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Life, Dignity, and Autonomy

Introductory

This thematic block presents several studies based on the lectures given at the summer school *Bioethics in Context II: Autonomy, Dignity and Life as Basic Concepts in Medical Science and Bioethics*, held from 31st August to 13th September 2013 in the inspiring city of Rethymno on the Greek island of Crete. The summer school was organised by the University of Hagen (Germany) in co-operation with the universities of Crete (Greece), Zagreb (Croatia), Sofia (Bulgaria), and Thessaloniki (Greece).

Reflecting the lectures and discussions at the summer school, this thematic block seeks to comprehend life, dignity, and autonomy as the terms referring to the human individual, its social self-understanding and relationships to fellow humans, to other living beings, and to the environment. *Dignity* and *autonomy* are firmly established in the predominant field of bioethics and have, by popular demand, received global attention, e.g. in the UNESCO Universal Declaration on Bioethics and Human Rights (2005). These concepts are particularly well-suited to developing the foundational dimension of bioethics that is lacking in the most widespread versions of the subject. However, numerous communication and application problems remain which are associated with different scientific approaches. The concept of *life* has a long tradition behind it in bioethics, where it plays a central role and is linked to the names of Albert Schweitzer, Fritz Jahr, Van Rensselaer Potter, Hans Jonas and others. Nevertheless, a convincing normative interpretation of the concept of life remains a problem – an interpretation that avoids “vitalist fallacies” and does not neglect the issues of compatibility with a discourse on dignity that is constitutive to modern societies.

Inflationary use of the terms ‘life’, ‘dignity’, and ‘autonomy’ in scientific, professional, and public discourses, as well as the associated blurring of their meaning, necessitates not only a deeper theoretical reflection but also the wider interdisciplinary and pluriperspective approach articulated by *integrative bioethics*, which seeks to offer an orientation for both general and particular problems of humankind today.

What actually is the *life* that is being offered up these days as the object of different short-term and long-term technical, scientific, medical, social, economic, and political manipulations? What does *dignity* mean and what implications do its various interpretations have in the sphere of everyday practice? What is *autonomy*, i.e. what does it mean to be an autonomous person and to act autonomously? Working on fundamental bioethical issues such as the premises and consequences of scientific-technological development, biogenetic research and health care, human relationships with non-human living

things and the natural environment, etc., as well as on particular bioethical issues in different areas of human action, reveals that philosophical-ethical theories of life, dignity, and autonomy (e.g. Hegel's and Kant's) are just as important as specific medical guidelines and legal regulations.

We hope that the following papers demonstrate that rethinking the fundamental philosophical concepts can be enriched by reflecting upon them in the light of current bioethical questions. On the other hand, thorough and responsible consideration of these questions on the level of practice cannot be achieved without a solid conceptual basis, which can be provided primarily by those philosophical concepts and methods.

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**The Philosophical Concept of Life and
Its Role in the Foundation of an Integrative Bioethics**

Abstract

The essay demonstrates how bioethics can find an ethical dimension of its own and an original source of normativity by taking a fresh look at the concept of life. This requires a concept of life which is more than empirical, the logic of which is developed, in the first instance, from the insights arrived at by the philosophers of German idealism, but also from those of the more recent phenomenology of life. The basic problem of an integrative bioethics consists then in thinking through the development of an ethics with a fundamental attachment to the actuality of life, where the latter always precedes the former. Depending on the side that the emphasis is placed, bioethics acquires either a more 'Apollonian' rational or a 'Dionysian' vitalistic character, although integrating the two into a synthesis is what is essential.

Keywords

life, totality, source of normativity, German idealism

The concept of *life* is obviously of central importance not only for *bio-ethics* in general, but also for the idea of an *integrative bioethics* in particular. We shall see somewhat later exactly what is meant by this idea when we consider it with respect to both a dialectical understanding of life and some current questions that bioethics is faced with. Whatever the result of these discussions may be, we can start with *two theses*, which I think are not especially difficult; they concern the central problems of any bioethics that aims to be more than merely so-called applied ethics.

- (I) The first thesis is that *a bioethics which is a really new approach to ethical questions and not just an applied ethics requires a concept of life that is more than empirical*. The reason for this is that bioethics as a new approach to ethical questions must postulate life as a principle of its own and even as a normative principle independent of other sources of normativity, such as the idea of the good, the idea of liberty and so on.

I think that both components of this thesis are clear: (1) that bioethics has to refer to a concept of life which is more than empirical, for life as a mere empirical instance could never be taken as a *principle*, and (2) that this concept of life has to be a *source of normativity*, for otherwise it would not be an *ethical* principle. It should also be clear that a non-empirical concept of life still needs to be connected to the empirical aspect of life; otherwise, it would not be of much use to bioethics. But, even if this first

thesis is accepted, some questions do remain, which take us directly to the main issues of a bioethics in the new sense, which I think are addressed in the *second thesis*:

- (II) *The central problem of bioethics is how the presupposed concept of 'life' and the concept of philosophical 'ethics' can really be combined in a systematically acceptable way. This problem becomes acute when confronted with the following facts: (1) while all ethics is a creation of reason, life, of course, is not, and (2) while rationality is normative in itself, the sense in which life as such is normative at all awaits determination (for Nietzsche, the real 'value' of life lies in the fact that it can never be imprisoned by our norms, but remains their everlasting critical counterpart).*

It may be that the division into two main schools of bioethics historically is one of the consequences of the problem here indicated. One school of thought in bioethics is primarily devoted to *rationality* and its inner clarity, while the other starts from something like *sensibility* or indeterminate feelings about what life, as something more than rationality, may teach us. The first may perhaps try to answer bioethical questions without too much or even any reference to a normativity of life, thus constantly running the risk of falling back into a mere applied ethics. The other may try to arrive at all bioethical decisions from the idea of life as such, running the risk of becoming a mere 'vitalism', which forgets that more or less all our moral questions, even those of bioethics, are reactions to the manifest injustices of life and are not to be answered simply by affirming that life is normative. One can speak of a split between an 'Apollonian' and a 'Dionysian' type of bioethics – a distinction made intentionally to highlight the question of a truly *integrative* bioethics that would combine both aspects into *one* perspective. My concern in this paper will be to discuss some ideas on how this gap might be closed – beginning with an attempt to rethink what the 'normativity of life' might mean.

1. The philosophical concept of life

Let us start with a set of simple reflections on what exactly we have in mind when we analyse the concept of life in a *philosophical* manner. Some readers might find speaking of life as something non-empirical to be odd, but we should keep in mind the fact that none of us has ever been in contact with life as a whole or a totality, and that 'life', as a *singulare tantum*, as a concept of a whole existing uniquely, could never be an empirical concept, for the principle of the empirical is plurality. Anyhow, speaking *philosophically* about life does not mean referring to a mere external object. The main difference between philosophy and biology when referring to life is that biology refers to objects with the specific *property* of being living things. Life, in this respect, is a mere attribute of an object and has to be described in an objective manner, e.g., by showing that the specific object we are talking about is characterised by some specific functions and, e.g., by acids regulating its functioning. In twentieth century philosophy, the Frenchman Michel Henry (1922–2002) was one of those who pointed out that this idea of an 'objective life' could never keep up with our philosophical intentions with respect to life. Henry belongs to the philosophical school of phenomenology, who from this starting point discovered that 'life' cannot be an object of intentionality at all, but is presupposed as existing *with* intentionality as such; it refers to the *horizon* of all possible intentional objects, as well as to the foundations of our consciousness in

the sense that in every sentence such as ‘I am conscious of something’ a *me* simultaneously referring to itself, i.e. a more than conscious form of personality, is already presupposed. In his discussion of this concept in the philosophy of religion, Henry says that if Christian theology wants to take seriously the statement of Jesus Christ “I am the life” in John 14, 6 (“Jesus saith unto him, I am the way, the truth, and the life”), a sentence which is completely incoherent with our normal grammar when we use the word ‘life’, theology has to *rethink* systematically the concept of life as a *personal* reality which has its centre in something like a preconscious ‘I’, in this case the absolute I of the son of God. Henry’s view is, finally, that when we use the word ‘life’, we are always on the point of transcending our standard grammars, because it puts us in touch with something similar to the very source of all our grammars. For Henry, the most important point here is that philosophy has to take into account that we know what life is from a very personal perspective; we know what life is not from regarding it from the outside, but from the inside, from our own being as living things ourselves. We cannot speak about life without participating in it – and this *reflexivity* is precisely the point where the philosophical dimension of the idea of life begins.¹

Awareness of the more than objective meaning of what life is was, of course, not unique to twentieth century philosophy. In the *Phaedo*, for instance, Plato himself tried to demonstrate that life has to be something eternal in itself and that the soul is nothing other than the presence of the idea of life within living things. Aristotle sought to demonstrate that life always refers to an internal principle of self-construction and teleology, i.e. that no living being could be understood without fundamental reference to a moment of self-reflection in asserting itself as its own end. Philosophers such as Plotinus, Thomas Aquinas, Nicholas of Cues and Leibniz all stressed the importance of the idea of life in general, but I do not wish to go into detail about what they had in mind here. I will only point out *three main aspects* of a philosophical approach to the idea of life, aspects that may help us to understand the implicit normative dimension of this idea.

First, life can be considered to be an expression of *infinity*, of the concrete identity of the external and the internal, the universal and the individual, the one and the many. This idea will become clearer somewhat later when we consider Hegel and his dialectical concept of life, but let us start with a number of general reflections. As has already been mentioned, life is not a simple ‘object’ of our reference. We cannot simply refer to life and forget that this referring is *in itself an act of life*. Life is an end in itself and should not, therefore, be subjected to finite ends or taken as a mere means. Human dignity and its intimate correlation with the individual right to life is stressed, e.g., in Kant’s arguments against abortion. Abortion means the destruction of an individual real instance of life or an already living individual (which is, therefore, an infinite interest) normally in the name of mere subjective purposes, i.e. normally in the name of finite ends, and this aspect of abortion remains problematical regardless of the above argument. I stress “normally” here, for it is clear that when the life of the embryo as such threatens the life of the mother the situation is quite different.² Life in the sense here discussed

1 Michel Henry, *L’essence de la manifestation*, PUF, Paris 1963; Michel Henry, *Phénoménologie matérielle*, PUF, Paris 1990; Michel Henry, *C’est moi la vérité. Pour une philosophie du christianisme*, Seuil, Paris 1996.

2 According to Kant, practical personality, i.e. moral independence from the arbitrary decisions of others, has to be respected from the moment of the conception of a new individual human being; cf. Immanuel Kant, “Metaphys-



is, to put it in Kantian terms, an *a priori* to all our *a posteriori* aims, which means that the right to life is the first instance of right to be recognised in all interpersonal relations.

Second, the philosophical idea of life leads us to a theoretically very interesting point, which is that the idea of life is an argument against modern *nominalism*. The thesis of nominalism as I refer to it here is, in short, the claim that the order of signs has nothing to do with the order of things in themselves, and that there can never be any possibility of closing the gap between signs and objects. From this point of view, we can never overcome the difference between form and content, i.e. we will never attain *real knowledge* defined as the correspondence between words and things, thoughts and objects, form and content. But is it true that form and content are bound to differ eternally? In fact, if, as we have seen, we cannot refer to ‘life’ as an external object, and every reference to life is in itself an act of life, then we have at least *one* example in which form and content are *not* completely heterogeneous. We know what life is as *participators* in its idea and in its reality. In the idea of life then we find a hint that all our real knowledge has to be understood in the light of a prior and non-nominalistic knowing.

Third, I would like to look at a more *logical* aspect of life, namely the dialectical identity of the universal and the individual in life. The subsumption model cannot make sense of the relation of *life in general* to a single *living being*. Living beings are not only ‘cases’ of life, but *are* life; what remains when we take life away from living beings is not even a being at all, but a nothing or, at best, an instance of self-dissolution. Life, on the other hand, is not a mere abstract idea of what all living beings have in common; it is the concrete *interrelation* of these beings or, in other words, the perpetual self-disjunction of the ‘universal’ into its ‘instances’ and simultaneously not the least bit constant resumption of the universal from its individual instances. The most important point here is that life is in itself a *reflexive* ‘entity’, which means that it is already a ‘normative being’. We are often told that speaking about ‘normative beings’ means committing the so-called naturalistic fallacy. But the fallacy of this objection lies in its own nominalism, i.e. its attempt to establish an insurmountable dualism between being and what ought to be, between facts and norms. Bioethics must overcome this dualism if it wants to be an ethics that is not merely applied to living beings, but is able to understand itself as a real reflection of life, as a way of thinking, mindful *participation* in the reality it discusses. At this point, let us take a look at what Kant and Hegel, two of the most important modern thinkers of the issue of life, had to say.

2. Kant and the idea of life

Regarding the idea of life, Kant can be considered a somewhat ambiguous thinker. On the one hand, ‘life’ and ‘living’ constitute something such as a ‘vital thread’ running right through all of Kant’s philosophy and the development of his system. In his first work from 1747 entitled *Thoughts on the True Estimation of Living Forces*, in which he argues more or less in favour of Leibniz’s dynamics, Kant introduces the idea of a *vis activa* or a ‘living force’ as an at least metaphysically legitimate concept. Then, there is also Kant’s *Critique of the Power of Judgement*, in which, now from a “critical” level of his thinking, he seeks to provide teleology and the philosophy of the organic with a new significance and importance. Third, in his last writings, the *Opus postumum*, Kant is still trying to improve his genuine intuition of the “moving

forces of perception” as the real link between external objects and the internal world of our concepts of objects – an intuition which, at a certain point, leads him to conceive of the world as an organic whole, even animal-like, a ζῷον – *zoon*, as Plato calls it in the *Timaeus*. It may be surprising in this context to see that Kant’s definition of life in his first writings is indeed very close to the Aristotelian idea and definition of nature. Kant says that a substance possessing “living force” is a substance which “grounds its motion in itself, so that it is possible to understand its motion from an internal inclination to continue with this motion freely, for ever and without decrease to infinity”.³ And when Kant, in his *Metaphysical Foundations of Natural Science*, writes that “life is the capacity of a substance to determine itself to action by an internal principle, of a finite substance, to determine itself to change, and of a material substance, to determine itself to motion or rest as states of itself”,⁴ he is more or less literally quoting Aristotle’s definition of nature (Met. IV, 4, 1015a13–15). But as I have already said, there remains a fundamental ambiguity in Kant’s conception. Kant is and remains a follower of Descartes, and there is no doubt that he regards matter as “dead matter” completely submitting to the Newtonian law of inertia. In Kant’s *Metaphysical Foundations of Natural Science* we also have the following:

“Now we know no other internal principle of a substance to change its state but desire, and no other internal activity whatever but thought, with that which depends upon it, feelings of pleasure or pain, and impulse or will. But these grounds of determination and action in no wise belong to the presentations of external sense, and thus not to the determinations of matter as matter. Thus all matter as such is lifeless. The proposition of inertia says so much and no more. If we seek the cause of any change of matter whatsoever in life, we shall have to seek it at once in another substance, distinct from matter, although bound up with it.”⁵

Life is, therefore, something not to be found in real, external and material nature – it belongs to an order of things and concepts transcending nature, and, more particularly, it belongs to the internal world of our intentions and purposes. In the *Metaphysics of Morals*, Kant writes:

“The faculty of desire is the faculty to become the cause of the objects of one’s own representations. The faculty of a being to act according to its own representations is called life.”⁶

Kant seems here to be very close to Leibniz’s basic ideas of representation, particularly as far as his concept of life which leads to the idea that life means the capability of a being to refer to itself by external representations or in a reflexive way. Life is itself an instance of reflexivity, and, according to Kant, it therefore belongs to the realm of subjectivity. Thus, for Kant, we

ical First Principles of the Doctrine of Right” (§28), in: Immanuel Kant, *The Metaphysics of Morals*, trans. by Mary Gregor, Cambridge University Press, Cambridge 1991, p. 99. In this sense, Kant considers the suicide of a pregnant woman to be *the murder of a second person*; cf. Immanuel Kant, “Metaphysical First Principles of the Doctrine of Virtue” (§6), in: I. Kant, *The Metaphysics of Morals*, p. 218.

3

“[D]erjenige Körper” verfügt über “lebendige Kraft”, “der seine Bewegung in sich selber hinlänglich gründet, so daß aus seiner inneren Bestrebung hinlänglich verstanden werden kann, daß er die Bewegung, die er hat, frei,

immerwährend und unvermindert ins unendliche selber in sich erhalten werde”; Immanuel Kant, AA I, p. 143f.

4

Immanuel Kant, AA IV, p. 544; cf. Immanuel Kant, *Metaphysical Foundations of Natural Science*, transl. and ed. by Michael Friedman, Cambridge University Press, Cambridge 2004, p. 83.

5

I. Kant, AA IV, p. 211.

6

Immanuel Kant, AA VI, p. 211.

understand what life really means only from our own participation in life, i.e. only subjectively. But, if, on the other hand, the understanding of nature is the understanding of something which we are not and which is essentially in itself an ‘object’, and not a ‘subject’, then we have to abandon any idea of a subjective, i.e. living, matter. A crucial point in Kant’s philosophy is that “hylozoism” has to be considered to be “the death of natural philosophy”,⁷ a fact which in itself implies the necessity of expelling life from all natural science. Kant’s assertion that there is “no Newton of the leaves of grass” indeed reflects the conception that life is not a physical, but a transcendental attribute – an attribute which reflects the “dynamism” of our concepts, the order of our knowledge, and not any external “fact”. When the *Critique of the Power of Judgement* tries to restore teleology in some way, it does so on the level of our concepts, of their systematic form and coherence, of their “functioning”, but not on the level of physical objects the way in which the old metaphysics of nature had done, especially in Aristotelianism. The only thing we might add here is the need to stress again that in the above *Opus postumum* Kant tries to explore the modes of convergence between our “living” system of concepts and the system of nature itself. In this sense – and only in this sense – in Kant, life appears as a *terminus medius* between internal and external worlds. I shall now consider how the German idealists were more optimistic with regard to an “ontological” attempt to re-think life.

3. Hegel

Hegel’s philosophy fulfilled its destiny by re-thinking the concept of life.⁸ A Kantian in his early years, Hegel overcame the standpoint of transcendental philosophy precisely at the moment when he understood that it was *life* that reconciled all the divisions that Kant’s philosophy had produced or was not able to resolve. These divisions include that between concept and intuition, the separation of theoretical and practical questions, and the gap between essence and phenomenon. In his Frankfurt *Fragment of a System* from 1800 at the latest, Hegel tried to show that life has to be understood as a dialectical identity of the universal and the individual, the whole and its elements, and that this is precisely what may make the answer to the problems left unresolved by Kant. Starting from this concept of life, Hegel begins with criticism of Kantian ethics. One of the most important points of Hegel’s argument is that, if this is not done, a real identity of form and content in morality will never be reached, i.e. we will not escape Cartesian dualism in the field of human practice.

The model for this living morality and essential unity of form and content in ethics, according to Hegel, is the ancient Greek *polis*, which for him represents the ideal mediation between the whole and the individual, between objective spirit and personality, between laws and their ‘cultural’ embedding. In his *Phenomenology of Spirit*, Hegel again tries to show that the ancient Greek model is, in some respects, even superior to modern Kantian ethics. It offers us a way of understanding that moral subjectivity is not as “independent” as it thinks it is, and that this subjectivity has “substantial” links to the cultural and historical horizon in which it exists and tries to reach its freedom. Then, in his *Science of Logic*, Hegel declares that ‘life’ means the pure immediacy of the absolute idea, i.e. the totality of all possible points of view as an immediate unity. However, I cannot go into detail about Hegel’s logic of life here. I will only try to give a short overview of the main aspects of life as

Hegel understands it – first in his *Logic*, but also in his other discussions of the idea of life.

- 1) Life, according to Hegel, is the real *infinitum actu*, the concrete identity of the external and the internal, the universal and the individual, the one and the many. As has already been mentioned, this unity can only be understood dialectically, it is never a simple ‘object’ of our reference. We cannot simply refer to life while forgetting that this referring is *in itself an act of life*. *Dialectics* is essentially the science of being in relations – and, in this sense, we can also say that, for Hegel, life has to be understood as the actuality of relations, or better yet of ‘self-relation’ as such. Moreover, this self-relating totality is a ‘self-differentiating’ one. Life never means an immediate “fact”. It means a being-in-relations, and therefore refers to mediations by which in every individual aspect of life the totality is present, and simultaneously in every representation of the totality individuality is present. Hegel, who from his Frankfurt *Fragment of a System* onwards defines life in this sense, is, like Fichte, a revolutionary in ontology. There is, according to him, no possible sense of ‘being’ besides this sense of a ‘self-relating’ life.
- 2) Hegel has another aim in focussing on life as the main model for an absolute ontology. He is trying to escape modern *nominalism*, including the kind of nominalism which underlies transcendental philosophy (Kant’s criticism of the ontological argument for the existence of God may be recalled here). The idea of nominalism is, as has already been mentioned, that the order of signs has nothing to do with the order of things in themselves, and that there can never be any possibility of closing the gap between signs and objects. Recalling the arguments given above, we do not acquire our knowledge of life from an external point of view, but from inside it. And we know what life is with the immediate certainty that our knowing life is itself a demonstration of the reality of what we mean by it, i.e. life. This is the sense in which there is “absolute knowing” as in the *Phenomenology of Spirit*, and philosophers have to determine how to make it clear that all our real knowledge has to be understood in light of this first and non-nominalistic knowing.⁹
- 3) Finally, I would like to return to a particular point in the discussion of Hegel’s concept of life. As I have said above, the most important point in Hegel’s concept of life is the coincidence of the universal and the individual, which also makes life a *reflexive* ‘entity’ and which therefore places it – as in Fichte – very close to the idea of *knowing*. Hegel’s claim that the origin of self-consciousness does not lie in conceiving oneself as an object of one’s own consciousness, but in conceiving life and understanding immediately that the *de te fabula narratur* – “The story is about you!” – of this concept essentially means that our own being as living things is addressed directly when we speak about life.

⁷
Cf. I. Kant, AA IV, p. 544.

⁸
Cf. Thomas Sören Hoffmann, *Georg Wilhelm Friedrich Hegel. Eine Propädeutik*, Marix, Wiesbaden 2012, pp. 124–127; Annette Sell, *Der lebendige Begriff. Leben und Logik bei G. W. F. Hegel*, Alber, Freiburg – Munich 2013.

⁹
Cf. Thomas Sören Hoffmann, “Reflexion, Begriff und spekulative Erkenntnis. Über Weisen des Wissens im Blick auf Hegels Logik”, in: Rüdiger Bubner, Gunnar Hindrichs (eds.), *Von der Logik zur Sprache*, Klett-Cotta, Stuttgart 2007, pp. 88–108.

4. Modern bioethics and the concept of life

Now we all know that bioethics is a rather new, perhaps not always deeply rooted, but nevertheless not unattractive philosophical discipline. Its orientation towards the life sciences as probably the most important and even revolutionary branch of contemporary science suggests that it is in bioethics where the real conflicts of our times are being discussed. And where else but in bioethics do the discussions of philosophers still have the chance of influencing actual decision-making processes in society, thus forcing philosophers to take their own responsibility seriously.

In this concluding part, I would like to suggest that it may indeed be true that bioethics as such enjoys the status of exceptional relevance – but that this can only really be the case if bioethics accomplishes a serious paradigm shift grounded in a concept of life such as the one developed, e.g., by Hegel. Let us do away with a misunderstanding at the very beginning: this shift neither requires nor involves the reintroduction of a new vitalism based on biological or other empirical concepts of life. On the other hand, it is true that in some proposals for a normativity of life, e.g., in that of Hans Jonas, we are indeed confronted with something resembling a new version of natural law, based in this case on an ontology which tries to once again promote the notion that being itself is something immediately good. Jonas's teaching about our obligations to future generations appears, in this sense, to be based on a rather uncritical concept of something resembling "ontological justice", which has, of course, been a core concept of the idea of natural law from its very beginning. The conception of natural law seeks to indicate the naturally given boundaries of human decision-making – and it was Kant who explained that precisely no such limitation on human decision-making can be considered to be given by nature, but that all such boundaries are self-determined by the free and good will. But Jonas is not the only author under consideration here. Even more surprising than Jonas's reintroduction of metaphysics has been, e.g., the reintroduction of a concept of human nature about ten years ago by two prominent liberal thinkers, Jürgen Habermas and Francis Fukuyama. Neither of the two thinkers could clearly avoid reintroducing this concept in their contributions to bioethics, a concept that was for a long time thought to be not only outmoded, but essentially obsolete. In 2001, Habermas published some lectures on bioethical issues under the title *The Future of Human Nature (Die Zukunft der menschlichen Natur)*.¹⁰ Fukuyama, an American economist, published a book in 2002 that soon became very well-known – *Our Post-human Future: Consequences of the Biotechnology Revolution*.¹¹ Fukuyama pointed out that, while the new developments in biotechnology tended to destroy all normative sense of what it means to be human, the *classical* ideas of European political thinking necessarily *presupposed* the concept of a more or less unchangeable human nature. In short, if there is no human nature, there is neither human dignity, and so we are also unable to establish unchangeable human rights. Fukuyama therefore stressed that perhaps we should revive the traditional concept of natural law, and that we should do so even though this concept seems to be very unattractive to modern mainstream academics. I would say that it is behind these remarkable positions that the problem we have discussed here lies, the problem of re-establishing at least some normativity of life, and it is due to a defect of the manner in which the problem is raised by these writers that we get the impression that the discussion refers to a normativity of facts and is therefore a natural fallacy.

However, let us return to the field of bioethics and the way we may deal with the ‘normativity of life’ here. At the beginning of my paper, I have mentioned that there are two bioethical schools or approaches today, one that can, in some sense, be called ‘Apollonian’, and the other ‘Dionysian’. The difference may also be put in this way: at its best, bioethics is, on the one hand, understood to be a means of preserving our autonomy and freedom under the conditions of high-tech medicine and the alienation of the individual produced by the latter; on the other hand, it is regarded as the new, no longer ‘anthropocentric’ paradigm of understanding what our freedom and autonomy could be. Authors belonging to this second way of defining bioethics, apart from the already mentioned Hans Jonas, include Michael W. Fox, Klaus-Michael Meyer-Abich and, in some sense, Robert Spaemann as well.

Nevertheless, one cannot deny that today’s mainstream bioethics understands itself in the first manner. In contrast, what I would like to underline here is the fact that, e.g., Jonas and other bioethicists may well have indicated the right direction when arguing for the rethinking of bioethics and even for the establishing of a new way of ethical reflection in general.

However, the problem that remains is that they do not possess the conceptual means to meet their demands. They are right in trying to convince us that any ethics that considers life, living beings and actions on them according to the technical model of an intervention in external objects necessarily misses the scope of a bioethics that is aware of the fact that life in all its manifestations is never a merely external (Cartesian) object to which external principles can simply be applied. Life is not “matter” that doesn’t “matter” – and Jonas, Potter and the others would have been completely right had they wanted to stress only *this* point. But they tried something else; they tried to make life the real “substance” of the world, so that living beings – including man – are not only “accidents” of this substance.

I am reasonably certain that the fundamental intuition of the “second” kind of bioethics can be explained in this way, and even that calling its advocates – from Schweitzer to Jonas – bioethical Spinozists would not be taking matters too far. It is clear that, from this point of view, the principle of autonomy – especially in its original, Kantian meaning – appears to be unacceptable, just waiting to be denounced as a typical outcome of anthropocentric hubris. But is this view the right one? Can we – logically speaking – ever make ourselves just accidents of a substance that we ourselves define as such? Can we really think that we, the subjects of our thoughts, are mere objects of a merely substantial object that we define as the real ‘subject’ of the world? The answer to these questions is not as simple as it perhaps might seem. The answer has to be a dialectical *sic et non*, a yes and a no.

We can indeed *truly* think that it is not our thinking and (formal) subjectivity that frees us from all dependences, including the dependence on life as a more than individual totality. At the same time, we can also *truly* think that our knowing, our freedom is in itself the only *subjectivity*, the only form of free existence that *life itself* attains. The very fact that life is not a mere object of our relation to the world makes us *subjects* of life – life’s own reflexivity, and in this sense the real ‘living life’. We do recall that Hegel said that in the case of life we cannot separate the universal from the individual and that both

perpetually refer to one other. In this sense, the living individual can never simply be absorbed by life in general whose real existence it is. We have not discussed Fichte here, who showed that life and knowing are not heterogeneous, but functions of the same totality. In this sense, the real and *living identity of life and knowing in subjective knowledge* has to be considered as *the ontologically highest form of life* – which in itself might be called an argument for anthropocentrism, but with the qualification that it is also an argument for “biocentrism”, both of which are dialectically saying the same thing. It is a speculative concept of life which forbids us from creating an opposition between man and life, and which also teaches us that there is no real opposition between freedom (as the most concrete form of a living continuity to itself) and life in general (as the “place” where freedom has to become real).

Of course, conflicts will still remain, conflicts regarding the difference between freedoms and the different ways that freedoms seek to become real. But these conflicts are not unfamiliar to life, which is itself a rather conflicted totality, and is therefore not *immediately* normative. Moreover, we have a criterion of how to deal with this perpetual *polemos* of all living beings. The criterion lies in the idea of mediation between *actual freedom* on the one hand and other forms of life (as reflections of a freedom striving to become real) on the other. The ideal of a bioethics which has in this way learnt its lesson from Kant and his successors could be called a *Lebenswelt*, a ‘life-world’ of a reflective, self-knowing life, which also manages its means in terms of its goal of fostering and finally becoming a ‘realm of ends’, a realm of the highest possible degree of realised freedom. I would personally not hesitate over calling a bioethics that is capable of understanding its own mission in this way one that has successfully performed a paradigm shift in ethics. But, I would also stress that it is a bioethics whose deepest paradigm is much older than the term ‘bioethics’ itself. I hope that I have already shown how both can be understood.¹²

Thomas Sören Hoffmann

Filozofski pojam života i njegova uloga
u zasnivanju jedne integrativne bioetike

Sažetak

U članku se pokazuje kako bioetika može pronaći vlastitu etičku dimenziju i originalan izvor normativnosti bacajući iznova pogled na pojam života. Za to je potreban pojam života koji nije samo empirijski, a čija je logika izvedena u prvom redu iz uvida do kojih su došli filozofi njemačkog idealizma, ali i iz uvida novije fenomenologije života. Stoga se osnovni problem jedne integrativne bioetike sastoji u promišljanju razvoja etike u temeljnoj povezanosti s aktualnošću života, gdje ovo drugo prethodi onome prvom. Ovisno o tome na koju se stranu stavlja naglasak, bioetika zadobiva ili više »apolonijски« racionalni ili više »dionizijski« vitalistički karakter, premda je bitna zadaća integriranje ovih dviju dimenzija u sintezu.

Ključne riječi

život, totalnost, izvor normativnosti, njemački idealizam

Thomas Sören Hoffmann

**Der philosophische Begriff des Lebens und
seine Rolle für die Begründung einer integrativen Bioethik**

Zusammenfassung

Der Beitrag zeigt auf, dass ein neuer Blick auf den Begriff des Lebens und seine Logik der Bioethik eine genuine ethische Dimension jenseits nur angewandter Ethik zu geben sowie eine eigene Quelle von Normativität zu erschließen vermag. Erforderlich ist dafür der Rückgang auf einen mehr als empirisch-objektiven Lebensbegriff, weshalb zunächst auf Einsichten zurückgegangen wird, die Kant und die Denker des deutschen Idealismus vorgetragen haben, die aber auch in der neueren Phänomenologie wiederkehren. Das Grundproblem einer integrativen Bioethik besteht dann darin, die Spannung zwischen einer sich rational entfaltenden Ethik, die auf die Vollzugsgröße „Leben“ bezogen sein will, und dieser letzteren selbst, die aller Entfaltung einer „Ethik“ vorausliegt, in angemessener Weise theoretisch einzuholen. Man kann je nach Schwerpunkt und Ausrichtung eine „apollinische“ (eher rationalistische) von einer „dionysischen“ (eher lebensphilosophischen) Form von Bioethik unterscheiden, wobei das philosophisch zentrale Integrationsproblem die Synthese beider Seiten ist.

Schlüsselwörter

Leben, Totalität, Normativitätsquelle, deutscher Idealismus

Thomas Sören Hoffmann

**Le concept philosophique de vie et ses enjeux
dans l'établissement d'une bioéthique intégrative**

Résumé

Cet article montre comment la bioéthique peut trouver sa propre dimension éthique et une source de normativité originale en jetant un nouveau regard sur le concept de vie. Pour cela, il est nécessaire d'avoir un concept de vie qui n'est pas seulement empirique et dont la logique est amenée au premier plan à partir de l'examen des philosophes de l'idéalisme allemand, mais également à partir de l'examen de la nouvelle phénoménologie de la vie. C'est pourquoi, le problème principal d'une bioéthique intégrative consiste en une réflexion sur le développement éthique en lien fondamental avec l'actualité de la vie, où celle-ci précède celui-là. En fonction du point sur lequel est mis l'accent, la bioéthique acquiert un caractère rationnel « apollonien » ou plus vitaliste « dionysiaque », bien que la tâche essentielle soit d'intégrer ces deux dimensions en une synthèse.

Mots-clés

vie, totalité, source de normativité, idéalisme allemand

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Francis Fukuyama, *Our Posthuman Future. Consequences of the Biotechnology Revolution*, Profile, London 2002.

12

Further reflections on the topic of this paper can be found in my articles: "Bioethik als Reflexion des Lebens. Prolegomena zu einer nichtreduktionistischen Bioethik", in: Ante Čović (ed.), *Integrative Bioethik und Pluriperspektivismus. Beiträge des 4. Südosteuropäischen Bioethik-Forums, Opatija 2008 / Integrative Bioethics and Pluri-Per-*

spectivism. Proceedings of the 4th Southeast European Bioethics Forum, Opatija 2008, Academia, Sankt Augustin 2011, pp. 25–34; "‘Leben’ als Chiffre der Totalität. Der Lebensbegriff des transzendentalen und dialektischen Idealismus und seine Relevanz im ‘Jahrhundert der Lebenswissenschaften’", in: Carl Friedrich Gethmann (ed.), *Lebenswelt und Wissenschaft. XXI. Deutscher Kongreß für Philosophie, 15.–19. September 2008, an der Universität Duisburg–Essen, Deutsches Jahrbuch für Philosophie 2* (2011), pp. 909–923.

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**The Concept of Life in
Modern Medical Ethics and Bioethics**

Abstract

Human persons are characterised by a bodily structure, and not merely as a cluster of neurons or as ghosts. The prefix ‘bio’ in ‘bioethics’ already points to that which is alive. Bioethics should therefore always keep in mind this direct relationship between life and the living body. The paper discusses two ethical consequences which result from the reduction of the human person from an organismic whole to a bodiless mind-brain being: when certain mind competencies or brain structures are not, not yet, or no longer identifiable, the legal protection and the right to life of such persons have been diminished.

Key words

bioethics, Hans Jonas, brain death, living organisms, personhood, status of the embryo, corporeality (*Leiblichkeit*)

**I. Bioethics and questions of the body
in its aliveness as a living organism**

Bioethics is concerned with questions of life, with the question about the nature of life. The question: “What is life?” is more than an ambitious philosophical “Glass Bead Game”. This instead is where fundamental ethical and judicial questions are examined. The question of how we should handle a stone is different from the one concerning our dealings with a living organism. As human beings, we are neither stones, nor are we purely spiritual angelic beings. In contrast both to the latter and to God who writers of the Bible tell us is pure spirit, we possess a living body through which we are accessible to ourselves and to others. We are (rational) living beings able to associate with other living beings. All the things we do – eat, speak, write essays, go for walks or have sex – are all determined by our corporeality. We are characterised by a bodily structure, and not merely either as a cluster of neurons or as ghosts. The prefix ‘bio’ in ‘bioethics’ already points to that which is alive. Bioethics should therefore always keep in mind this direct relationship between life and the living body.

Our living body is not something dead. It is alive. And we are able to experience this living body when we go for a long walk and are exhausted, when we drink a glass of wine, experience joy and sorrow. It is the way in which we experience that we and our body belong together. It is in our own living body that we are able to experience our “being alive-ness”. Without our (living)

body, we would not be able to live at all. This living body of mine differs, for example, from a stone in its life context, in its ability to feel, in its movements and emotions. A stone can be moved and can be the object of a search. My body cannot be misplaced. My (living) body is always immediately present to me. According to Hans Jonas, it is thanks to our (living) body's immediate presence that we are able to name that which is granted to no disembodied entity: that the point of life itself is an individuality centred in the self, contained in the self, and in contrast to the rest of the world with a clearly marked boundary between interiority and exteriority.¹

Today, physical performance can easily be examined, controlled, and managed technically. This reality does not, however, enable us to get a grip on what is meant by corporeality (*Leiblichkeit* in German) and being alive. Experiences, which literally occur within the domain of our (living) body, remind us of our vulnerability, our conditionality and our limitations, but also of the gift we have of being free. Our bodily fluids, our excretions, our metabolism also remind us: a stone, a planet, a book and a computer do not have such faculties at their command. In contrast to the latter, already single cell organisms are sensitive to stimuli and maintain metabolic processes in relation to their environment. Therefore, all conscious, as well as unconscious, expressions of life may be interpreted as manifestations of freedom insofar as metabolism encompasses that which is not present in inanimate reality.

II. The danger of a short-sighted understanding of the human being in bioethical discussions

Lately, bioethical discussions have been characterised by an increasingly widespread understanding that cerebral structures and processes alone determine your and my complete existence, our “being alive-ness”, and our humanity. In other words, human beings are reducible to mind-brain beings. According to this view, the brain has the leading role: it alone simulates and constructs everything. The brain, thus, not only distinguishes itself as an illusionistic actor, but also directs and is responsible for all decisions and actions. Such an encephalocentric vision obscures the organismal unity of all living beings. The human being, thus, becomes *nothing but* a mind-brain-being. Such an approach ignores the fact that *nothing but* pronouncements have little to do with scientific adherence to precision.

The non-physical approaches of Cartesian dualism and of physicalism have contributed to the expansion of the said view of the person. Today's neurosciences provide the reference point which apparently promotes this view of the human person with missionary zeal. Such a view goes well with a fundamental physicalist, but also with a dualist conviction, in which the mind-brain-paradigm – as I would like to define it² – still reflects the blatant division between the material extreme of a contracted material reality (*brain*) and a bodiless spiritual reality (*mind*). This position is either affirmed or an attempt is made to make it become part of the physicalist understanding.

