fine-tuned universe that seems to be made precisely for us to observe it, and for us to be made precisely to observe it.[16] We know that this will not last forever – not for us, not for our kind, not for our galaxy, not for our universe. The long-term future of the universe leaves little

---

[13] Cf. E. Viveiros de Castro, *Cannibal Metaphysics* (Minneapolis: Univocal Publishing, 2014).

[14] Cf. for the following D. Wilkinson, "Being Human in a Cosmic Context," in *Issues in Science and Theology: Are We Special?* ed. M. Fuller et al. *Issues in Science and Theology: Publications of the European Society for the Study of Science and Theology* 4 (DOI 10.1007/978-3-319-62124-1_1 [2017], 3–16) (4/22/2022).

[15] B. Pascal, *Pensées* (New York: E. P. Dutton & Co., Inc, 1958), 61.

[16] M. Rees, *Just Six Numbers: The Deep Forces that Shape the Universe* (London: Weidenfeld and Nicholson, 2000), 150. He highlights the apparent fine-tuning of the ratio of the electrical force to gravitational force, how firmly atomic nuclei bind together, the amount of material in the universe, the cosmological constant, the ratio of energy needed to disperse an object compared to its total rest mass energy and the number of spatial dimensions in the universe. If any of these were just slightly different to what they actually are then intelligent life would not develop within the universe.

to hope for. If the expansion of the universe is not reversed into a contraction leading to a big crunch, the universe will end as a cold and uninteresting place composed of dead stars and black holes. The only consolation seems to be that we shall not live to see the end. We shall disappear long before.

(5) The fifth challenge, finally, is the *theological challenge* of arriving at a view of human nature by comparing humans to the divine. The force of this challenge is underestimated if one conceives the divine merely as a cultural construction and not as a self-disclosing reality. The point of such a challenge is to outline a vision of a good human life that has, in the monotheistic traditions for example, its center in safeguarding the distinction between creature and creator (and distinction is not separation, as is often wrongly assumed). It is a normative idea of humanity that envisages human life at its best to be a life in harmony with the gifts of the creator (the gift of life and the gift of love) and open to the needs of one's fellow humans (as expressed in the double commandment of love) and of all other creatures who are also the addressees and recipients of God's gifts.

These are some of the challenges that a contemporary debate about the idea of humanity cannot ignore.

3. Idea vs. Concept

Of course, the core of this debate is about our humanity and not only about an idea of humanity. But we cannot discuss our humanity in a meaningful way without making it a topic in an explicit way, and this is only possible if we symbolize it semiotically, define it conceptually or – as in the present case – grasp it philosophically as an idea.

I speak of the idea rather than the concept of humanity for a specific reason: Concepts are often understood to be generalizations from experience condensed into a single term. Ideas are different. They are – in a non-Platonic sense – intellectual tools that help us to orient others and ourselves in a complex and confusing world. Ideas are more like a yardstick to measure something, than something that we measure by a yardstick. Freedom, God, and immortality are such orienting ideas in Kant. They are not concepts that can be exemplified by particular instances. There are no immortalities, or gods, or freedoms in our experience that we could compare. But we could not live a human life without using the ideas of freedom, God and immortality to make sense of our life in this world. They are, in Kant's terms, 'necessary fictions' without which we couldn't live a human life.

The idea of humanity functions in a similar way: It is not a concept like 'human being' of which there are many particular instances, and it is not merely the summary of a descriptive account of what humans are that can be

tested against reality. It is rather a normative idea that functions as a yardstick or criterion for a human life worthy that name. It not merely asserts what is the case but what ought to be the case. Thus, the questions to which it answers are not merely 'What are humans?' but 'What do we want to be as humans?', not merely 'How do we live in fact?' but 'How do we want to live as humans together with other beings in the world?' So what are the ideas of humanity that guide us? Do they still help us to orient ourselves in our fast changing contemporary world? Or which idea of humanity would be able or helpful to do so? To address these and related questions is the objective of this conference. Today we shall concentrate on problems posed by philosophy and theology, tomorrow on questions raised by contemporary technology, ecology, and ethics. These are the areas one cannot ignore when tackling the issues before us. They are pressing issues, and we cannot put off addressing them.