Both the brain and the mind belong to the (living) body-soul unity of the human person. Mental manifestations of life are our manifestations of life. They belong to your and to my organism. It is true that we need our brain in order to live the way we do. But life demands much more than healthy and fully operational brain parts. As Aristotle emphasises, and as António Damásio, Thomas Fuchs and Günter Rager, for example, point out in current discussions: the organ situated under our skull is a living organ that interacts with the environ-

ment. And it is the living body, the body filled with life, which takes care of our essential metabolism. It is the living body which gives us the possibility of coming together with other persons and of penetrating our environments. This reality is almost completely ignored if the brain is so extremely foregrounded and the (living) body so extremely marginalised. We ourselves and our life manifestations cannot be narrowed down to that which takes place in our brain. To see human persons reduced to mind-brain beings implies denial of their living physical bodies, and in turn, negation of their alive-ness.³

As absurd as it may sound, the mind-brain-paradigm has been gaining in popularity. Its adherents are extremely active and committed, e.g., when they proclaim that the cerebrum alone is responsible for our reasoning and our freedom. Such an approach has no empirical or philosophical basis. The mind-brain-paradigm seems to have gained in dominance because it is supported by rationality; only that which falls within the mind-brain-paradigm is scientifically acclaimed and may thus expect financial support. In order to be regarded as being up-to-date in the (neuro)sciences, many of our contemporaries regard themselves as lackeys of the encephalon, and no longer as persons able to express the mental through the (living) body.

The mind-brain-paradigm results in a gruesome imbalance: in the case of certain illnesses, only a small aspect of the human being is taken into consideration, and not the human person as a whole (including relatives).⁴ Thomas Fuchs points out that medical treatment which concentrates solely on the cerebrum (e.g., pharmacologically) neither can nor will have the desired healing effect.⁵ We may agree with Fuchs that human persons must be dealt with in their organismic entirety. It must be emphasised that medicine should be concerned with the whole living human person, and not merely with the electrical activity of the brain or liver function tests. Hastedt points out that the strict separation of mental and physical illnesses has in itself become a relic of a dualism that is no longer feasible.⁶ It is not a bodily machine or the cerebrum that has fallen ill or enjoys the best of health. You and I can become ill; and, in the course of this illness, our life and the life of those who are close to us can drastically be altered. It is against this background that Hastedt has

1
Hans Jonas, *Das Prinzip Leben*, Suhrkamp, Frankfurt/M. 1997, p. 149. [“Der Punkt des Lebens selber: dass es nämlich selbst-zentrierte Individualität ist, für sich seiend und in Gegenstellung gegen alle übrige Welt, mit einer wesentlichen Grenze zwischen Innen und Außen.”]

2
Cf. Marcus Knaup, *Leib und Seele oder mind and brain? Zu einem Paradigmenwechsel im Menschenbild der Moderne*, Alber, Freiburg – Munich 2012.

3
Cf. Thomas Fuchs, “Kosmos im Kopf? Neurowissenschaften und Menschenbild”, *Zeitschrift für medizinische Ethik*, Vol. 52 (2006), No. 1, p. 5; Thomas Fuchs, *Das Gehirn – ein Beziehungsorgan. Eine phänomenologisch-ökologische Konzeption*, Kohlhammer, Stuttgart 2008, pp. 16ff.

4
This becomes especially apparent in statements made by Gerhard Roth, who in the face of mental illness is concerned only with brain dysfunction and not the relationship of a person to either fellow human beings or to the environment: “Changing the psyche of the patient through eliminating malfunctioning of the subcortical limbic networks must, therefore, be the goal of all psychotherapy.” Gerhard Roth, “Wie das Gehirn die Seele macht” (lecture at 51. *Lindauer Psychotherapiewochen*, 2008), <http://www.lptw.de/archiv/vortrag/2001/roth.pdf>, p. 14.

5
Cf. Th. Fuchs, “Kosmos im Kopf? Neurowissenschaften und Menschenbild”, p. 5.

6
Heiner Hastedt, *Das Leib-Seele-Problem. Zwischen Naturwissenschaft des Geistes und kultureller Eindimensionalität*, Suhrkamp, Frankfurt/M. 21989, p. 314.

stressed that medical care that explains illness only with regard to pathogenic factors is unrealistic.⁷

I would now like to discuss two ethical consequences which result from the reduction of the human person from an organismic whole to a bodiless mind-brain being: when certain mind competencies or brain structures are not, not yet, or no longer identifiable, the legal protection and the right to life of such persons have been diminished.⁸

III. The beginning of human life

You and I were born with a (living) body. And it is in our corporeality that we will die one day. Every birthday reminds us that life is a *gift*, which is received from others. *Life, love, and living body* (*Leben, Liebe, Leib* in German) are not only linguistically related. That through the physical love between a man and a woman new life can come into being should really fill us with awe.

In modern Western society, the beginning of the human living being does not always originate under favourable circumstances. The question most often discussed concerns the point at which a human being actually becomes a human person. Is there a stage at which you or I were not human beings? In this context, some authors speak of “fully-fledged” personhood. It is quite clear that such personhood begins only when certain *mental capabilities* are available, when, for example, a child is competent to deliberate on herself and her future. But is this situation really so self-evident? We shall see fairly soon that, according to this view of life, embryos and infants have been eliminated as candidates for “fully-fledged” human beings and persons. The consequence of this is as follows: their life does *not* have to be preserved and protected under all circumstances. Abortion or sexual abuse of infants which results in death is not a big “problem”. The situation does, however, become problematic when it becomes clear to us that children in a neonatal unit or infant ward, or even embryos, have a living body and a human face like you and I do. The gaze of a toddler gives us an indication of the life of his spirit. The (living) physical body of embryos is completely ignored by such authors. They are of the opinion that they can set the benchmark of the mental manifestations of life that must be present for a human person to be characterised as truly being a “real” human person. Is it not the case that these authors also lived through a stage of life when certain talents and abilities of theirs were only potentially and not actually present in their being? And could it be that, when these authors lie down to sleep at night or – something nobody would wish on them – should they fall into a coma, they too, in accordance with their own criteria, are no longer “fully-fledged” human persons: for in these stages of their lives, certain manifestations of life are not being utilised?

Another group of authors seems to have recognised that this benchmark is not really useful. However, the search for better evidence continues. From this group, one is of the opinion that a watertight argument can be found in the *development of the brain*. The motto of these people is: “When certain brain structures have been formed, then we are dealing with a fully-fledged human being!” Some authors are of the opinion that, in this context, it is necessary to remind ourselves of the issue of brain death (this will be discussed below) and to adopt the following equation: “If certain important brain structures are missing, or if their activity has come to an end, we are no longer dealing with a human person!” Supporters of this ideology seem to be totally impervious to the fact that the embryo is self-evidently *alive* even before it has reached the stage of the forming of cerebral structures. Damásio rightly points out that

life and the life instinct which are within the perimeter which characterises an organism precede the appearance of nervous systems and brains.⁹ Like Damásio, we can say that we are here dealing with an organismic whole. Our brain is never quite “complete”, but develops throughout our lives. We are, after all, not static beings, but vibrant, dynamic human persons. And this is why the demarcations which have been discussed do not make sense.¹⁰ Günther Rager¹¹ argues that the process of synaptogenesis is a process of continuous development. And here, the emphasis is on the word “continuous”. There is no such thing as a sudden “leap” in the development of the human person. Yet, this is precisely what bioethicists, such as Bernhard Irrgang, suggest when they speak of a ‘pre-embryo’.¹² By using the prefix ‘pre-’, he wishes to suggest to his readers that there is a stage in which we are not yet dealing with a “real” human living being, and that at some point a “leap” is made to full personhood. Irrgang is apparently unconcerned with everything being allowed from an “ethical perspective” before this “somersault” takes place. Rager sees this somewhat differently. He refers to the *alive-ness of the embryo*. According to Rager, we are dealing with an organism in its *living entirety*. And it is exactly this which creates the possibility for cerebral structures – and much more – to develop.

This allusion to a *living entirety* is extremely important, particularly from a scientific perspective. It would be rational to claim that, after the coming together of the germ cells, we are dealing with a new human living being. What has come into existence here is not merely biological “wetware”. Rager emphasises that it is a *new* biological entity. It is *new* because maternal and paternal genetic makeups have been brought together here. Similarly, Vollmert states that molecular biological research has shown that the biological nature of a living being is determined by the nucleotide sequence of its DNA chain. He emphasises that a living being who possesses a DNA sequence specific to human beings is a human being regardless of the stage of its embryonic growth process it may be at – i.e., from the very first moment of its fertilisation, the first cell is already a human person.¹³

Noting the following is of paramount importance: Rager and Vollmert’s observations apply irrespective of the question whether the human person has originated from the sexual union of a man and a woman, IVF or cloning. When the nuclear cells unite, a remarkable development is brought about which did not exist prior to this point in time.

“Contrary to the description of the embryo as no more than a cluster of cells is the finding that already at the blastomere stage cells begin to specialise and share out their respective tasks.”¹⁴

7
Ibid., p. 311.

8
Cf. M. Knaup, *Leib und Seele oder mind and brain?*, pp. 453–480.

9
António Rosa Damásio, *Ich fühle, also bin ich. Die Entschlüsselung des Bewusstseins*, List, Berlin 2006, p. 170.

10
Cf. Th. Fuchs, *Das Gehirn – ein Beziehungsorgan*, p. 181.

11
Cf. Günter Rager, “Der Status des Embryos”, in: Günter Rager, *Die Person. Wege zu ihrem*

Verständnis, Herder, Freiburg – Vienna 2006, pp. 185–249.

12
Bernhard Irrgang, *Einführung in die Bioethik*, UTB, Munich 2005, p. 69.

13
Bruno Vollmert, *Das Molekül und das Leben. Vom makromolekularen Ursprung des Lebens und der Arten*, Rowohlt, Reinbek bei Hamburg 1985, p. 177.

14
Günter Rager, “Biologische Fakten und personales Denken”, in: François-Xavier Pottallaz, Bernard N. Schumacher (eds.), *Der*



Accordingly, it is somewhat surreal to consider that Bernhard Irrgang in his *Einführung in die Bioethik* poses the question of whether a zygote is “a human person in the anthropological sense”,¹⁵ and speculates that the human spirit, subjectivity and the like are only present in rudimentary form and only develop in the late stages of pregnancy, or perhaps even after birth.¹⁶ The beginning of the life of the (living) body does not coincide with the beginning of the body of the human person.¹⁷ Irrgang, thus, differentiates between the human body and the (living) body.¹⁸ Accordingly, physicality is taken to exist from the moment of fusion between an egg and a sperm to the moment when the body disintegrates in the grave, and (living) corporeality comes into being with the coming into being of subjectivity and ends at the moment of brain death.¹⁹ Irrgang points out that a (living) body (*Leib*) is present only when subjectivity has come into being. Initially, only a human body (*Körper*) develops.²⁰ Accordingly, the body and the living body are not only differentiated between, but are torn apart.

For Irrgang, the source of all corporeality is the development of the brain.²¹ Here ‘corporeality’ is “a dangerous wolf in sheep’s clothing of bioethics”, and legitimises the mind-brain picture of the human being. The brain is not understood as being embedded in the organism as a whole, but is understood as the very seat of corporeality.²² According to Irrgang, cerebral processes are the essence of personhood. Your and my cerebral processes are, of course, not excluded. According to Irrgang, the humanly-personal and bodily-constituted life develops after the 25th week of pregnancy.²³ Bodily reality is, thus, not seen as the essential basis within which the brain structures are even able to develop. The (*living*) body is, thus, dependent on the *brain*.²⁴ The formation of the brain is *sufficient* for important mental life manifestations – subjectivity, for example. One cannot attribute subjectivity to the unborn human living being since it is not yet the author of an action. Thus, Irrgang claims that subjectivity, understood in this way, is also the indicator whether a human living being is entitled to legal protection. Embryos as “pre-personal human physicality”²⁵ only have a right to a diluted measure of inviolability. In this, an apparent ethical benchmark has been discovered regarding research on embryos; and if one assents to this, one accepts their killing.

According to Irrgang, stem cell research needs embryos as “raw materials”. And the leitmotif is this: Irrgang knows that, if embryos were accorded dignity, “consuming embryo research” would be unacceptable.²⁶ Irrgang’s following statement is to be evaluated on the same basis: provisions permitting abortion within the first three months of pregnancy can be justified only when embryos and foetuses are not accorded any human dignity up to a certain point in time.²⁷ The “value” of embryos created for research purposes has to be appraised in a different way than the ones that have been fertilised in the womb.²⁸ This argument in which Irrgang separates *a life worth living* from *a life not worth living* is reminiscent of the rhetoric used by the National Socialists in Germany:

“... without a doubt, the life of some human persons is less valuable; saving it, thus, has lower priority.”²⁹

In the case of an embryo or an infant whose *mind and brain* have not yet fully developed, and where one cannot yet speak of personality in the full sense of the word, certain acts of omission are still possible.³⁰ According to Irrgang, when a certain “demand” exists (e.g., for research purposes), certain human persons can be killed, particularly when certain faculties with which we assist other mortals have not yet fully evolved. Irrgang claims that the almost

limitless right to reproductive self-determination includes the right to select embryos or fetuses, meaning that it also includes eugenic tendencies.³¹

That already unicellular organisms constitute a living whole escapes Irrgang's notice. And this whole is organised, structured or, as we may naturally also say – formed. It is the *form* which holds everything together.³² Irrgang's statements on the zygote are more than questionable from both a biological and a philosophical perspective. His presumption that the spirit/soul is only added during the course of time is not feasible and collapses fairly soon given that, already at this stage of life, a formal principle is identifiable. Günter Rager correctly points out that already in the zygote and the following blastomeric stages we see an exchange of molecules between the individual and the environment.

“The unity of zygotes and blastomeres is, however, guaranteed through the targeted control of metabolism which takes place in the protected space of *Zona pellucida*. Thus, on the one hand, we have materiality which allocates a certain space and designates boundaries to individuals, which anchors these individuals within space and time, and gives them their individuality. On the other hand, we have a form which guarantees not only the survival of zygotes, but also their unity and further development.”³³

The life of human persons can be described as a development. Development is typically human. From the beginning, our genetic makeup is fully available. Entelechy, *form*, is present from the beginning. They do not ensue at a later date. Just like you or I or a professor concerned with bioethical questions, a totipotent cell with a double set of chromosomes is likewise a member of the human family. It is, thus, absurd to link the legal protection of an embryo to the question of where an embryo is (in a research laboratory, or in the womb). It is obvious that the life contexts and faculties of an embryo are different

Mensch und die Person, Wissenschaftliche
Buchgesellschaft, Darmstadt 2008, p. 65.

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B. Irrgang, *Einführung in die Bioethik*, p. 20.

16

Ibid., p. 21.

17

Ibid., p. 38.

18

Ibid., pp. 41, 60.

19

Ibid., p. 45.

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Ibid., p. 46. [“Von einem Leib kann erst die Rede sein, wenn sich eine Subjektivität ausgebildet hat. Zunächst entwickelt sich ein menschlicher Körper.”]

21

Ibid., p. 45.

22

Ibid.

23

Ibid., p. 66.

24

Ibid., p. 45.

25

Ibid., p. 46 [“präpersonale menschliche Körperlichkeit”].

26

Ibid., p. 52.

27

Ibid., p. 151.

28

Ibid., p. 50.

29

Ibid., p. 47.

30

Ibid., p. 161.

31

Ibid., p. 151.

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This Aristotelian thought is taken up well by Fuat S. Oduncu, “Moralischer Status von Embryonen”, in: Marcus Düwell, Klaus Steigleder (eds.), *Bioethik. Eine Einführung*, Suhrkamp, Frankfurt/M. 2003, pp. 213–220, esp. pp. 215ff.

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G. Rager, *Die Person*, p. 159ff.

from yours and mine. This cannot be denied. It is, however, important to recognise that these contexts and faculties are already given in the foetus and later reach maturity. Rager points out that the living body with its boundaries and its possibilities of regulation is the guarantor of the identity and survival of the biological individual.³⁴ Without exception, each embryo is a (living) body-spirit unity, a living wholeness of form and matter. Fatal consequences accompany the reduction of the human person to the mind-brain-paradigm, i.e. to the existence or non-existence of brain structures and mind faculties. It is important to remember the new re-formulation of the Hippocratic Oath at the World Medical Association in 1948 in Geneva stating that the life of the human person should be maintained with deepest reverence from the moment of conception.³⁵

IV. The dying human person: brain death criteria and manifestations of life

Let me mention a second example. In response to the mind-brain-paradigm and the resultant glorification of the human brain, a *new definition* was given birth to in the 20th century, a definition of when a member of the *Homo sapiens* species is actually dead. What was new to this definition was that *brain death* would now be interpreted as the *death of the whole human living being*, while breathing and heart activity could continue to be maintained.

How did it come to this point? It is widely known that, during the last century, there were many medical changes and innovations. Part of this is that, since the end of the 1950s, with the help of respirators, medicine has been able to provide artificial respiration for long periods of time. This was great progress. However, a number of drawbacks soon became apparent: researchers, such as the Frenchmen Mollaret and Goulon, discovered in this context that there may be situations in which the breathing of a human person can be ensured, and the heart continues to beat in the chest cavity, but no cerebral manifestations of life are accessible. The technical medical term for such situations is ‘*coma dépassé*’. What is important in relation to the topic under discussion is that these human persons were definitely not regarded as being dead. They were patients. In der Schmitten emphasises that, after the prevalence of cardiopulmonary resuscitation and the introduction of external cardiac massage, the number of patients who lived in *coma dépassé* increased. Patients continued to live despite cardiovascular and respiratory arrest, and with irreversible brain damage.³⁶

A solution had to be found. In the late summer of 1968, several things changed. A committee of the *Harvard Medical School* in the USA revised the approach to *coma dépassé*. Patients who found themselves in this situation were no longer regarded as being comatose, they were now dead. Being alive was reduced to what was or was no longer possible in the cerebrum. Brain death, it was agreed, was when physicians could no longer identify any recognisable functions of the cerebrum (a flat electroencephalogram). This was not the only criterion. Spontaneous breathing and reflexes also had to be considered to be absent.³⁷ We should not ignore the revolutionary nature of this decision: personhood now ends when brain faculties are no longer diagnosable. Thus, the death of one part of our selves (*meros*), namely that of the brain, was to be the same as the death of the whole human organism.³⁸ From that point on, once this diagnosis has been made, vital life support measures need not be taken.

Hans Jonas was one of the first to voice concerns over this development: through this strategic course of action, a way had been opened to serve the interests of transplantation medicine.³⁹ I have already mentioned that, in the course of embryo research, Irrgang has spoken of “human raw materials”. Here, we have a similar situation: “harvesting” the largest number of the best possible (“fresh and alive”) organs. Jonas argues that the point for this move was to bring forward the time of declaration of death. This means that permission is given not only to turn off the heart-lung machine, but – alternatively – also vice versa: to continue to use this and other life support equipment so as to keep the body in a state which, according to earlier definitions, would have been regarded as ‘life’. Jonas points out that, according to the new definition, this status of the body is no more than a simulation of life. And he adds that the rationale for this is that the organs and tissues are now made available under ideal conditions, conditions which, at an earlier date, would have fulfilled the criteria for vivisection.⁴⁰ Even Peter Singer, who is widely known for having triggered controversial discussions about the legal protection of life, comments that the change in our understanding of death, which excluded brain dead persons from the moral community, was one of the first in a number of dramatic changes in our understanding of life and death.⁴¹

Authors with such different approaches as Hans Jonas and Peter Singer nevertheless agree that the new definition of death resulted from an *agreement*. A consensus was reached that from now on patients will be declared brain dead. As it has already been mentioned, this opens completely new opportunities for organ transplantation medicine. An organ, such as the heart, for example, cannot be transplanted if one waits until all manifestations of life have come to an end.

Descartes advised that human beings should rise to become the Lord and Master of life and death. By bringing forward the time of declaration of death, this is even more successful. Physicians prepare a checklist and decide when a patient is no longer a patient, but a corpse. The image of the person made in the image of the machine comes to mind: old and defective parts of the “human person machine” are scrapped and, if possible, replaced by others which are still fully functional.

“To declare a person dead whose warm blood still pulses through his veins remains a prerogative reserved for our progressive age.”⁴²

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Günter Rager, “Neuronale Korrelate von Bewusstsein und Selbst”, in: Günter Rager, Josef Quitterer, Edmund Runggaldier (eds.), *Unser Selbst. Identität im Wandel der neuronalen Prozesse*, Schöningh, Paderborn – Munich – Vienna – Zurich ²2003, p. 37.

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Taken from: Peter Singer, *Leben und Tod: der Zusammenbruch der traditionellen Ethik*, Fischer, Erlangen 1998, p. 94.

36

Johannes Hoff, Jürgen in der Schmitt, “Kritik der ‘Hirntod’-Konzeption. Plädoyer für ein menschenwürdiges Todeskriterium”, in: Johannes Hoff, Jürgen in der Schmitt (eds.), *Wann ist der Mensch tot? Organverpflanzung und “Hirntod”-Kriterium*, Rowohlt, Reinbek bei Hamburg 1994, p. 155.

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Cf. Hans Jonas, *Technik, Medizin und Ethik. Zur Praxis des Prinzips Verantwortung*, Suhrkamp, Frankfurt/M. 1987, p. 220.

38

Ibid., p. 220.

39

Ibid., pp. 220, 224.

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Ibid., p. 221.

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P. Singer, *Leben und Tod: der Zusammenbruch der traditionellen Ethik*, p. 28.

42

J. Hoff, J. in der Schmitt, “Kritik der ‘Hirntod’-Konzeption”, p. 154.

Many disciples of the brain death criterion rarely mention that there is no uniform globally accepted definition of what is meant by “brain death”. Literature suggests that we can speak of three hundred different definitions.⁴³ This is not a small number indeed. It should not be lightly dismissed that you or one of your loved ones may be declared dead in some hospitals around the world, while in some others physicians may well be convinced that they have in their care a patient and not a corpse to whom medical care and a pension are due. No human person may be declared dead, not even when the chances of life of very ill persons need to be optimised.

In this context, I would like to draw attention to another aspect: according to statistics, one in one thousand infants born in Germany is born with anencephaly. The diencephalon (interbrain), the cerebellum and the mesencephalon of these infants (numerically, there are more girls than boys) are severely impaired or atrophied. In addition, their meninges, the cerebrum and the bony skull have not developed properly. Physicians point out that the brainstem of such infants can apparently only fulfil its service in the total organism in a very limited manner.⁴⁴ Some authors speak emphatically of a “primitive form of life”.⁴⁵ For them, this means that under no circumstances can such infants be regarded as “meaningful human life” in the true sense of the word.⁴⁶ This is clear. Peter Singer, nonetheless, adheres to the principle that anencephalic children and children with a defunct cortex can move their limbs, can sneeze, cry and apparently also smile.⁴⁷ Thus, Singer argues that these children are not dead. Yet, the presence of a conscious mental manifestation of life is denied to them, something he believes is constitutive of human personhood, and so he suggests that, instead of changing the definition of death in such a way that would make anencephalic children and those with a defunct cortex be legally declared dead,

“... it is better to allow the legal harvesting of organs from living children who have beyond doubt been diagnosed either with anencephaly or with the destruction of the cortex.”⁴⁸

The honesty and consequences inherent in Singer’s above thoughts are truly frightening. Instead of adapting definitions to suit the situation, he suggests that organ removal from living children should be allowed, since the mental abilities and neuronal structures are not completely developed in the full sense of the word. In his opinion, the easiest means of attaining the desired goal is to be allowed to remove these children’s organs.⁴⁹ He puts the brain on the throne of the “seat of consciousness”.⁵⁰ Similarly, in Jeff McMahan’s statements on anencephalic infants, the characteristic reduction of the human person to mind and brain all too obviously reflects the mind-brain-paradigm. He writes that you and I are primarily mind beings, and that a new-born infant born with anencephaly is fundamentally different.

“It is no more than an organism – a permanently vacant human organism.”⁵¹

Anencephalic infants are “only” organisms! One can only marvel at such profound insights. The fact that these organisms are alive is being ignored. That these organisms are seen as being “permanently vacant” is an indication of the skewed assessment that all manifestations of life in organisms flow from the brain, that the essence of a human person is found in the *mind and brain*. In discussing Rager’s work, I have pointed out that the (living) body-soul unity first evolves in the course of the embryonic development of brain structures. While it is actually true that a heart, lungs and a brain are present right from the beginning, something alive is nevertheless already present, from which all the rest will evolve. It is scientifically not tenable to say that alive-ness begins

only when cerebral functions are present. The US neurologist Shewmon comments:

“Integration does not necessarily require an integrator, as plants and embryos clearly demonstrate. [...] The integrative functions of the brain, important as they are for health and mental activity, are not strictly necessary for, much less constitute, the life of the organism as a whole. [...] the body without brain function is surely very sick and disabled, but not dead.”⁵²

The majority of authors who hold the brain death concept comprehensible locate mental manifestations of life in the cerebrum, i.e., they claim that brain processes and mental manifestations of life are identical. Other authors claim that, because that which is essential in defining personhood is missing, brain dead persons are no longer spirit filled. What lies behind these statements is reckless non-physicality. In the context of this discussion, Detlef B. Linke has called attention to the fact that, in the event of brain death, at least ninety-seven per cent of the organism is still alive.⁵³ Thus, it is already mathematically ridiculous to declare such an organism dead. Such an organism has not yet collapsed and still exhibits a number of life manifestations. In the event of brain death, many organismic functions remain present – often not only for a few hours, but for several weeks. In contrast to corpses, in such (living) bodies, there is no sign of livor mortis, coldness or stiffness. It is important to note what continues to be present: for example, metabolism which is part and parcel of the alive-ness of organisms. Those who have been declared dead still digest food and produce excretions. The heart of those who are brain dead is still beating and their injuries can still heal. Their body temperature can rise again. The skin of those who are brain dead can develop a holiday-like tan in the sun. All these phenomena have not yet been observed after death.

Brain dead men can still have an erection so that, under certain conditions, they are still in a position to father children. In the era of Viagra, it seems strange that physicians who themselves might be suffering from potency re-

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Cf. Manfred Balkenohl: “Der Hirntod – Zur Problematik einer neuen Todesdefinition”, in: *Theologisches. Katholische Monatsschrift*, Vol. 37 (2007), No. 1–2, p. 54. Similarly, there is no uniform brain death definition in Europe either. A tabular overview can be found in: Hans-Peter Schlake, Klaus Roosen, *Der Hirntod als der Tod des Menschen*, Neu-Isenburg DSO, Würzburg 2001, p. 61.

44

Cf. Fritz K. Beller, Kerstin Czaia, *Hirnleben und Hirntod – erklärt am Beispiel des anencephalen Feten (Medizinische Materialien*, Vol. 17), Zentrum für medizinische Ethik, Bochum 1988; H.-P. Schlake, K. Roosen, *Der Hirntod als der Tod des Menschen*, pp. 73–75.

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H.-P. Schlake, K. Roosen, *Der Hirntod als der Tod des Menschen*, p. 74.

46

Ibid.

47

P. Singer, *Leben und Tod: der Zusammenbruch der traditionellen Ethik*, p. 44.

48

Ibid., p. 57.

49

Ibid., p. 52.

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Ibid., p. 44.

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Jeff McMahan, *The Ethics of Killing. Problems at the Margins of Life*, Oxford University Press, Oxford 2002, p. 451. Taken from: Bernd N. Schumacher, “Zur Definition des menschlichen Todes”, in: F.-X. Putallaz, B. N. Schumacher (eds.), *Der Mensch und die Person*, pp. 54ff.

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D. Alan Shewmon, “The Brain and Somatic Integration: Insights into the Standard Biological Rationale for Equating ‘Brain Death’ with Death”, *Journal of Medicine and Philosophy*, Vol. 26 (2001), No. 5, p. 473.

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Cf. Detlef B. Linke, *Hirnverpflanzung. Die erste Unsterblichkeit auf Erden*, Rowohlt, Reinbek bei Hamburg 1993, p. 120.

lated issues should declare their patients who may well have fewer difficulties in begetting children than the physicians themselves – dead. And, in contrast to quite a few women who cannot carry a child to full term, being able to bear a child is not impossible for brain dead women. In order to be able to save the child of such a woman, doctors involved in the treatment of such cases speak of a “brain dead-*living*-womb”.⁵⁴ Defenders of the brain death concept also have to take a position.⁵⁵ Schlake and Roosen advise against the “metaphysical glorification of simple vital processes”.⁵⁶ According to them, this is merely “a manifestation of residual life forms which are being realised on the level of primitive vegetative residual functions”.⁵⁷ In both these instances, the notion of vital (life) processes and life forms are mentioned. And it is precisely these terms that indicate that we are dealing with living beings, and not with those who are dead. The various manifestations of the life of those who are “brain dead” cannot be explained without a dynamic auto-organisation and integration of the entire living organism.⁵⁸ They are also different from the mere existence of a stone or a planet.

“In the hylomorphic view, ‘mind’ (or ‘psyche’) and ‘soul’ are not synonymous; but the soul is *both* the principle of the immaterial aspects of the mind *and* the substantial form of the body, making it precisely an organism as a whole. So long as the organism is present, the soul is necessarily present.”⁵⁹

In this context, several neurobiologists emphasise that all organs contribute to the maintenance of an organism. There is no hierarchy of organs worth mentioning. According to this understanding, the cerebrum is not the indispensable authority in the upkeep of our life contexts.⁶⁰ In the event of kidney failure, nobody speaks of kidney death or of the death of a beloved fellow human being. Why is the brain then assigned this special role? An organism is dead only when the entire organism has collapsed.

“Advocates of the brain death criterion continue to maintain that the remaining functions of brain dead organisms are no more than the activity of the subsystems of a lost whole. Yet, the often complex organisation of these functions can only be maintained through the interaction of the remaining subsystems at the level of the whole organism. Such cooperation does not need a central intermediary instance.”⁶¹

Proponents of the brain death criterion start from the basic premise that

“... personality of the human person, the individual unmistakable whole of a human existence, is bound to consciousness, and therewith substantially and alone to the brain.”⁶²

How are we to then understand the unconscious functions which are, after all, a large part of the manifestation of life? Do these not belong also to us as living beings? In the light of these numerous manifestations of life, is it right to claim that conscious functions constitute the whole of the human person? Is it a scientific fact that we can be equated with our conscious mental manifestations of life?

In our day-to-day encounters with one another, it is not our brain that is central, but our (living) body. Our (living) body grants us the opportunity to meet one another. This could be the starting point for this important bioethical question. I experience even irreversibly comatose human persons in their living corporeality. When I put the hand of such a person in mine, it definitely feels very different from the hand of a corpse in a coffin. As long as even some vital functions continue to exist, we are still in the presence of a (living) body. And this (living) body deserves our respect.

The criteria we apply in answering the question of when a human person may be declared dead must not be opportunistic. We can only say the following:

a human person is dead when all life functions of this organism have been suspended, when this organism no longer possesses entelechy, no longer has a soul. The exact point when this occurs cannot be determined, not even with the support and help of computers and imaging methods. This lack of clarity, Jonas tells us, is the final state of not knowing the exact borderline between life and death. And he underlines that this lack of knowledge demands that priority be given to the assumption that life still exists.

“It should enable us to resist the temptation to follow pragmatic recommendations concerning the definition of death.”⁶³

V. Conclusion

My main concern has been to draw attention to a prevalent point of view according to which the brain is considered to be that which determines our entire personhood and aliveness. Moreover, the brain is sometimes even expected to bring forth our very selves and the world in which we live. The biggest problem with this approach is that the living unity disappears from sight, and the argument given to counter the latter is that it is sufficient to explore and analyse neuronal processes well, so as to understand the mental manifestations of life, to understand you and me. In here discussing this issue, we have looked more closely at the beginnings of our personhood and the definition of brain death.

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Hans Jonas, “Brief an Hans-Bernhard Wuermeling”, in: J. Hoff, J. in der Schmitten (eds.), *Wann ist der Mensch tot?*, p. 25.

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According to the German Medical Council, any such pregnancy is to be understood as an autonomous placenta function.

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H.-P. Schlake, K. Roosen, *Der Hirntod als der Tod des Menschen*, p. 85.

57

Ibid.

58

Josef Seifert, *Das Leib-Seele-Problem und die gegenwärtige philosophische Diskussion. Eine systematisch-kritische Analyse*, Wissenschaftliche Buchgesellschaft, Darmstadt 2¹⁹⁸⁹, p. 242.

59

D. Alan Shewmon, “Constructing the Death Elephant: A Synthetic Paradigm Shift for the Definition, Criteria, and Tests for Death”, *Journal of Medicine and Philosophy*, Vol. 35 (2010), No. 3, p. 268.

60

Cf. Gerhard Roth, Ursula Dicke, “Das Hirntodproblem aus der Sicht der Hirnforschung”, in: J. Hoff, J. in der Schmitten (eds.), *Wann ist der Mensch tot?*, pp. 51–59; Gerhard Roth, *Aus Sicht des Gehirns*, Suhrkamp, Frankfurt/ M. 2003, pp. 192ff.

61

J. Hoff, J. in der Schmitten, “Kritik der ‘Hirntod’-Konzeption”, p. 185.

62

H.-P. Schlake, K. Roosen, *Der Hirntod als der Tod des Menschen*, p. 77.

63

H. Jonas, “Brief an Hans-Bernhard Wuermeling”, pp. 24ff. Jonas suggests the following as the benchmark: *brain death plus heart death plus death of every other indication* (H. Jonas, *Technik, Medizin und Ethik*, p. 222, cf. p. 233). “One can speak of the death of an organism as a whole only when *all* vital functions on every level of the organism as a whole have really come to an end” (J. Hoff, J. in der Schmitten, “Kritik der ‘Hirntod’-Konzeption”, p. 222).

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Marcus Knaup

Pojam života u modernoj medicinskoj etici i bioetici

Sažetak

Ljudske osobe karakterizira tjelesna struktura, što znači da one nisu samo nakupine neurona ili duhovi. Već sâm prefiks 'bio' u 'bioetici' ukazuje na nešto što je živo. Stoga bioetika mora uvijek imati u vidu tu vezu između života i živoga tijela. U ovom se radu raspravlja o dvije etičke konzekvence koje proizlaze iz reduciranja ljudske osobe kao organizmičke cjeline na tjelesno umno-moždano biće: kada se ne može, još ne može ili više ne može ustanoviti određene umne kompetencije ili moždane strukture, umanjeni su pravna zaštita i pravo na život takvih osoba.

Ključne riječi

bioetika, Hans Jonas, moždana smrt, živi organizmi, osobnost, status embrija, tjelesnost (*Leiblichkeit*)

Marcus Knaup

Lebensbegriff in der modernen medizinischen Ethik und Bioethik

Zusammenfassung

Personen sind leiblich strukturierte Wesen – und kein Neuronenhaufen oder Gespenster. Das Prefix ‚Bio‘ in ‚Bioethik‘ verweist uns auf das Lebendige, weshalb Bioethik den Konnex von Leben und Leib im Blick haben sollte. Der vorliegende Beitrag beleuchtet zwei ethische Konsequenzen, wenn die organismische Ganzheit zu einem leiblosen mind-brain-Schrumpfwesen degradiert wird: Sind bestimmte mind-Befähigungen oder brain-Strukturen nicht, noch nicht oder nicht mehr ausfindig zu machen, wird der Schutzstatus und das Lebensrecht dieser Menschen aufgeweicht.

Schlüsselwörter

Bioethik, Hans Jonas, Hirntod, lebendige Organismen, Personalität, Embryostatus, Leiblichkeit

Marcus Knaup

Le concept de vie dans l'éthique médicale et la bioéthique moderne

Résumé

La structure physique caractérise les personnes humaines, ce qui signifie qu'elles ne sont pas seulement un amas de neurones et d'esprits. Déjà simplement le préfixe « bio », dans « bioéthique » témoigne de quelque chose de vivant. Pour cela, la bioéthique doit toujours garder en vue ce lien entre la vie et le corps vivant. Ce travail traite de deux conséquences éthiques qui proviennent d'une réduction de la personne humaine d'un tout organique à un être corporel cérébrale: lorsqu'il n'est pas possible, qu'il n'est pas encore possible ou qu'il n'est plus possible d'établir la présence de compétences intellectuelles ou de structures cérébrales déterminées, la protection juridique et le droit à la vie se trouvent amoindris.

Mots-clés

bioéthique, Hans Jonas, mort cérébrale, organismes vivants, personnalité, statut de l'embryon, corporalité (*Leiblichkeit*)

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From the Notion of Life to an Ethics of Life

Abstract

When discussing the concept of life, there is neither a single concept of life, nor absolute consensus about a conceptual barycentre, so that consideration of the notion of life is a precondition for establishing and developing an ethics of life, i.e. bioethics. This paper tries to sketch the path(s) leading from the notion(s) of life to an ethics of life by recalling some remarkable (proto)bioethical conceptions: Hans Jonas's integrative philosophy of life (philosophical biology and ethics of responsibility), Fritz Jahr's bio-ethics, Albert Schweitzer's ethics of reverence for life, and Arne Naess's deep ecology (ecosophy).

Key words

life, bioethics, Hans Jonas, Fritz Jahr, Albert Schweitzer, Arne Naess

1. The meaning of 'life'

When discussing the concept of life, there is neither a single concept of life, nor absolute consensus about a conceptual barycentre. Despite the apparent implicitness of 'life' and the current inflation in using the word 'life', its Greek version 'bios', and their derivatives – from biology, biomedicine and biotechnology, through bioethics and biopolitics, to biofood and biofuel – the question still remains: *What is 'life'?*

A certain "fogginess" of 'life' in everyday use of the term can probably be tolerated, but if we research such a complex phenomenon scientifically (*life sciences*, e.g., biology), particularly in the age of radical and extreme manipulations of life on both a small and a large scale, and if we deal with the normative aspects of this phenomenon (*ethics of life*, i.e., bioethics), aiming to offer competent and plausible answers to the question of how to relate to life in general and living beings in particular – the notion of life becomes a key issue, just as Hans Werner Ingensiep states in his article "What Is Life?":

"... the notion of life is 'unclear'. But, generally speaking, we can live with that. It is only within bioethics that we are dealing with a particular problem situation (...). Although we are dealing with different issues of life, we need a notion of life as a bridge between the different fields of discussion, as well as its integration and communication power, especially if there is to be a continuous and constructive dialogue about 'life' between scientists from the natural sciences and those from the humanities."¹

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Hans Werner Ingensiep, "Was ist Leben? – Grundfragen der Biophilosophie", in: *Jahrbuch Ökologie 2002*, C. H. Beck, Munich 2002, p. 93.

Accordingly, bioethicists have a special mission regarding life and the very notion of life, while, from amongst bioethicists of different backgrounds, the mission of philosophers is most important, because the vocation of philosophers is to find and purify both fundamental and operational notions, both of which are of both theoretical and practical importance.

First of all, bioethicists should keep in mind that there is a terminological difference between ‘bios’ and ‘zoe’, both of which express what we usually refer to as ‘life’. Especially contemporary biopolitical theorists, such as Giorgio Agamben, insist on this distinction. In his book *Homo sacer*, Agamben states:

“The Greeks had no single term to express what we mean by the word ‘life’. They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoē*, which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group. When Plato mentions three kinds of life in the *Philebus*, and when Aristotle distinguishes the contemplative life of the philosopher (*bios theōrētikos*) from the life of pleasure (*bios apolaustikos*) and the political life (*bios politikos*) in the *Nichomachean Ethics*, neither philosopher would ever have used the term *zoē* (...). This follows from the simple fact that what was at issue for both thinkers was not at all simple natural life but rather a qualified life, a particular way of life.”²

Following Agamben, the word ‘zoe’ implies life which is common to all living beings (“natural life”), while ‘bios’ implies specifically the human form and way of living, including, so to speak, both the “basis” and “superstructure” of human life (“social and political life” on the basis of human “natural life”). In this sense, “bio-ethics” would be only an “ethics of human life”. The short yet turbulent history of bioethics has been as follows: bioethics has been perceived mostly as dealing with the new ethical issues concerning human life, body, and health (e.g., biomedical research, clinical practice, healthcare, environmental conditions, etc.), although the first and crucial conceptions of bioethics suggested something different. The conceptual confusion was caused by terminological negligence, which resulted in an “ethics of bios” instead of an “ethics of zoe”. Had the “founding fathers of bioethics” (such as Europe’s Fritz Jahr in the 1920s and America’s Van Rensselaer Potter in the 1970s) and their followers used the more appropriate term – ‘zoe’ – history would have been different and we would today be discussing “zooethical” issues and developing a “zooethical” approach, without there being a need to criticise the reduction of bioethics to “biomedical ethics”, nor would there be “anthropocentric aberrations” of bioethics. However, as far as the very term ‘bioethics’ is concerned, it can no longer be changed, and the respective history of ideas, concepts and theories should be respected.

Anyway, the terms ‘bios’ and ‘bio-ethics’, including all possible derivations, actually connote ‘zoe’ and “zoo-ethics” in the sense given above. What has been and continues to be the question of bioethics is the *human zoe*, which has become, like never before, an object of technoscientific, economic and political manipulations, in the same way as the *zoe* of non-human beings and *zoe* as such. Accordingly, we should use the terms ‘bios’ and ‘bio-ethics’ to imply both Agambenian “simple natural life” and “qualified life”, especially because the central question of bioethics could be: “how is life itself or natural life politicised?”³ in the broader sense of ‘politicisation’ as manipulation of “bare life”⁴ by the contemporary systems of (political, economic, and technoscientific) power. If there is anything to properly describe the “bioethical situation”, i.e., the context of the emergence and development of bioethics as opposed to classical ethics (and the worldviews, cultures, societies, and

politics it has co-created), then it is Agamben's description of the main characteristics of modern democracy as opposed to classical democracy: it is the "vindication and liberation of *zoē*, and (...) it is constantly trying to transform its own bare life into a way of life and to find, so to speak, *bios* of *zoē*".⁵

2. The 'ethics of life'

The biopolitical "transformation of *zoe* into *bios*" is probably the most serious and dangerous trend of modernity,⁶ which means that bioethical investigation of this trend should be thorough and cautious so as to avoid any reductionism in terms of concept and content, including both the "de-ethicisation" and "over-ethicisation" of the issues of life.

We believe that the pluriperspective approach of *integrative bioethics*⁷ can safeguard us against the perils of reductionism. Some authors who could be considered to be the precursors of the idea of integrative bioethics can also help in our attempt to comprehend the phenomenon of life in its entirety and to emphasise its ethical aspects, because they have shown how the different approaches to the phenomenon of life (such as natural-scientific, philosophical, and theological) can be transformed into a strong *ethical* attitude towards life with more or less clear social-political implications.

2.1. Hans Jonas's integrative philosophy of life⁸

Hans Jonas's contribution to bioethical discussions and the very foundation of bioethics is usually pointed out by looking at his *ethics of responsibility*,

2

Giorgio Agamben, *Homo sacer. Sovereign Power and Bare Life*, Stanford University Press, Stanford 1998, p. 9.

3

Catherine Mills, "Giorgio Agamben", in: *Internet Encyclopedia of Philosophy: A Peer-Reviewed Academic Resource*, 2005, <http://www.iep.utm.edu/agamben/>.

4

Mills notices that the Agambenian notorious figure of "bare life is not natural life *per se* – though it is often confused with it in critical readings of Agamben, partly as a consequence of Agamben's own inconsistency – but rather, it is the politicized form of natural life. Being neither *bios* nor *zoe*, then, bare life emerges from within this distinction and can be defined as 'life exposed to death', especially in the form of sovereign violence" (ibid.). See also: Catherine Mills, *The Philosophy of Giorgio Agamben*, Acumen, Stocksfield 2008, pp. 64, 69–71.

5

G. Agamben, *Homo sacer*, p. 13.

6

In Agamben's words, "the entry of *zoē* into the sphere of the *polis* – the politicisation of *bare life* as such – constitutes the decisive event of modernity and signals a radical transforma-

tion of the political-philosophical categories of classical thought" (G. Agamben, *Homo sacer*, p. 10), while Michel Foucault precisely states: "For millennia man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question" (Michel Foucault, *The History of Sexuality. Volume 1: An Introduction*, Pantheon Books, New York 1978, p. 143).

7

For the idea of integrative bioethics see, for example, the following books: Ante Čović – Thomas Sören Hoffmann (eds.), *Integrative Bioethik / Integrative Bioethics*, Academia Verlag, Sankt Augustin 2007; Ante Čović (ed.), *Integrative Bioethik und Pluriperspektivismus / Integrative Bioethics and Pluri-perspectivism*, Academia Verlag, Sankt Augustin 2011; Amir Muzur – Hans-Martin Sass (eds.), *Fritz Jahr and the Foundations of Global Bioethics. The Future of Integrative Bioethics*, LIT Verlag, Münster et al. 2012.

8

More extensive reflections on Hans Jonas's contributions to the "ethics of life" can be found in my paper "Hans Jonas' Integrative Philosophy of Life as a Foothold for Integrative Bioethics", in: A. Muzur – H.-M. Sass (eds.), *Fritz Jahr and the Foundations of*



developed in the late stage of his life.⁹ Nevertheless, Jonas's contribution to bioethics should be explored in other stages of his work as well, especially in his attempt to establish "philosophical biology" as an *integrative philosophy of life*, in whose centre an ethically connoted philosophy of nature stands, based both on the results of the contemporary natural sciences and theological speculations.¹⁰

Jonas's intention was to establish a *philosophical biology* by abolishing the "artificial split between the spheres of the external and the internal, body and mind, nature and the human".¹¹ Such dualisms seem to be unsustainable, first and foremost, in the case of *organism*, because an organism "is a whole not only in the sense of functioning (...), but also in the sense of a body-mind unity", which means that "the inner aspect or the subjectivity of organism is as inevitable for biological understanding as the objectivity of organism".¹² He developed his anti-dualistic enterprise in order "to break through the anthropocentric confines of idealist and existentialist philosophy as well as through materialist confines of natural science".¹³ Therefore, a new philosophy of life should embrace in its subject-field both a "philosophy of organism" (which starts with the thesis that "the organic even in its lowest forms prefigures mind") and a "philosophy of mind" (which starts with the thesis that "mind even on its highest reaches remains part of the organic").¹⁴ Jonas thinks that everything we find in humans has its "rudimentary traces in even the most primitive forms of life",¹⁵ including *freedom* which, according to Jonas, exists already on the basic level of organic existence, i.e., in primal metabolism.¹⁶ Jonas corroborates comprehensive elaborations of these theses not only by scientific (e.g., Darwinian evolutionary) and philosophical (e.g., Aristotelian teleological) theories, but also by "metaphysical assumptions", when scientific and philosophical evidence "loses its breath".

The ethical implications of Jonas's philosophy of life are clearly indicated. His *philosophical biology* is a prelude of sorts to his *ethics of responsibility*, because it is the affirmation of the inherent self-purpose and value of being, life and all living beings, which makes them the objects of our moral duties. Life itself delivers purposes and values, which should only be recognised and respected in terms of *responsibility* by humans, because the human is "the executor of a trust which only he can see, but did not create".¹⁷

However, "no previous ethics", says Jonas, "has prepared us for such a role of stewardship".¹⁸ Which is why we need a new ethics as an "ethics of (entire) life", which should be aware of the traditional ethical categories, principles, and norms, but will attempt to step over the anthropocentric boundaries of traditional ethics.

2.2. Fritz Jahr's bio-ethics

A far-reaching "ethicisation of the question of life" can also be found in texts by Fritz Jahr, who was, as far as we know, the first author who coined the term 'bio-ethics' and attempted to develop an original bioethical concept. He did so primarily in two articles from 1926 and 1927, but this term and this idea also appear in some of his later articles.¹⁹ The key text in this sense is his article "Bio-ethics: Reviewing the Ethical Relations of Humans towards Animals and Plants".²⁰

Starting from the fact that most part of history, as well as of science, philosophy and religion, was marked by anthropocentrism – Jahr thinks that a chance to change this state of affairs appeared when new insights in the natu-

ral sciences appeared (from Charles Darwin onwards), showing us that the gulf between humans and other living beings is not so huge as it had usually been presented. He mentions Wilhelm Wundt and his research in the field of experimental physiology (the nervous system of plants, animals and humans), which was a link of sorts between physiology and psychology, then Gustav Fechner and his research of the “psychic life of plants” and, later on, his conception of “psycho-physics”, as well as Rudolf Eisler and his “bio-psychology”, which takes psychic facts as biological factors seriously. All these authors raised to the same level of psychological research humans, animals and plants. Jahr regards this research and its results with much hope. Focusing on animals, he says:

“The strict distinction between animal and human being, dominant in our European culture up to the end of 18th century, cannot be supported anymore.”²¹

He states that there is only one step from “bio-psychology” to “bio-ethics” or, in other words: regarding the findings of biology and psychology of the time, we should take up responsibility not only for fellow human beings, but also for other living beings, because, basically – we are all the same.

Jahr says that this “bio-ethics” should not be seen as something absolutely original, but rather as a kind of widening the traditional ethical framework. Also, it is not a discovery of modernity, i.e., his times. As a devoted Christian, he, of course, mentions Saint Francis of Assisi, but also philosophers whom he regards as his fellow biocentrists, such as Rousseau, Herder, Schleiermacher, Schopenhauer, Eduard von Hartmann and others. Schopenhauer’s name should be highlighted, because he is closely associated with the so-called “European discovery of Indian thought”, which is very important to Jahr because of the concept of compassion with everything living and not only with humans.

Global Bioethics, pp. 139–148, as well as in my book, published in Croatian, *Etika odgovornosti Hansa Jonasa (Hans Jonas’s Ethics of Responsibility)*, Pergamena, Zagreb 2010.

9

See Hans Jonas, *The Imperative of Responsibility. In Search of an Ethics for the Technological Age*, University of Chicago Press, Chicago 1984.

10

See Hans Jonas, *The Phenomenon of Life. Toward a Philosophical Biology*, Northwestern University Press, Evanston 2001.

11

Hans Jonas, *Erkenntnis und Verantwortung. Gespräch mit Ingo Hermann in der Reihe “Zeugen des Jahrhunderts”*, Lamuv Verlag, Göttingen 1991, p. 105.

12

Ibid., pp. 105–106.

13

H. Jonas, *The Phenomenon of Life*, p. xxiii.

14

See *ibid.*, p. 1.

15

Ibid., p. xxiii.

16

Jonas says that metabolism itself is the “first form of freedom”, which means that the principle of freedom can be found already in the “dark stirrings of primeval organic substance” (*ibid.*, p. 3).

17

Ibid., p. 283.

18

H. Jonas, *The Imperative of Responsibility*, p. 8.

19

See A. Muzur – H.-M. Sass (eds.), *Fritz Jahr and the Foundations of Global Bioethics*, as well as the book, published in Croatian, Iva Rinčić – Amir Muzur, *Fritz Jahr i rađanje europske bioetike (Fritz Jahr and the Emergence of European Bioethics)*, Pergamena, Zagreb 2012.

20

Fritz Jahr, “Bio-ethics: Reviewing the Ethical Relations of Humans towards Animals and Plants”, in: A. Muzur – H.-M. Sass (eds.), *Fritz Jahr and the Foundations of Global Bioethics*, pp. 1–4.

21

Ibid., p. 1.

As such, bio-ethics should – because of the (logical) connection between ethics, politics and law – be included in civil and legal systems, and civil and legal cultures. From Jahr's perspective, the main difference between the Indian and European (or Western) approach boils down to this. He says:

“Thus, we start from a totally different point of view than the Indian fanatics, who do not want to hurt any living entity. Also, our regulations by law and police protecting certain plants and flowers in specific areas (...) are based on totally different assumptions. The police state intends to protect those plants from being extinct in those areas, also for people to enjoy them in later times. (...) Also, our concept of animal protection rests on an essentially different foundation than the attitude of the Indians. (...) Our animal protection, thus, has a utilitarian aspect, which is bravely overlooked by the Indians, while we are content with at least avoiding unnecessary suffering.”²²

However, Fritz Jahr's basic ethical assumption can be found in a passage from his text on bio-ethics, where he comments that

“... the requests to respect each and every living being and not to destroy it without reason. Because, they all, plants and animals, also humans, have similar rights, but not Equal Right, depending on the requirements for reaching their specific destiny.”²³

Jahr present his “categorical imperative” as the “bio-ethical imperative”, which is a re-formulation of Kant's categorical imperative, namely Kant's “humanity formula”:

“Respect every living being in principle as an end in itself and treat it, if possible, as such!”²⁴

or, in another version:

“Respect every living being, including animals, as an end in itself and treat it, if possible, as such!”²⁵

Regarding plants Jahr says:

“Thus, in regard to animals such a rule has become evident, at least as far as needless torture is concerned. With plants it is different, so. For some, at the first moment it might sound unreasonable to have certain ethical obligations towards plants. But already (Apostle) Paul directed our compassion towards animals and plants.”²⁶

Anyway, Jahr tries to reconstruct, although through “shortcuts”, Kantian ethics – first of all, by using Schopenhauer's notion of compassion which was associated with Indian thought, but also on the basis of Christianity, finding some bioethical traits not only in the fragments of Francis of Assisi, but also in the Old and New Testaments. His theological background becomes even more obvious in his “Three Studies on the Fifth Commandment”, a text in which he re-thinks and re-interprets the Biblical Fifth Commandment “Thou shalt not kill”. He says:

“... the term killing always means killing something which is alive. Living entities, however, are not only humans, but animals and plants as well. Because the 5th commandment does not expressively prohibit the killings of humans exclusively, should it not be applied towards animals and plants analogously?”²⁷

Jahr says that nobody can consistently follow a bioethically re-interpreted Fifth Commandment; it is a type of utopia. Nevertheless, it should always be upon us as an imperative, guiding our reflections on humans and other living beings, our general relationship towards them, as well as our everyday behaviour towards them.

2.3. *Albert Schweitzer's ethics of reverence for life*

The third author in the chain of an “ethics of life”, which we are trying to outline, is Albert Schweitzer, whose “ethics of reverence for life” shares certain essential features with other authors who we here consider to be “proto-bioethicists”.

Schweitzer's very entrance in the domain of an “ethics of life” was specific and unusual. Although a man of diverse and rich education and activity (in philosophy, theology, medicine and music), his bioethical concept appeared to him almost “by accident” and as a “surprise”. Namely, during World War I, Schweitzer was in Africa, where he set up a hospital helping people who were very poor and without any medical care. One day, during a trip along the Ogooué River, an interesting and for Schweitzer himself a very important thing happened:

“Late on the third day, at the very moment when, at sunset, we were making our way through a herd of hippopotamuses, there flashed upon my mind, unforeseen and unsought, the phrase ‘reverence for life’. The iron door had yielded. The path in the thicket had become visible. Now I had found my way to the principle in which affirmation of the world and ethics are joined together! I was at the root of the problem. I knew that the ethical acceptance of the world and of life, together with the ideals of civilization contained in this concept, has its foundation in thought.”²⁸

The crucial thought of his ethics, which he later developed, is:

“I am life, which wills to live, in the midst of life, which wills to live.”²⁹

An explanation of it could be the following quote:

“Ethics consists, therefore, in my experiencing the compulsion to show to all will to live the same reverence as I do to my own. There we have, given us, that basic principle of the moral, which is a necessity of thought. It is good to maintain and to encourage life; it is bad to destroy life or to obstruct it.”³⁰

What it actually means within the complex network of life and on the level of everyday practice is – if we understand Schweitzer correctly – a secondary question. The primary question is: What ideas guide our thinking, action and living in general? Just like in Jahr's imperative, under Schweitzer's imperatives there is always a seemingly pragmatic “if possible” clause, which is always illuminated by the regulative idea of a “reverence for life”; at the very least, “to destroy life or to obstruct it” keeping in mind that it is basically evil causes

²²
Ibid., p. 3.

²³
Ibid., p. 2.

²⁴
Ibid., p. 4.

²⁵
Fritz Jahr, “Animal Protection and Ethics”, in: A. Muzur – H.-M. Sass (eds.), *Fritz Jahr and the Foundations of Global Bioethics*, p. 12.

²⁶
F. Jahr, “Bio-ethics”, p. 3.

²⁷
Fritz Jahr, “Three Studies on the Fifth Commandment”, in: A. Muzur – H.-M. Sass (eds.),

Fritz Jahr and the Foundations of Global Bioethics, p. 33.

²⁸
Albert Schweitzer, *Out of My Life and Thought. An Autobiography*, Johns Hopkins University Press, Baltimore – London 1998, p. 155.

²⁹
Albert Schweitzer, “Reverence for Life”, in: *Albert Schweitzer's Ethical Vision. A Sourcebook*, ed. by Predrag Cicovacki, Oxford University Press, New York 2009, p. 137.

³⁰
Ibid., pp. 137–138.

much less evil than thoughtless exploitation, torture, and killing. Anyhow, we should be aware of the fact that we, as humans, live not only in the human world, but also in the natural world, in the world of living nature, which has its own dignity, or at least value, which should be recognised and respected.

The background of Schweitzer's ethics is his concept of "world-affirming culture",³¹ which is supported by his optimistic view of human nature:

"Once more we dare to appeal to the whole man, to his capacity to think and feel, exhorting him to know himself and to be true to himself. We reaffirm our trust in the profound qualities of his nature. And our living experiences are proving us right."³²

Founding a "new ethics" (bioethics as a biocentric ethics) on the basis of an "old ethics" (traditional ethics as an anthropocentric ethics), as the latter's reinterpretation and extension, is in Schweitzer a very similar attempt to both Hans Jonas and Fritz Jahr:

"To the old ethics, which lacked this depth and force of conviction, has been added the ethics of reverence for life, and its validity is steadily gaining in recognition. It is convinced that compassion, in which ethics takes root, does not assume its true proportions until it embraces not only man but every living being."³³

2.4. Arne Naess's *ecosophy*

Arne Naess's concept of "deep ecology" or "ecosophy" can also be considered to be one of the concepts that could be used in founding an integrative ethics of life, both because of his broader (or broadest) notion of life, i.e., his eco-centric position, and his multidisciplinary and pluriperspectival approach. His founding a non-anthropocentric "macro-ethics" in/for the technoscientific age reminds of Jonas; his respecting Spinoza's philosophy, Buddhism, and Gandhi's theory and practice of non-violence reminds of Schweitzer; while his "ecosophical imperative" – "You shall never use any living being only as a means"³⁴ – reminds of Jahr's "bioethical imperative".

The basic principle of Naess's philosophy of life could be defined as follows – *equal rights for all living beings and every living being in principle*.³⁵ This principle is based on further two principles: *self-realisation*³⁶ and *biospheric egalitarianism* (or *biocentric equality*).³⁷

The principle of *self-realisation* implies the equal possibility of self-realisation for anybody who has this kind of ability. As George Sessions and Bill Devall precisely point out:

"In keeping with the spiritual traditions of many of the world's religions, the deep ecology norm of self-realization goes beyond modern Western Self which is defined as an isolated ego striving primarily for hedonistic gratification or for a narrow sense of individual salvation in this life or the next."³⁸

It is a kind of *universal Self* (or *ecological Self*), which is far more comprehensive than the notion of self in classical anthropocentric individualism and simple biocentric individualism, given that individuals (humans and non-humans) are seen as part of a bigger whole. We should respect this "big picture" and act accordingly, ascribing a certain moral status to everyone and everything which is part of this whole.

The second principle – *biospheric egalitarianism* (or *biocentric equality*) – implies the following:

"The intuition of biocentric equality is that all things in the biosphere have an equal right to live and blossom and to reach their own individual forms of unfolding and self-realization within the larger Self-realization. This basic intuition is that all organisms and entities in the ecosphere,

as parts of the interrelated whole, are equal in intrinsic worth. (...) The practical implications of this intuition or norm suggest that we should live with minimum rather than maximum impact on other species on the Earth in general.”³⁹

Arne Naess and George Sessions’s eight-point “platform of the deep ecology Movement” can be used as a summary of the entire Naessian and deep-ecological effort in the field of theoretically founding and practically promoting an essentially different and epochal ethical view, which should be based on a new ontology and extended to a new form of societal and political life, as a set of norms of sorts, aiming to be acceptable to a broad spectrum of different worldviews:

- “1. The well-being and flourishing of human and nonhuman Life on Earth have value in themselves (synonyms: intrinsic value, inherent value). These values are independent of the usefulness of the nonhuman world for human purposes.
2. Richness and diversity of life forms contribute to the realizations of these values and are also values in themselves.
3. Humans have no right to reduce this richness and diversity except to satisfy vital human needs.
4. The flourishing of human life and cultures is compatible with a substantial decrease of human population. The flourishing of nonhuman life requires such a decrease.
5. Present human interference with the nonhuman world is excessive, and the situation is rapidly worsening.
6. Policies must therefore be changed. These policies affect basic economic, technological, and ideological structures. The resulting state of affairs will be deeply different from the present.
7. The ideological change is mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to an increasingly higher standard of living. There will be a profound awareness of the difference between big and great.
8. Those who subscribe to the foregoing points have an obligation to directly or indirectly try to implement the necessary changes.”⁴⁰

3. The ‘meaning’ of life?

By laying out a brief overview of Jonas, Jahr, Schweitzer and Naess’s views, we have already exposed implicitly an answer to the question of what life actually is, and what its ‘meaning’ or ‘purpose’ is which should be recognised, valued and eventually respected. Nevertheless, there remains the question of

31 See, for example, Albert Schweitzer, “Western and Indian Thought”, in: *Albert Schweitzer’s Ethical Vision*, pp. 33–43.

32 Albert Schweitzer, “The Problem of Peace in the World Today”, in: *Albert Schweitzer’s Ethical Vision*, p. 224.

33 Ibid.

34 Arne Naess, *Ecology, Community, and Lifestyle*, Cambridge University Press, Cambridge 2001, p. 174.

35 “Each living being is understood as a goal in itself, in principle on an equal footing with one’s own ego” (ibid.).

36 See *ibid.*, pp. 84–85.

37 See *ibid.*, pp. 174–175.

38 Bill Devall – George Sessions, *Deep Ecology. Living as if Nature Mattered*, Peregrine Smith, Salt Lake City 1985, pp. 66–67.

39 *Ibid.*, 67–68.

40 *Ibid.*, p. 70. See also Naess and Sessions’s comments on pp. 70–73.

the philosophical-ethical concepts which have traditionally been connected with ethical respect, values and recognition: the concepts of *autonomy* and *dignity*.

If the concept of ‘autonomy’ means ‘self-legislation’ and if, additionally, it is necessarily connected with rationality, there cannot be ‘autonomy’ outside of the human world, because what we call ‘rationality’ is an exclusively human trait and, additionally, “the law of life”, which regulates the life of non-human beings, is given to non-human beings only by nature and not by their own activities, efforts, creativity, etc. However, Jonas (with ‘freedom’) and Naess (with ‘self-realisation’) make us rethink the concept of autonomy as necessarily human/rational self-legislation. The question is: Could the concept of autonomy be derived from *life itself* (e.g., along the line of the intrinsic “normativity of life”⁴¹) and not from a *certain feature, form, or way of life*?

Furthermore, if the concept of ‘dignity’ is necessarily connected with the concept of ‘autonomy’ as an exclusively human kind of autonomy (which is, more or less, a traditional view, e.g., in Kantian ethics), ‘dignity of life’ implies only ‘dignity of human life’. Could, according to the abovementioned relativisation of the anthropocentric-rational concept of autonomy, the concept of dignity be thought of and applied differently – from the very fact of life?

Let us imagine a different ethical geometry and place on the left side of the scheme the traditional concept of human dignity, which includes the traditional concepts of freedom and autonomy, as well as the ability and the right to self-determination, and which implies certain rights and duties. (As has already been suggested, this type of “excellence” of human beings is based on their rationality, rather than on their mere genetic belonging to the human race.) In contrast to traditional views, which rest upon the presented scheme, let us place on the right side of the scheme something that we could call “dignity of the living” (or the “dignity of life”), because we can empirically, phenomenologically and speculatively find that non-human beings also have a certain ability to realise themselves and their potentials in different ways. This kind of ability is inherent to any form of life, and it could lead us to the conclusion that any form of life has a certain purpose, which implies a certain value which should be respected by humans as specific and “excellent” thinking and moral agents. If this is so, we have a certain responsibility not only to fellow human beings, but also to other living entities; we ought to care for them in general and when their existence directly collides with our (human) actions in particular. Such a two-sided scheme allows us not only to include non-human beings in the horizon of human ethical duties, but also to resolve the issues which are usually suppressed in (bio)ethical theory and practice when faced with the problem of treating human beings deprived of “rationality”, regardless of whether by birth or during the course of life, regardless of whether persistently or temporarily.

These two sides of the proposed scheme are not mutually exclusive. They should be seen as two sources of dignity rather than as two types of dignity which would need two separate ethical conceptions. Human dignity is, fundamentally, based on the fact of life, not on the fact of reason. (It could even be said that rationalistic arguments in favour of *human dignity* – instead of the *dignity of life* – is only a kind of rationalisation of irrational anthropocentric biases.) Nevertheless, these two types of ‘dignity’ demand a new ethical conception, which is different from traditional ethical conceptions – an *asymmetric ethics*, which would also be a *biocentric ethics*.

It should primarily be different in respect of the duties–rights balance. The quantity and the quality of rights should not depend on the quantity and the quality of duties one can take up. In this regard, an asymmetric ethics should make more explicit the difference between the subject and the object of ethical duties, although it would have to emphasise exactly the basic equality between all ethically relevant entities (Naessian ‘biocentric equality’). Of course, there is no other way of recognising non-human beings but from the perspective of *anthropos*. According to it, anthropomorphism is *epistemically* inevitable.⁴² However, it does not imply the claim that anthropocentrism is inevitable and necessary in an *ethical* sense. Even though we can state, with certainty, that only a “rational nature”, a “person” or “human” can be an ethical *subject*, we should not conclude that non-rational, non-personal, non-human entities cannot be perceived as *ethical objects*. The fact that we cannot ascertain that some animal or plant or any other living being possesses some characteristic which we usually consider to be ethically relevant (by analogy with human beings) does not mean that we should dismiss it as an ethically irrelevant entity; quite the contrary, we should treat all living beings as ethically relevant – in general, in principle – be it by analogy with human beings or by teleological research of life and its different manifestations. If the fact of life is highly valued (or even “sacred”) in the case of human beings, then it should have at least some kind of value in the case of non-human entities which are also living beings. Therefore, we could simultaneously claim that morals and ethics are eminent human enterprises, and that morals and ethics should include non-human beings as objects of our morally relevant reflections and actions. Nevertheless, we should be aware of great problems that are inherent to any kind of a biocentric position, such as the inevitable conflicts of interests, but, as Schweitzer says,

“True reverence for morality is shown by readiness to face the difficulties contained in it.”⁴³

Finally, the “asymmetry” of an asymmetric ethics also relates to the traditional “symmetry” of ethics and rationality. New ethical issues articulated by bioethics urge us to rethink the role of “non-rational elements” of moral and ethical reflection, primarily in respect of the motivation to action. The rationality of a moral and ethical agent is, of course, the *conditio sine qua non* not only of ethics as a theory, but also of moral reflection. However, rationality is not the only source of our moral-ethical reflection and action. Taking this line of thought, many authors emphasise the issue of compassion and feelings, and affectivity and sensibility in general. Jonas dedicated an important part of his *Imperative of Responsibility* to this issue,⁴⁴ as well as Naess in *Ecology, Com-*

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See Thomas Sören Hoffmann’s paper in this issue of *Synthesis philosophica*.

42

See Jonas’s criticism of the modern “ban of anthropomorphism” in: H. Jonas, *The Phenomenon of Life*, especially pp. 33–37.

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Albert Schweitzer, *Indian Thought and Its Development*, Peter Smith, Gloucester 1977, p. 84. – In this sense, very instructive is Naess’s text “Self-realization in Mixed Communities of Humans, Bears, Sheep, and Wolves”, *The Trumpeter*, Vol. 22 (2006), No. 1, pp. 89–99.

44

See, for example, the chapter “The ‘Second Duty’: Summoning Up a Feeling Appropriate to What Has Been Visualized”, where Jonas call upon “a new kind of *éducation sentimentale*”, which is “the second, preliminary duty of the ethic we are seeking, subsequent to the first duty to bring about that mere thought itself” (H. Jonas, *The Imperative of Responsibility*, p. 28).

munity, and Lifestyle.⁴⁵ Jahr was trying to develop his bio-ethics by recalling, amongst others, Schopenhauer's concept of compassion as a basis of ethics.⁴⁶ Similarly to Jahr, Schweitzer thinks that "ethics is complete only when it exacts compassion toward every living thing"⁴⁷ and that:

"The principle of not-killing and not-harming must not aim at being independent, but must be the servant of, and subordinate itself to, compassion. It must therefore enter into practical discussion with reality."⁴⁸

According to all the authors referred to, unifying rationality and sensibility is, one way or another, related to unifying the theoretical and practical dimensions of (bio)ethics, which is particularly visible in the concepts of *responsibility* and *care*. Leonardo Boff uses the term 'essential care' to address this issue and the corresponding request:

"To care is more than a mere *act*; it is rather an *attitude*. Therefore, it encompasses more than a *moment* of awareness, of zeal and of devotion. It represents an *attitude* of activity, of concern, of responsibility and of an affective involvement with the other. An attitude is like a fountain; it serves as the source for acts which express the attitude in the background."⁴⁹

The question of which element precedes which is less important; more important is the question of whether we admit their roles in ethical thought and action, and how they are balanced. It is exactly bioethical issues and approaches that show us that the classical sharp distinction between rationality and sensibility, just like the classical opposition between theory and practice, cannot be justified anymore. Neither should be denied or overemphasised; the real question is: How should we dimension them so as to think, act and live as comprehensively as possible?⁵⁰

4. The 'exhibition' of life

By recalling Jonas, Jahr, Schweitzer and Naess, we can at least conclude that the path from a *notion of life* (theoretical reflection on life) to an *ethics of life* (practical reflection on life and action in regard to it) is a direct path which could lead us further towards a "bioethical highway" which must be built.

In his poem "In paths untrodden", Walt Whitman, a great American poet and thinker, says:

"In paths untrodden,
In the growths by margins of pond-waters,
Escaped from the life that exhibits itself,
From all the standards hitherto publish'd, from the pleasures,
 profits, conformities,
Which too long I was offering to feed my soul,
Clear to me now standards not yet publish'd, clear to me
 that my soul,
That the soul of the man I speak for rejoices in comrades,
Here by myself away from the clank of the world, (...)
Strong upon me the life that does not exhibit itself,
 yet contains all the rest (...)."⁵¹

A differently set approach to life – which can also be found in Jonas, Jahr, Schweitzer and Naess – could start with a Whitmanian "phenomenological reduction" of life to "life that does not exhibit itself" through the matrices fixed by traditional anthropocentric ethics and modern forms of science, economy and politics. Such a new and fresh notion of life, which exhibits itself primarily by itself, "containing all the rest", could be taken as a starting

point of a bio-logical, bio-philosophical, bio-philic and bio-ethical approach to the phenomenon of life. In Hans Jonas's words:

"The meaning of existence, of matter itself, performs itself by itself, because we come from it and we are part of it. Primarily, then, to attain being and to intuit it; then to fathom it and to love it; finally, to reflect it and to testify it: this is the whole of wisdom – 'everything else is commentary'. Undoubtedly, this is not an ability shared by all people; only a few are able to do it fully. This is an ideal – an anthropological imperative. However, the first part can be fulfilled by virtually anybody, because it belongs to the generic equipment of *Homo sapiens*. The second part could be fulfilled by more people only if they were to try to do it (...). The third part is only for a chosen few, the witnesses of humankind, who indulge themselves even in the most difficult of things."⁵²

Such a notion of life could also reveal us in a new and fresh light, what is actually at stake today, what and whose life should be embraced both by human rationality and sensibility, as well as by human responsibility and care, both of which depend on the rational and the sensible. In other words, such a notion of life could point us to life which should be protected from the encroachment of the technoscientific-economic-political manipulative power by an *ethics of life*, regardless of whether it is called *zoo-ethics* or *bio-ethics*.

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See, for example, the chapter "Emotion, Value, and Reality" bringing the following passage: "In a discussion of value thinking, it is essential to clarify the relationship between spontaneous feelings, their expression through our vibrant voices, and statements of value or announcement of norms *motivated* by strong feelings but having a clear cognitive function. (...) In these statements, feelings are closely tied to intention. (...) In short, value statements are normally made with positive or negative feeling, and it would be nonsensical to ask for neutrality. (...) It is thus unwarranted to require that feeling be eliminated in an impartial discussion. If the debate is to proceed in depth, these feelings should be clarified, and made explicit as the need arises. Specific personal, idiosyncratic components must be sorted out if the debate is concerned with more or less general norms." (A. Naess, *Ecology, Community, and Lifestyle*, pp. 64–65.)

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Talking about compassion as "the central motive of the idea of animal protection", Jahr says that "compassion with animals shows up as an empirically given phenomenon of the human soul" (Fritz Jahr, "Animal Protection and Ethics", in: A. Muzur – H.-M. Sass, *Fritz Jahr and the Foundations of Global Bioethics*, p. 9).

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Albert Schweitzer, "The Problem of Ethics in the Evolution of Human Thought", in: *Albert Schweitzer's Ethical Vision*, p. 173.

48

A. Schweitzer, *Indian Thought and Its Development*, p. 84.

49

Leonardo Boff, *Essential Care. An Ethics of Human Nature*, Baylor University Press, Waco 2008, p. 14.

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Schweitzer dimensions these two aspects of ethics as follows: "Compassion is too narrow to rank as the total essence of the ethical. (...) But ethics includes also feeling as one's own, all the circumstances and all the aspirations of the will to live, its pleasure, too, and its longing to live itself out to the full, as well as its urge to self-perfecting." (A. Schweitzer, "Reverence for Life", p. 139.)

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Walt Whitman, "In Paths Untrodden", in: *The Works of Walt Whitman*, Wordsworth Editions, Ware 1995, p. 106.

52

Hans Jonas, *Erinnerungen*, Insel, Frankfurt/M – Leipzig 2003, p. 370.

Hrvoje Jurić

Od pojma života do etike života

Sažetak

Nema jednog i jedinstvenog pojma života, a nema ni apsolutnog konsenzusa oko konceptualnog težišta u raspravama o pojmu života, tako da je razmatranje pojma života preduvjet utemeljenja i razvijanja etike života, tj. bioetike. U ovom radu nastojimo ocrtati put koji vodi od pojma života do etike života, uzimajući u obzir nekoliko upečatljivih (proto)bioetičkih koncepcija: integrativnu filozofiju života (filozofijsku biologiju i etiku odgovornosti) Hansa Jonasa, bio-etiku Fritza Jahra, etiku strahopoštovanja prema životu Alberta Schweitzera te dubinsku ekologiju (ekozofiju) Arnea Naessa.

Ključne riječi

život, bioetika, Hans Jonas, Fritz Jahr, Albert Schweitzer, Arne Naess

Hrvoje Jurić

Vom Lebensbegriff bis zu einer Ethik des Lebens

Zusammenfassung

Es gibt keinen einen und einzigartigen Lebensbegriff, und es gibt keinen absoluten Konsens über den konzeptuellen Schwerpunkt in den Abhandlungen über den Lebensbegriff, sodass die Betrachtung des Lebensbegriffs eine Vorbedingung zur Grundlegung und Entwicklung einer Ethik des Lebens bzw. Bioethik ist. In dieser Arbeit streben wir an, den Weg vom Lebensbegriff bis zu einer Lebensethik auszumalen, indem wir etliche einprägsame (proto)bioethische Konzeptionen berücksichtigen: integrative Philosophie des Lebens (philosophische Biologie und Verantwortungsethik) Hans Jonas', Bio-Ethik Fritz Jahrs, Ethik der Ehrfurcht vor dem Leben Albert Schweitzers sowie Tiefenökologie (Ökosophie) Arne Naess'.

Schlüsselwörter

Leben, Bioethik, Hans Jonas, Fritz Jahr, Albert Schweitzer, Arne Naess

Hrvoje Jurić

Du concept de vie à l'éthique de vie

Résumé

Il n'y a pas un seul et unique concept de vie, et il n'y a pas non plus de consensus absolu autour du noyau conceptuel dans les débats sur le concept de vie, de telle manière que l'examen de ce concept est une précondition pour fonder et développer une éthique de vie, à savoir une bioéthique. Nous nous appliquons dans ce travail à tracer le chemin qui mène du concept de vie au concept éthique de vie, en prenant en considération quelques conceptions sensibles de (proto)bioéthique: la philosophie intégrative de la vie (la biologie philosophique et l'éthique de responsabilité) de Hans Jonas, la bioéthique de Fritz Jahr, l'éthique du respect de la vie d'Albert Schweitzer et l'écologie profonde (l'écosophie) d'Arne Naess.

Mots-clés

vie, bioéthique, Hans Jonas, Fritz Jahr, Albert Schweitzer, Arne Naess

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Is There an Intrinsic Worth in Animal Life?