4. Outline of the Volume

The volume is organized into five parts. In the first part, basic philosophical questions of being human are discussed, which a useful idea of humanity must consider. This applies both to the Paradox of Humanity and to the question of universalism, which is part of the idea of humanity. In the second part, central theological questions are recalled – the Augustinian tradition of the human being as image of God as well as attempts to reactivate this tradition under contemporary conditions in a technological culture. Part three is devoted to the current discussion about transhumanism and asks how its questions are to be judged from the perspective of Jewish and Christian theology and why they have met with such a positive response from certain religious traditions such as the Mormons. Part four takes up another central area of the contemporary debate on humanity, asking about the role and significance of artificial intelligence for the elaboration of an idea of humanity. How different are we from our own creations, and should we expect that our technological creatures will sooner or later supplant their human creators and be able to leave them behind? This raises obvious ethical questions, which are taken up in the fifth part. How can we think of humanity under the emerging conditions of our technological culture? What role does human togetherness and existence for others play within the framework of an ecological civilization, which is becoming increasingly clear as the future perspective of humanity?

Taken together, the volume outlines a discussion that is important not only in philosophy, theology, and religion, but in the humanities as a whole. If we are no longer able to say which idea of humanity we align ourselves with, we will not be able to provide the humanities with a compass by which they can orient themselves in a rapidly changing social world and technological culture.

I. Philosophy

The Paradox of Humanity: Man's Self-Challenging Existence

Walter Schweidler

Whether one may find it relieving or worrying, the challenges to the idea and to our understanding of humanity do not in fact come from outside it, but rather from its deepest core. Our existence is a challenge to itself, and therefore each of us is a challenge to him- or herself and to others. The reason is that our existence is constituted by a paradox: the paradox of our nature. I am going to use the term "nature" here in a way which is rooted in the classical but pre-modern sense of what the Greeks called *physis*: Any living being is an individual who owes the forms of its life to the species to which it belongs, and these forms of life constitute its nature. In this ancient sense, the term "nature" does not designate a totality of phenomena which can be explained by reference to nomological or statistical laws as is essential for the modern, deterministic concept of nature. This new concept of nature – which I am not going to criticize here but simply keep at a certain distance from my remarks – tends to exclude the free human subject from the determinate totality of natural "objects" and thereby from "nature" in general, while the old term *physis* has the obvious implication that man, like every living being, has a nature.

It is this human nature which is shared by all human beings and which distinguishes us from all other natural beings, but certainly does not oppose us to "nature" in general. It is, however, peculiar to us that human nature is encoded in cultural forms of life and that these forms of life cannot be adequately understood on the level of nature alone. A paradigmatic example of this peculiarity is language. Human beings are speakers by nature: Children cannot survive if nobody speaks to them, and they learn to speak not by attending a language course but simply by being treated as speakers. But there is no "natural language;" there is only everybody's mother tongue which is clearly a product of culture. The connection between nature and culture is, as Lévi-Strauss has pointed out,[1] essentially constituted by the universality of

[1] "Wherever," according to Lévi-Strauss, "there are rules we know for certain that the cultural stage has been reached. Likewise, it is easy to recognize universality as the criterion of nature, for what is constant in man falls necessarily beyond the scope of customs, techniques and institutions whereby his groups are differentiated and contrasted. Failing a real analysis, the double criterion of norm and universality provides the principle for an ideal analysis which,

our forms of life. Rules are works of our cultures, but universal rules are signatures of our nature. What we all as human beings share and what distinguishes us from any other natural beings is not a "natural" language but the ability to translate what anyone of us has to say into our and every other mother tongue. So, culture is not a counterpoint or even a contradiction to human nature; but the cultural factor signifies what I am going to understand as the intrinsic paradox of our nature. Humans are beings who by their nature transcend this nature – and thereby nature in general. That we transcend nature does not imply that we could emancipate ourselves from it. On the contrary, and this is the essentially paradoxical point: We transcend our nature by accepting, by understanding and by obeying it or, as is programmatically said in Stoicism or in Buddhism, by "following" it – which is, as we should not forget, a term that implicates a genuinely temporal aspect. Our nature is constituted by something like a self-repeating origin,[2] a return to what could not be and has never been beyond or before the return to it. I think that the philosophical explication of that paradox can be one possible key for the understanding of any kind of danger and therefore also of the topical challenges which the idea of humanity is facing. It is a key to understanding the relation between the specific sense in which we can speak of human nature, human action, and human self-distance.