Abstract

The article argues that moral autonomy and dignity as intrinsic values are borne only by members of mankind, and not by nonhuman animals. Although humans and animals inevitably cohabit nature, they cannot be considered to be united together within a moral community. However, animal life and formidable biological diversity are definitely worthy of existence on our planet, even if one day mankind vanishes from Earth. While animals are clearly not agents, they may well be recipients of moral obligations to be met by human agency. Treating animals in a decent way is a moral duty to ourselves. Following Kant, this duty is justifiable on the grounds that the animal world exhibits a certain analogy to mankind. Cautious concern for the natural world strengthens then our worth as rational beings.

Key words

humans, animals, autonomy, dignity, intrinsic worth, Immanuel Kant

1. Animals are not persons

Since time immemorial, nature has been traversed by multiple processes of evolution. The human species, too, has evolved impressively within it along the centuries. What can be termed as the value of nature is something appraised and ascribed to nature by *human* perception and conscience.

As humans, we can stipulate imperatives endowed with universal validity, laying down the way in which we ought to act vis-à-vis animal life. Based on this, we are able to augur principles of ecological ethics. But ecological ethics is still just as anthropocentric¹ as morals are more generally.

Animals manifest wants rightly arising from their physical constitution so as to suit the prevailing external circumstances of their lives. Properly speaking, animals cannot be held to have moral rights, such as, for example, the right to free action. Since nature is far from being a moral personality, it cannot bear “interests” or address claims of any kind. Accordingly, hypostatizing Nature (and the living organisms within it) into a mysterious “subject” of its own is a sheer mistake. *Flora and fauna are natural phenomena, not parts of some intelligible world.*

A moral agent is only a being capable of self-consciousness, of making distinctions between what is righteous or wrongful, and of acting accordingly.

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See Onora O’Neill, “Necessary Anthropocentrism and Contingent Speciesism”, Symposium on “Kant on Duties Regarding

Non-Rational Nature”, *Proceedings of the Aristotelian Society*, Vol. LXXIII (1998b), pp. 211–228.

This feature manifestly transcends the mere animality of human existence.² The idea that the bare fact of Life entails inner worth witnesses a (metaphysical) vitalistic ontology.

In fact, current “biocentric” or “ecocentric” conceptions of nature tend to canonise animals as quasi-moral agents.³ This strange elevation is, nonetheless, followed by a detrimental effect. Humans and animals alike are finally regarded to matter equally, just because they happen to be living. In view of this crudely naturalistic insight, the case of moral conscience is rather dwindling.

For Kant,⁴ if human beings possessed only mere understanding without reason, deprived of free will or morality, they would barely differ from animals. Men and women are singularly different from animals, even the most intelligent amongst them, whose instinct can sometimes operate more efficiently than man’s ingenuity in reacting to threats from their environment. Nevertheless, the intellect of humans is an *active* capacity. Their representations and notions are creations of their own meaning-giving activity, *in multiform communication with others*; so, they become capable of intervening in their own settings, natural and social.

Moral subjects are beings who can draw and live up to moral imperatives derived from the autonomy of their conscience. While animals are clearly not such subjects (*agents*), they may well be the *beneficiaries* of moral obligations to be met by members of the human community.

Martha Nussbaum thinks of nonhuman animals as “capable of dignified existence”.⁵ The author alleges that, although nonhuman animals are denuded of anything analogous to practical reason, all the same they are creatures with “a capacity to frame goals and projects and to plan [their] life”.⁶ We may say, in retort, that even if this allegation were more or less empirically ascertainable, this could not support the idea that animals might bear a degree of *practical* rationality apart from a rudimentary sort of *instrumental* intellect. But, if this precondition is missing, how could nonhuman animals be entitled to dignified existence, let alone entitled to some ensemble of rights?

I believe that, concerning this controversial issue, some obfuscation enters on the side of those who proclaim themselves opponents of the lamented “speciesism” of the human race in respect of animals. The status of moral agency simply means that mankind is a most *differing* species (*aliud*) in comparison to the rest of the animal world; not an animal species which is *superior* within a putative hierarchical order amongst living beings in nature. Thus, the accusation of quasi-racism, with which Peter Singer charges those who underline the disparity between humans and animals, is rather ill-founded.⁷

Bearers of dignity cannot be but equal. Otherwise, each of the bearers separately would be held to individuate a differential, namely a *relative and unequal*, moral worth in comparison with others; only within such a relativistic scheme could one speak of balancing different “interests” (or rights), so that one amongst these should perhaps yield to or even get sacrificed for the sake of a rival interest.

But, if we take the moral significance of inalienable worth seriously, then *no comparative assessment of worth is morally acceptable between singular bearers of dignity and rights*. The *intelligible* moral dignity of each person as an equal member of humanity is one thing, and it is quite another thing to make evaluative considerations on the basis of *actual* individual abilities and socially recognisable achievements of each one separately. To put it somewhat bluntly, Isaac Newton’s moral dignity was not “higher” than that of a simple-minded, illiterate shepherd.

In addition, *if dignity were only relative and conditional, then it would be simply subjective*. It could be a foundation of hypothetical imperatives concerning actions, thus entirely inappropriate to operate as an objective end given to us by reason.⁸

2. Moral autonomy, dignity and the right of humanity

Whilst our initial assumption refuses to assign the generic attribute of moral subject to animals – and with it the recognition of animal rights – the argument advanced, nevertheless, requires moral constraints on *human* action in regard to nature and especially animal life.

There is a *sui generis* moral terrain concerning *our* attitude towards animals. On the one hand, this attitude is of course regulated by the demarcation between “ought to act” in a specific way or “ought not to act”. But, on the other hand, there must be a certain space where neither some clear prohibition is valid nor full discretion of men and women over doing or omitting anything without limits is in force.

The latter space of morality is by no means uncharted. Within its boundaries, our behaviour is conditioned by reflective moral judgement, so that our action might be appraised as at least morally *tolerable*, in any case *not immoral*.⁹ For example, we may well be saying that, under specific circumstances, we are allowed to transport certain loads by horse, donkey or elephant, provided that the whole burden is not harmful for them.

Moral action is possible in the first place because humans have the ability to act *differently* than simply to comply with external laws or commandments. In fact, human agency is able to detach itself from external necessity or internal (psychological, emotional) causality, and get orientated by laws of freedom. The idea of the autonomously operating *good will* serves as an a priori condition of whatever might be considered to be morally significant.

It is to be noted that morality is not just the capacity of the consciousness of men and women to set out moral imperatives. What is more, morality means that human agency should operate as *autonomously* law-giving. Human agents are capable of intentionally observing moral principles out of a pure sense of

2 See Immanuel Kant, *Anthropologie in pragmatischer Hinsicht*, Felix Meiner Verlag, Hamburg 2000, §1, p. 9 (Ak. VII, 127).

3 See, for instance, Tom Regan, *The Case for Animal Rights*, 2nd edition, University of California Press, Berkeley 2004, chapter 7.

4 Immanuel Kant, “Der Streit der Fakultäten”, in: Immanuel Kant, *Schriften zur Anthropologie, Geschichtsphilosophie, Politik und Pädagogik*, Vol. 1, Suhrkamp Verlag, Frankfurt/M 1977, pp. 341–342 (A 117–118).

5 Martha Nussbaum, *Frontiers of Justice. Disability, Nationality, Species Membership*, Belknap Press of Harvard University Press, Cambridge (MA) – London 2007, chapter 6, pp. 325f.

6 Ibid., p. 398.

7 See Peter Singer, *Animal Liberation. A New Ethics for Our Treatment of Animals*, New York Review – Random House, New York 1975, especially chapter 1.

8 Immanuel Kant, *The Moral Law. Groundwork of the Metaphysics of Morals*, ed. by H. J. Paton, Routledge, London – New York 2005, p. 28 (66).

9 See Kant’s distinction between morally *obligatory* actions and simply *permissible* actions; Immanuel Kant, *The Metaphysics of Morals*, ed. by Mary Gregor, Cambridge University Press, Cambridge 1996, p. 15 (Ak. VI, 222).

duty. Moral agents adopt “yardsticks” or guidelines for actions embodying, in a rational guise, the same scope of action for every other person. Moral laws are categorical and universal in respect of cases that fall within their normative span.

In being conscious of their moral autonomy, human beings shape a moral sense of dignity and self-appreciation. This is the deeper ground justifying why a rational human being expects others to treat her as an end in herself, and not merely as an instrument for alien ends. For all this, a rational person sees herself bound to treat any other person likewise, orientated by the same categorical imperative.

Following Kant’s framework, this consideration explicates why amongst all the other residents of the animal world only members of mankind earn such venerability, which singles them out from all other species and things in nature.¹⁰ In contrast to animals, we are in principle responsible for the good and the bad that we do, since our actions are *imputable*.

So, the dignity of a human being has value in itself; human beings are then ends in themselves. What constitutes the *intrinsic and absolute worth of a human being* is that, in fulfilling duties, he or she is not only subject to moral law, but is also and simultaneously held to be the very *author* of moral law “and is subordinated to it only on this ground”.¹¹

Albeit closely connected, dignity and humanity are not synonyms. While every single person is a bearer of *dignity* deserving equal respect in relation to others, the concept of humanity relates to the human species as a whole. *Humanity* refers ideally to the best powers, capabilities and achievements of mankind, which are liable to be furthered in a progressive perspective through history. More specifically, the *right of humanity* designates that we think of ourselves as co-legislators of rights according to the universal laws of freedom.

Apart from being moral agents, men and women are also *subjects of law* as regards the external enjoyment of their freedom within a certain legal order. From the scope of right within a polity, dignity is grounded in a combined way on three principal duties of right and on a single innate right:

- a) The Kantian general division of duties of right includes three principal duties.¹² These are valid even in the absence of statutory law. The interplay of these duties associates the field of legality with that of morality:
 - i) The first of these duties requires that one acts as an honourable person in relation to others. It commands an obligation which flows from the right of humanity in our own person: “Do not make yourself a mere means for others but be at the same time an end for them”.¹³
 - ii) The second formula enjoins: “do not wrong anyone”.
 - iii) The third duty requires: “Enter a condition in which what belongs to each can be secured to him against everyone else”.

A person who keeps to these duties possesses rightful honour. *Honestas juridica* consists in asserting *one’s worth as a human being* in relation to others under the laws of an external legislation. The first fundament of one’s human dignity as a subject of law lies here.

- b) At the same time, every member of mankind has an innate right: that of inalienable equal freedom. Every person is a priori entitled to this right by virtue of his/her humanity, even before he or she performs any act affecting rights at all.¹⁴ This involves every human person’s quality of being

his own master beyond reproach. The implied moral capacity forms the second fundament of human dignity from the angle of right. Thus, dignity becomes a grounding principle of justifying *acquired* rights, as well as *external* duties, prescribed by law.

Of course, human beings, unlike animals, may have useful skills in social communication and in economic transactions. It is very likely that a part of these capacities is translatable in terms of value of exchange, corresponding to some particular market price.¹⁵ Even when aspects of a human existence come to be subdued as tradable commodities for alien purposes, the human person always preserves something of value in itself and non-negotiable.

Treating people as ends in themselves entails that we ascribe inner value to them as rational beings. This is attributable not to their empirical (sensorial or psychical) life, but to the *intelligible* or *symbolic* dimension of their existence. In opposition to human beings, animals cannot be taken as ends in themselves. Their value is by no means absolute, but *relative* to their animal existence. Anything they do is far from being imputable, because they lack moral conscience.

This is not to imply that one ought not to employ other persons as assets for the purpose of attaining useful or pleasant goals, such as some service, labour or even (freely chosen) erotic intercourse. What is meant hereby is that using others is not at all included in this; we still have to behave towards each other as persons with dignity, in other words as persons possessing intrinsic worth superseding the value of a *mere* instrument.

The key to understanding our moral conduct concerning animals is that we can trace *a certain analogy to mankind* in animal life.¹⁶ The natural existence of animals permits such an analogy because they are sentient beings closely intertwined with human society. For this reason, *we* humans bear certain moral obligations towards animals, which are *analogous* with our respective obligations towards other members of mankind.

Beings other than moral persons display a *relative* (not absolute) worth, operative or sentimental (*Affektionspreis*).¹⁷ Their value is relative and conditional, since it admits of an equivalent or even a particular price. From this assumption, however, it does not follow that humans are morally allowed to treat animals in all possible ways, unlimitedly and without restraint. *Our moral obligations towards animals are in general congruous with their own animal nature. A range of these obligations also includes a positive exigency for good conditions of animal welfare.*

On the face of it, both statements are forceful. Animals do indeed have observable needs, which men and women ought to take seriously into account, given their close vicinity to animal life. However, this obligation emanates

¹⁰ I. Kant, *The Moral Law*, p. 117 (83).

¹¹ *Ibid.*, p. 119 (85–86).

¹² I. Kant, *The Metaphysics of Morals. The Doctrine of Right*, p. 29 (Ak. VI, 236).

¹³ *Ibid.*

¹⁴ *Ibid.*, pp. 30–31 (Ak. VI, 237–238).

¹⁵ I. Kant, *The Moral Law*, p. 113 (77).

¹⁶ Immanuel Kant, *Lectures on Ethics*, ed. by Peter Heath, Cambridge University Press, Cambridge 2001, p. 212.

¹⁷ I. Kant, *The Moral Law*, p. 113 (77).

from moral conscience alone; therefore, this position cannot be reproached for being a manifestation of (human) chauvinism with regard to animals.

3. There is no moral community between humans and animals

Peter Singer argues that the moral principle of equality between humans obligates us to also extend the postulate of equal consideration to animals.¹⁸ Underlying this suggestion is apparently the belief that human persons and animals have interests. According to Singer, where “interests” are at stake, the moral rights of bearers are usually involved.

So, on this account, one is conveniently bound to consider both sorts of interests (human and animal alike) on an equal footing. This preliminary standpoint implies then that persons and animals are tied up in an *all-encompassing concept* for the reason that they together belong to an overarching moral community.

For a part of proponents of animal rights, this all-inclusive moral community is not due to some intellectual or moral similarity between human beings and animals. Rather, the common denominator rests elsewhere. It is simply a crucial *biological* tenet, which is taken to be morally important for both human persons and nonhuman animals. This common feature consists in the crude fact that both sides are sentient; thus, they can experience hardship, pain or pleasure.

It is undeniably true that feeling joy or displeasure is a common feature shared by humans and nonhuman animals; suffering too. As Kant wittily put it, nature subjects men and women “to all the evils of want, disease, and ultimately death, just as are the other animals on the earth. And so it will continue to be until one wide grave engulfs them all (...)”.¹⁹ As to the rest, however, Singer’s thesis is objectionable from a Kantian point of view.

First of all, moral community is not a concept of understanding (*Verstand*) which is related to empirically detectable characteristics of, for example, animal species. Instead, it consists in the idea of reason (*Vernunft*) as to the *intelligible* dimension of those who are considered to participate in such a community.

A second focus of dissent is, of course, the suggestion that human beings and animals might be indiscriminately considered to be inhabitants of one and the same *moral* community. One can easily acknowledge that the idea of assimilating humans and animals on the moral level contains perhaps a grain of truth with respect to its *assertive* branch, and not the normative one.

Kant diagnoses with sincerity that humans and animal species are indeed somewhat equated under the genus of *living organisms*.²⁰ If *externally* viewed, as natural beings, a clear analogy is patent between them. In fact, between human persons and animals there exists a visible similarity in terms of their moving and doing things, out of which various outcomes are likely to come about. Kant remarks that beavers can build lairs just as people can construct houses; but the salient difference is that humans can mould a *direct consciousness of their action* and their ingrained intentions.²¹

This is where the similarity stops, and a nodal dissimilitude between humans and animals appears. Even the categories of human beings who are unable to advance claims of rights (e.g., severely disabled persons or babies) are still members of mankind, unlike animals. Not only because their parents are also

humans, but also because such persons are embraced by the intelligible idea of humanity.

Instinct in animals differs greatly from reason. It is only by analogy that one might profess that animals “act” according to purposeful representations. This elementary capacity of theirs surely separates animals from machines. However, representations in the animal mind are quite alien to the perception of duty as an end of a *morally* committed action. Animals do not have this aptitude.

Even with the most charitable judgement of nonhuman beings, no form of animal life can reach a *self-determined subjectivity vested with the freedom of deliberate choosing in a principled guise*. A source of good will inheres only in human beings, so that they can become able to plea for principles of actions founded on self-disinterested (moral) and universally valid reasons.

This ability is further interconnected with a thick and composite array of other powers of human ingenuity; such are the faculties of reasoning in search of truth, and practical abilities guided by the regulative idea of doing what moral law enjoins. In exerting these powers, we need to meaningfully hand down notions and ideas mediated by language; the purport of all these is conveyable through educative and communicative processes.

Communication between rational beings proves to then be dependent upon a pivotal existential condition: communicating interlocutors do share in interwoven ways the very same world as their objectively existing reality.²² It is on this ground that people can entertain thoughts, moral reasons for actions and judgements, regardless of whether they happen to agree or disagree with each other.

Animals are entities governed by some pre-given structure of instincts and appetites. They are not able to achieve an image of a personal identity through superseding their sensible existence by a reason of *impersonal* practical considerations. Concomitantly, animals cannot be conceived of either as associates in the realm of a moral community or as holders of moral rights of any kind.

So, there appears a logical gap between the premises and the conclusion of the argument in favour of “animal rights”. The conclusion proves not to be compatible with its premises. For it is one thing to admit that animals have a life of their own and need *our* protection, but quite another to go as far as preaching that animals address “moral claims” to humans to do so.

Once again, if we are not required to handle animals as ends in themselves, it is simply because *animals are not persons*. This statement is to be read as a touchstone position of practical philosophy; it is not at all meant to be some misrecognition of animals arising from a putative human pretentiousness.

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See P. Singer, *Animal Liberation*, chapter 1.

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Immanuel Kant, *The Critique of Judgement*, ed. by James Creed Meredith, Oxford University Press, Oxford 1952, part two, p. 121 (452).

20

Ibid., part two, p. 137 (464), footnote.

21

Ibid., p. 136 (464), footnote.

22

See the analysis offered by Donald Davidson, *Subjective, Inter-subjective, Objective*, Oxford University Press, Oxford 2001, chapter 7 (“Rational Animals”). While he denies that animals can really think, he is right in arguing that this property of theirs by no means authorises people not to treat animals in moral ways, pp. 96, 105.

4. Animal life has an immense value of existence

Animal life and nature have an immensely useful value, immediate or virtual, in the light of reasonable goals and objective needs of men and women. Having a natural existence of his/her own, any human person can grasp the impact of the life-giving feature of nature at large.

We can justifiably hold further that, as a whole, nature also has an incontrovertible *value of existence beyond considerations of utility*. Nature is composed of an amazingly intricate and glaring material totality, organic or not, which is perhaps unique within the so far discovered space of the universe. It is an ontologically objective and perennial property of our planet, irrespective of the historical evolution of the human species.

The value of this quality is not exactly “inherent”, as advocates of the biocentric way of thinking about nature would claim and have us believe. The biocentric standpoint holds that nature has a value in itself (worth) simply because it exists as a heavenly body in the universe. Supporters of the so-called Deep Ecology have preached that there is an element of tremendous significance and dignity which is entrenched in every living organism and sustains its own intrinsic worth.²³

That biological diversity on our planet is really invaluable has become commonplace today. It deserves to be substantially safeguarded as much *for the sake of animal life itself* as for the fact that it allows us to live in a much better way as human species.²⁴ More specifically:

- a) The *practical* preservation of biological diversity by humans brings aspects of nature to the measure of human objectives. But these objectives must be reasonable enough and the means employed proportionate to the importance of these purposes on the one hand, and to the possibility of ordinary rejuvenation in nature on the other.
- b) *Scientific* research of biological diversity and of the natural world enhances the sum of our cognitive faculties. It represents an invaluable source of knowledge of ongoing processes of evolution of the flora and fauna; hereby we can draw significant resources in order to think over our own future well-being as animal species on earth.
- c) No less beneficial is the *aesthetic* rejoicing over the diversity of flora and fauna. It gives rise to a wealth of imagination, emotions and tastes as incentives of an aesthetic culture and of a certain ennoblement of the inner world of humanity. What is beautiful in nature gives us pleasure which can be shared by everyone else beyond the mere sensibility of our existence. If anyone else can enjoy the same sublime spectacle in nature, then this is an intelligible taste which appraises the worth of others. In this light, “the beautiful is the symbol of the morally good”.²⁵

The value of animal life is interlocked with the domain of multifarious activities related to the human metabolism. Yet, the value of animal life as a whole is far broader and greater than the fact that several animal species secure manifold utility to human subsistence. Every animal species takes part in an astounding biological diversity and natural wealth on the globe. Bio-diversity needs to be continued as a part of the processes of evolution within nature.

We then have a duty to preserve nature as a whole. Not simply because of an anticipated utility to mankind, but for a deeply moral reason. *Cautious concern for the natural world invigorates our worth as rational beings*.²⁶ Therefore, *our self-respect as animal species encompasses the natural seedbed that*

has allowed us to grow throughout history under our own responsibility, capable of the good or the evil.

So, if we ought not to neglect or wound the animal side of our nature,²⁷ then the same imperative applies to the hostess – Nature. Subsequently, we ought to pursue what is good for nature, so that it can go on existing, even in the sorrowful hypothesis that, one day, mankind might become extinct.

5. A set of basic moral requirements regarding animals

Our moral duty to protect nature stems from an intractable prerogative of mankind. *While we are the sole animal species with a moral conscience, we are also the species par excellence that damages nature and animal life in irresponsible ways.*

The thesis deployed in this study can be summarised in the form of seven mutually reinforcing positions:

- a) Men and women undertake moral duties only towards other beings who are *persons* that are able to distinguish between what is morally incumbent and what is not. Such duties are binding either to ourselves or to others, within a framework of existent, possible or desirable relationships with them.
- b) Human agents, of course, have the tendency to experience compassion for the sufferings or calamities that animals undergo. Nonetheless, they do not bear *direct* moral obligations to beings that are not morally rational agents.²⁸ According to Kant, with regard to nonhuman natural beings, moral requirements are still binding for us.²⁹

Martha Nussbaum thinks that “we have obligations of justice to nonhuman animals” as a matter of “interspecies justice”.³⁰ From a Kantian perspective, the problem is that here a duty that we have *in regard to* animals is unduly conceived of as a duty *to* them.

- c) Treating animals in decent ways is a moral duty *to ourselves*, which we ought to fulfil out of a conscientious adherence to the respective commandment. This categorical imperative may, partly, well take on the form of a legal duty too, and so be integrated into rights.

Rights in general may well impose legal duties made publicly known. This seems necessary whenever a condition for preserving human life and the

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See, for instance, Arne Naess’s emblematic article “The Shallow and the Deep, Long-Range Ecology Movement. A Summary”, *Inquiry* 16 (1973), pp. 95–100.

24

Cf. Thomas E. Hill, “Ideals of Human Excellence and Preserving Natural Environments”, *Environmental Ethics* 5.3 (1996), pp. 211–224.

25

I. Kant, *The Critique of Judgement*, part one, pp. 223–224 (353).

26

See Paul Guyer, *Kant*, Routledge, London – New York 2006, pp. 355–357.

27

I. Kant, *The Critique of Judgement*, part two, § 22 (§83), p. 95 (432).

28

The rival position is propounded by Julian Franklin, *Animal Rights and Moral Philosophy*, Columbia University Press, New York 2005, pp. 77f.

29

I. Kant, *The Metaphysics of Morals. The Doctrine of Virtue*, §16, p. 192 (Ak. VI, 442).

30

M. Nussbaum, *Frontiers of Justice*, p. 327.

natural environment is damaged or threatened. Such is a duty to recycle things or to avoid activities against endangered animal species. In this case, from the normative scope of legality, what matters is simply that citizens *externally* conform to respective norms. Their actual motives for their actions, albeit morally important, are legally indifferent.

- d) This duty is justifiable on the grounds that the animal world exhibits *a certain analogy to mankind*.³¹ Behaving in mild and humane ways towards animals actually involves a duty commensurate with what we owe humanity. Moreover, protecting defenceless beings in nature, just as within the society of humans, reveals civilised behaviour and gentle spirit. So, as Kant states, in actively showing sympathy towards animals, we honour the moral person of humanity.³²

Conversely, exerting cruelty to animals is inconsistent with our own moral constitution. Hurting animals diminishes unnecessarily and greatly our preoccupation with acting rightfully towards our fellow humans themselves; whoever utilises animals brutally is usually gruesome in his/her behaviour towards men, women and children as well.

Whenever we use labouring animals for a useful activity, we must not exhaust them by exceeding their natural strength. When our animals get old and become no longer able to serve in such activities, we ought to care about them as we would about any fellow who has been devoted to us for a long time.³³

- e) It is inhumane to wound or slaughter animals gratuitously. Killing animals becomes perhaps morally tolerable:
- i) to the extent that the human species is in need of animal resources for nutrition;
 - ii) whenever animals of all sorts become dangerous or really bothersome to the human living. Even so,
 - iii) killing animals must be done in anodyne ways and rapidly.³⁴
- f) From all the considerations cited above, it follows that the leading guideline for our ethical attitude towards animal life can be a faithful attachment to the humane treatment of animals, which is correlative to the *reasonable* needs of human preservation. In our contact with animals, something can be ostensibly moral or immoral, in contrast to some other action which might be simply permissible or tolerable.
- g) Those who think that they have an absolute moral duty of respect for animal life, for instance, by eschewing animal food, is free to live a life guided by this practical maxim. But this is only a *subjective* maxim of action, which is morally unsusceptible of universal validity. For a vast majority of people, consuming animal products corresponds to a natural need. Naturally, anyone is free to decline, whether totally or partly, to take food of animal origin. But no one is authorised to forbid the opposite by virtue of an *authoritative* ruling given to people who believe that this simply corresponds to a *natural* appetite, tied to a real human need for nutrition.³⁵

Conclusion

A committed concern for nature asserts, above all, our worth as rational beings. *An adequate protection of Nature could come to fruition in a teleological dynamics roughly promoting a higher good all over the world.* Given this trajectory, deep reforms would seem to be necessary in the social and economic

structure. Economic growth and social development in the long run can be sustainable under the condition of *self-restrained affluence*. This invites us to reflect upon and publicly deliberate over the same, which could pave the way for a viable match between well-being and sociability on a worldwide scale.

Effective protection of the natural world requires, at the same time, substantial changes in the established forms of life and the concomitant realm of beliefs about the good. In a basic pattern of a good way of life, people would set about choosing pleasures and delights qualified by moderation and self-control, while being durable and beneficial to all.³⁶

The ultimate good we allude to would rest on an integral fulfilment of the human powers (theoretical, practical, aesthetical), in the perspective of a cosmopolitan self-determination for mankind. In case that men and women shift to comprehend the flavour of this ultimate end,³⁷ this will, amongst other traits, strengthen their aptitude for opting for the right thing over time; not only for themselves, but *also for the social and natural environment of animal life as a whole*.

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31

I. Kant, *Lectures on Ethics*, p. 212.

32

Ibid., p. 212–213.

33

I. Kant, *The Metaphysics of Morals. The Doctrine of Virtue*, §17, pp. 192–193 (Ak. VI, 443).

34

Ibid.

35

Michael Pollan, *The Omnivore's Dilemma*, Penguin Press, New York 1994, pp. 320–322.

36

I. Kant, *Anthropologie in pragmatischer Hinsicht*, §72, p. 166 (A 250).

37

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Constantin Stamatis

Ima li život životinjâ intrinzičnu vrijednost?

Sažetak

U članku se nude argumenti za tezu da samo pripadnici ljudskoga roda, a ne i ne-ljudske životinje, imaju moralnu autonomiju i dostojanstvo kao intrinzičnu vrijednost. Premda je kohabitacija ljudi i životinja u prirodi neizbježna, njih se ne može smatrati članovima jedne moralne zajednice. Međutim, život životinjâ i zastrašujuća biološka raznolikost svakako su vrijedni postojanja na našem planetu, čak i ako bi jednoga dana ljudski rod nestao sa Zemlje. Iako životinje zasigurno nisu subjekti, one bi mogle biti objekti moralnih dužnosti koje ljudsko djelovanje mora uvažiti. Primjereno postupanje sa životinjama moralna je dužnost prema nama samima. Slijedeći Kanta, ovu se dužnost može opravdati na temelju tvrdnje da životinjski svijet pokazuje određenu sličnost s ljudskim svijetom. U tom smislu, oprezni obzir spram prirodnoga svijeta jača vrijednost nas kao racionalnih bića.

Ključne riječi

ljudi, životinje, autonomija, dostojanstvo, intrinzična vrijednost, Immanuel Kant

Constantin Stamatis

Hat das Leben der Tiere einen intrinsischen Wert?

Zusammenfassung

In dem Artikel werden Argumente vorgebracht für die These, lediglich Angehörige des Menschengeschlechts, und nicht auch die nicht-menschlichen Tiere, hätten moralische Autonomie und Würde als einen intrinsischen Wert. Wenngleich die Kohabitation zwischen Menschen und Tieren in der Natur unvermeidlich ist, können sie nicht als Mitglieder einer moralischen Gemeinschaft erachtet werden. Allerdings sind das Leben der Tiere und die fürchterliche biologische Vielfalt einer Existenz auf unserem Planeten durchaus wert, selbst wenn das Menschengeschlecht eines Tages von der Erde verschwinden würde. Obwohl Tiere sicherlich keine Subjekte sind, könnten sie Objekte moralischer Pflichten sein, die das menschliche Tun wertschätzen muss. Eine angemessene Behandlung der Tiere ist eine moralische Pflicht gegenüber uns selbst. Diese Pflicht kann, Kant folgend, aufgrund der Behauptung gerechtfertigt werden, die Tierwelt weise eine gewisse Ähnlichkeit mit der Menschenwelt auf. In diesem Sinne stärkt eine achtsame Rücksicht gegenüber der Tierwelt den Wert von uns als rationalen Wesen.

Schlüsselwörter

Menschen, Tiere, Autonomie, Würde, intrinsischer Wert, Immanuel Kant

Constantin Stamatis

La vie des animaux a-t-elle une valeur intrinsèque?

Résumé

L'article propose des arguments en faveur de la thèse selon laquelle seuls les membres du genre humain, et non les animaux non humains, ont une autonomie morale et une dignité comme valeur intrinsèque. Bien que la cohabitation des êtres humains et des animaux dans la nature soit inévitable, ces derniers ne peuvent être considérés comme membres d'une communauté morale. Cependant, la vie des animaux et l'effrayante diversité biologique ont absolument une valeur d'existence sur notre planète, et cela même si le genre humain vient à disparaître de notre Terre. Bien que les animaux ne soient certes pas des sujets, ils peuvent être des objets de devoirs moraux que l'activité humaine doit valoriser. Une approche adéquate envers les animaux constitue un devoir moral envers nous-mêmes. Suivant la trace de Kant, ce devoir peut être justifié sur la base de l'affirmation selon laquelle le monde animal présente une certaine similarité avec le monde humain. En ce sens, une considération avisée envers le monde naturel renforce la valeur que nous avons de nous-mêmes comme êtres rationnels.

Mots-clés

personnes, animaux, autonomie, dignité, valeur intrinsèque, Emmanuel Kant

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**Autonomy and Duties regarding
Non-Human Nature¹**

Abstract

The paper makes an effort to present a view that answers objections put forward by many philosophers that Kant's account of duties regarding non-human nature does not ground adequate moral concern for non-human natural entities. In doing so, I reject what I call the "psychological" interpretation of duties regarding non-human nature, and try to follow the "moral perfection" interpretation supported by Kant's texts. The latter interpretation is, in my view, also present in a reading of our intellectual interest in natural beauty found in Kant's Critique of Judgment. Finally, after I consider some objections, I assess Kant's contribution to environmental ethics: (a) despite his anthropocentric approach, Kant does not domesticate non-human nature as biocentrism does, and (b) even if his approach can be characterised as speciesist, Kant does not see nature as a mere instrument – either as "natural capital" or "natural resource" – but as indispensable for our moral perfection.

Key words

Immanuel Kant, non-human nature, duties, moral perfection, natural beauty, domestication

I. Introduction

The argument presented in the paper in hand is a rather modest one. It makes an effort to present a view that answers objections put forward by many philosophers that Kant's account of duties regarding non-human nature does not ground adequate moral concern for non-human natural entities. There is one common interpretation, amongst others, which I take to be mistaken, because it takes Kant to be merely saying that humans should abstain from animal cruelty and wanton destruction of flora solely because such actions could make one more likely to violate one's duties to human beings. This presents our duties regarding non-human nature as a kind of "rehearsal" for our "real" duties towards fellow humans. Instead, I shall make an effort to argue that Kant's account recognises much stronger limitations, since such duties are based on the imperfect duty to foster our own moral perfection, that is, our capacity for autonomy. At first glance, this seems somehow paradoxical. How can autonomy be related to nature, given that Kant's autonomy is, by definition, purified from empirical constraints? I shall describe why Kant thinks that we have duties *regarding* non-human nature that are stronger than the common

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interpretation. This will be justified by reference both to our moral perfection and our intellectual interest in natural beauty. Last, I shall also try to answer some objections to Kant's view, which attempt to "save" him from his alleged speciesism, but ultimately fail. Kant's contribution to environmental bioethics, although modest, remains a significant one.

II. The "psychological interpretation" of Kant's duties regarding non-human nature

Kant claims that what provides a being with *dignity* [*Würde*] (an absolute inner worth) and marks it out as an end in itself is its innate capacity for autonomy, a predisposition [*Anlage*] to "personality", the capacity to legislate the moral law and to act out of respect for the moral law, "freedom [...] under moral laws".² In Kant's theory, there is a deep connection between dignity and moral duty. In Kant's view, only beings with dignity are capable of "passive" and "active" obligation.³ Only beings with dignity can be obligated or can obligate others. Now, "duty to any subject is moral constraint by that subject's will".⁴ Given that, an obligator (a being to whom one can have a duty, a being capable of active obligation) must have a will that can impose a moral constraint upon the obligated. The obligated (capable of passive obligation) now must have a will that can be constrained by the obligator. Therefore, Kant isolates two necessary conditions for genuine moral status: we can be obligated only to a being that is both a *person* (a being with a free will standing under the moral law) and is "given as an object of experience, since the human being is to strive for the end of this person's will and this can happen only in a relation to each other of two beings that exist".⁵ The second condition suggests that human beings have direct duties only to subjects with wills because having a duty to someone consists of striving "for the end" of her will.

Kant defends human moral status in contrast to animal or non-human non-moral status. There is, of course, notorious arbitrariness regarding that which can be termed "marginal cases", that is, human infants and the severely disabled or people suffering from dementia, who fail to manifest in their behaviour much consciousness or consciousness at all of the moral law. I think that Kant has a principled answer to the ascription of moral status to such cases. First, Kant's analysis of freedom contends that freedom must be an original and essential predisposition of any being that can possess it, and every human being possesses it. The practical doctrine of original freedom entails that free rational souls must be essentially rational souls, which implies that moral status attaches as soon as an organism endowed with such a soul is generated.⁶

At this point, I shall not go into detail about Kant's view on the nature of non-human animals.⁷ However, animals are "endowed with sensation and choice", yet are "non-rational", they are incapable of rational cognition and, most importantly, lack a free rational will.⁸ In his *Lectures on Ethics*, he argues that all animals lack self-consciousness, which means that they exist "not for their own sakes".⁹ This is why we cannot have any duties *to* animals or non-human nature, but duties *regarding* non-human nature.¹⁰ Yet, is this claim equivalent to treating non-human nature as having a price instead of dignity, equivalent to treating it as a mere "thing"?

In §17 of his 1797 *Doctrine of Virtue*, Kant writes:

"A propensity to wanton destruction of what is *beautiful* in inanimate nature (*spiritus destructionis*) is opposed to a human being's duty to himself; for it weakens or uproots that feeling in him which, though not itself moral, is still a disposition of sensibility that greatly promotes

morality or at least prepares the way for it: the disposition, namely to love something (e.g. beautiful crystal formations, the indescribable beauty of plants) even apart from any intention to use it. [...] With regard to the animate but nonrational part of creation, violent and cruel treatment of animals is far more intimately opposed to a human being's duty to himself, and he has a duty to refrain from this; for it dulls his shared feeling of their suffering and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one's relations with other people. [...] Even gratitude for the long service of an old horse or dog (just as if they were members of the household) belongs *indirectly* to a human's being duty *with regard to* these animals; considered as a *direct* duty, however, it is always only a duty of the human being to himself."¹¹

It is important to note here that Kant's treatment of animals differs from an argument often attributed to him. This argument is that Kant's objection to animal cruelty focuses on the *psychological effects* of violence and cruelty towards animals and the destruction of inanimate nature on human beings, who can subsequently mistreat other fellow human beings or fail to fulfil direct duties to them, such as the duty to promote the happiness of others.¹² In this

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G, 4:428, 435–436; *MM*, 6:223, 418; *Religion*, 6:26–28, 74–76. References to Kant's works are from *Kants Gesammelte Schriften*, ed. by the Royal Prussian (then German) Academy of Sciences (Berlin: Georg Reimer, later Walter de Gruyter and Co., 1900–) with volume and page numbers followed by the pagination in the English translations of his works: Immanuel Kant, [1785] *Groundwork of the Metaphysics of Morals*, in: *The Cambridge Edition of the Works of Immanuel Kant, Practical Philosophy*, trans. and ed. by Mary J. Gregor, Cambridge: Cambridge University Press, 1996 [*G*]; Immanuel Kant, [1788] *Critique of Practical Reason*, in: *The Cambridge Edition of the Works of Immanuel Kant, Practical Philosophy*, trans. and ed. by Mary J. Gregor, Cambridge: Cambridge University Press, 1996 [*CPrR*]; Immanuel Kant, [1790] *Critique of Judgment*, trans. by Werner S. Pluhar, Indianapolis: Hackett Publishing Company, 1987 [*CJ*]; Immanuel Kant, [1793] *Religion within the Boundaries of Mere Reason*, in: *The Cambridge Edition of the Works of Immanuel Kant, Religion and Rational Theology*, trans. and ed. by Allen Wood and George di Giovanni, Cambridge: Cambridge University Press, 2001 [*Religion*]; Immanuel Kant, [1797] *Metaphysics of Morals*, in: *The Cambridge Edition of the Works of Immanuel Kant, Practical Philosophy*, trans. and ed. by Mary J. Gregor, Cambridge: Cambridge University Press, 1996 [*MM*]; Immanuel Kant, [1924] *Lectures on Ethics*, in: *The Cambridge Edition of the Works of Immanuel Kant*, ed. by Peter Heath and J. B. Schneewind, trans. by Peter Heath, Cambridge: Cambridge University Press, 1997 [*LE*].

3

In the rest of the paper, I deliberately use the terms 'duty' and 'obligation' interchangeably, aware of the fact that otherwise they have to be distinguished. Generally speaking, duty is based on having a certain status, while obligation is the product of agreement.