1. The Paradox of Human Nature and the Challenge to Act

For a full understanding of the relation between our current concept of humanity and the concept of nature in the classical meaning of *physis* we must first pay some attention to the *topos* which in recent times has taken over from the old notion of nature the role of demarcating that which all humans share and what distinguishes us from any other natural kind: human dignity. There is one concept which has nowadays incorporated this hidden connection between human nature and dignity more than any other, i. e. the concept of the person. To explicate this I would like to proceed from the locus classicus in which Kant in his *Groundwork of the Metaphysics of Morals* speaks of the human being as being defined by "this dignity (prerogative) he has over all

---

at least in certain cases and within certain limits, may allow the natural to be isolated from the cultural elements which are involved in more complex syntheses. Let us suppose then that everything universal in man relates to the natural order, and is characterized by spontaneity, and that everything subject to a norm is cultural and is both relative and particular." C. Lévi-Strauss, *The Elementary Structures of Kinship*, trans. J. H. Bell, J. R. von Sturmer and R. Needham, revised ed. (Boston, MA: Beacon Press, 1969), 8.

[2] Cf. W. Schweidler, "The Self-repeating Origin: Ontological Aspects of Ricœur's Concept of Hermeneutics," in *Hermeneutics and the Philosophy of Religion: The Legacy of Paul Ricœur*, ed. I. U. Dalferth (Tübingen: Mohr Siebeck, 2015), 81–95.

merely natural beings [which] brings with it that he must always take his maxims from the point of view of himself, and likewise every other rational being, as lawgiving beings (who for this reason are also called persons)."[3] I understand this passage as the most precise philosophical demarcation of a basic link which is decisive for all human self-interpretation. It is the link between, on the one hand, the universality and the indivisibility of the demand of every human person for the recognition of his or her dignity and, on the other hand, the addressee of that demand, namely the acting subject. Let me try to explain this in further detail.

It might be said that in his definition of human dignity Kant leaves the most important determination of what for him to be a "person" signified in parenthesis: We are called persons because we are those beings out of the consideration of which at "any time," that is by any acting subject, the maxims are to be formulated which determine and justify that subject's action. So, the reason for which we are, according to Kant, called persons is not something that enables us to act, but it is the reason for which any agent has to respect us. We could say that each and every one of us has to be respected as a member of a kind of jury whose deliberation is the essential ethical condition for whatever somebody who wants to act in a reasonable and justifiable way does.[4] To repeat: Nothing that enables or forces us to act, that is, no qualities, properties, abilities, interests, reasons or powers, constitute us as persons, but only our membership of such a jury that precedes any kind of action – including our own. Consequently, if what constitutes us as persons precedes any kind of action, then we must find ourselves in a deeply passive self-relation. Emmanuel Levinas has referred to this relation as the "absolute passivity of the self;" a passivity which is "prior to the passivity-activity alternative, more passive than any inertia."[5] We cannot go deeper here into Levinas' conception of the self, but it must at least be emphasized that in his phenomenological account of humanity this ethically fundamental kind of passivity is in fact fundamental not only in respect to the relation between the acting subject and the other, *l'autre*

---

[3] I. Kant, *Groundwork of the Metaphysics of Morals*, trans. and ed. M. Gregor (Cambridge: Cambridge University Press, 1997), 45; *Gesammelte Schriften*, ed. Königlich-Preußische Akademie der Wissenschaften, 29 vols. (Berlin: Georg Reimer, 1900 ff), vol. 4, 438.

[4] One should never forget that Kant took a lot of concepts which are highly fundamental for his philosophy from the juridical discourse of his time (subsumption, judgment, deduction, autonomy etc.); cf. G.-W. Küsters, *Kants Rechtsphilosophie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1988); C. Ritter, *Der Rechtsgedanke Kants nach den frühen Quellen* (Frankfurt am Main: Vittorio Klostermann, 1971), 106 ff; F. Kaulbach, "Der Herrschaftsanspruch der Vernunft in Recht und Moral bei Kant," in *Studien zur späten Rechtsphilosophie Kants und ihrer transzendentalen Methode* (Würzburg: Königshausen & Neumann, 1982), 55–75.

[5] E. Levinas, *Otherwise than Being or Beyond Essence*, trans. A. Lingis (Pittsburgh: Duquesne University Press, 1998), 121; cf. W. Schweidler, "Absolute Passivität," in *Das Uneinholbare: Beiträge zu einer indirekten Metaphysik* (Freiburg: Karl Alber, 2008), 366–382.

or *autrui*,[6] but also in the relation in which we find ourselves as *le tiers*, i. e. for everyone of us as a member of the human family.[7] We belong to this family not because of any capacity which we could ever acquire nor which anyone could ever award us with; we belong to it just because of the respect that any rational agent owes to us as members of a jury whose composition obviously, if we do not want to contradict ourselves, cannot be at his or her, i. e. at any acting subject's, discretion. So, the word "family" here is demarcating the not biological, but natural kinship to which we cannot but refer when we forbid ourselves from passing down at our own discretion the judgment of who belongs to the human family and who does not. If we cannot pass that judgment about the composition of the human family, then we cannot but leave it to nature. After all, it holds for any jury that it cannot decide who belongs to it and who does not.

Of course, the meaning of the word "jury" as I use it here is primarily metaphorical, but not completely: In fact, it is the juridical constitution of our human forms of life by means of which we secure the absolute respect for that core of our existence which we call the "inviolable" dignity of the human person. But this expression only makes sense if we understand our legal and juridical institutions as based on and derived from that inviolability, not as some kind of collective achievement by which we would have acquired it. So, the task of the jury to which we belong as members of the human family is to prevent the violation of the inviolable. Levinas has characterized this paradoxical aspect which is fundamental not only for our political order but also for our philosophical reflection as the "reverting of thematization into anarchy … For ethics, beyond politics, is found at the level of this reverting."[8] The foundation of the political order is in its essence as anarchical as phenomenology is when it finds its deepest subject in that which is in itself not a phenomenon.

Let us try to go deeper into the reason why we as human beings belong to such a "jury." As Robert Spaemann in his great book on persons has pointed out, this reason does not consist in the purported "value" of human life in contrast to other beings, but rather in the specific incommensurability of anybody's own life in contrast to the lives of all others of its kind. "This is," writes Spaemann, "why we prefer to speak of human 'dignity' (*Würde*) rather than human value (*Wert*). The value of ten people may be more than that of one, but ten are no more than one in point of dignity. You can't tot up persons. They form a system of relations in which each is uniquely in relation to every

[6] Cf. the complex field of translation of these terms D. Galetti, "The Grammar of Levinas' other, Other, autrui, Autrui: Addressing Translation Conventions and Interpretation in English Language Levinas Studies," *South African Journal of Philosophy* 34, no. 2 (2015): 199–213.

[7] Cf. Schweidler, "Absolute Passivität," 366–382.

[8] Levinas, *Otherwise than Being or Beyond Essence*, 121.

other."[9] But once again: Why and how do they form such a system? To answer this question, we must turn now from one side of the double-sided medal of humanity, i. e. from the universal relation between all of us as its members, to the other, namely the addressee of the claim or demand which arises from that relation: the acting subject. On that other side we find what can be called the "challenge" of humanity and what makes the paradox of our human nature a key issue of our philosophizing. What we are doing in our philosophical reflection here is essentially the attempt to understand and explicate the challenge which is directed from us to ourselves, i. e. from us as members of the jury to which we belong independently of any deliberate action, toward ourselves as actual or potential agents. In what exactly does this challenge consist?

At this point it is, as I think, very helpful to refer to a concept invented by Thomas Nagel: the concept of "agent-relativity."[10] So far, we have strongly emphasized that the essence of human dignity consists in a demand which is constituted independently of any capability or necessity to act; a claim which precedes any kind of real action. But now we will have to reinforce the significance of the other side of the coin: If there were no understanding of and no obedience to this demand, then we could never have developed any consciousness of human dignity at all. And the understanding of and the obedience to a claim: This obviously implies action. Human dignity is not something that could be first discovered and then respected; rather, they both, the claim to and the respect of human dignity, are, to use a Heideggerian term, equiprimordial. The question in what another person's dignity consists cannot be answered by description but only by action. Here we face the paradox which somewhat mirrors the paradox of absolute passivity which we encountered on the other side of the medal. For the agent who has to respect all other human beings as persons there is no remainder of receptivity which would precede the cultural form of life that constitutes the unit that I characterized as the "jury" of humanity. "This, of course, is paradoxical. Respect, recognition, and so on are species of activity, which would seem to presuppose a moment of receptivity in which persons were identified as persons. Apparently, and not least because it is a question of perceiving another center of being, the perceiver needs to be in a completely receptive posture. But that is not the case, and for a very clear reason: a center of being is, by definition, not something available to knowledge as a phenomenon."[11]

---

[9] See R. Spaemann, *Persons: The Difference between "Someone" and "Something*," trans. O. O'Donovan (Oxford: Oxford University Press, 2006), 185.

[10] Cf. T. Nagel on agent-relativity and deontology, in *The View From Nowhere* (New York: Oxford University Press, 1986), 164–185.

[11] Spaemann, *Persons*, 182.