4

MM, 6:442, 563.

5

Ibid.

6

As argued in *Religion*, the predisposition to personality should be considered to be a predisposition of the human species. In the *Anthropology from a Pragmatic Point of View*, Kant argues that the inclination to freedom is universal. Even a child who has just wrenched itself away from the mother's womb exhibits it; its cries are a protest against the constraint it feels in its inability to use its limbs – a view defended almost verbatim earlier by Jean-Jacques Rousseau in *Émile ou de l'Éducation*, Book I.

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This is well described by Patrick Kain, "Duties regarding Animals", in: Lara Denis (ed.), *Kant's Metaphysics of Morals: A Critical Guide*, Cambridge: Cambridge University Press, 2010, chapter 11.

8

MM, 6:442–443, 563–564.

9

LE (Collins), 27:458–459, 212.

10

Believing that we have direct duties to non-human entities, like both Paul Taylor and Holmes Rolston hold, is due to what Kant calls an *ambigolity* in the moral concepts of reflection [*MM*, 6:442, 563]. A direct duty stems from a constraint via one's will. A duty regarding another entity exists when some direct duty requires that moral agent to perform actions that happen to affect that entity.

11

MM, 6:443, 564.

12

MM, 6:452–454, 571–573.

sense, Kant *only advises* us to abstain from animal cruelty and the destruction of plant life. This is the dominant interpretation of Kant, which I shall call the “psychological interpretation”, and which has provoked fierce criticism branding the argument as a simple failure or a speciesist position.¹³ Indeed, if someone abstains from animal cruelty only for psychological reasons, which refer only to the human species, this line of criticism might be justified. Yet, this interpretation establishes only a weak link between morality and treatment of non-human nature. One can indeed imagine someone who is insensitive to suffering yet supports morally right actions, despite the fact that there is ample empirical research that connects animal cruelty with cruelty to humans.¹⁴ Sensitivity to suffering is useful, but not necessary for being moral *vis-à-vis* human beings, which is why abstinence from cruelty and destruction is only advised.¹⁵ This interpretation relies heavily exactly on the psychological tendency of human beings to transfer the way they treat non-humans to the way they treat humans, and vice versa. While true, the “psychological interpretation” should not be confused with a particularly “intimate opposition” to one’s duties to self, which Kant wishes to highlight, and which we shall examine shortly. There is something inherently wrong with cruelty to animals and wanton destruction of inanimate nature. This is disregard of one’s morally significant feelings, which is integral to one’s mistreatment of animals.

III. The “moral perfection” interpretation

I now want to argue that, in contrast to the said objections that Kant’s duties regarding non-human nature represent the foreground of the self-concern of human beings, Kant’s conception of our relation to nature is a sign of the opposite.

Let us go back to the passage quoted from the *Metaphysics of Morals*. Towards the end, Kant talks about a human being’s duty to himself, but does not identify explicitly this particular duty upon which our duties regarding non-human nature depend. However, later on in the same work, Kant identifies a direct duty to oneself to increase one’s own “moral perfection”.¹⁶ This is an imperfect duty, or a duty that specifies a maxim that one ought to adopt, but does not specify actions that must be performed.¹⁷ Moral perfection consists both in the purity of one’s disposition to duty (actions done *from* duty) and in attaining completely one’s moral end with regard to oneself.¹⁸

Now, this imperfect duty to increase one’s moral perfection should be distinguished from other perfect and imperfect duties to oneself which Kant presents in the *MM*. Kant includes perfect duties to oneself as an animal being, which require one to “preserve himself in his animal nature” and which refer to prohibitions of committing suicide and “stupefying oneself by the excessive use of food or drink”. He includes perfect duties to oneself as a moral being (commanding prohibitions of lying, avarice, and servility). Finally, one has the imperfect duty to increase one’s own natural perfection or to develop one’s physical and mental talents. In the passage quoted, Kant refers to the imperfect duty to increase one’s moral perfection.¹⁹ To prove our point, one could imagine a human being who fulfils all his perfect duties to himself and his duty to increase his own natural perfection, and still violates his duties regarding non-human nature. A human being is, of course, a human approximation of the good will, which acts out of respect for the moral law. Thus, if a human being is always subject to inclinations, he must instead cultivate virtuous dispositions that approximate the good will.

I think that Kant's account of the duty to increase one's own moral perfection allows us to offer a better interpretation of duties regarding non-human nature, which go beyond the "psychological interpretation". A person who practises cruelty to animals or wanton destruction of flora weakens in himself the natural dispositions that approximate the good will. This duty provides human beings with a moral reason to practise kindness towards animals and to engage in aesthetic appreciation of nature. Indeed, wasting this opportunity is missing the chance to fulfil one's duty. However, a person who misses the opportunity to be kind to animals or to appreciate beautiful nature does violate his duty, but perhaps in a non-culpable manner – he is not to be blamed – as long as he still possesses the maxim commanded by the imperfect duty to increase one's own moral perfection. He can still perform other actions.

Now, let us return to the quoted passage once again – in relation to the animate yet non-rational part of creation, that is, animals. Kind actions towards animals can cultivate virtuous dispositions, such as sympathy, because such actions can play a causal role in increasing one's moral perfection. Yet, there is a moral distinction between choosing not to perform actions that benefit non-human animals and choosing to perform actions that *unnecessarily harm them*. The latter is not only a missed opportunity to fulfil one's duty, but also weakens one's virtuous disposition and *decreases* one's moral perfection.²⁰ Kant uses many examples of this sort, some of them familiar, because they are often quoted in literature. I will briefly mention some of them. For example, "the human being is authorized to kill animals quickly (without pain) and to put them to work that does not strain them beyond their capacities".²¹ Also, "agonizing physical experiments for the sake of mere speculation, when the end could also be achieved without these, are to be abhorred".²² These are examples of unnecessary harm, and are to be forbidden. The "psychological

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See James Skidmore, "Duties to Animals: The Failure of Kant's Moral Theory", *The Journal of Value Inquiry*, 36 (2001), pp. 541–559; Peter Singer, "Not for Humans Only: The Place of Nonhumans in Environmental Issues", in: Andrew Light and Holmes Rolston III (eds.), *Environmental Ethics: An Anthology*, Malden: Blackwell, 2003, pp. 55–64; Tom Regan, *A Case for Animal Rights*, 2nd edition, Berkeley and Los Angeles: The University of California Press, 2004, pp. 174–185.

14

Matthew C. Altman, *Kant and Applied Ethics: The Uses and Limits of Kant's Practical Philosophy*, London: Blackwell, 2011.

15

If such indirect duties are non-moral advice, there is really nothing morally ascribable concerning the cruel treatment of animals. Accordingly, indirect duty refers only to prudence.

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Ibid., 6:446, 566.

17

Ibid., 6:388–390, 519–521. Paul Guyer identifies perfect duties as "those duties for which it is fully determinate what constitutes their

fulfillment (usually omissions)" and imperfect duties as "those duties the fulfillment of which (usually commissions) is indeterminate and therefore leaves open to judgment what actions and how much is required for their fulfillment"; Paul Guyer, *Kant and the Experience of Freedom*, Cambridge: Cambridge University Press, 1993, p. 321.

18

MM, 6:446, 566.

19

P. Guyer, *Kant and the Experience of Freedom*, pp. 324–329. See also Allen Wood, "Kant on Duties regarding Non-Human Nature", *Proceedings of the Aristotelian Society, Supplement*, 72 (1998), pp. 189–210, here 195.

20

See Toby Svoboda, "Duties regarding Nature: A Kantian Approach to Environmental Ethics", *Kant Yearbook*, Vol. 4 (2012), No. 1, pp. 143–163, here 157–158.

21

MM, 6:443, 564.

22

Ibid.

interpretation” would not fit well with them, because it cannot explain why there is something morally wrong here. In his *Lectures on Ethics*, Kant suggests that cruelty to animals betrays the presence of a moral quality that one ought to have.

“If a master turns out his ass or dog because it can no longer earn its keep, this always shows a very small mind in the master.”²³

And later he says:

“... any action whereby we may torment animals, or let them suffer distress, or otherwise treat them without love, is demeaning to ourselves.”²⁴

These claims that such actions always exhibit a small mind or are demeaning to ourselves suggest that humans have some direct duty to themselves which proscribes cruelty itself.

At this point, though, I would like to offer a more controversial and therefore risky interpretation of our duties regarding nature based on Kant.²⁵ For there is still, despite the analysis so far, the objection that non-human nature is instrumentally valuable for our moral perfection. I would now want to argue that behind duties regarding non-human nature there might lie something more radical. In his *Critique of Judgment*, Kant says:

“... to take a *direct interest* in the beauty of *nature* (not merely to have the taste needed to judge it) is always a mark of a good soul; [...] if this interest is habitual, if it readily associates itself with the *contemplation of nature* this [fact] indicates at least a mental attunement favorable to moral feeling.”²⁶

This passage often provokes puzzlement about the way in which taking an interest in beauty indicates a disposition favourable to morality. There is no doubt that it is neither the case that a moral response to an object is a necessary or sufficient condition for an aesthetic response, nor is it clear how an aesthetic response to nature fosters moral interests. A commonly held interpretation reads this as “a desire to find and experience natural beauty for no reason other than admiration and love”.²⁷ This common interpretation is akin to the “psychological interpretation” referred to above, which claims that, by habituating us to selfless reflection and conduct, aesthetics prepares us to treat other human beings not merely as means, but as ends in themselves.²⁸ Nevertheless, Kant’s passage continues:

“Consider someone who is all by himself and who contemplates the beautiful shape of a wild flower, a bird, an insect etc., out of admiration and love for them, and would not want nature to be entirely without them even if they provided him no prospect of benefit, *but instead perhaps even some harm* [italics mine, K. K.]. Such a person is taking a direct interest in the beauty of nature, and this interest is intellectual.”²⁹

Two things from this passage cast doubt on the commonly held interpretation. One is the unwillingness to accept that beauty is absent from nature, which indicates a desire to view, but also to *preserve* nature, even at the personal cost of suffering some kind of harm. The other is that the immediate interest is not an empirical interest but an intellectual one. Taken together, they seem to entail a duty to seek and preserve natural beauty. Now, this immediate interest, says Kant, is immediate because it is not mediated by an empirical interest or intention. This seems actually to be akin to a moral interest, and it goes along with his account of the moral law which provides its own incentive described in the *Critique of Practical Reason*.³⁰ For Kant, only pure practical reason can create its own incentive. Immediate interest in natural beauty is an interest of this kind. Its subject represents seeking out

and preserving natural beauty as good without qualification, and thus as a duty. Let us note here that the claim is not that every desire to preserve natural beauty is good without qualification, but that there can be a pure practical interest in doing so.

But what kind of duty is this? Let us return to our familiar passage from the *Doctrine of Virtue*. The prohibition on unnecessary harm, as an action that is “demeaning to ourselves”, is also true of beautiful nature. Let us remind ourselves that humans have a duty not to possess an *animus destructionum*, or the “inclination to destroy without need the useable objects of nature”.³¹ Kant also argues that our duty to further our own moral perfection requires us to appreciate and preserve natural beauty *without any interest*.³² Love for natural beauty teaches us how to love something for its own sake and not merely as a means to our own pleasure – which is the same capacity that we exercise when we value rational nature for its own sake and not as a means to our arbitrary ends. It is a transition from self-interest to a love which is independent of self-interest.³³

It has been argued, though, that what is described here conforms to the “psychological interpretation” of our duties regarding non-human nature, that is, that they are grounded on a duty to preserve and promote aspects of our sensibility favourable to morality, that is, our conduct towards other human beings, while intellectual interest in natural beauty is not, by itself, such a duty.³⁴ However, such a reading does not capture precisely the account of moral development implied in Kant’s account of intellectual interest. Leaving aside a very complex argument presented by Kant, I suggest that, following J. Cannon’s view, one takes an intellectual interest in natural beauty not according to the “psychological” interpretation, but according to a trace or sign that nature takes an interest in our moral development which is commensurate with the interest that one has come to take in his own.

In other words, interest in natural beauty derives from an interest in “the moral image of the world”, a desire to believe that nature harmonises with the acts

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LE (Collins), 27:460, 213.

24

LE (Vigilantius), 27:710, 434–435.

25

The argument presented here owes much to the presentation in Joseph Cannon, “Nature as the School of the Moral World: Kant on Taking an Interest in Natural Beauty”, in: William P. Kabasenche, Michael O’Rourke, Matthew H. Slater (eds.), *The Environment: Philosophy, Science, Ethics*, Cambridge, MA: The MIT Press, 2012, pp. 154–168.

26

CJ, 5:298–299, 165–166.

27

Malcolm Budd, *The Aesthetic Appreciation of Nature*, Oxford: Oxford University Press, 2002, p. 55.

28

However, note here, again, that the psychological interpretation is not a sufficient reason

for treating others as ends in themselves. The Nazi had a great appreciation of art and nature, yet treated others as mere means without any remorse.

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CJ, 5:299, 166.

30

CPrR, 5:79, 204.

31

LE (Vigilantius), 27:709, 434.

32

CJ, 5:353–354, 229.

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Something similar shapes the account of beauty as a symbol of the morally good in *CJ*, 5:353–354, 228–230.

34

P. Guyer, *Kant and the Experience of Freedom*, Ch. 9.

of the human subject determined by practical reason or that there is cosmos instead of chaos.³⁵ In Kant's words:

"But reason also has [...] an interest that nature should at least show a trace [or give a hint that it contains some basis or other for us to assume in its products a lawful harmony with that liking of ours which is independent of all interest]."³⁶

Natural beauty is indeed the trace of a harmony between nature's products and the moral law, and this is signified by giving rise to a feeling of pleasure that is an experience of purposiveness, yet in the absence of a determinate purpose in nature. We can never *know* whether there is a purpose in nature, yet we can *feel* subjectively that there might be one.³⁷ This purposiveness without a (determinable) purpose that we find in natural beauty leads us to seek this purpose within ourselves. However, this happens *only* with natural beauty, which has a special significance, because it shows itself as if it were crafted intentionally and not by chance, in accordance with purposiveness without a purpose. The sign here is a sign that nature is animated by a purpose that harmonises with, or even takes an interest in, our moral vocation, and, thus, that we do not will the moral law in vain. Do note here that human art and beauty have no such special significance, because we *know* that they are designed by human beings.³⁸

Despite all this, it still seems doubtful that Kant gives us a reason to believe that nature harmonises with morality. It might be the case that, after all, nature is neither hostile nor hospitable to anything required of us by morality. Nevertheless, Kant's way of phrasing the problem in his ambiguous and controversial teleology suggests that nature (for practical purposes) must be *seen as an agent* who sets the same ends for us as those which are commanded of us by the moral law.³⁹ He, thus, defends a moral image of the world via an account of the means by which nature pursues the end of human moral freedom. In some of his other writings, particularly the *Idea of a Universal History from a Cosmopolitan Point of View*, *Towards Perpetual Peace* and *Anthropology from a Pragmatic Point of View*, he gives such a description of, as he names it, "nature's secret plan". For example, nature uses all sorts of means, e.g., natural inclinations such as the seed of discord to "unsocial sociability", in order to bring about the perfection of the human being.

Two objections come to mind here. The first is the question whether this view is opposed to human autonomy. Famously, autonomy should be free from all empirical determinations. Second, what is the meaning of nature having to be seen as an agent for practical purposes? The answer to the first objection is that, to be consistent with freedom, nature may not set ends for humanity that human beings are not free to adopt or reject. The means that nature uses are only opportunities, and are effective only insofar as we adopt them. As to the second objection, it is true that Kant never hesitates to refer to nature as a 'person'. However, he does not look to nature personified as a postulate, but as a reflective concept, which allows us to evaluate our own conduct. This means that we *subjectively* ascribe purposiveness to nature for practical purposes. We do this through reflective judgment.⁴⁰

In this regard, natural beauty is a means of achieving our moral development. Yet, recognising this presupposes, as we have argued above, an interest in finding such harmony.⁴¹ Therefore, this is an interest in natural beauty as a means to moral development, as an experience in which we recognise ourselves *as nature* and *as free* at the same time. What is the implication of this for our duties regarding non-human nature? According to this interpretation, our duties regarding non-human nature are not merely instruments useful for our development, but seem to be nature's way of legislating to us, in a mirror image,

the formulation of the moral law as a universal law of nature.⁴² Let us remind ourselves that the formulation is as follows: “act as if the maxim [...] were to become by your will a universal law of nature”.⁴³ Although the content of the various formulations of the *categorical imperative* (CI) is essentially the same, there is a difference *subjectively* speaking. In the second formulation of the CI, one is not only to consider the universality of the maxim, but is also to *take responsibility* for one’s actions as if one were legislating one’s maxim to nature itself. It is true, of course, that we have different impressions of what inscribing something to nature might mean today, considering that we can see the effects of human activity on natural systems in ways that Kant could not have ever envisioned.⁴⁴ Yet, if we replace Kant’s lack of awareness of the effects of pollution, deforestation or climate change with our knowledge of the same today, Kant’s arguments can only become more pressing.

IV. Kant’s contribution to environmental ethics: A partial view

Before addressing the question regarding Kant’s contribution to environmental ethics, let us summarise and answer some of the objections posed to the interpretation of Kant here presented.

1. The first objection pertains to the nature of our reasons for treating non-human nature in a certain way. It goes as follows: indirect duty views misidentify the appropriate moral reasons for treating non-human nature in a certain way. This is linked to the “psychological interpretation” referred to at the beginning (which claims that the sole moral reason for abstaining

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Dieter Henrich, *Aesthetic Judgment and the Moral Image of the World*, Stanford: Stanford University Press, 1992, p. 12.

36

CJ, 5:300, 167.

37

Beautiful forms are like ciphers through which nature “speaks to us” in a figurative way (*CJ*, 5:301, 168).

38

What is designed in this way makes its purposiveness knowable in principle and, thus, subject to our control.

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There is no doubt then that we can project ‘gratitude’ or ‘loyalty’, for example, onto the behaviour of animals being the ‘analogues of humanity’, which are characteristics that harmonise with the moral law through the exercise of our reflective judgment.

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The notion of ‘analogy’ is developed in *CJ*, par. 59. It does not signify an imperfect similarity between two things, but a perfect similarity of relations between two quite dissimilar things. See also Howard Caygill, *A Kant Dictionary*, London: Blackwell, 1995, pp. 65–67.

41

The account of the beautiful is not the whole story. In the consciousness of the dynamically sublime, we reflect upon phenomena of either immense magnitude or overwhelming power. Here nature does not appear as if it were designed, but in its chaos or in its wildest form, provided it displays magnitude and might – it relates to tornadoes, volcanoes and war. We can recognise there our physical impotence, but also our ability to judge ourselves to be independent of nature.

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See J. Cannon, “Nature as the School of the Moral World”.

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G, 4:421, 73.

44

Indeed, Kant could not have ever imagined our immense impact on biodiversity or climate. For an interesting account of the impact of climate change on non-human nature, see Clare Palmer, “Does Nature Matter? The Place of the Nonhuman in the Ethics of Climate Change”, in: Denis G. Arnold (ed.), *The Ethics of Global Climate Change*, Cambridge: Cambridge University Press, 2011, pp. 272–291.

from animal cruelty and wanton destruction of flora and fauna is that such actions make us more likely to violate our direct duties to human beings), because one can indeed find no moral reason. But, according to my interpretation, the moral reason is related to our moral perfection.

2. In addition to the dominant “psychological interpretation”, there is another objection to Kant’s treatment of animals. It pertains to Kant’s characterisation of our duties regarding animals as indirect duties.⁴⁵ The identification of something as an indirect duty reveals that it is only a means of fulfilling a direct duty. In the case of animals, treating them decently is a mere means of taking care of our own moral well-being, and there would be no duty if neglect did not lead to adverse effects on our moral capacities.⁴⁶ But Kant’s emphasis is on what mistreatment *expresses* about one’s feelings and moral perfection, rather than on the effects of mistreatment on oneself or another, which we also have reasons to doubt empirically speaking. Proper treatment of animals is a necessary condition for, and perhaps a constitutive part of, one’s moral perfection, rather than a mere “instrumental” means to it.
3. A further objection goes as follows: Allen Wood agrees that, for Kant, our duties regarding nature derive generally from a duty to self to promote our own moral perfection by behaving in ways that encourage a morally good disposition in ourselves. But Wood worries that this does not rule out the possibility of a “quirk of human psychology” that would make abusing animals or destroying nature conducive to moral goodness by perhaps getting violent impulses out of one’s system.⁴⁷ His answer is the rejection of confining moral obligations to persons, and the argument that we have duties to non-rational beings that “bear the right relations to rational nature”, such as “having rational nature only potentially, or virtually, or having had it in the past, or having parts of it or necessary conditions of it”. But the “quirk” that Wood worries about is incompatible with Kant’s connection of nature to moral education.
4. Last, it has been argued that, by focusing on the self-regard of the human being, Kant’s account seems to foreground the self-concern of the human being, and marginalises proper consideration of the nature and well-being of animals.⁴⁸ One might argue that this is egoistic. It is true that part of what Kant insists upon is the fact that a self-respecting person is concerned with the fate of animals and non-human nature. He regards them as proper objects of love and sympathy, and he acts in ways that preserve his own disposition to such love and sympathy. But the same thing happens in the case of (direct) duties to other human beings.⁴⁹ Furthermore, appreciation of natural beauty checks our egocentric presumption that our own point of view is the only one, and habituates us to disinterestedness.

Could Kant teach us anything about environmental ethics? First of all, I think his overall view agrees with a specific objection to most contemporary theories of environmental ethics:

“The idea of ascribing interests to species, natural phenomena, and so on, as a way of making sense of our concern for these things, is part of a project of trying to extend into nature our concern to each other, by moralising our relations to nature. I suspect, however, that that is to look in precisely the wrong direction. If we are to understand these things, we need to look to our ideas of nature itself, and to ways in which it precisely lies outside the *domestication* (emphasis mine, K. K.) of our relations to each other.”⁵⁰

This criticism applies to most contemporary views on the grounding of our duties to non-human nature and cuts, in my view, deep enough. It surely applies to Peter Singer’s animal liberation, to Tom Regan’s ascription of rights to animals,

and, of course, to Paul Taylor's biocentric ethic. Domestication of non-human nature establishes a connection with nature, which tries to find within it features that it shares with human beings, i.e., sentience, interests, or traces of rational nature. Duties to it are grounded on recognised human traits. Domestication equals moralisation. This approach is, in my view, vulnerable to the objection of *anthropomorphism*, although in a far more modest version.⁵¹ Kant connects autonomy to nature, but he does not moralise about our relation to it.

A second, and last, point that I would like to highlight goes hand in hand with the frequent criticism of Kant that his view is speciesist and disappointingly anthropocentric. To be sure, his view is anthropocentric, because it grounds our relation to nature on duties that we have to other human beings and to ourselves. Yet, it is not vulnerable to anthropomorphism, because this kind of relation does not domesticate nature, but brings us closer to it by regarding it as a proper object of love and sympathy, albeit not respect. Even if his approach can be characterised as speciesist, Kant does not see nature as a mere instrument – either as “natural capital” or “natural resource” – common in mainstream environmental economics, but indispensable for our moral perfection.⁵² Most contemporary environmental bioethics strive to save the planet along with its non-human inhabitants from human intervention by taking a non-anthropocentric standpoint. Indeed, Kant may not have much to say about our technological intervention in nature, yet, in any case, he gave us the means of recognising that non-human nature is the mirror of our conduct.

Kostas Koukouzelis

Autonomija i dužnosti prema ne-ljudskoj prirodi

Sažetak

U članku se nastoji prikazati gledište koje odgovara na primjedbe mnogih filozofa da Kantovo shvaćanje dužnosti prema ne-ljudskoj prirodi nije odgovarajuća osnovica za utemeljenje moralnoga obzira prema ne-ljudskim prirodnim entitetima. Time opovrgavam ono što nazivam »psihološkom« interpretacijom dužnosti prema ne-ljudskoj prirodi te pokušavam slijediti interpretaciju na osnovi »moralnog usavršavanja«, koja se zasniva na Kantovim tekstovima. Smatram da se ovu drugu interpretaciju može izvesti i iz našeg umskog interesa za prirodnu ljepotu, kako je on prikazan u Kantovoj Kritici moći suđenja. Naposljetku, nakon što razmotrim neke prigovore, osvrćem se na Kantov doprinos ekološkoj etici: (a) bez obzira na njegov antropocentrički pri-

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Jens Timmermann, “When the Tail Wags the Dog: Animal Welfare and Indirect Duty in Kantian Ethics”, *Kantian Review*, 10 (2005), pp. 128–149.

46

Ibid., pp. 140, 143n10.

47

See A. Wood, “Kant on Duties regarding Non-Human Nature”.

48

Ibid., p. 194.

49

P. Kain, “Duties regarding Animals”, p. 27.

50

Bernard Williams, “Must a Concern for the Environment be Centered on Human Beings?”, in:

Bernard Williams, *Making Sense of Humanity and Other Philosophical Papers 1982–1993*, Cambridge: Cambridge University Press, 1995, p. 237.

51

For a good discussion of anthropomorphism and its relevance to environmental ethics, see Fredrik Karlsson, “Critical Anthropomorphism and Animal Ethics”, *Journal of Agricultural and Environmental Ethics*, Vol. 25 (2012), No. 5, pp. 707–720.

52

See also Filimon Peonidis, “Kant’s Not So Bad Speciesism”, in: Evangelos D. Protopapadakis (ed.), *Animal Ethics: Past and Present Perspectives*, Berlin: Logos Verlag, 2012, pp. 141–150.

stup, Kant ne pripitomljava ne-ljudsku prirodu kao što to čini biocentrizam, te (b) iako se njegov pristup može označiti kao specijistički, Kant ne gleda na prirodu kao na puko sredstvo – bilo kao na »prirodni kapital« ili kao na »prirodni resurs« – nego je smatra nečim što je neophodno za naše moralno usavršavanje.

Ključne riječi

Immanuel Kant, ne-ljudska priroda, dužnosti, moralno usavršavanje, prirodna ljepota, pripitomljavanje

Kostas Koukouzelis

Autonomie und Pflichten gegenüber der nicht-menschlichen Natur

Zusammenfassung

In dem Artikel ist man bestrebt, den Blickwinkel darzustellen, der auf die Einwendungen vielerlei Philosophen erwidert, wonach Kants Auffassung der Pflichten gegenüber der nicht-menschlichen Natur keine entsprechende Basis zur Gründung der moralischen Rücksicht gegenüber den nicht-menschlichen natürlichen Entitäten ist. Damit widerlege ich jenes, was ich „psychologische“ Interpretation der Pflichten gegenüber der nicht-menschlichen Natur nenne, und versuche der Interpretation auf der Basis „moralischer Vervollkommnung“ zu folgen, welche auf Kants Texten aufbaut. Nach meinem Erachten lässt sich diese zweite Interpretation auch aus unserem intellektuellen Interesse an der Schönheit der Natur herleiten, wie dieses in Kants Kritik der Urteilskraft geschildert wird. Schließlich, nachdem ich einige Einwände in Betracht gezogen habe, blicke ich zurück auf Kants Beitrag zur ökologischen Ethik: (a) Ungeachtet seines anthropozentrischen Ansatzes zähmt Kant die nicht-menschliche Natur nicht in der Art, wie es der Biozentrismus tut und (b) Obgleich sich sein Ansatz als speziesistisch bezeichnen lässt, nimmt Kant die Natur nicht als bloßes Mittel in Augenschein – sei es als „natürliches Kapital“, sei es als „natürliche Ressource“ – sondern sieht sie als Unentbehrlichkeit für unsere moralische Vervollkommnung an.

Schlüsselwörter

Immanuel Kant, nicht-menschliche Natur, Pflichten, moralische Vervollkommnung, Schönheit der Natur, Zählung

Kostas Koukouzelis

Autonomie et devoirs envers la nature non humaine

Résumé

Cet article tente de montrer le point de vue qui répond aux remarques de nombreux philosophes selon lesquels, la conception de Kant du devoir envers la nature non humaine ne constitue pas une base adéquate pour fonder un respect morale envers les entités naturelles non humaines. Par là, je réfute ce que j'appelle l'interprétation « psychologique » du devoir envers la nature non humaine et je tente de suivre une interprétation basée sur la « perfectibilité morale » qui se fonde sur les textes kantien. J'estime que cette deuxième interprétation peut se déduire de notre intérêt intellectuel pour la beauté naturelle, à la manière dont il est démontré dans la Critique de la faculté de juger de Kant. Enfin, après avoir examiné quelques objections, je me tournerai vers la contribution kantienne à l'éthique écologique : (a) sans prendre en considération son approche anthropocentrique, Kant ne subordonne pas la nature non humaine comme le fait le biocentrisme, et (b) bien que son approche puisse être désignée comme étant spéciste, Kant ne regarde pas la nature comme simple moyen – comme « capital naturel » ou comme « ressource naturelle » – mais la considère comme quelque chose de nécessaire pour notre perfectibilité morale.

Mots-clés

Emmanuel Kant, nature non humaine, devoirs, perfectibilité morale, beauté naturelle, subordination (apprivoisement)

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The Principle of Autonomy and the Ethics of Advance Directives

Abstract

Advance directives are conceptualised as a means of increasing “patient autonomy”, as they enforce individuals’ power of choice over a post-competence dying process. There is, however, controversy over their moral force. Rebecca Dresser and John Robertson offer a conceptual argument grounded in epistemological considerations concerning personhood which challenges their authority. Roland Dworkin defends forcefully “precedent autonomy” in planning post-competence medical care. This paper examines the above opposing theses and assesses their main arguments. Limitations are detected in both. Regarding the former, its conceptualisation of the notion of personhood is found to be problematic, and regarding the latter, its conception of individual autonomy is found to be too narrow. An alternative route is explored by reconstructing Kant’s conception of moral autonomy. It provides a framework for moral reasoning, from which certain contemporary understandings of autonomy as a right, as a reflective capacity of the individual, as responsibility and integrity can be properly assessed and justified. Normative conclusions follow regarding the extension of personal autonomy in advance medical choice.

Key words

advance directives, agency, autonomy, Rebecca Dresser, Ronald Dworkin, Immanuel Kant, personhood, respect

Discussions of the ethics of advance directives have intensified in recent years as a result of unprecedented advances in medical technologies and subsequent applications in healthcare, which enable patients to be kept alive beyond the point at which they are competent to express their consent. They are taken to show how individuals can exercise greater control over their treatment, and thus how their power of choice can be reinforced and extended in the probability of their own future marginal competence or complete incompetence.

Advance directives are advocated as a means of preserving patient self-determination at the end of life, as they may particularly improve surrogates’ understanding of patients’ wishes regarding life-sustaining treatment. They may take two specific forms: they either give instructions in advance on the kinds of treatment that should or should not be provided (instruction directives), or designate someone else (a proxy) to make decisions on the author’s behalf in accordance with what she would wish to be done in the event of becoming incompetent (appointment directives).

They are conceptualised – and justified – as enactments of the principle of “patient autonomy”, which has acquired unique prominence in contemporary (bio)ethical discussions. They highlight the importance of being in control of one’s own life, even in cases of future severely incapacitating illnesses or loss of mental powers which hinder one’s capacity to make choices. They

are motivated by fears of being medically over-treated should one end up in a state of incompetence. On the whole, authors tend to specify the situations in which they would want treatment to be administered or discontinued.

Questions arise about the moral authority of advance choice, as well as its scope and application in a wide variety of cases. Executing an advance directive in anticipation of loss of consciousness, for instance, is different from that which is executed in anticipation of dementia. In the former case, its moral justification seems less debatable because, at the time that it is meant to take effect, there is no active agent whose choices need to be taken into account. In the case of severe dementia, however, the author of the advance directive wills to take control of her future at a time when she may still possess some attributes of agency, may be capable of experiencing pleasure and pain or discomfort, and of expressing needs and wants. In the latter case, the patient may be conscious, but partially or completely incompetent.

The worry, in such cases, is that the person who authored the advanced directive has undergone such severe transformation that there exists a patient who is a self very different from the author. Unlike the permanently unconscious, the demented individual may still have experiences, wants and desires, and therefore interests, which may conflict with those expressed in the advance directive. A standard criticism of such cases is that one person's treatment (the patient's) is dictated by another person's wishes (the author of the advance directive). And this is morally unacceptable.

The challenge goes deep and concerns the proper understanding and normative force of individual autonomy extending to the far end of human agency. What are the moral grounds for honouring advance directives and what is the scope of the latter? Objections fall within a large scheme of sceptical questions about the conceptual and normative dimensions of "precedent autonomy" and the idea of autonomous choices extending into the future, with authority extending into a period of an agent's incompetence.

"Margins of agency" and precedent autonomy: Two perspectives

Two major theoretical approaches have dominated the current debate: that of Rebecca Dresser and John Robertson, on the one hand, and that of Ronald Dworkin, on the other. Both invoke a certain view of personhood, but they part company in their understanding of this notion.

a. The Dresser and Robertson thesis: Is there a problem with personal identity?

Dresser and Robertson aim to undermine the moral force of instructional advance choice by invoking a conceptual argument about personhood and personal identity, which derives from empiricist epistemic premises. As they put it:

"It is difficult, if not impossible, for competent individuals to predict their interests in future treatment situations when they are incompetent because their needs and interests will have so radically changed."¹

To substantiate their claim, they appeal to a certain philosophical theory of personal identity associated with Derek Parfit,² according to which personhood, one's status as a person, is a matter of one's psychology. Personal identity refers to that aspect of one's psychology which makes one the particular

person that one is. It consists in the continuity of psychological states through time. If one had a radically different psychology, then one would not be the particular person that one is. Similarly, if one's current psychology were to change drastically, then one's particular identity would also change.

On this reading, as the psychological connectedness and continuity between different stages in the life of a person may decrease, this decrease can alter the force of our normative commitments. In the case of deep psychological changes between the former and later self of a demented person, one could say that they are different persons. In such cases, an advance directive issued by the former person cannot have moral force for the course of action to be taken with regard to the person existing after the psychological change.

Dresser and Robertson have systematically defended the claim that, if the degree of psychological discontinuity is so great that we may talk about two different selves, then the demented subject's contemporary interests are the ones that should be legitimately cared for. The patient's earlier preferences should not count because the demented patient may not be the same person as the one who once expressed these preferences.³ Caretakers and medical practitioners are faced with individuals who, although not in the "full maturity of their capacities", are nonetheless conscious beings capable of pleasure and pain, who can have claims about their current needs and desires. Why should one, morally speaking, ignore these in the name of past values which are now extinct? Dresser puts the issue succinctly as follows:

"Legal decision-makers have accepted the dubious notion that what was vitally important to incompetent patients when they were competent remains vitally important to them in their incompetent states. But incompetent patients differ from competent patients in material ways that invalidate this notion. Incompetent patients are incapable of appreciating the values and preferences they once held dear. As a consequence, standards attempting to honor those values and preferences fail to advance the incompetent patient's present welfare."⁴

There is a moral requirement for medical professionals to do what is in the current best interests of the now incompetent or marginally competent patient, in situations in which her earlier wishes conflict with these interests. Decisions taken by others which affect a demented subject at a given time must be true to that person's point of view at that given time. Abiding by and trying to fulfil the wishes and values which the patient no longer endorses or experiences may harm the patient. Along these lines, Dresser rejects the view

1

Rebecca S. Dresser, John A. Robertson, "Quality of Life and Non-Treatment Decisions for Incompetent Patients: A Critique of the Orthodox Approach", *Law, Medicine & Health Care*, Vol. 17 (1989), No. 3, pp. 234–244 (239).

2

Derek Parfit, *Reasons and Persons*, Oxford University Press, Oxford 1984. Parfit's approach has invigorated the 18th century Lockean tradition. John Locke proposes a relational view of personal identity as opposed to a substance-based, Cartesian, view of it (according to which, identity is preserved between two stages of a person's stages only in virtue of his/her consisting in one and the same substance). Against the latter, Locke argues that X at t1 is identical to Y at t2 just in case X and Y are related via consciousness,

i.e., just in case Y remembers the thoughts and experiences of X. As he puts, it, in case Y's consciousness "can be extended backwards" to X (John Locke, "Of Identity and Diversity", in: John Locke, *An Essay Concerning Human Understanding* [1694], Penguin Classics, London 1998, Book II, Ch. XXVII).

3

Rebecca Dresser, "Life, Death, and Incompetent Patients: Conceptual Infirmities and Hidden Values in the Law", *Arizona Law Review*, Vol. 28 (1986), No. 3, pp. 373–405; cf. R. S. Dresser, J. A. Robertson, "Quality of Life and Non-Treatment Decisions for Incompetent Patients".

4

R. Dresser, "Life, Death, and Incompetent Patients", p. 389.

that, in the event of becoming incompetent, patients retain the right of competent patients to refuse treatment including life-saving measures.

However, the justification of the Dresser-Robertson thesis rests on doubtful premises. As Joel Feinberg has argued,⁵ a person's interests may be harmed even when she does not and can never experience the harm. To suggest otherwise is to take too narrow a view of what an interest is. Posthumous harms are a case in point. Such harms may occur when somebody's treasured goods suffer destruction, or her valued reputation as a person is undermined by wicked lies, or when important promises that she was given to be performed after death are broken. For similar reasons, a person's interests may be harmed by the way she is treated after she loses her cognitive capacity and awareness of the fact that such harms are being done to her.

The Dresser-Robertson thesis rests on a questionable conception of personhood which does not square adequately with a structural feature of personhood, namely that of persons as agents. Firstly, their analysis blurs the distinction between competence and personal identity. In saying that psychological discontinuity leads to a change of personality, they seem to ignore the gap between loss of competence for medical decision-making and change or loss of personality. Competence is unravelled in terms of certain psychological characteristics, and these are, in turn, taken to define personhood. Nonetheless, the move is left unargued. Secondly, it is unclear why such a conception of personhood should have any moral relevance at all. Personality is a far richer notion than their empiricist methodology recognises. It is a normative notion, and not a fact-stating matter. Their perspective is unable to answer adequately the question of why one's interests or preferences ought to be cared for in the first instance. One cannot validly conclude that something ought to be the case morally just because it works in a certain way psychologically. Even in cases in which there is psychological connectedness between the different stages of one's life, why should one's preferences or wishes (contemporaneous or advance) bind another's action (the surrogate's or anyone else's)? The transition from factual premises about psychology (facts about preferences and other mental states) to normative conclusions about moral commitment (what ought to be done) is epistemologically questionable.

b. Ronald Dworkin: Autonomy as integrity

A different response to the moral authority of advance instruction comes from Ronald Dworkin, who furnishes reasons for adhering to the demented person's earlier instructions by appealing to the "right to autonomy" extending into one's future.⁶ His conception of personhood stresses the active side of our human nature, that is, the standpoint that we adopt when we view ourselves not merely as subjects of (psychological) experiences through time, but as agents who actively decide what to do and take responsibility for what they do. This standpoint separates our actions from mere behavioural events determined by biological and psychological laws. Dworkin's approach focuses on the idea of freedom to make our own choices, do things for ourselves and take responsibility for what we do. This is what it means to be persons as opposed to mere things. Personhood is tied up with the practical standpoint, i.e., with agency and responsibility.