In respect to this activity which is embedded in our political and especially our juridical forms of life we face the deepest and genuinely temporal core of the paradox of our human existence: that in some way our existence is a response that precedes the question to which it is the answer. And the genuinely challenging aspect of this paradoxical constellation consists in the fact that we as human beings cannot but rely on the understanding of that paradox and the obedience to it. To "rely" here means of course: to act in a way which implies and demands of others to confirm and constitute the reason which we must already rely on when we act. And in this sense the claim or demand to recognize human dignity is "agent-relative:" The universal relation that connects all of us as members of the human family intrinsically presupposes an acting subject who understands that in the act by which he or she recognizes it, nothing less than that universal relation itself is at stake. This is the challenge of action that follows from the nature of a person, i. e. the nature of a being who in the genuine forms of life of its species transcends itself.

2. The Paradox of Human Action and the Challenge of Self-Distance

It is not in order to be counted as a person that I must know all this; but when I am going to perform rational and justifiable actions I must at least intuitively or implicitly understand what is meant by this, the "agent-relativity" of the claim or demand to respect the dignity of any member of the human family. Only he or she who has such a kind of "tacit knowledge" about humanity will understand concretely what is meant in this context by the term "challenge." Perhaps the most obvious example for this is the situation in which I am confronted with persons who lack the qualities and abilities which I as a rational agent possess. When the dignity of such a person, e. g. a comatose, a heavily mentally disabled or an unborn person, is endangered, then it is not he or she, but I the man who is to be blamed. It is my task to treat such persons as equal members of the human family to which they belong, just as I do myself. I must master the challenge to view my action through their eyes. Again spoken of in this somewhat but not only metaphorical way: I must by myself take on his or her role in the process of the "deliberation" of the jury which judges my action. And when I have understood this, then a further and really decisive insight is that the connection with the other persons which makes me in this way responsible for them is not a causal relation. If I wish to see what I am doing through the eyes of disabled person, I must take into account more than only the concrete individual who is affected by my action; I must see not only what my action causes but what it *means*, i. e. what it stands for. Human beings with disabilities become with good reason indignant when the disability of a child, with whom they may in fact never enter into a concrete relation, is con-

sidered a valid reason for the termination of a pregnancy. They remind us what such a determination means not only for one, but for all of them and in the end for all of us as human beings. Humanity is essentially constituted when I not only see through the eyes of others what I am doing to them as individuals but also to the whole of human kind. In this way, Christ says: Whatever you did to the least of my brethren, you have done it to me. Similarly, in the Koran it is written that whenever one kills a man, it is as if one has killed mankind as a whole; and equally, whenever a life is saved, it is as if the lives of all have been ransomed.

What makes us members of the not biological, but natural relationship of the human family and consequently of what I called the "jury" to which I belong as a person is not a causal but a *symbolic* relation. Because human action symbolically refers beyond itself to everything that makes persons into representatives of all others of their kind, and indeed even of this kind itself, the judgement of an action as humane or inhumane always depends on the meaning that it has for being human in general. It is precisely this symbolic dimension that alone can rationally explicate why the dignity of human beings is "inviolable:" The violation of dignity takes place on the causal plane, the symbolic meaning, by means of which it is as such defined, can never have a bearing upon it, for it is the relation that transposes all beings that belong to the lattice-work of persons – victims and even victimizers – into an incommensurable distance to each other. And only the symbolic relation, contrary to this negative foundation according to which dignity cannot be infringed upon, makes the compliance with the universal demand, implied by it by the agent who is always enclosed in the limitations of his finitude, possible in a positive way. So in the end it is the paradox of human action, the fact that as a human I am the only being who by its nature is free to act against itself, that allows us to reconcile the universal demand of humanity with the natural condition of our finitude. The debt which I owe to humanity can only and must be paid to the few human – and other living – beings which I am actually and factually responsible for. A good man, so says the Confucian Mencius, treats strangers as his own relatives, and a bad man his own relatives as strangers.

So, the answer to the question what it means that as persons we transcend our nature is to be given on the anthropological level: Man is an *animal symbolicum*. We transcend ourselves when we look upon ourselves as a kind of sign for the relation to all of us which is not perceived but constituted in this view. Therefore, as Robert Spaemann says, the "relational sphere of personal interaction is universal, from which it follows that the exclusion of even one person from the scheme of recognition brings the personal character of the whole system tumbling down."[12] Or, as Markus Rothhaar writes, any failure

[12] Spaemann, *Persons*, 196.

to recognize another person's dignity, "every violation of a duty which one subject has toward another …[means] a negation of the relation of recognition itself." The call to recognize human dignity is not a "norm of norms" in the sense of a presumed natural law conceived in terms of the disjunction of "is" and "ought," rather it is to be thought of as a "meta-norm." Indeed, and incorporating the conceptualisation of it as a "meta-norm of all norms in general," we may say along with Rothhaar that: "A violation of norms is … fundamentally not justifiable in terms of being a means to the end of complying with a norm caused by the violation of a prior norm."[13] The connection between the universality and the agent-relativity of the demand of human dignity is not of a normative-moral, rather a performative-logical kind: He who excludes one of the members of his association, which unites all persons with each other and which demarcates them from non-personal beings, from the lattice-work of entities before which he must justify his action, in this way and in this respect falls into contradiction with the conditions of the possibility of justifying his conduct, i. e. with the entirety of the relation that constitutes this association in general. "Contradiction" is precisely a logical, and not a moral category. The key to the philosophical reconstruction of this putative relation present in Kant's parenthetical definition, namely that every person in as far as he or she can be violated in relation to his or her dignity stands for all others of his or her kind, is therefore not present on the level that obliges us to act, rather it is there where that relation, which makes each of us representatives of all beings who are like us and even representatives of our kind itself, is found; namely, the symbolic.

As illuminating, I think, as this insight is on the juridical and political level, it still confronts us on the level of our individual self-relation with another deep challenge: the paradox of self-distance. Apparently, the price we have to pay for the acquirement of the coin that connects humanity and agent-relativity is that we have not only to see ourselves through the eyes of others but even also to look through ourselves in a way which seems to have the effect that we become incommensurable to ourselves. Individuality seems to become, as has been said about the Husserlian notion of it, that which "of course … characterizes each and every person, but not in the sense of having a universal form commonly participated in, but in the sense that each is precisely not-communicable, not-instantiable, and impredicable."[14] This is an immense challenge to our self-relation which seems to confront us with the choice between the selfless and in the end self-destructing dedication of our whole lives to uni-

[13] M. Rothhaar, *Die Menschenwürde als Prinzip des Rechts* (Tübingen: Mohr Siebeck, 2015), 270.

[14] J. G. Hart, "The Absolute Ought and the Unique Individual," *Husserl Studies* 22, no. 3 (2006): 225.

versal claims and the confession of selfish egotism. To meet this challenge we will have to come back to the temporal aspect which we observed when we mentioned the insight that it belongs to our nature that we have to "follow" it. We will have to ask if looking upon ourselves through the eyes of the others can imply something like a return to what we are and were before we entered into our self-distance.

3. The Paradox of Self-Distance and the Challenge of Self-Return

In order to understand what can be meant by such a way back to ourselves, we must first return to the concept of nature and the relation of self-transcendence in which we have determined our constitution as *animal symbolicum*. When we try to relate the paradoxical aspects of self-distance and self-transcendence toward ourselves we are led to the question what it can mean for a person *to be a symbol* in relation to him- or herself. When by this characterization we refer to our nature – "nature," as I pointed out, in the classical sense of *physis* –, then the term must, imply, on the one side, some common denominator between us and all other natural beings and, on the other side, the key to what might be called the *differentia specifica* which makes us unique among the rest of nature. To explicate this conclusion, I will proceed by way of two steps.

The first step is to specify the relation in which we as human beings stand to our nature. It is, I think, again Robert Spaemann who has pointed out this relation in the most precise manner. "Freedom," he writes, "is first and foremost freedom *from* something; but what is the *person* free from? Only from his or her own nature. A person 'has' a nature, but the nature is not what the person *is*, because the person has the power to relate freely to it. But this power is not innate; it comes through encounter with other persons. Only the affirmation of other centers of being, through recognition, justice, and love, allows us the distance on ourselves and the appropriation of ourselves that is constitutive for persons – in sum, 'freedom from self.' This we experience as a gift."[15] So, according to Spaemann, what we have in common with all other natural beings is that there is a human nature, and what distinguishes us from all other natural beings is the relation in which we stand toward our nature, i. e. the relation of freedom. When we "follow" our nature, we do it by free decision, and we can always refuse to do it. Therefore, human beings face the choice between humane and inhumane action. This is the reason why our respect for the dignity of other human beings cannot be explained as a form of "speciesism." A human being can treat his own kind in ways which are incomparable to any other species: torture, concentration camps, mass destruction etc. If we

[15] Spaemann, *Persons*, 216.