From the practical standpoint, we view our relationship to our choices and actions as that of an author: we view them as *our own*. When we think of ourselves in this way, our own lives matter to us personally. We conceptualise ourselves as living our lives, including having certain psychological experi-

ences, as something we actively engage in, as something that we do. Dworkin conceptualises this important feature of our sense of personal identity, which the Dresser-Robertson thesis leaves out, through his notion of personal autonomy. Personhood, for him, is intertwined with the capacity for autonomy. He understands the latter as “the ability to act out of genuine preference or character or conviction or sense of self”.⁷ To be a person is to be an autonomous agent, and autonomy implies taking responsibility for one’s life.

The decisive criterion of autonomy is the right to govern the course of one’s life, including one’s future incompetence according to a “recognised and coherent scheme of value”.⁸ The value of autonomy

“... lies on the scheme of responsibility it creates: autonomy makes each of us responsible for shaping our own lives according to some coherent and distinctive sense of character, conviction, and interest. It allows us to lead our own lives rather than being led along them, so that each of us can be [...] what he has made of himself.”⁹

A human life is to be judged “as we judge a literary work [...] whose bad ending mars what went before”.¹⁰ From the point of view of a person, it is not “zoe”, physical or biological life, that has inviolable moral worth but “biography”.¹¹ When an autonomous person becomes incompetent, we “worry about the effect of his life’s last stage on the character of his life as a whole, as we might worry about the effect of a play’s last scene or a poem’s last stanza on the entire creative work”.¹² A bad ending may be worse than death as it may leave a person “a narrative wreck [...], a life worse than one that ends when its activity ends”.¹³

We ought to adhere to the patient’s earlier values and wishes, which originated when she was still capable of acting autonomously and capable of judging what was important for her overall well-being. We ought to respect the patient’s “precedent autonomy”, because we ought to respect the abilities and capacities that gave rise to such values and choices. We ought to respect that person’s personhood when it was intact. He specifies “precedent autonomy” as follows:

“A competent person’s right to autonomy requires that his past decisions, about how he is to be treated if he becomes demented, be respected even if they do not represent, and even if they contradict, the desires he has when we respect them, provided he did not change his mind while he was still in charge of his own life.”¹⁴

Dworkin furnishes two arguments in support of the above claim, one grounded in personal autonomy and the other in beneficence,¹⁵ both of which lead to

5
Joel Feinberg, *The Moral Limits of the Criminal Law: Vol. 3 – Harm to Self*, Oxford University Press, New York 1984, pp. 83–95.

6
Ronald Dworkin, *Life’s Dominion*, Alfred A. Knopf, New York 1993, pp. 218–237.

7
Ibid., p. 225.

8
Ronald Dworkin, “Autonomy and the Demented Self”, *The Milbank Quarterly*, Vol. 64 (1986), suppl. 2, pp. 10–14.

9
Ibid., p. 8.

10
R. Dworkin, *Life’s Dominion*, p. 27.

11
Ibid., pp. 82–83.

12
Ibid., p. 199.

13
Ibid., p. 211.

14
R. Dworkin, “Autonomy and the Demented Self”, p. 13.

15
R. Dworkin, *Life’s Dominion*, pp. 222–229, 229–231.

the moral prioritisation of deeply held goals and values ahead of one's future incompetent mental condition. The reasons for honouring advance directives stem from considerations of respect for the right to individual autonomy and (their author's) right to our beneficence. He understands beneficence as the right which a person entrusted to the care of another has that the latter make decisions in the best interests of the former. Just as it would be a mistake to conceive a demented person as a person with the right to autonomy and interests of *her own*, which are distinct from those of her previous competent stage, so it would be an error to think that we would satisfy the patient's best interests if we ignored her previous choices.

Unravelling the notion of best interests, he draws a distinction between one's "experiential" and one's "critical" interests. Victims of dementia, *qua* demented, may still have experiential interests in their lives, i.e., good or bad experiences, such as enjoying comfort or feeling pain or fear. But they have lost the capacity to think about how to make their lives more successful as a whole:

"They are ignorant of self – not as an amnesiac is, not simply because they cannot identify their pasts – but more fundamentally, because they have no sense of a whole life, a past joined to a future, that could be the object of any evaluation or concern as a whole. They, therefore, have no contemporary opinion about their own critical interests."¹⁶

Although they cannot have a view of their life as a whole, and so they cannot make a judgement about their critical interests, nor can they assess what makes their life a success or a failure, they, nevertheless, have to be treated as persons who have become demented. The autonomy and interests of the whole personality – whose life should be viewed as encompassing far more than the period of their dementia – should be taken into consideration. And these can be affected by what happens to individuals in this final, demented, stage. Respecting both the patient's right to autonomy and her best (critical) interests (her "right to beneficence") requires adhering to her previous will, giving weight to her critical interests as she conceived them when she was competent to do so. There is no conflict between autonomy and beneficence in deciding what to do in such cases. Demented patients' advance directives ought to be honoured.

In a nutshell, Dworkin's analysis leads to the unambiguous conclusion that advance directives should be respected, because they are expressions of the critical interests that a person has and constitute that person's well-being, manifesting at the same time the exercise of her autonomy. His reconstruction of autonomy and beneficence leads to the claim to non-interference and to respecting the will of competent individuals concerning future treatment, even if a demented person expresses a will to the contrary. The rights of competent and conscious individuals to continue treatment, refuse treatment, or end their lives through more active means or interventions (so long as they did not change their minds while competent) are to be respected.

At the core of his understanding of agency and autonomy is the decision-making capacity of the individual and the ability to be in control and plan one's life as a whole, which warrants protection from unacceptable paternalism. This reconstruction of personal autonomy has its roots in John Stuart Mill.¹⁷ He strikes a Millian note when he argues:

"Recognizing an individual right of autonomy makes self-creation possible. It allows each of us to be responsible for shaping our lives according to our own coherent or incoherent – but, in any case, distinctive – personality. It allows us to lead our own lives rather than be led along them,

so that each of us can be, to the extent a scheme of rights can make this possible, what we have made of ourselves.”¹⁸

Dworkin draws attention to important aspects of individuality and the good life, including autonomous living. However, two premises in his argument need further defending, namely, (a) the view that the demented patient can no longer generate “critical interests”, and (b) that the crucial dimension of autonomy is that of a capacity for being able to set one’s own values and goals and follow them.

Regarding (a), Dworkin assumes that critical interests stem from “convictions about what helps to make a life good on the whole”.¹⁹ However, critical interests may plausibly be said to be generated from something less: simply from convictions concerning what is good to have, without requiring the ability to grasp, or review, one’s life as a whole. This not only characterises dementia patients, but may also be ascribed to many of the rest of us. Critical interests need not be understood in terms of a person’s grasp of what is good for her life as a whole, but can be traced to somebody’s convictions about what would be good for her – what is valuable for her to have or achieve.

A forceful criticism along these lines comes from Agnieszka Jaworska,²⁰ who – while agreeing with Dworkin about the normative dominance of critical interests over experiential ones – understands persons with dementia as still capable of generating new critical interests, including those about the value of their life. In order to substantiate her thesis, she appeals to a distinction between values and desires. While desiring is a more basic, first-order notion, valuing involves reflection. We do not always value what we desire. We often try to give up a bad habit, for example. To value something is not merely to desire it, but to think that it is good; and this is a second-order appraisal. For Dworkin, to form critical interests one must be capable of having convictions about what makes one’s own life good as a whole. She objects that critical interests can stem from simpler second-order desires, and that convictions about what is good to have do not require the ability to grasp or reflect upon one’s life as a whole.

Along these lines of argument, she contends that a demented person who has the capacity to value (even if that person has lost the capacity to implement her values) is capable of generating new critical interests. And the latter should be taken into account, thereby relativising the force of advance choice. It is one thing for someone to write an advance directive planning treatment in case of permanent unconsciousness, but quite another in case of dementia. In the first instance, the directive has full authority because later there will be no active agent to change some of her values, while in the second, later there will still be a person who is a valuer.

A demented person may be capable of generating contemporaneous critical interests as a person capable of valuing things. And her values may change and become different from the ones she endorsed when she was healthy. If

16
Ibid., p. 230.

17
John Stuart Mill, “On Liberty”, in: John Stuart Mill, *On Liberty* [1859], Penguin Classics, London 1982, Ch. 3.

18
R. Dworkin, *Life’s Dominion*, p. 224.

19
Ibid., pp. 201–202.

20
Agnieszka Jaworska, “Respecting the Margins of Agency: Alzheimer’s Patients and the Capacity to Value”, *Philosophy and Public Affairs*, Vol. 28 (1999), No. 2, pp. 105–138.

this is so, then the conflict which occurs in our dilemmas about caring for that person may be best described as a conflict between the patient's ongoing experiential interests and her ongoing critical interests.²¹

However, in crucial respects, Jaworska and Dworkin do not address each other's point. Their views are grounded in different conceptions of critical interests, which lead them to different moral assessments of dementia. For Jaworska, anyone capable of second-order desires is a valuer, thus capable of generating new critical interests by changing one's mind. For Dworkin, on the other hand, critical interests involve more than just any values or second-order desires. They involve particular evaluative characteristics, such as life-long commitments and views of "what makes life good as a whole"; they involve the integrity of one's life in its entirety. In the end, Jaworska does not show that Dworkin is mistaken about the ability of demented patients to generate new critical interests in his sense of critical interests. Rather, what she formulates is a different conception of critical interests, one that does not address the kinds of reasons that Dworkin offers for insisting that critical interests override experiential interests in the overall assessment of best interests, namely their grounding in life's integrity, the value that people attach to their lives as a whole.

As for (b), it seems to me that, here, Dworkin's approach is at its most vulnerable. It concerns the fact that he invokes too narrow a conception of autonomy in ethics. He argues that it matters morally to individuals that they each be able to lead a self-directed life, which each personally finds fulfilling. He focuses on autonomy as an individual's capacity, and value-formation as the basis for the exercise of this capacity. Autonomy is thus reconstructed as an individual's capacity for value-formation. The value of personal autonomy emerges as the value of an individual's rationally self-directed life in the above sense. Within this scheme, the ethics of personal autonomy rests on the acceptance of a fundamental right of individuals to make choices with regard to their own bodies. However, this reconstruction is weak at the point at which it restricts justification for respect for one's chosen action to a capacity to have a distinctive character and act out of a sense of identity with one's values (individuality). Only where this capacity exists over a continuous period of time, according to Dworkin, does one have the required abilities so as to claim a right to autonomy.

However, why should a personally autonomous life in the above sense create an obligation that others should respect or assist an individual in attaining it? Going back to classical moral theory, for both Kant and Mill, the capacity for autonomous agency acquires normative significance because it is related to a moral endeavour which goes beyond the life of the individuals concerned. Particularly, in Kant, it is humanity in one's own person as well as in the person of everybody else that has moral worth (it is an "end-in-itself"²²). Equally for Mill,²³ the normative ideal of human progress places individual self-development within the scheme of a higher social ideal, which is the welfare of the greatest number of agents possible. In classical moral theory, there is an individual-transcending dimension which sees morality as that which characterises our relations to others. This element is lacking in Dworkin's analysis, as indeed in most contemporary writings on autonomy in bioethics, despite their self-proclaimed allegiance to the above tradition.

c. Kantian autonomy

Were we to offer a classification of the various conceptions of the notion of "patient autonomy", so vehemently invoked in contemporary bioethics, we

would detect at least three different senses according to which a person's autonomy can be said to be morally valuable: (i) as mere, sheer choice, that is, as some form of individual independence thought to be desirable; (ii) as a valued reflective capacity of the individual, a capacity to reflect on one's desires and adopt the rationally acquired ones; (iii) as Kantian or "rational autonomy", that is, as acting on principles valid from the standpoint of all.

The first conception is a minimalist one.²⁴ It counts all choosing unhindered by external sources as autonomous choosing. Respect for it is merely respect for patient choice (choices that may endanger life or health are not excluded). The only restriction that some of its advocates would accept is the prevention of harm or risk to others. The second conception views autonomy as choice that meets some additional standard, e.g., as a choice which is informed or reasoned as a second-ordered desire to have particular desires or preferences (cf. Harry G. Frankfurt²⁵), or as reflective or authentic choice, coherent with other choices in one's life as a whole (cf. R. Dworkin), or as second-order valuing (cf. A. Jaworska). However, issues arise and controversies develop regarding what these standards should be. Debates are inconclusive. They only appear to be significant, if we start our moral reasoning by favouring some such characteristic of the individual agent, leaving otherwise open the question of why and how this characteristic should generate obligations for all others.

The third sense of autonomy mentioned above characterises principles rather than individuals. It is related to universal self-legislation and depicts that binding, individual-transcending aspect in our moral relations. It is firmly grounded in Kant's conception of morality, characterising principles as autonomous if and only if the reasons for acting on them could be adopted by all (rather than by reference to some particular authority of limited scope – which, for Kant, would be acting heteronomously). Kantian autonomy provides reasons why concern for others or dependence on others fits into the moral scheme of personal autonomy. It shows that the core of the capacity for autonomy consists in the ability to lay down the principles that will govern one's actions, which, *qua* moral, are capable of being shared by all. It is not merely independence of judgement or self-direction in one's life that constitutes moral autonomy. On the contrary, acknowledging the force of independently binding principles constitutes the core constituent of the personally autonomous agent. In Kant's words:

21
Ibid, pp. 111, 134ff.

22
Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* [GMS], 1785, in: *Kant's Gesammelte Schriften*, Königlich-Preußische Akademie der Wissenschaften (later: Deutsche Akademie der Wissenschaften zu Berlin), Walter de Gruyter, Berlin 1903–, Vol. 4, pp. 428–429; English translation: Immanuel Kant, *Groundwork of the Metaphysics of Morals* [GMM], in: Mary Gregor, *Immanuel Kant. Practical Philosophy*, Cambridge University Press, Cambridge 1996, pp. 78–80.

23
J. S. Mill, *On Liberty*.

24
See, e.g., John Harris, "Rights and Reproductive Choice", in: John Harris, Soren Holm (eds.), *The Future of Human Reproduction: Ethics, Choice, and Regulation*, Clarendon Press, Oxford 1998; Julian Savulescu, "Autonomy, the Good Life and Controversial Choices", in: Rosamond Rhodes, Leslie P. Francis, Anita Silvers (eds.), *The Blackwell Guide to Medical Ethics*, Blackwell, Oxford 2007, pp. 17–37; John Robertson, *Children of Choice: Freedom and the New Reproductive Technologies*, Princeton University Press, Princeton 1994.

25
Harry G. Frankfurt, "Freedom of the Will and the Concept of a Person", *The Journal of Philosophy*, Vol. 68 (1971), No. 1, pp. 5–20.

“Autonomy of the will is the property of the will by which it is a law to itself. [...] The principle of autonomy is, therefore: to choose only in such a way that the maxims of your choice are also included as universal law in the same volition.”²⁶

We thus obey the categorical imperative (the moral law) by declining to adopt any maxim that could not rationally be endorsed by all others, including the party affected by our action – in the present case, by the patient. What is morally worthy is the individual’s capacity for self-legislation, and it is worthy in a particular way: we accord respect to it. We respect the patient’s autonomy by regarding her participation in our decision-making as a constraint on what decisions we permit ourselves to make.

Respecting persons’ autonomy in the Kantian sense is not just a matter of giving them effective options and assisting them in achieving some of them, but making decisions in which they (and all others) could rationally join in. The substantial principles of non-coercion and non-deception follow from the above notion. Kant’s conception of autonomy does not merely propound the value of a person’s end-setting capacity. It is “the will’s moral capacity to determine itself” independently of subjective drives and in accordance with principles which all others could adopt (principles of practical reason). It is our law-making ability which is called “autonomy”. It is “the ground of the dignity of human nature and every rational nature”.²⁷ This is what is captured by the Kantian notion of personality. It may sometimes require setting aside the individual projects that one may have for the sake of morality.

Integral to Kant’s notion of autonomy is the common human perspective. Morality as autonomy is about our relations with others (abiding by self-legislated principles valid from the standpoint of all). If this is so, if morality is interpersonal in the above sense, then to speak of the moral importance of personal autonomy implies that it has a role in interpersonal relations. The individual-transcending dimension of morality is captured by Kant as follows:

“... every person’s own will directed to himself, is restricted to the condition of agreement with the *autonomy* of the rational being, that is to say, such a being is not to be subjected to any purpose that is not possible in accordance with a law that could arise from the will of the affected subject himself; hence this subject is to be used never merely as a means but as at the same time an end.”²⁸

Unlike its Dworkinian counterpart, Kantian autonomy is not a “value” or a “right”. Autonomy is necessarily attributed to the will of each and every moral agent, *qua* member of the moral community. It is not an empirical matter to be discerned, that is to say, it is not the case that some individuals have more or less than others, as indeed is the case with independence of judgement or mind and the ability to control events in one’s life as one chooses. It is a model of moral agency that applies to all human beings, *qua* moral agents. Autonomy thus constitutes the ground of the dignity of rational nature, and such autonomy is expressed primarily through the act of giving laws to oneself.

Put differently, autonomy means responding to moral reasons. It is not merely an individual right or a value, but a structural feature of moral agency and is, as such, presupposed by all rights and duties. Rights stem from (moral) autonomy. The latter offers a solid normative ground for claims of rights, giving them coherent content and justification.

Kant does not ground moral requirements on some prior value, or some valuable feature to be found in other human beings. Rather, he turns the relation the other way round: something has value because it is morally required. So, we owe respect to others not because they possess some kind of value, but

because it is a direct demand of our moral rationality. It is from this demand that all other values follow. This claim is encapsulated in the “formula of humanity”, which expresses the demand not to treat others merely as means, but always at the same time as ends in themselves. The demand is a categorical imperative, that is, a prescription law-like in form and universal in scope. These latter two characteristics cannot be inferred or acquired from experience, but are structural characteristics of an a priori conception expressing moral status:

“This principle of humanity, and in general of every rational nature, *as an end in itself* (which is the supreme limiting condition of the freedom of action of every human being) is not borrowed from experience; first because of its universality, since it applies to all rational beings as such and no experience is sufficient to determine anything about them; second because in it humanity is represented not as an end of human beings (subjectively), that is, not as an object that we of ourselves actually make our end, but as an objective end that, whatever ends we may have, ought as law to constitute the supreme limiting condition of all subjective ends, so that the principle must arise from pure reason.”²⁹

Kant’s “Formula of Humanity” states that one ought to act in such a way that one treats humanity in one’s own person and in each and every other person as an end and never merely as a means. Human beings, *qua* rational agents, have dignity in virtue of their humanity (their rational moral agency). It is not the bare life of an individual human being that has dignity. Kant is not a vitalist. He does not defend life at all costs. He puts it this way: “morality and humanity insofar as it is capable of morality, is that which alone has dignity”.³⁰ We respect persons by respecting their humanity and thus their rational agency that constitutes humanity. It is this status that confers dignity upon them, unconditional worth beyond any price. Dignity cannot be traded off or measured against any other values.

All the main aspects of Kant’s formulations of the categorical imperative come together in the idea of a “kingdom of ends”, from which specific practical principles follow. A “kingdom of ends” is a systematic union of rational agents under common laws, being both legislators and subject to them. They “legislate” laws as rational beings with autonomy of the will and mutual recognition of their status as ends in themselves (persons).

Important consequences regarding the treatment of beings at the margins of agency follow from the above conception of moral autonomy. Kant’s conceptual argument is that autonomy is constitutive of moral agency, and this is independent of our beliefs about which human creatures are, empirically speaking, moral agents. Although we cannot consider severely brain-damaged or demented human beings as responsive to moral reasons, they are, nevertheless, due our respect because we relate to them as members of the

26

I. Kant, GMS, Ak. 4:440; I. Kant, GMM, p. 89. It is known as the “Formula of Humanity” of the Categorical Imperative.

27

I. Kant, GMS, Ak. 4:436; I. Kant, GMM, p. 85.

28

Immanuel Kant, *Kritik der praktischen Vernunft* [KpV], (1788), in: *Kant’s Gesammelte Schriften*, Königlich-Preußische Akademie

der Wissenschaften (later: Deutsche Akademie der Wissenschaften zu Berlin), Walter de Gruyter, Berlin 1903–, Vol. 5, p. 87; English translation: Immanuel Kant, *Critique of Practical Reason* [CPR], in: M. Gregor, *Immanuel Kant. Practical Philosophy*, p. 210.

29

I. Kant, GMS, Ak. 4:431; I. Kant, GMM, p. 80.

moral community in virtue of what they have been and in virtue of that which they exhibit (the “image” of a human face, metaphorically speaking).

One does not have to find out whether others possess this or that (valuable) feature as a matter of fact in order to be bound by respect to them. When Kant invokes the notion of dignity and attributes it to persons by virtue of their rational (and to that effect, moral) nature, thus placing them beyond any price, he does not invoke anything that requires the ability to walk unassisted, or to control one’s movements, or to eat without help, or to be self-reliant. He does not mean physical independence or strength. Moral autonomy does not involve empirical abilities to function independently, or lack of dependence on continuous medical intervention, or freedom from physical or cognitive deterioration. The conception of dignity invoked in bioethical discussions often seems to refer to a kind of condition threatened by physical deterioration or dependency. But this is not the status that can ground the demands on our moral actions which are so fundamental in Kant’s ethics.

The unity of personhood and the authority of advance directives

On Kantian grounds, mentally disabled or incapacitated persons are to be treated as full members of humanity, as subjects of rights and interests. The fact that they are unable to tell us what they want does not make them strangers to our moral community. Even regarding mature rational agents, the latter may express their rational autonomy in action in various ways. What is more, Kant repeatedly stresses that we cannot judge their inner motive with assurance. This implies that we too remain uncertain about the degree to which others, mature adult individuals, express their personal autonomy. We need the power of imagination in order to understand others in their individual separateness, or strangeness or even mental impairment, and ought to respect them even if we do not fully understand them.

If persons are human beings with moral status, then the loss of the ability to display certain empirical properties does not make them non-persons. It does not deprive them of being members of humanity, the community of moral agents. Even when someone is in a persistent vegetative state, there are still certain interpersonal moral attitudes that we extend to them: they are due our respect of the sort that forbids us to maltreat, harm, humiliate or degrade them.

The reluctance we feel to degrade the comatose demonstrates that their body has to be treated with respect as an integral part of their personality, because of the “human form” it manifests. Each of us is an “image” or a manifestation of humanity. To the extent that the “kingdom of ends” evokes respect, each of its instances also evokes respect.

There is reason to respect advance directives furnishing instructions on how one should be treated in case of permanent loss of consciousness or cognitive capacity, just as there is reason to respect the directives of the deceased furnishing instructions on what is to happen after their death concerning their property and its distribution to their loved ones. Respect for rational agency requires both sustaining conditions of rational agency and respecting decisions made by rational agents. Advance directives have moral force because a person’s determination of the will and moral realisation include a claim in shaping her future image and recollections.

Despite their incapacity to sense, to exhibit cognitive or linguistic competence, or even appreciate violations of interests, or have experiences, etc., incompetent individuals possess moral status and have to be treated with respect. It is important given that people seek to shape their image and the way they will be remembered, something which will survive their competent stage of life and their life itself. Respect for a person morally justifies respect for the person's decisions surrounding a post-competence dying process.

So long as the directive reflects a considered and unambiguous awareness of its content and effect, and so long as there is no indication that the person's choices changed while she was competent, it ought to be honoured. A moral community ("kingdom of ends") in which rational decisions were not respected after the loss of decisional competence or the death of those issuing them would be less respectful of humanity and hence not a kingdom of ends, morally speaking. A world in which rational decisions were not respected after the loss of (empirical) competence or even the death of the person in question would show less than respect for humanity and would be less than a "realm of ends".

At the same time, however, a note of caution should be sounded. It is imperative that advance directives be carefully considered in their multifarious forms. Above all, the reasons upon which they are based have to be carefully scrutinised and assessed. (For instance, advance directives cannot be morally accepted if they are the outcome of prejudice, ignorance or an unreflective assumption, or any kind of irrational preference.) As has above been mentioned, to those who subscribe to a minimalist conception of individual autonomy – including, most paradigmatically, Ludwig Minelli, the founder of the Swiss organisation *Dignitas*, which caters to foreigners travelling to Switzerland for assistance in dying – it does not matter why the person wants to die. The only value which is taken to be morally relevant is the individual's self-determination. But, on our account of moral autonomy, the reasons which motivate authors to issue advance directives do make a difference and are relevant. As Paul Menzel has put it, quoting Nancy Rhoden,

"When they start saying, 'If I can't do higher mathematics, kill me', we will have to worry in earnest about the limits of precedent autonomy."³¹

Just as, morally speaking, there is a limit to what a competent person can do to her competent self, so there is a limit to what a person can dictate for her future incompetent stage of life. This limit is not defined, nor is it constituted by a person's mere free individual choice. Not everything can count as a morally acceptable course of action simply because it is freely chosen. Degrading conduct towards a mentally deceased patient is not an ethical option, regardless of any consent that may have been given. There are moral limits to what can be tolerated in the name of individual autonomy, regarding both contemporaneous and advance choices. Just as the right to self-determination cannot morally include consent to slavery or consensual cannibalism, so the prospective imposition of an utterly degrading or dehumanising status on an incompetent patient is beyond all moral bounds. Similarly, the imposition of

30

I. Kant, GMS, Ak. 4:435; I. Kant, GMM, p. 84.

31

Paul T. Menzel, "Advance Directives, Dementia, and Eligibility for Physician-Assisted

Death", 58 *N.Y.L. Sch. L. Rev.* 321 (2013–2014), p. 339; see also Nancy K. Rhoden, "The Limits of Legal Objectivity", *North Carolina Law Review*, Vol. 68 (1990), No. 5, p. 860.

significant and gratuitous suffering or deliberate degradation on a mentally impaired patient, despite the patient's ignorance or inability to understand reasons or her inability to deny consent, is absolutely morally unacceptable.

In addition, it is absolutely essential that no evidence exists that the patient has changed her mind or has hesitated after authoring the directive and before losing competence. Moreover, when obvious harm to the contemporary patient's well-being will be a consequence of the application of the advance directive, those making the decision ought to scrutinise carefully whether and to what extent the author of the directive anticipated and considered the effects now occurring. As Onora O'Neill puts it, quoting Bernard Williams, "we should not put too much weight on the fragile structure of the voluntary".³²

When obvious harm to the now incompetent patient is anticipated by the enforcement of the directive, the decision makers have to make sure that the previously competent patient did envision adequately the situation that has now occurred. In such cases, the advance directive has to be explicit about such developments. Any sign of a will to live on the part of a person who is no longer competent relativises the authority of an advance directive in which treatment is refused, unless the exact medical situation is described in the directive in clear and specific terms, explicitly mentioning that any sign of a will to live is to be treated as insignificant and is not to be taken into consideration in the decision-making process.

We should also be sensitive to complex practical issues relating to questions of predicting future facts, estimating future appreciation of such facts, as well as unforeseeable future advances in medical technologies and therapeutic methods. Practical decisions have to be taken with extreme care and caution, by paying careful attention to the complexities of willing something in the future, as well as the conditions under which the decision has been made. Amongst these crucial parameters are freedom from coercion and heteronomous, external determination, freedom from internal coercive powers, such as depression, impaired cognitive powers, stress and fear that one may be a burden to one's family, and so on.

To recapitulate, we need to avoid the temptation to invoke, on the one hand, sceptical empiricist conceptions of personal identity extending into the future (*à la* Dresser) and, on the other, misleading, hyper-idealised conceptions of individual autonomy. The morally relevant notion of autonomy is making a choice based on principles that one judges that everybody could choose to act on. The trait of the personally autonomous agent is that of acknowledging the constraints of objective, sharable principles.

Lastly, discussions about the morality of end-of-life choices should not be reduced merely to claims about advance directives and "patient autonomy". Advance directives have moral force in their own right. But their moral authority cannot compromise or minimise the doctors' and health providers' responsibility to protect the "humanity", basic rights and interests of the terminally ill, incompetent or unconscious patients. It cannot compromise the obligations of the state, either, to establish institutions which comfort the life of those exiting it, including palliative and hospice care. These are but some of the vital moral and political obligations of a democratic state.

Stavroula Tsinorema

**Princip autonomije i
etika smjernica za postupanje na kraju života**

Sažetak

Smjernice za postupanje na kraju života (advance directives) zamišljene su kao sredstvo povećavanja »autonomije pacijenta« jer one osnažuju moć izbora pojedinca u post-kompetentnom procesu umiranja. No njihova je moralna snaga sporna. Rebecca Dresser i John Robertson nude konceptualni argument utemeljen u epistemološkim razmatranjima osobnosti koja osporavaju autoritet smjernica. Ronald Dworkin snažno brani »prethodnu autonomiju« u planiranju post-kompetentne medicinske skrbi. Ovaj rad istražuje gore navedene suprotstavljene teze i ocjenjuje njihove glavne argumente. U oba su slučaja ustanovljena određena ograničenja. S obzirom na prvu tezu, problematičnom se smatra njezina konceptualizacija pojma osobnosti, a što se tiče druge, smatra se da je njezin koncept individualne autonomije suviše uzak. Alternativni se put traži kroz rekonstruiranje Kantova shvaćanja moralne autonomije. Time se nudi okvir za moralno rasuđivanje iz kojega se može primjereno izvesti i opravdati određeno suvremeno razumijevanje autonomije kao prava, kao refleksivne sposobnosti pojedinca, kao odgovornosti i integriteta. Normativni zaključci proizlaze iz proširenja osobne autonomije u napredni medicinski izbor.

Ključne riječi

smjernice za postupanje na kraju života (*advance directives*), djelovanje, autonomija, Rebecca Dresser, Ronald Dworkin, Immanuel Kant, osobnost, poštovanje

Stavroula Tsinorema

Prinzip der Autonomie und Ethik der Patientenverfügung

Zusammenfassung

Die Patientenverfügung (advance directives) ist als Mittel zur Vergrößerung der „Patientenautonomie“ gedacht, weil sie die Macht der individuellen Wahl innerhalb des post-kompetenten Sterbeprozesses kräftigt. Jedoch ist deren moralische Kraft umstritten. Rebecca Dresser und John Robertson unterbreiten ein konzeptuelles Argument, das sich auf epistemologischen Betrachtungen der Personalität gründet, die die Autorität der Patientenverfügung anfechten. Ronald Dworkin verteidigt mit aller Kraft die „vorherige Autonomie“ in der Planung der post-kompetenten medizinischen Betreuung. Diese Arbeit untersucht die oben angeführten entgegengesetzten Thesen und bewertet ihre Hauptargumente. In beiden Fällen wurden gewisse Beschränkungen festgestellt. In Anbetracht der ersten These wird ihre Konzeptualisierung des Personalitätsbegriffs für problematisch befunden, und was die andere angeht, wird ihr Konzept der individuellen Autonomie als übertrieben schmal beurteilt. Ein alternativer Weg wird durch die Rekonstruktion von Kants Auffassung der moralischen Autonomie gesucht. Dadurch wird ein Rahmen zum moralischen Ermessen angeboten, aus dem sich ein bestimmtes zeitgenössisches Verständnis der Autonomie als Recht passend ableiten und rechtfertigen lässt, ein Verständnis der Autonomie als reflexive Fähigkeit des Individuums, als Verantwortung und Integrität. Normative Schlussfolgerungen gehen aus der Ausdehnung der persönlichen Autonomie auf eine fortgeschrittene medizinische Wahl hervor.

Schlüsselwörter

Patientenverfügung (*advance directives*), Tätigkeit, Autonomie, Rebecca Dresser, Ronald Dworkin, Immanuel Kant, Personalität, Achtung

Stavroula Tsinorema

**Le principe d'autonomie et
une éthique des directives anticipées**

Résumé

Les directives anticipées (advance directives) ont été conçues comme un moyen pour augmenter « l'autonomie du patient » puisqu'elles renforcent son pouvoir décisionnel une fois le processus de fin de vie entamé, c'est-à-dire une fois les compétences diminuées. Toutefois, leur force morale est discutable. Rebecca Dresser et John Robertson proposent des arguments tirés de considérations épistémologiques de la personnalité qui contestent l'autorité des directives. Ronald Dworkin défend vigoureusement « l'autonomie antérieure » dans la planification des soins médicaux « post-compétents ». Ce travail examine les thèses adverses mentionnées ci-dessus et évalue leurs arguments principaux. Dans les deux cas, des limitations déterminées sont établies. Concernant la première thèse, la conceptualisation de la notion de personnalité est jugée problématique, et quant à la seconde thèse, son concept d'autonomie individuelle est estimé bien trop étroit. Une voie alternative est recherchée à travers la reconstruction de la compréhension kantienne de l'autonomie morale. De cette manière, un cadre est proposé pour un jugement moral à partir duquel il est possible de déduire et de justifier de manière adéquate la compréhension contemporaine d'autonomie en tant que droit, en tant que faculté réflexive de l'individu, en tant que responsabilité et intégrité. Les conclusions normatives dérivent de l'élargissement de l'autonomie personnelle relative au choix médical avancé.

Mots-clés

directives anticipées (*advance directives*), activité, autonomie, Rebecca Dresser, Ronald Dworkin, Emmanuel Kant, personnalité, respect

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**On the Meaning and Some Contexts of the
Term ‘Autonomy’**

A Conceptual Investigation

Abstract

The paper aims to analyse conceptually the meaning of the term ‘autonomy’ and to examine critically its relations with other ethical norms. The question posed is whether autonomy is a right, or an ability, or a capacity, or an achievement, and whether it ought to be distinguished from self-determination. It is shown that autonomy is an anthropological principle, and that self-determination as its manifestation is a human right. As to its relation with other ethical norms, it is shown that there are possible conflicts between a patient’s and his doctor’s autonomies, as well as between autonomy and the duty to protect life, and between autonomy and care, so that trust plays an important role. The author concludes that man is autonomous not if and only if he is able to determine himself, but rather that he has the right to determine himself because he is autonomous. This holds for everybody from their beginning to their end, irrespective of what they are able to do and the situation they may be in. Since every human being is autonomous, autonomy entails self-limitation, and so it does not mean independence, but interdependence. As to trust, autonomy is to be acknowledged, while trust is to be practised, since autonomy is of people, while trust is in people.

Key words

autonomy, self-determination, self-limitation, duty to protect life, care, trust

Introduction

The term ‘autonomy’ entails – particularly in the field of bio-medical ethics – two main problems: (i) it is *understood in various ways*, and (ii) it stands in different contexts *in tension with other ethical norms*.

Thus, both a conceptual analysis of the meaning of the term ‘autonomy’ and a critical reflection on its relation to other ethical norms are at stake.

In what follows, I shall, in *Part one*, dwell upon the notion of ‘autonomy’ *as such*, and, in *Part two*, inquire into the relation of this notion to other ethical norms. Finally, in *Part three*, I shall sum up my argument with seven theses on the meaning and some contexts of autonomy.¹

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For further details see: Jan P. Beckmann, *Medizin, Alber, Freiburg – Munich 2009, p. 13 et passim.*

Part one.

The notion of ‘autonomy’ and the variety of its interpretations

1. Autonomy – unrestricted self-determination of the individual?

‘Autonomy’ (henceforth referred to as ‘A’), from the Greek ‘auto-nomía’, means self-legislation and is the opposite of its contrary term ‘heteronomy’. ‘A’ is often understood to be an expression of the total emancipation of the individual from legal and/or moral traditions, in the sense of the limitless “being master in one’s own house” (cf. the slogan “My body is my own!”). Such an understanding of ‘A’ overlooks the double aspect of this notion or confounds the two aspects: ‘A’ as a *status* and ‘A’ as an *application* by an act, i.e., ‘A’ as a *state of independence* and ‘A’ manifested by an *act of self-determination*. That man² is independent in the sense of selfhood is *one* thing, and that he can determine himself is *another*. There are situations in which a person knows himself to be independent of others, but feels unable to determine himself, as when, e.g., a patient knows that he is independent of doctors, but at the same time feels unable to decide for himself which therapy he wants. Or, *vice versa*, e.g., most employees may well determine themselves, but still remain dependent of their employers.

That independence and self-determination are not one and the same thing has both a *formal* and a *material* reason: *formally*, the two terms differ from each other – independence is a *relation*, while self-determination a *reaction*. Independence necessarily presupposes a relation with regard to which one is independent, while self-determination is always a way of responding to a specific challenge. Thus, it remains unclear whether the slogan “Man is master in his own house” is based upon the idea of independence, or upon the idea of self-determination, or upon both, or whether it confounds the two.

2. Autonomy – “revolt against paternalism”?

Some authors take ‘A’ to be mainly a negative attitude or a kind of “revolt” against paternalism. Now, it goes without saying that the argumentative context in which the idea of ‘A’ in the field of medical ethics appears is the traditional attitude of doctors who “patronise” patients rather than acknowledge their will. However, opposing paternalism is not yet ‘A’, because opposing means an *action*, while ‘A’ is a *status*. One *is* autonomous, while one may *act* against paternalism by opposing it. Thus, the relationship between ‘A’ and paternalism is that of cause and effect. Accordingly, they necessarily differ from each other.

3. Autonomy – a capacity, an ability or an achievement of the individual?

A majority of authors take ‘A’ to be a human capacity or an achievement – i.e., the ability to choose and determine one’s own wishes. Now, human capacities and abilities vary both within the same person at different times and amongst different persons. If ‘A’ is taken to be a capacity or ability of people in specific contexts, then that means that those who do not have this capacity at their disposal or are unable to achieve it – are not autonomous. This means that, for instance, youngsters who are not yet able to decide on their own are not yet autonomous, that old people who may no longer be able to decide on their own have lost their previous autonomy, that the mentally disabled who are unable to decide for themselves throughout their lives can never be autonomous.

Even one and the same individual at times would lose his autonomy – for instance, while being narcotised during an operation.

Accordingly, the understanding of ‘A’ as a human capacity or ability causes two problems: (i) it reduces man to his faculties, and (ii) in case of its deficiency, exposes him to grave ethical difficulties. But reducing man to his faculties discriminates against those who at times or throughout their lives lack these faculties; and nobody may be deprived of protection because of lack of the power to decide for themselves. To this some answer: A lack of ‘A’ is to be compensated for by care, which I shall come back to in *Part two*.

4. *Autonomy – a human right?*

In view of the aforesaid difficulties which result from making ‘A’ dependent on human faculties and circumstances, some say that ‘A’ is a right, i.e., the right to self-governance. Etymology seems to support this, given that ‘A’ is originally a *legal* term; but *autonomía*, taken in its original sense, means *self-legislation*, and not ‘self-governance’ as it is today often understood. The advantage of understanding ‘A’ as a right lies in the fact that any disrespect of ‘A’ would be a *legal offence*. The grave disadvantage, however, would be the consequence of *over-juridification* of the doctor–patient relationship: any infringement of respect for ‘A’ would eventually lead to a court case. Moreover, man is *autonomous* if he is granted the possibility to decide about his own wishes. But, if autonomy is something *granted*, the question is *by whom?* By an *outside* source? But that is *heteronomy* then. So, if autonomy is taken to be something granted, then it is a self-contradictory term.

5. *The distinction between autonomy and self-determination – a way out of the aforesaid difficulties?*

The aforesaid difficulties seem avoidable if one distinguishes between ‘A’ and self-determination: ‘A’ is then a *status*, and self-determination its *manifestation*.³ ‘A’ is a state-of-affairs which is proper to *every* human being from their beginning to their end, *regardless of what their abilities and circumstances are*. The advantage of this understanding lies in the fact that ‘A’ applies to *everybody* and that it does not allow for any *grading* of ‘A’ (i.e., “more or less ‘A’”) and, at the same time, allows the safeguarding of *one remaining autonomous* if one is unable to manifest ‘A’. It also allows for calling ‘A’ not a right, but an anthropological *principle*, i.e. a *proprium* of man, while its manifestation is a *right*, which like any right has to be respected, but may also be violated. Thus, nobody can take ‘A’ away from people, although one can disrespect it as a right to manifest ‘A’.

‘A’ and its manifestation by way of self-determination are to be distinguished, although they are not to be separated from each other. They are, in fact, two sides of the same coin. ‘A’ as an anthropological principle may be called the

² In what follows, masculine pronouns are used for both men and women for reasons of simplicity.

³ Jan P. Beckmann, “Patientenverfügungen: Autonomie und Selbstbestimmung vor dem Hintergrund eines im Wandel begriffenen

Arzt-Patienten-Verhältnisses”, *Zeitschrift für medizinische Ethik*, Vol. 44 (1998), No. 2, pp. 143–156. Reprinted in: Eberhard Schockenhoff et al. (eds.), *Medizinische Ethik im Wandel. Grundlagen – Konkretionen – Perspektiven*, Schwabenverlag, Freiburg 2005, pp. 287–299.

essential and its manifestation the *functional* side of ‘A’. Man is *always*, i.e., by necessity, autonomous, though he may not always be able to manifest this autonomy: as a baby because he is too young, as an elderly person because he may become demented, as a mentally disabled person because his disposition hinders his ability to utter his own wishes and will. The relation between ‘A’ and its manifestation through self-determination is such that the former is both logically and actually prior to the latter. *Logically*, man is autonomous *not if and only if* he is able to determine himself; it is rather the case that, *because* man is autonomous, he has the right to determine himself. *Actually*, ‘A’ belongs to those principles which apply to humans *for their very own sake* and not for their being young or old, healthy or sick, able or not.

6. Autonomy is an anthropological principle and not a right, while self-determination is a right

6.1. On the character of autonomy as a principle

Taken as a *principle*, ‘autonomy’ is formally a fundamental “first proposition” which can neither be derived from another proposition nor needs to be derivable. And it is a *human proprium* and, formally, an *anthropological principle* in that it concerns humans *in all their different statuses* – be they young or old, alert or demented, healthy or ill. ‘A’ is completely independent of any *human faculty or accidental* situation that a human being may find himself in.

Two important *consequences* follow from this:

- (i) As an *anthropological principle*, the notion of ‘A’ does not allow for gradation. Statements (often heard in clinics or homes for the elderly) such as “The patient is – due to age and/or illness – limited with regard to his autonomy” are logically impossible. The logic of the notion of ‘autonomy’ does not allow for different intensities. A person cannot be said to be more autonomous or less autonomous.
- (ii) ‘A’ in the sense of *uninstrumentalisability-by-others* is not a principle that *isolates* the individual from his fellow individuals. Popular expressions such as “My body is my own”, “I am my own master, and so I can do what I want” have nothing to do with ‘A’. Quite the contrary, ‘A’ understood to be *undisposability-by-others* is a *relational* principle. It means that all fellow humans are *also* undisposable. Thus, an individual’s ‘A’ is both grounded in as well as logically limited by the ‘A’ of a fellow individual. This is one of the reasons why Kant says that ‘A’ necessarily implies determination (‘*Begrenzung*’).⁴ The human individual is ‘autonomous’ if and only if he respects the ‘autonomy’ of every fellow human being. This is, so to speak, ‘A’ *within the limits of the autonomy of fellow humans*. Thus, man is autonomous *by himself*, but not *for himself*. If he denounced the ‘A’ of others, he would denounce his own ‘A’.

6.2. Self-determination as manifestation of autonomy

With the notion of ‘determination’ we have arrived at a particularly important notion in this context. *To determine oneself is to manifest one’s ‘A’*. Unlike ‘A’, self-determination as the manifestation of ‘A’ is a *right*. Like other rights, it has to be respected, but can also be violated. And unlike ‘A’ which, logically speaking, does not allow for grades or different shades of intensity, self-determination of course *does*. A new-born, although autonomous, cannot yet claim

self-determination – due to biological limitations; while on the operating table and narcotised, one remains autonomous, but is unable to manifest his ‘A’; an old and demented person – although he does remain autonomous – may be able to manifest his ‘A’ only in a reduced way; and a severely mentally disabled person may never in his lifetime be able to do so, and yet he too remains autonomous.

7. *Autonomy – a social characteristic relating all humans to each other*

Because ‘A’, as has been argued so far, represents a necessary human *proprium* that applies to *everybody irrespective of what they are able to do and the situation they may be in*, any understanding of ‘A’ as limitless self-determination would overlook the fundamental *social* implication of this human *proprium*. As *all* people are autonomous, ‘A’ is not confined to the individual nor does it isolate the individual from his fellow humans. In this view, ‘A’ *does not consist* in everybody issuing their own laws without taking into account the right of fellow humans. On the contrary, ‘A’ necessarily implies respect of the ‘A’ of all fellow humans, because *everybody is autonomous*. ‘A’, thus, represents a state which unites *all* human beings. The notion of ‘A’ would entail an inner contradiction if one were to leave out its *social dimension*. The individual is autonomous in the sense of self-governance *if and only if fellow humans are in the very same position*, because the individual can set up “his” laws only under the condition that the same laws are *valid for everyone else*. Otherwise, it would not be ‘A’, but tyranny.

8. *Excursus: Autonomy according to Kant*

‘A’ necessarily implies, as has already been mentioned,⁵ self-limitation. This is closely connected with Kant’s *categorical imperative*.⁶ The basis for this is the central importance of ‘A’ which rests on *being-a-moral-subject of one’s own doing*.⁷ This status of *subjecthood* does not depend upon either any actual state or situation of the autonomous individual, or upon any abilities or capacities.

To subject a person without or even against his will totally to the command of another person or group of persons is to deprive this person of his moral *subjecthood* and of his being an “*end in itself, not merely a means*”.⁸ For, like

4 Cf. Kant’s notion of “Fähigkeit, allgemein gesetzgebend, obgleich mit dem Beding, eben dieser Gesetzgebung zugleich selbst unterworfen zu sein”. Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* (= GMS), BA 17, in: Immanuel Kant, *Gesammelte Schriften*, ed. by Königlich-Preussische Akademie der Wissenschaften (= AA), Berlin 1911 [1972], Vol. IV, p. 440.

5 See footnote 4.

6 “Handle so, dass du die Menschheit, sowohl in deiner Person als in der Person eines jeden anderen, jederzeit zugleich als Zweck, niemals bloß als Mittel brauchest.” I. Kant, *GMS*, BA 67. According to Kant, the categorical imperative is the “principle of autonomy”; cf. *ibid.*, BA 83.

7 The understanding of ‘A’ here presented does not allow for grading. For criticism, cf. Markus Rothhaar – Ralf Kipke, “Die Patientenverfügung als Ersatzinstrument. Differenzierung von Autonomiegraden als Grundlage für einen angemessenen Umgang mit Patientenverfügungen”, in: Andreas Frewer – Wolfgang Rascher (eds.), *Patientenverfügung und Ethik. Beiträge zur guten klinischen Praxis (Jahrbuch für Ethik in der Klinik, Vol. 2)*, Königshausen & Neumann, Würzburg 2009.

8 I. Kant, *GMS*, 4.428; cf. the UN Charter from 26 June 1945, which, in the Preamble, speaks of the dignity and value of human personhood.

human dignity, ‘A’ also has nothing to do with intellectual capacities or any abilities whatsoever.

Self-determination on the basis of subjective or individual wishes, inclinations, needs or decisions of will would, according to Kant, not count as a manifestation of ‘A’, but would, quite to the contrary, be an example of *heteronomy* due to a lack of freedom – freedom as the property of the will to release laws according to universalisable premises. This is Kant’s understanding of “the concept of every rational being that must consider itself as *universally legislating* through all the maxims of its will”.⁹ This is the effect of the categorical imperative.¹⁰ The moral value of an action is measured by good will, and the will is good if it goes along with the categorical imperative. Kant:

“Autonomy is the basis of human, and every rational, nature.”¹¹

‘A’ and human dignity share two aspects which can be distinguished, but not separated: *self-legislation* and, through the latter, *self-restriction*. Both provide the basis for human dignity. Kant writes:

“A rational being [...] belongs to the kingdom of ends as a *member* if it is universally legislating in it, *but also itself subject to these laws*.”¹²

Thus, the dignity of man consists, according to Kant, in his “obeying no law other than that which at the same time he himself gives”.¹³

“Autonomy is [...] the ground of the dignity of a human and of every rational nature.”¹⁴

The notion of human dignity addresses both an actuality and a task. The human being possesses unimpeachable dignity (= actuality) because he is, by his very nature, a *moral subject*. Yet, in being this, he is, at the same time, responsible for the community of his fellow humans (= task). Human dignity is, therefore, not the result of an achievement, but a sign of man’s specific constitution (*Verfasstheit* in German), which is not a product of acknowledgment, but a sign of mutual estimation. Human dignity is violated if somebody is completely instrumentalised, i.e., if he is being made the pure object of actions by others.¹⁵

The notion of ‘A’ is, thus, closely connected with human dignity. The two notions share the property of not being gradable – it is logically impossible to speak of ‘more’ or ‘less’ human dignity, much like the way we cannot speak of ‘greater’ or ‘less’ autonomy. In addition, both notions apply to man from his very beginning to his very end, i.e., to every moment or situation during his entire life.

Part two.

Autonomy in different contexts

1. Autonomy versus autonomy?

Take, for instance, the doctor–patient relationship. There is a *natural asymmetry* between the positions of the doctor and the patient. On the doctor’s side we have competent medical knowledge and abilities, and on the patient’s side the need for help and lack of (sufficient) medical knowledge. At the same time, the doctor depends on the patient’s (*informed*) *consent to be treated*, so, in a way, one can speak of a “symmetrical asymmetry”. This, however, is only possible if one realises that ‘A’ is not to be found only on one side, but on both sides: *because* the patient is autonomous, he can decide about his being treated by the doctor, who is, also *because* he is autonomous, entitled to

refuse a patient’s inappropriate wishes. Take the debate about *doctor-assisted suicide*: a patient wanting to commit suicide because of an *infaust* diagnosis may ground his wish on his ‘A’ and his right to self-determination. However, in asking for the doctor’s help, a suicidal patient cannot use in his argument the principle of the doctor’s duty to always help, because the doctor might feel instrumentalised by his patient – which would entail disrespect for the doctor’s ‘A’ and right to self-determination.

2. *Autonomy versus protection of life?*

Grave ethical difficulties are involved in situations when a patient whom the doctor could help refuses his help. This does not pose ethical problems in normal circumstances. An adult patient always has the right to refuse therapy and, to that extent, the doctor depends upon his patient’s wishes. But how about situations in which a patient’s refusal of medical help endangers his life? Some argue that, in this case, the principle of the protection of life outweighs the patient’s ‘A’ and right to determinate himself, so the doctor may treat the patient even against his will. The answer of traditional paternalism to this was the following: the patient does not have sufficient medical knowledge, and so the doctor’s ability to help prevails ethically (cf. the old slogan “Who cures is justified”). Today, some physicians are convinced that their duty to cure patients prevails over the patients’ ‘A’, following the motto: “*salus aegroti suprema lex esto!*” (“the well-being of the patient shall be the most important law!”). On the other hand, there is also the following argument: since it is the life of *the patient* and not of anybody else, how can anyone force him against his will to continue a possible *vita minima*? This, it seems, would render man’s life an absolute duty.¹⁶ Apart from this, it may be argued that the patient’s well-being, which doctors are obliged to work towards, cannot be determined by third persons including doctors. Only the patient himself can do so, and therefore “*salus ex voluntate suprema lex esto!*” (“the well-being of the patient as determined by his *will* shall be the most important law!”).

This means the following. Medical, as well as nursing, measures presuppose – with the exception of emergency cases – the patient’s ‘A’ and right to manifest the same in the form of informed consent. In addition, everybody has the right to determine, by means of a living will, what he agrees to or refuses in the event of his becoming incompetent to decide, *even if irreversible damage ensues*.¹⁷

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I. Kant, *GMS*, AA IV, p. 433.

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Cf. *ibid.*, p. 447.

11

Ibid., p. 436.

12

Ibid., p. 433; cf. *ibid.*, p. 440.

13

Ibid., p. 434.

14

Ibid., p. 436.

15

German jurisprudence has a term for this (in the context of Art. I of the Constitution):

‘Objektverbot’. Cf. Günter Dürig, “Die Menschenwürde ist getroffen, wenn der konkrete Mensch zum Objekt, zu einem bloßen Mittel, zur vertretbaren Größe herabgewürdigt wird”, in: Theodor Maunz – Günter Dürig, *Kommentar zum Grundgesetz*, Beck, Munich 1958.

16

Jan P. Beckmann, “Selbstbestimmung versus Lebensschutz?”, *Jahrbuch für Wissenschaft und Ethik*, Vol. 10 (2005), No. 1, pp. 55–86.

17

Cf. Jan P. Beckmann, “Das Recht auf Erstellung von Voraussetzungen aus ethischer Sicht”, *Zeitschrift für medizinische Ethik*, Vol. 59 (2013), No. 3, pp. 179–190.

3. *Autonomy versus care?*

However, are people not responsible for each other? And is a patient whose life is at stake but is saveable by a well-established medical therapy not overburdened by ‘A’? Is claiming “‘A’ always prevails” not an excessive demand? Alain Ehrenberg, for instance, speaks of a “culture of autonomy” featuring the thesis that the idea of ‘A’ is to exhaust man’s striving to become himself an independent being.¹⁸ Moreover, how free is an individual in life-threatening situations? There are, it seems, good reasons to let ‘A’, if threatened, be compensated for by care. Thus, there are more than just a few who say that lack of ‘A’ is to be compensated for by care. Just as it can often be heard in clinics or in homes for the elderly that “the patient, due to age and/or illness, is ‘reduced’ in his ‘A’, so doctors and nurses have to compensate for this lack and take over the decision-making”.

There are, however, three grave difficulties with the said:

- (i) this can lead to the opposite of ‘A’, namely to heteronomy,
- (ii) ‘A’ is mistakenly taken to be gradable, which, as we have seen, would dissolve ‘A’ as an *anthropological status* proper to every human being from his beginning to his end, and
- (iii) care cannot, logically speaking, compensate for ‘A’ because care *presupposes* ‘A’. To take care of a person presupposes the person’s consent – even if the person is, at a given moment, unable to manifest his will. A patient may appear to be reduced in – or even deprived of – *autarchy* due to age and/or illness because he has lost self-sufficiency and, accordingly, needs the help of others. But, as has already been said, he can never “lose” ‘A’ because, unlike autarchy, ‘A’ is not a potential, but a necessary state which cannot be separated from the individual.

4. *Autonomy versus trust?*

One of the early criticisms of the idea of the importance of patient ‘A’ is that it would evince distrust of medicine in general and of doctors in particular. So, taking a closer look at the relation between ‘A’ and trust seems worthy of inspection. The English term ‘trust’ belongs to the large semantic field of *confidentiality* and *reliability*, as well as to that of *security* and *safety*, but also to the field of *comfort* and *consolation* (cf. its etymological kinship with the German term ‘Trost’). According to the *Oxford English Dictionary*,¹⁹ intransitive and transitive uses of the verb ‘trust’ are to be distinguished. (i) *Intransitively used*, ‘trust’ is to have faith or confidence in somebody or something, while (ii) *transitively used*, it is to rely on somebody. In addition, the *noun* ‘trust’ can be of three different kinds: (i) over against oneself, which presupposes self-knowledge; (ii) over against others, which presupposes community with and knowledge of others; and (iii) over against something (reasons, proofs, traditions, practices, institutions, etc.), which presupposes knowledge of facts.

For our purposes, the following is of importance:

- (i) ‘Trust’ is, in bioethical contexts, *neither a principle nor a right*, but an *action* or an *attitude* of a person towards another person or towards an institution. Thus, ‘trust’ is formally *relational*.
- (ii) ‘Trust’ always entails a motive, be it a wish or an expectation, etc. Thus, ‘trust’ is *intentional*.
- (iii) ‘Trust’ always has a reason: need, help. Thus, ‘trust’ is *causal*.

Thus, trust and ‘A’ share the state of being relational terms, but are different with regard to their categorical level. ‘A’, as we have seen, belongs to the categorical level of principles, while trust belongs to the category of attitudes.

Can the two, in spite of this categorical difference, be interlinked in bioethical analysis?

They cannot be interlinked if their formal difference has been overlooked. This could be the case if one of the two notions were to be understood to be possibly compensating for a lack of the other one. *A principle cannot, by its very nature, compensate for an attitude.*

However, the two notions can in bioethical analyses be linked with each other if their formal difference is *observed*. This, for instance, is the case in the doctor–patient relationship. A patient’s trust in his doctor denotes his confidence that something desired will be achieved:

- (i) The patient entrusts himself to the doctor (in German: “Der Patient vertraut sich dem Doktor an”) = *relational* aspect.
- (ii) This puts the doctor in a position of trust = *intentional* aspect.
- (iii) ‘Trust’, in this case, means that the patient gives credit to his doctor for goods to be achieved = *causal* aspect.

Although any help provided by doctors needs the patients’ *informed consent* – which is the manifestation of their autonomy by an act of self-determination – patients need to trust doctors in view of the insecurity and risks of any kind of medical treatment and therapeutic options made available by the rapid developments of modern medicine. Thus, ‘A’ is to be acknowledged, and trust is to be practiced.

In bioethical analysis this means that *trust presupposes respect for ‘A’ and not vice versa*. In order to trust people, one has to be aware of both one’s own and of other peoples’ ‘A’ and of their right to self-determination. In a word, ‘A’ is *of* people, while trust is *in* people. The connection between trust and ‘A’ shows once more the *relational (not relative!)* implications of ‘A’. Thus, living wills as expressions of ‘A’ are not isolated documents, but need to be integrated into communicative structures (e.g., “advance care planning”, cf. recent developments in the United States).

I have tried to show that ‘A’ denotes a human *proprium* and an anthropological *principle* which is to be distinguished from ‘self-determination’ as its *manifestation*, and that ‘trust’ signifies both a *relation* and an *intention*. Although each notion stands on a different *categorical level*, they can fruitfully be used in bioethical analysis, following the maxim “Away from the practice of distrust, and towards a culture of trust!”

Part three.

Autonomy: seven theses

In the foregoing two parts, I have tried to develop the following theses:

1. ‘Autonomy’ is an anthropological *principle* or human *proprium*, and not a right. However, self-determination is a right. Man is autonomous *not if and only if* he is able to determine himself; it is rather the case that he has the right to determine himself *because* he is autonomous. Thus, the distinction

- between autonomy and self-determination is as essential as the priority of the former over the latter.
2. As a principle, autonomy does not depend upon any of man's abilities or faculties, and particularly not upon his ability to manifest autonomy. As a human *proprium*, autonomy belongs to *everybody from their beginning to their end, irrespective of what they are able to do and the situation they may be in.*
 3. As a human *proprium*, autonomy means that the individual is to be kept free from becoming totally instrumentalised by others. For the same reason, autonomy does not allow for gradation.
 4. Both autonomy and self-determination are bound within the limits of acknowledging the autonomy and the right to self-determination of all fellow humans. Thus, autonomy does not mean independence but *interdependence*, while self-determination means *self-limitation*.
 5. Autonomy is *relational* (not *relative!*). Thus, a living will as a manifestation of autonomy is no isolated document, but is to be integrated into communicative structures.
 6. Formally, autonomy and trust stand on different categorical levels. Trust is a human attitude, and not a moral norm, although it does have moral implications. Autonomy is to be acknowledged, while trust is to be practised. Autonomy is *of* people, trust is *in* people.
 7. Away from the practice of distrust, and towards a culture of trust. Or, modifying one of Kant's famous sayings: Medical treatment without respect for the patient's autonomy and his right to self-determination would ethically be unjustifiable; however, without the patient's trust in his doctor, it would be impracticable.

Jan P. Beckmann

O značenju i nekim kontekstima termina 'autonomija'

Konceptualno istraživanje

Sažetak

Članak nastoji konceptualno analizirati značenje termina 'autonomija' i kritički ispitati njegove odnose s drugim etičkim normama. Postavlja se pitanje je li autonomija pravo ili sposobnost ili mogućnost te da li bi ju trebalo razlikovati od samoodređenja. Pokazuje se da je autonomija antropološki princip te da je samoodređenje kao njezina manifestacija ljudsko pravo. Što se tiče njezina odnosa s drugim etičkim normama, pokazuje se da su mogući sukobi između autonomije pacijenta i autonomije liječnika, kao i između autonomije i dužnosti zaštite života te između autonomije i skrbi, tako da važnu ulogu igra povjerenje. Autor zaključuje da čovjek nije autonoman ako i samo ako je sposoban za samoodređenje nego da ima pravo na samoodređenje zato što je autonoman. To važi za svakoga od njegova početka do njegova kraja, bez obzira na to što je sposoban učiniti i situaciju u kojoj se može naći. Budući da je svako ljudsko biće autonomno, autonomija za sobom povlači samoograničavanje, tako da ne znači nezavisnost, nego međuzavisnost. Što se tiče povjerenja, autonomiju treba priznavati, a povjerenje treba prakticirati zato što se radi o autonomiji ljudi, a povjerenje se ima u ljude.

Ključne riječi

autonomija, samoodređenje, samoograničavanje, dužnost zaštite života, skrb, povjerenje

Jan P. Beckmann

Zur Bedeutung und einigen Kontexten des Terminus ‚Autonomie‘

Eine Begriffsuntersuchung

Zusammenfassung

Der Beitrag gilt einer Analyse der Bedeutung des Terminus ‚Autonomie‘ sowie einer kritischen Prüfung seiner Beziehungen zu anderen ethischen Normen. Zu klären ist, ob Autonomie ein Recht, eine Fähigkeit, ein Vermögen oder eine Errungenschaft darstellt und ob man zwischen Autonomie und Selbstbestimmung unterscheiden muss. Es wird gezeigt, dass Autonomie ein anthropologisches Prinzip ist und Selbstbestimmung als Manifestation von Autonomie ein menschliches Recht. Was die Beziehungen zu anderen ethischen Normen angeht, so zeigen sich mögliche ethische Konflikte zwischen Patienten- und Arztautonomie, zwischen Autonomie und der Pflicht zum Lebensschutz und zwischen Autonomie und Fürsorge, was der Norm des Vertrauens eine wichtige Rolle zuweist. Der Autor gelangt zu dem Ergebnis, dass der Mensch nicht deswegen noch dann autonom ist, wenn er sich selbst zu bestimmen in der Lage ist, sondern dass er das Recht zur Selbstbestimmung besitzt, weil er autonom ist. Dies gilt für jedermann, unabhängig von seinem Können oder seiner Lebenssituation, vom Anfang bis zum Ende seines Lebens. Da jedes menschliche Wesen in diesem Sinne autonom ist, impliziert Autonomie Selbstbegrenzung und somit nicht Unabhängigkeit, sondern Interdependenz. Was die Norm des Vertrauens angeht, so muss Autonomie anerkannt, Vertrauen hingegen praktiziert werden. Denn: Autonomie gehört untrennbar zum Menschen, Vertrauen gilt dem Menschen.

Schlüsselwörter

Autonomie, Selbstbestimmung, Selbstbegrenzung, Lebensschutzpflicht, Fürsorge, Vertrauen

Jan P. Beckmann

De la signification et de certains contextes du terme « autonomie »

Recherche conceptuelle

Résumé

Cet article tente d'analyser de manière conceptuelle la signification du terme d'autonomie et de questionner ses rapports avec d'autres normes éthiques. La question est de savoir si l'autonomie est un droit, une faculté ou une possibilité, et s'il faut la différencier de l'autodétermination. Il est montré que l'autonomie est un principe anthropologique et que l'autodétermination, qui en est sa manifestation, est un droit humain. En ce qui concerne ses rapports avec d'autres normes éthiques, il est montré que d'autres conflits sont possibles, des conflits entre l'autonomie du patient et l'autonomie du médecin, entre l'autonomie et les devoirs de protection de la vie, mais aussi entre l'autonomie et les soins. Ainsi, un rôle important revient à la confiance. L'auteur conclut que l'homme n'est pas autonome, si et seulement si, il est capable d'autodétermination, mais c'est bien parce qu'il a un droit à l'autodétermination qu'il est autonome. Cela vaut pour chacun depuis ses débuts jusqu'à ses fins, indépendamment de ce dont il est capable de faire et de la situation dans laquelle il peut se trouver. Étant donné que chaque être humain est autonome, l'autonomie entraîne à ses côtés l'autolimitation, de telle manière qu'il ne s'agit pas d'indépendance mais d'interdépendance. En ce qui concerne la confiance, l'autonomie doit être reconnue, et la confiance doit être pratiquée, car ce dont il s'agit c'est d'autonomie des personnes, et c'est bien en la personne que l'on a confiance.

Mots-clés

autonomie, autodétermination, autolimitation, devoir de protection de vies humaines, sollicitude, confiance

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**Human Dignity:
Protected, but also Jeopardised by Criminal Law?**

Abstract

The paper explores the notion of human dignity in law in general and in criminal law in particular, it examines whether human dignity is a legal interest protected by criminal law (e.g., in cases of criminalisation of reproductive cloning and acts of racism), and it reflects upon how criminal law may jeopardise the human dignity of perpetrators, particularly in cases of penalisation of drug use and police entrapment.

Key words

human dignity, criminal law, criminal repression, abuse of biomedicine, drug use, law and morals, reproductive cloning, racism, police entrapment

I. Introductory remarks

When addressing an audience who are not exclusively jurists on the way in which law, particularly criminal provisions, may protect or possibly offend human dignity, one must first offer a set of basic explanations.

First and foremost, it is important to note that law is an instrument for organising modern societies. It is rational and regulated violence within society that certainly serves to enforce the will of the people in power, the so-called “establishment”, but, in democratically structured societies, it also attends to their citizens that it arose to serve.¹ In other words, law is, or rather, should be, *anthropocentric*.

Law and its statutes are not simply abstract idealism. The “appropriate” ratio behind a legal provision (e.g., the protection of human life through penalisation of homicide) emerges through a certain social reality from which we draw the motive for the enactment of legal regulations. It helps us to understand when life begins and when it ends, given that scientific developments and the progress of medicine continually adjust the relevant data which law-makers keep in mind when drafting rules. Therefore, law and legal doctrine in general *must be working in a conciliative spirit with sociology*.

On the other hand, in trying to define the relationship of law to morality/ethics, one should be schematically aware that morality and ethics refer to human behaviour in a society, which instigates general approval or disapproval of

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Ioannis Manoledakis, *Εισαγωγή στην επιστήμη [Introduction to Science]*, 2nd edition, Thessaloniki 1979, pp. 151ff.

the same. Legally speaking, any behaviour is relevant to the legal rules which govern it: if it complies with them, it is legally valid and produces the desired effects; if not, it is legally invalid and does not produce the desired, but rather negative outcomes, including, amongst other things, even sanctions against perpetrators.

Therefore, any behaviour can be either legally valid and moral, or only moral but legally indifferent, or only legally valid but morally indifferent, or even morally rejected.² Thus, the artificial termination of pregnancy at an early stage (up to 3 months into pregnancy) with the consent of the expecting woman and in a medically safe environment is legally valid under Greek law (Art. 304 § 4 GPC³). For some social groups, however, it is far from being morally indifferent or morally acceptable, while some others would morally reject it at a glance. *In order for law to facilitate its enforcement, it is only natural that it tries to align it with morality as much as possible.*

This brings us to the last fundamental clarification of *criminal law* in particular. Criminal law is admittedly *the harshest mechanism that states employ to achieve social control*. Given that the identity of criminal law is such, it should not be viewed merely as an instrument for the preservation of legally protected interests, but also as a mechanism which curbs or even infringes on the fundamental liberties of those who contravene it.⁴ This is why any criminal justice system necessarily presupposes a set of principles and restraints to keep the counter crime activities of the state in check. In this sense, *criminal law is closely linked to the protection of fundamental rights and the rule of law.*

II. The notion of human dignity in law in general and in criminal law in particular

As a concept and a functional element of law, ‘human dignity’ was first recognised in (the former West) Germany after the overthrow of the Nazi regime and the establishment of the post-war, new German Republic.⁵ In Greece, it emerged after the fall of the military junta and the founding of the new Greek Republic. Article 1 § 1 of the Basic Law for the Federal Republic of Germany (1949) and Article 2 § 1 of the Greek Constitution from 1975 constitutionally typify ‘human dignity’ as a legal concept that represents a moral value and request explicitly that it should be respected.

Scholars more or less agree that human dignity means acknowledging human beings with their legitimate value as subjects of history and forbidding their mere objectification under any expediency. By accepting this definition, one must agree to some reasonable assumptions resulting therefrom. Specifically: a) human dignity is recognition or acknowledgement of a merit/value in all humans, b) all humans are subjects of history (and law), and therefore differ from all other beings, c) no expediency may deprive them of this transcendent value, and transform them into objects, not even “briefly”. Thus, it is ruled that, e.g., accepting objective criminal liability (strict liability) is violating human dignity, since the subject’s volition is ignored when the subject is being punished for an offence for the sake of (criminal) expediency.

According to a certain view, human dignity is a conceptual construction of law and not a human trait, such as the legally protected interests of physical integrity, life, or honour. It directly expresses an attitude of the legal order that proposes the individual and not an evaluation of an existing physical or social attribute.⁶

However, if one examines today's empirical reality of victims of modern slavery or of human trafficking for organ harvesting or even victims of torture, then the existence of a distinct quality – which is but the socially recognised and empirically apparent human status of all human beings, which forbids their utilisation for any expediency purpose – appears self-evident.

III. Protecting human dignity as a legal interest by criminal law

According to Article 2 § 1 of the Greek Constitution, the state's primary obligation is to respect and protect the value of the human being. Therefore, and principally in respect of the wording "obligation to protect", it prompts an active and dynamic logic.⁷ This spurs any researcher of the protection of human dignity via criminal law to deduce that a special and possibly systematic nexus of penal regulations is envisaged.

However, even a short overview of the GPC is sufficient to make evident that such a special orientation towards the protection of human dignity from certain violations has never gone beyond typifying specific abuses committed by state authorities when trying to get a confession, or when disciplining offenders, etc. (Articles 137A et seq. and especially 137A § 3 GPC).⁸ Furthermore, these acts have been categorised as assaults against the state,⁹ and therefore it is questionable whether they provide actual proof of human dignity being protected as a legal interest by criminal law. Of course, more offences exist that may generally also inflict upon human dignity, amongst other legal interests. Here, one could name the following as typical examples: countering illegal immigration in the contemporary world,¹⁰ where it goes hand in hand with trading in humans – nothing short of modern slavery, or even racism.

²
Ibid., p. 166.

³
Greek Penal Code.

⁴
See Ioannis Manoledakis, *Ποινικό Δίκαιο. Επιτομή Γενικού Μέρους [Criminal Law. Compendium of General Part]*, 3rd edition, Thessaloniki 1992, p. 22.

⁵
Ioannis Manoledakis, "Ανθρώπινη αξιοπρέπεια: Έννομο αγαθό ή απόλυτο όριο στην άσκηση εξουσίας;" ["Human Dignity: Legal Interest or Absolute Limit on the Exercise of Power?"], in: I. Manoledakis, C. Prittwitz (eds.), *Η ποινική προστασία της ανθρώπινης αξιοπρέπειας [The Penal Protection of Human Dignity]*, Thessaloniki 1997, p. 13.

⁶
Ioannis Manoledakis, *Το έννομο αγαθό ως βασική έννοια του Ποινικού Δικαίου [Legal Interest as a Basic Notion of Criminal Law]*, Athens 1998, pp. 245ff.

⁷
See mainly Prodromos Dagtoglou, *Συνταγματικό δίκαιο, Ατομικά δικαιώματα [Constitutional Law, Civil Rights]*, Vol. b, Athens

1991, p. 1138; see also Antonis Manitakis, *Κράτος δικαίου και δικαστικός έλεγχος της συνταγματικότητας [Rule of Law and Judicial Review of Legislation]*, Vol. I, Thessaloniki 1994, p. 408.

⁸
See the Explanatory Report of Law 1500/1984, p. 1.

⁹
For a critical approach to this categorisation, see Konstantinos Konstantinidis, *Ποινικό δίκαιο και ανθρώπινη αξιοπρέπεια [Criminal Law and Human Dignity]*, Athens 1987, pp. 107ff; Dimitris Spirakos, *Folter als Problem des Strafrechts*, Frankfurt/M. 1990, pp. 148ff.

¹⁰
See Dimitrios Spirakos, "Η ποινική διάσταση της λαθρομετανάστευσης;" ["The Criminal Dimension of Illegal Immigration"], in: A. Chlepas, D. Spirakos, *Ο ν 1975/1991 περί αλλοδαπών και το Σύνταγμα [Law 1975/1991 on Immigration and the Constitution]*, Athens 1992, pp. 52–53, and note 25.

At this point, let us focus on some criminal offences that have been connected with the violation of human dignity, so as to see whether this is rightly done, and try to understand, on the one hand, human dignity itself as a legal value and, on the other, the way that criminal law could or should protect it.

In 2002, Greece developed a modern legal framework which recognised medically assisted reproduction and regulated its consequences in the area of civil law.¹¹ Three years later, several provisions were added by Law 3305/2005 concerning not merely when it is permissible for medically assisted reproduction to take place, but also what is prohibited in relation to it and has such demerits that begets *criminal* sanctions, presumably as the state's last resort.

Law 3305/2005 establishes, for the first time, the criminal protection of a legal interest which is *prima facie* related to human genetic material and the overall reproductive procedure. Article 26 of the said Law, which categorises various relevant crimes in 14 paragraphs, indicates that, according to the legislator's assessment, these crimes bear an increased demerit, since the relevant sentences range normally from three months of imprisonment to (five) fifteen years of incarceration (e.g., for reproductive cloning or for creation of chimeras and hybrids). The first rational question is what exactly the aforementioned penalisations try to protect.

In this case, detection of the protected legal interest is hindered by the fact that the specific provisions of Article 26 criminalise extremely varied behaviours. However, their systematisation attempt produces a result which can essentially be helpful.

Five categories of acts are practically punishable according to the Greek legislator. Three of them concern acts pertaining to human genetic material, which take place *beyond* the framework of MAR, i.e., they refer to illegal methods or other very serious deviations from the process of human reproduction. The other two categories concern acts that violate the legally regulated *procedure* of MAR. The first three categories, which pertain to human genetic material and refer to acts beyond the MAR framework, are the most serious offences. The Greek legislator punishes the repeated purchase, sale, offer for sale or mediation for the sale of genetic material with a sentence of 5 to 10 years of incarceration, and especially interventions in genetic material or its use in respect of its reproductive attribute. The last category includes serious punishable behaviours, which are grouped into acts prohibited by law, reproductive methods or technologies, or generally acts which constitute serious deviations from the human reproductive procedure (e.g., reproductive cloning, creation of chimeras and hybrids, punishable with a sentence of 5 to 15 years), acts of illegal research on genetic material and use of its results (punishable with a sentence of 5 to 10 years) and, lastly, other acts which generally lead to the use of genetic material in a way which differs from what is prescribed by law (punishable with a sentence of 2 to 5 years of imprisonment).

I shall focus here on the legal interest of the provisions which punish acts beyond the MAR framework in general, and on the provision which punishes reproductive cloning in particular.

Starting from Article 26 § 1 of Law 3305/2005 (as amended by Article 20 of Law 4272/2014), one concludes that the acts it enumerates basically concern either interventions in genetic material itself or its use in respect of human reproduction, and that they constitute acts that normally not only deviate from the procedure of human reproduction, but also present dangers in the aftermath of this procedure according to current scientific standards. Consequently, reproductive cloning and the creation of chimeras, transfers of human fertilised

ova outside the human body after a full fourteen day period from fertilisation are connected with dangers for the product of the reproductive procedure.¹²

However, a strongly supported argument in favour of the criminalisation of cloning claims that such acts are violations of human dignity.¹³ Thus, the first question raised in respect of this view is whose dignity is actually violated.¹⁴

One could initially presume that the said violation concerns the value of genetic material created by such acts. Besides, the fertilised ovum is considered by some scientists to be a carrier of human rights by itself, as a ‘living being’ that has its own autonomous function and destination, its evolution to a human being. However, the fertilised ovum does not exist when such an act takes place for it to be violable by the act, given that the fertilised ovum is, in fact, created through such an act.

On the other hand, human dignity is enshrined in all international and constitutional texts in an absolute way: it cannot be weighed against any other principle or value. Thus, if there was indeed ‘human value’ in a fertilised ovum or embryo in general, then it could neither be destroyed nor donated, the way that it currently does happen.

Unequivocally, the extent to which fertilised ova consist of human genetic material and incorporate the value of their genitors’ personality is the extent to which they should be treated differently from the rest of things. To name but one example, they cannot be sold. However, *fertilised ova cannot be recognised as personified subjects of law and carriers of human dignity*.

This fact would justify one in expressing the view – regardless of any criticism concerning the specific criminalisation chosen by Law 3305/2005 – that, in Article 26 § 1 of Law 3305/2005, the legislator aimed at the protection of *human genetic material as an object*¹⁵ which has the unique attribute to lead

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On the innovations and general characteristics of the legal framework, see Efi Kounougeri-Manoledaki, *Τεχνητή γονιμοποίηση και Οικογενειακό Δίκαιο. Η ειδική ελληνική νομοθεσία: Νόμοι 3089/2002 και 3305/2005 [In Vitro Fertilization and Family Law. Special Greek Legislation: Laws 3089/2002 and 3305/2005]*, 2nd edition, Athens 2005, pp. 1–6.

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On the dangers of reproductive cloning, see Donald M. Bruce, “Βλαστικά κύτταρα, έμβρυα και κλωνοποίηση. Ξετυλίγοντας τα νήματα της ηθικής σε μια περίπλοκη διαμάχη” [“Germ Cells, Embryos and Cloning. Unrolling the Fiber of Ethics in a Complicated Dispute”], in: European Laboratory of Molecular Biology, *Το μέλλον των Βιοεπιστημών [The Future of Biological Science]*, Heraklion 2006, pp. 169–170; Françoise Shenfield, “Cloning: Reproductive (Crime?), Therapeutic (Panacea?), Where to Now?”, in: M. Kaiafa-Gbandi, E. Kounougeri-Manoledaki, E. Symeonidou-Kastanidou (eds.), *Biotechnology Issues – Cloning*, Athens – Thessaloniki 2006, pp. 115ff.

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Georgios-Alexandros Magkakis, “Η κλωνοποίηση ως επιστημονικό κατόρθωμα και

ιστορική πρόκληση” [“Cloning as a Scientific Achievement and Historical Challenge”], in: *Honorary Volume for D. Spinellis*, Athens 2001, p. 671.

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For a relevant analysis, see Elisavet Symeonidou-Kastanidou, “Γενετική τεχνολογία και ποινικό δίκαιο” [“Genetic Technology and Criminal Law”], *Poiniki Dikaiosyni*, 2002, pp. 1061ff, where further bibliographic references are found.

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See Eutychia Kounougeri-Manoledaki, “Σπέρμα, ωάριο και γονιμοποιημένο ωάριο που βρίσκονται έξω από το ανθρώπινο σώμα – Η νομική τους φύση και μεταχείριση κατά το αστικό δίκαιο” [“Sperm, Ovum and Fertilized Ovum Outside the Human Body – Their Legal Entity and Treatment According to Civil Law”], *Armenopoulos*, 1999, pp. 469, 474ff; Takis K. Vidalis, *Ζωή χωρίς πρόσωπο. Το σύνταγμα και η χρήση του ανθρώπινου γενετικού υλικού [Life with no Face. The Constitution and the Use of Human Genetic Material]*, Athens 1999, pp. 45ff. For an objection to treating the fertilised ovum as an object incorporating the value of human life, see Lampros Karabelas, “Έξασωματική γονιμοποίηση – Ηθικά και νομικά προβλήματα” [“In Vitro

to human reproduction after its unification with relevant components or under specific conditions, and at the preservation of the above attribute in a way that no problems are created for the aftermath of the reproductive process. The carrier of this legal interest is the donor of genetic material which simultaneously constitutes an element of his/her personality,¹⁶ but also its recipient when genetic material is used in the MAR context for impregnation.

If this is the case, and if here we exclude the protection of other legal interests,¹⁷ such as human dignity, which cannot tenably exist for an unborn life, or public morals since, according to the best-founded view, public morals cannot be an object of protection by criminal law, then one should take into account that the protection of the specific object called genetic material must be viewed in connection to its subsequent evolution stages, i.e., the embryo growing in the woman's body. In other words, the sentence of incarceration of up to 15 years for, e.g., modifying the genes of human gametes is disproportionate to the sentence envisaged for abortion, even if it could be proven that in this specific intervention in genetic material there lurks a danger for the human reproductive process.

In this context, it becomes obvious that the legislator exaggerated and wished to demonstrate through the enactment of Law 3305/2005 that any abuses in biomedicine in the field of human reproduction will be severely punished, with the aim of transmitting a sense or feeling of security to the people in respect of the new methods used. It is questionable whether this practice ameliorated the distrust of those who view this issue from the standpoint of ideological prepossessions. However, it is certain that the legislator utilised criminal law excessively as a tool of political administration in order to propagate a symbolic message, and has thus, unfortunately, confirmed a non-learned stance on the challenges posed by the new methods of biomedicine.

Similar is the problem of the view that tries to justify the irrational penalties of the said Law by referring to the protection of human dignity, at least as far as some of its provisions are concerned, such as, for example, the provisions relating to reproductive cloning.

The above example shows not only a bad example of criminal law, but also the need to be very careful when arguing that criminal provisions protect human dignity, because, in such cases, one tends normally to readily accept high sanctions, which may not even comply with the principle of proportionality.

However, there are other examples which testify to a reverse situation of sorts, i.e., situations where human dignity, although violated, is not used as a basis for offering criminal protection. The criminal suppression of racism could be one such example. Even though acts of racism may also affect other legal interests, such as the physical integrity, life or honour of victims, or even public order, it is clear that such acts carry added contempt. This demerit is directly related to the violation of human dignity, because through acts of racism perpetrators deny acknowledging that the victim possesses the value bestowed upon every individual on the basis of his/her simple biological identity as a human being, regardless of race or gender, and that he/she claims to think and act autonomously, and thus enjoys freedom of religion, ideology and sexual orientation. The regulation of such acts by the Greek criminal legislator is substandard. Law 4285/2014 fails to capture actual disapproval of the same, because its provisions make the *public* undertaking of the crimes it typifies necessary and does not refer to human dignity itself.

IV. Human dignity jeopardised by criminal law?

In what follows, it is useful to extend our focus to another very important aspect which can provide a holistic view on the real extent of the protection of human dignity by the means of criminal law. This cannot be achieved by merely documenting the respective extent of criminalisation of relevant infractions. Even if one acknowledges human dignity as a protected legal interest,¹⁸ such an approach to the issue would only be one-sided and disorienting.

Criminal law, as has already been mentioned, is not only an instrument for the protection of legal interests, but is also a yardstick of civil liberty.¹⁹ From this point of view and in connection with the operation of criminal law as a warranty and defence mechanism – even for perpetrators – the discussion about the way in which criminal law may jeopardise the human dignity of perpetrators is even more *substantial*. This issue reveals the structural principles of our criminal system associated with the protection of human dignity *as a limit to criminal repression*, such as restrictions on penalisation of inflictions upon others or the principle of guilt.²⁰ Moreover, these historically fought principles reveal that, in the association between criminal law and human dignity, it is potential violations of criminal law (as an instrument of regulated retaliation) against the human dignity of offenders that reasonably receive more focused attention.

As has already been mentioned, for law in general and for criminal law in particular, human dignity is linked to the individual as a biological being, without any other qualities being required. As far as law is concerned, this means that any human being must perpetually be a subject of law and never be degraded to an object of law, i.e., a means to any possible end. The right to self-determination, amongst other things, directly derives from human dignity and so does the liberty to develop one's personality.

In this context, one can focus on discovering occurrences where the criminal legislator *directly* bends the relevant protective milieu *via regulatory provisions* or, at any rate, *tolerates the possibility of inflicting* the value of a human being in view of a paramount interest in accord with the legislator's rationale.

Law 4139/2013 on narcotic drugs emerges as a typical legal framework for the detection of such patterns. Article 29 of the said Law introduces the fa-

Fertilisation: Moral and Legal Problems”], *Poinika Chronika*, 1988, p. 943, but also the apt confutation of E. Symeonidou-Kastanidou, “Genetic Technology and Criminal Law”, p. 1054.

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See E. Kounougeri-Manodelaki, “Sperm, Ovum and Fertilized Ovum Outside the Human Body”, pp. 469, 474ff.

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See E. Symeonidou-Kastanidou, “Genetic Technology and Criminal Law”, pp. 1061ff, where further bibliographic references are found.

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See Nikolaos Paraskevoopoulos, “Η προστασία της ανθρώπινης αξιοπρέπειας: σημεία εξασ-

θήνησης” [“The Protection of Human Dignity: Points of Decline”], in: I. Manoledakis, C. Prittowitz (eds.), *The Penal Protection of Human Dignity*, pp. 76–77, but also Ioannis Manoledakis, “Βιβλιοκρισία” [“Book Review”], *Poinika Chronika*, 1980, p. 492; D. Spirakos, *Folter als Problem des Strafrechts*, pp. 149ff and especially 151–152.

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See I. Manoledakis, *Criminal Law*, p. 22.

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See Nikolaos Paraskevoopoulos, “Η συνταγματική διάσταση του αδικού και της ενοχής” [“The Constitutional Dimension of Wrongfulness and Guilt”], *Yperaspisi*, 1993, pp. 1251ff.

miliar – yet exceptional for Greek legislative standards – penalisation of self-harm,²¹ particularly in the case of drug use. Its diachronically enduring content has been criticised by Greek penal theoreticians for offending the right to self-determination, which emanates from the principle of protection of and respect for the value of the human being (Art. 2 § 1 GrCon²²), as well as the associated right to freely develop one’s personality (Art. 5 § 1 GrCon).²³ As is widely acknowledged, the liberal spirit of the Greek criminal legislation system has abstained from penalising *immiscible* acts of self-harm, thus leaving room for personal self-determination and free development of one’s personality; criminal repression claims no part therein.²⁴ This is what we could call a choice for a non-paternalistic model of criminal law.

One could say that such a legislative choice is but imperative, particularly as regards drug use. To begin with, when the rights to self-determination and free development of one’s personality are exercised in a way which may, at the most, challenge mainstream morality, yet which does not trample on the rights of third parties or the Constitution itself, criminalisation is not an option. Mainstream morality is not a legally protected interest, nor may criminal law consider it to be one.²⁵ In fact, an attempt at criminalisation that lacks a basis other than the mere preservation of mainstream morality (i.e., current directives of social ethics)²⁶ by citizens reveals, through its disproportional features,²⁷ that the norms of criminal law are employed by the state as a means to an end.²⁸

Even a utilitarian perception of civil rights that prioritises in favour of the social state and supports the expansion of restrictions²⁹ could not substantiate criminalisation in this case; such imposed constraints should, at the very least, openly verify their social aspect. The latter cannot even be established through the functionality of penalty in such cases. With regard to the same, one ought to consider that: a) retribution is irrational by default in cases of self-infliction,³⁰ b) special prevention is not only highly ineffective, but also feeds the vicious circle of drug use through the imposition of incarceration,³¹ and thus fails to be convincing as regards its social facet, c) general prevention as the sole underpinning of the imposition of penalty is, even when efficient, directly at odds with the protection of human dignity, and the reprimand on drug users appears exclusively as a means to an end.³²

A theoretical approach to Article 29 of Law 4139/2013, on the other hand, sheds light on its problematic aspects as regards human dignity. What needs to be comprehended in this instance are the real features of this predicament. In particular, precisely because penalisation of drug use as an act of self-harm is an alien element in Greek criminal law, it automatically cancels all criminal defences, such as necessity and self-defence. Offenders are at the same time: the person in defence, the person acting out of urgent necessity *and* the respectively harmed individual. Therefore, criminalisation of drug use carries an exponentially punitive quality, considering the notional cancellation of all criminal defences that could lead to impunity. Hence, it seems as if the individual is used as a means of serving the hypothetical needs of a general criminal policy (general prevention) in the field of narcotics, because the penalty cannot really address the “offence” committed.

Therefore, it is evident that the constitutionally established principle of non-violation of the value of the human being on behalf of the state (Article 2 § 1, GrCon)³³ is not upheld in the criminal regulation of drug use.

Likewise, Article 28 § 1 of Law 4139/2013 decriminalises the activities of police officers as agents provocateurs, even when they commit flagrant violations, such as drug trafficking (Articles 20, 22 & 23 of Law 4139/2013) and

instigating the trade or trafficking of narcotics. The Greek legislator has activated this provision to justify quite a controversial set of police activities that absurdly instigate delinquency in an effort to investigate criminal behaviour by getting those who have already broken the law to get engaged in further criminal activity.³⁴

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On this problem, see Nikolaos Paraskevopoulos, “Ποινική ευθύνη από αυτοκαταστροφικές πράξεις” [“Criminal Liability from Self-Destructive Acts”], *Elliniki Epitheorisi Egklimatologias*, Vol. 3–4 (1991), pp. 58ff; N. Paraskevopoulos, “The Constitutional Dimension of Wrongfulness and Guilt”, pp. 1258–1259, where further bibliographic references are found; but also Lampros Margaritis, *Σωματικές βλάβες [Personal Injuries]*, 2nd edition, Athens–Thessaloniki 2000, pp. 79ff; Elisavet Symeonidou-Kastanidou, *Εγκλήματα κατά της ζωής [Crimes against Life]*, 2nd edition, Athens – Thessaloniki 2001, pp. 153ff.

22

Greek Constitution.

23

See N. Paraskevopoulos, “Criminal Liability from Self-Destructive Acts”, pp. 65–67; Nikos Paraskevopoulos, *Η καταστολή της διάδοσης των ναρκωτικών στην Ελλάδα. Μετά το Ν. 4139/2014 [Repression of Narcotic Drug Trafficking in Greece. After Law 4139/2014]*, 4th edition, Athens 2014, p. 163, according to whom criminalisation of this act also offends Art. 7 § 1 of GrCon, because the act does not affect “another person”. For a violation of the right to self-determination by the penalisation of drug use, see also Lorenz Böllinger, “Strafrecht, Drogenpolitik und Verfassung”, *Kritische Justiz*, Vol. 24 (1991), No. 4, pp. 393ff.

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See footnote 21, but also Ioannis Manoleidakis, “Υπάρχει δικαίωμα στο θάνατο;” [“Does the Right to Death Exist?”], *Υπερασπισί*, 1994, p. 526, who, in rejecting this right, nonetheless thinks that liberal law recognises the liberty of humans to form the content of their lives (lifestyles), and thus argues that acts of pure self-harm are allowed. See also Cornelius Nestler, “Rechtsgüterschutz und Strafbarkeit des Besitzes von Schusswaffen und Betäubungsmitteln”, in: Institut für Kriminalwissenschaften Frankfurt/M. (ed.), *Vom unmöglichen Zustand des Strafrechts*, Frankfurt/M. 1995, pp. 74–75.

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See also E. Symeonidou-Kastanidou, *Crimes against Life*, p. 163.

26

See Aristovoulos Manesis, *Συνταγματικά Δικαιώματα [Constitutional Rights]*, Vol. a, 4th edition, Athens 1982, p. 62.

27

For restrictions of the restrictions of constitutional rights and particularly the principle of proportionality, see Dimitrios Tsatsos, *Συνταγματικό δίκαιο [Constitutional Law]*, vol. c, Athens 1988, p. 245.

28

For a criticism of using criminal law as a means of defending social ethics, see I. Manoledakis, *Criminal Law*, p. 17.

29

D. Tsatsos, *Constitutional Law*, p. 241.

30

N. Paraskevopoulos, *Repression of Narcotic Drug Trafficking in Greece*, p. 168.

31

For the failure to address the problem of drug use via the imposition of incarceration, see international experience, which has been recorded since 1982 and compiled in the conclusions of the Conference of the Council of Europe, “Drugs and Prison”, *Rassegna penitenziaria e criminologica*, N. Speciale, 1982, pp. 531–533; N. Paraskevopoulos, *Repression of Narcotic Drug Trafficking in Greece*, p. 168. See also Dimitri Spirakou, “Η ποινική καταστολή των ναρκωτικών: Η λύση ή το πρόβλημα;” [“The Criminal Repression of Drugs: Solution or Problem?”], *Υπερασπισί*, 1993, p. 1038, where further bibliographic references are found, but also Winfried Hassemer, “Aktuelle Perspektiven der Kriminalpolitik”, *Strafverteidiger*, 14 (1994), p. 337.

32

See also N. Paraskevopoulos, *Repression of Narcotic Drug Trafficking in Greece*, pp. 175ff.

33

See, in particular, A. Manidakis, *Rule of Law and Judicial Review of Legislation*, p. 408.

34

On this provision, see Maria Kaiafa-Gbandi, “Η πρόκληση για διακίνηση ναρκωτικών στην υπηρεσία της καταστολής της (άρθρ. 25β παρ. 1 ν. 1729/1987)” [“Provocation for Drug Trafficking in the Service of the Combat against It (Article 25B § 1 Law 1729/1987)”], in: *Μνήμη II – Ι. Δασκαλόπουλου, Κ. Σταμάτη, Χρ. Μπάκα*, Athens 1996, Vol. A, pp. 103ff.

Still, how is the goal of amplifying police efficiency compatible with respect for the value of the human being,³⁵ criminals included?³⁶ When police expediency becomes predominant, should we not be more preoccupied with the transformation of the individual into a wheel in the faceless and tangled mechanism of the policy of crime repression that lacks clear thresholds? Is it the ostensibly unconditional nature of the principle of the value of the human being³⁷ – which denies the application of proportionality to any legally protected interest – that should lead to a revision of the legislator’s reasoning as expressed in Article 28 § 1 of Law 4139/2013?

In order to resolve these issues, delving into the European Court of Human Rights (ECHR) precedent³⁸ on the so-called undercover police infiltration (alt. “police entrapment”) system – today, a rather widespread system which is not used only in cases of organised crime as initially envisaged – is of vital significance. It should be stressed, at this point, that the ECHR case law is binding for the Greek legal order; once it was ratified by the Greek state, the European Convention on Human Rights turned into domestic/national law. Moreover, in this particular “chain of command”, the Convention ranks above common national legislation.

According to the ECHR case law, one must certainly distinguish between endurable police endeavours and intolerable police instigation/entrapment. The Court focuses on the degree of the “essentially passive character” of police activities. It admits that this required passive nature is surpassed whenever officers or civilians, under police orders and for reasons of gathering evidence or ensuring prosecution, exert such influence on subjects that the latter engage in illegal behaviour that they would have otherwise avoided.

Even if one expresses reservations about the actual violation of human dignity by certain legal provisions, any hesitation must always be in favour of compliance with the principle. Reasonable doubt cannot operate against citizens which it attempts to protect, but rather against state authorities which it attempts to restrain. Any other development would undermine the absolute nature of the principle, which acknowledges that respect for and protection of human dignity is a *principal* obligation of the State.

Regrettably, the list of stipulations that bend this obligation could grow longer via accumulation of additional examples from anti-drug legislation and other fields of so-called “organised criminality”. For instance, the confiscation or seizure of items related to the perpetration, even though otherwise harmless for public safety, is articulated in the relevant provisions regarding smuggling (Article 160, Law 2960/2001 – Customs Code), and may be imposed on individuals who had not participated in any way whatsoever in the committal of the offence, thus fabricating a system of objective responsibility that directly opposes respect for human dignity.³⁹ The same comments could also apply to the recent stipulations on money laundering,⁴⁰ etc.

V. Conclusions

As far as the regulatory context is concerned, according to the above analysis, it would be legitimate to claim that the *contemporary* criminal legislator seems to take an inconsistent approach to human dignity as a protected legal interest. On the one hand, the legislator uses the protection of human dignity as a pretext for a symbolic criminal law aiming to calm society’s more general fears of new biotechnological or technological achievements, as we have seen in its improper invocation as a protected legal interest in the case of repro-

ductive cloning. On the other hand, the Greek legislator does not sufficiently protect human dignity when definitely and undeniably inflicted as is the case with acts of racism. Moreover – and perhaps more upsettingly – as for the protection of human dignity of those charged with criminal offences, the criminal legislator has eased its stance against retractions in the protection of human dignity, particularly in the field of both organised and mass criminality,⁴¹ as the latter specifically appears through the punishable acquisition of narcotics for one's own consumption. Certainly, in the case of mass criminality, challenging the value of the human being through legislative selection may not be irrelevant to the fact that the acquisition of narcotics for personal use is part of the drug trafficking circle.

None of its two pillars can justify this option. Increasing criminal repression – as an antidote to the escalation of certain sorts of criminality or as a countermeasure against organised (and, therefore, complex and intricate) crime – has never been and could never be an answer, particularly when paired with violations of fundamental constitutional principles, such as respect for human dignity. A balanced and composed reaction by criminal law may be a matter of legislative policy, even in cases of escalations of or resourceful criminality. However, the same does not apply to the issue of compatibility of regulations of criminal law with respect for human rights, and to constitutionally prescribed limitations on repression. Hence, the modern trend of the criminal legislator towards amplifying the *efficiency* of criminal repression by transgressing its thresholds – particularly those relating to the obligation to respect human dignity – is a pattern that must be broken. In a genuine state of the Rule of Law, such methods are simply intolerable. Thus, the criminal legislator must be more sensitive and watchful when it comes to evaluations of its regulations that fall under this spectrum.

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See Georgios-Alexandros Magkakias, *Ποινικό δίκαιο: Διάγραμμα Γενικού Μέρους* [*Criminal Law: Diagram of General Part*], Athens 1984, p. 417. On these issues, see also Nikolaos Livos, “Το αξιόποινο του agent provocateur. Η σύγχρονη αντεγκληματική πολιτική μπροστά στο δίλημμα της δημοκρατίας και της αποτελεσματικότητας” [“Criminal Liability of *Agent Provocateur*. Modern Criminal Policy Faced with the Dilemma of Democracy and Efficiency”], *Poinika Chronika*, 1987, pp. 692ff, where further bibliographic references are found.

36

For the argument that even morally unworthy criminals should be treated by law in a way which is compatible with the principle of respect for the value of the human being, see Velissarios Karakostas, Eleni Georgopoulou-Athanasouli, *Το Σύνταγμα. Ερμηνευτικά Σχόλια, Νομολογία, άρθρα 5–10* [*The Constitution. Commentary, Jurisprudence, Articles 5–10*], Athens 1989, p. 66.

37

See P. Dagtoglou, *Constitutional Law, Civil Rights*, p. 1141; D. Tsatsos, *Constitutional Law*, pp. 261, 266.

38

Maria Kaiafa-Gbandi, “Η πρόσφατη νομολογία του ΕΔΔΑ για την αστυνομική διείσδυση και το δικαίωμα σε δίκαιη δίκη” [“The Recent Jurisprudence of ECHR for Entrapment and the Right to a Fair Trial”], *Poiniki Dikaosyni*, 2011, pp. 59ff.

39

See V. Karakostas, E. Georgopoulou-Athanasouli, *The Constitution*, p. 68; A. Manitakis, *Rule of Law*, p. 407; on the non-compatibility of the above provisions with the Constitution, see Stefanos Pavlou, *Η δήμευση στον ποινικό κώδικα και στους ειδικούς ποινικούς νόμους* [*Confiscation in the Criminal Code and Special Criminal Laws*], Athens 1994, pp. 170ff, 192ff.

40

See Art. 46 of Law 3691/2008.

41

On the difference between organised and mass criminality, see W. Hassemer, “Aktuelle Perspektiven der Kriminalpolitik”, p. 336.

Moreover, the analysis conducted in this article should attest to the following: even though recognition of the principle commanding respect for and protection of human dignity has been a conquest that restricts the criminal legislator, its practical implementation is still a long and winding path.

Maria Kaiafa-Gbandi

**Ljudsko dostojanstvo:
zaštićeno, ali i ugroženo kaznenim pravom?**

Sažetak

Rad istražuje pojam ljudskoga dostojanstva u pravu općenito i kaznenom pravu napose, odnosno ispituje je li ljudsko dostojanstvi pravni interes zaštićen kaznenim pravom (npr. u slučajevima kriminalizacije reproduktivnog kloniranja i rasističkih činova) te reflektira o tome kako kazneno pravo može ugroziti ljudsko dostojanstvo počinitelja, osobito u slučajevima kažnjavanja uporabe droga i policijskog uhićenja.

Ključne riječi

ljudsko dostojanstvo, kazneno pravo, kriminalna represija, zlouporaba medicine, uporaba droga, pravo i moral, reproduktivno kloniranje, rasizam, policijsko uhićenje

Maria Kaiafa-Gbandi

**Menschenwürde:
geschützt, aber auch gefährdet durch Strafrecht?**

Zusammenfassung

Die Arbeit erforscht den Begriff der Menschenwürde im Recht generell und vornehmlich im Strafrecht bzw. untersucht, ob die Menschenwürde ein durch das Strafrecht geschütztes rechtliches Interesse repräsentiert (beispielsweise in den Fällen der Kriminalisierung von reproduktivem Klonen und rassistischen Akten). Des Weiteren reflektiert die Arbeit darüber, wie das Strafrecht die Menschenwürde des Täters in Gefahr bringen kann, insbesondere in den Fällen der Bestrafung von Drogenkonsum und der polizeilichen Festnahme.

Schlüsselwörter

Menschenwürde, Strafrecht, kriminelle Repression, Missbrauch der Medizin, Drogenkonsum, Recht und Moral, reproduktives Klonen, Rassismus, polizeiliche Festnahme

Maria Kaiafa-Gbandi

**La dignité humaine:
protégée, mais aussi menacée par le droit pénal?**

Résumé

Ce travail examine le concept de dignité humaine dans le droit en général et dans le droit pénal en particulier, c'est-à-dire qu'il pose la question de savoir si la dignité humaine est un intérêt de droit protégée par le droit pénal (p. ex. dans les situations de criminalisation du clonage reproductif et dans les actes racistes) et réfléchit sur la manière dont le droit pénal peut menacer la dignité humaine du délinquant, particulièrement dans des situations où les peines sont liées à la prise de drogues et lors d'arrestations policières.

Mots-clés

dignité humaine, droit pénal, répression criminelle, abus de la médecine, prise de drogues, droit et morale, clonage reproductif, racisme, arrestation policière



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On Some Doctrinal Disputations in Early Buddhist Interpretations of *pratītyasamutpāda* (Dependent Co-arising)

Abstract

Pratītyasamutpāda (Dependent Co-arising) is a foundational Buddhist teaching canonically announced by Buddha as that which represents his “middle position” between the two (ontological) extremes of existence and nonexistence. Nevertheless, early Buddhist philosophers barely reached a consensus about its precise doctrinal or even grammatical meaning. In this article, I provide a basic outline of these disputations based on primary sources trying to show that they, in fact, reflect their various understandings of the problem of causation and the nature of phenomena.

Key words

causation, Madhyamaka, phenomena (*dharmas*), *pratītyasamutpāda*, Vaibhāṣika, Vasubandhu

Despite the fact that *pratītyasamutpāda* (henceforth referred to as PS) – literally “co-arising having been met”¹ or more commonly “dependent co-arising” – is central or axial to Buddha’s teaching without which all aspects of his teaching (*Dharma*) would “collapse” or at least would not be well-grounded

1

Cf. a grammatical analysis of the term by Candrakīrti: “The verbal root *l* means ‘motion’ [to go]; [prefix, preverb] *prati* means ‘attainment’. Hence the transformation of the meaning of the verbal root [which occurs] by the force of an addendum [i.e. preverb] – ‘The meaning of a verbal root is changed by force into another [meaning] with [the help of an] addendum [i.e. preverb] just as the sweetness of the water of the Gaṅges [is changed] with [the help of] the ocean [salty water; i.e. when the river reaches the ocean].’ Thus the word *pratītya* ending in suffix *lyap* [i.e. gerund-termination] performs [the meaning of] ‘attainment’ or ‘with regard to’ [‘dependence on’]. The verbal root *PAD*, preceded by [the pre-

verb] *samut* [means] ‘appearance’ and so the word *samutpāda* performs [the meaning of] ‘appearance’. Hence [the full] meaning of the [term] *pratītyasamutpāda* is ‘arising of beings [things] in dependence upon causes and conditions.’ *etirgatyarthaḥ, pratiḥ prāptiyarthaḥ | upasargavaśena dhātvarthavipariṇāmāt – upasargeṇa dhātvartho balādanyatra nīyate | gaṅgāsasilamādhuryaṁ sāgareṇa yathāmbhasā || pratītyasabdo’tra lyabantaḥ prāptāvapekṣāyām vartate | samutpūrvah padīḥ prādurbhāvārtha itī samutpādaśabdaḥ prādurbhāvevartate|tataścahetupratyayāpekṣo bhāvānāmūtādāḥ pratītyasamutpādārthaḥ, PP, 4. 5–10.*

and connected, almost no consensus about its precise linguistic² and doctrinal meaning has been reached. This lack of consensus is perhaps even more pronounced within the Buddhist tradition itself than its Western interpretations, the latter of which is additionally and almost inevitably laden with notions and ideas of Western philosophy (e.g., causality) which are superimposed on an ancient and distant worldview.

Is PS Buddha's "provisional" description of the nature of reality (restricted to the sphere of sentient beings' psycho-physical "constituents", *pañcaskandhas*) given in a nutshell, a linguistic or, better yet, communication "strategy" proved to be beneficial and "stimulative" for sentient beings or at least for some of them in their effort to overcome existential turmoil? There can be no doubt that Buddha framed his Teaching, particularly on PS, intentionally having in mind its "utility" and suitability for religious purposes (notably, the eradication of suffering) as he saw and preached them.³ Maybe his vision of reality "as it is" (*yathābhūta*) was so far beyond ordinary experience – and hence beyond (direct) expressibility (because language follows ordinary, i.e., shared experience) – that, once he decided to somehow communicate it to the world, he was urged to set up a "teaching method" whose words and utterances could "carry over" (as a raft), but which in themselves had nothing in common with that vision. So, according to this presumption, PS, the doctrine of *pañcaskandha*, the doctrine of *anātman* ("no-self"), etc., are just beneficial instructional strategies and not a faithful signature of reality as it is (whatever it "is") simply because language as any other social human activity cannot and may not transgress the boundaries of "this world" if it wants to be meaningful and appealing. Buddha became famous and appealing because he proved himself as a skilful communicator who knew how to somehow communicate his private and lofty experience in a common, "public" language, whereby it could start to affect others' minds in the pursuit of "the path of deliverance" (*vimuktimarga*).⁴ Otherwise, the gulf between "the world of men" (*manuṣyaloka*) and *nirvāṇa* would remain unbridgeable. This could, of course, be the *Mahāyāna* and particularly the *Madhyamaka* understanding of *Buddhadharma* (Buddha's doctrine) as necessarily a "convention" (*vyavahāra*) in the light of its radical differentiation between the "two truths".⁵ But was it entirely conventional for Buddha himself?

There are some statements in the Canon which seem to suggest that not all of his teachings are merely a convention, a "raft", for the purpose of carrying one over to the other shore. It seems that some of his teachings expose certain "objective" truths which Buddha discovered and not "invented" (such as, presumably, certain contemplative procedures, types of discourse, etc.), and these are mostly, if not solely, connected with the notion of PS. If so, then at least PS is not a "provisional designation" of reality, a good or appealing frame for changing the stream of uncultivated being, but a statement of an innermost truth about reality, ruthless world affairs and its discourses. PS, as a formulation coupled with a few of its further qualifications given by Buddha, may be conventional in the sense that it serves as an explanation (hence, conventional) of certain doctrinal points (i.e., the explanation of the process of *karma* in the context of *anātman* and many others), but at the same time, it could refer to or "make known" something which is "independent" of *Buddhadharma*. PS could be the whole and "prescriptive" context or axis of the latter in a linguistic, doctrinal and practical sense;⁶ in a word, "the boundary point" of experience and hence of *Buddhadharma*.⁷

Buddha's most striking formulation which indicates the "objectivity" of PS is to be found in the *Paccayasutta* (S. 2.1.2.10):

“What is *paṭiccasamuppāda*? Conditioned by birth, Bhikkhus, decay and death [occurs]. Whether *Tathāgatas* arise or not, this property [or: base, *dhātu*] stands, namely [or: as] the steadfastness of phenomena (*dhammaṭṭhitatā*), the orderliness of phenomena (*dhammānīyāmatā*) or that-conditionality (*idappaccayatā*). The *Tathāgata* becomes fully awake to this and realises it; being awake to and having realised it, he explains it, teaches it, points it out, establishes, makes it clear, analyses, exposes it and says: ‘behold – conditioned by birth, Bhikkhus, decay and death [occurs]’. ... These [statements/chains of conditioning, namely ‘conditioned by ignorance, karmic formations...’] which are [qualified as] suchness, not-unsuchness, not-otherness and conditionality – this, Bhikkhus, is called *paṭiccasamuppāda*.”⁸

2

The main disputation between Buddhist philosophers concerned the word formation of “*prāṭītya*”. Some of them (e.g., Candrakīrti, the Vaibhāṣika school, Buddhaghosa) held that it is a gerund (“having been met/attained”), while others (mostly the Sautrāntika school, but also some Mādhyamikas) held that it is a secondary derivative noun in a sense of “those which are transient”. This alternative grammatical analysis was reported by Vasubandhu: “Others, however, interpret [the meaning of PS] differently in order to remove this criticism [apparently by Grammarians, see the context]. [According to them,] *prāṭī* means ‘distributiveness’ [generalisation, *vīpsā*]; the verbal root *I* [means ‘to go’]; *ītya* is a participle [secondary derivative noun], i.e., ‘those which are transient’. *Pad*, preceded by *ut*, means ‘appearance’. [Therefore, according to them], *prāṭītyasamutpāda* [means] the co-arising [‘arising in combination’] of transient [things] under this-and-that totality of causes.” *anye punarasya codyasya parihārāthamanyathā parikalpayanti – prāṭīrvīpsārthaḥ, itau sādharma ityāḥ = anavasthāyinaḥ, utpūrvaḥ padīḥ prādurbhāvārthaḥ, tāṃ tāṃ kāraṇasāmāgrīm prāṭī ityānāṃ samavāyeyotpādāḥ prāṭītyasamutpāda iti, Bhāṣya* to AK 3. 28ab.

3

Inquiring – almost rhetorically – why Buddha taught PS the way he did, Buddhaghosa explains that it was done in that way “because of the complete auspiciousness (beneficence) of PS [thought in that way] and because he himself [Buddha] has obtained grace (elegance) in instructing PS [that way]. For PS is entirely auspicious (beneficial).” *Paṭiccasamuppādaṣṣa samantabhaddakāṭṭā sayāṇ ca desanāvīlāsappattatā. Samantabhaddako hi paṭiccasamuppādo* (Vsm. XVII, 33).

4

Some interpreters of Buddha’s treatment of language saw in him a precursor of linguistic nominalism, according to which there is no inherent or “inborn” relationship between words and things “out there” with which the former are inevitable associated. Language does not reveal any permanent or substantial “primary meanings”, but is being “freely” constituted in public usage through

generations just as any other human activity. Meanings of words are, so to speak, arbitrary, dependent on the “speaker’s intention” (*vivakṣā*), and thereby only conventional. This line of thought was, of course, developed in later Indian Grammarians’ (and in some Buddhists’) speculations and some of Buddha’s well-known statements regarding the way he uses language seem to go along with this theory; notably in *Dīghanakasutta* (M. I. 500) where he says that “the one whose mind is liberated (*vimuttacitta*) expresses himself in the way it was said in the world without being attached [to these expressions]” (*yañ ca loke vuttam tena voharati aparāmasan ti*). Likewise, at the end of *Paṭṭhapādasutta* (D. 9) Buddha says: “These [such as, *atta-paṭilābha*, etc.] are the world’s designations, the world’s expressions, the world’s ways of speaking, the world’s descriptions, with which the *Tathāgata* [i.e., Buddha] expresses himself, but without being attached [to these expressions]” (*Imā kho, citta, lokasamaññā lokaniruttiyo lokavohārā lokapaññattiyo, yāhi tathāgato voharati aparāmasan ti*). However, taking the context of these statements into account, they are hardly proof that Buddha advanced full-fledged linguistic nominalism. The context (especially that of *Paṭṭhapādasutta*) suggests that he simply accepted the way language is used by “worldly men” (*putthujanas*) just for the sake of conversation (without being attached to it) trying to “deliver” his message (*Dhamma*) through it. This still does not necessarily mean that *Dharma* expressed in his “technical terminology” (PS, *pañcaskandha*, etc.) is also “conventional” as was firmly held in Mahāyāna Buddhism (cf., for example, Vasubandhu’s *Bhāṣya* to *Madhyānta-vibhanga* III. 22b, where all of Buddha’s so-called utterances or concepts of “direct meaning” (*nīṭārtha*) are understood merely as “skilful means” (*upāya kauśalya*) just as any other). Nevertheless, it is most certainly conventional in one particular way – namely, the real and full meanings of Buddha’s words and utterances are revealed only to the enlightened ones. The meanings of Buddha’s words are, so to speak, revealed gradually (and not at once) as one progresses on the Path. But, whatever language is or whatever it refers to, all of its constituents belong to the “sphere of the sensuous/worldly mind” (*kammāvacaracitta*) and function only



This passage is not only “burdened” with highly abstract nouns (and notions) connected with PS difficult to find in Buddha’s discourses on other doctrinal subject-matters, but also indicates that Buddha first penetrated this “profound” (*gambhīra*; cf. *Nidānasutta*, S. 1.6.10) *dhamma* (hence indicated as “objective”) and only then exposed it in a suitable linguistic way. Thus, he first “becomes fully awake to it” (*abhisambujjhati*), then thoroughly “realises it” (*abhisameti*) and only then he formulates it, explains it, etc., in the manner he does (i.e., *avijjāpaccayā saṅkhārā*, etc.).

As for the abstract “qualifications” of PS enumerated in the above *Sutta*, Pāli Commentaries give explanations which are entirely dependent on the later abhidhammic type or method of analysis. *Dhātu*, *dhammaṭṭhitatā*, *dhammaniyāmatā* and *idappaccayatā* all refer to the inherent nature of conditions (*paccaya-sabhāva*) which, once present, cannot but bring into existence another (definite) *dhamma(s)*, i.e., *jāti* (birth), once present, cannot but “instigate” *jarā-marāṇa* (ageing and death) to occur, etc.⁹ So, at least according to the Theravāda Buddhist school (Buddhaghosa), these qualifications do not refer to something which is above *dhamma*-processes (the distinction between the Law/Principle and its “applications” or phenomenal occurrences), but point to the very nature (*dhammatā*) of these processes themselves to which Buddha “became fully awake”. That is to say, the nature of *dhamma*-processes is these processes themselves as they occur and this “fact” is termed by Buddha as “*paṭiccasamuppāda*”, that is, *dhammaṭṭhitatā*, etc. *Sabhāva* (one’s own nature) in this connection, as stressed by Pāli Subcommentaries, denotes a “restriction” in a sense that *dhammic* processes do not require some other agent in the background for their functioning.¹⁰

Paccayasutta reports that, besides PS, Buddha also teaches *paṭiccasamuppanna* (“that which is dependently co-arisen”):

“And what, Bhikkhus, are *dhammas* that are dependently co-arisen? Decay and death, Bhikkhus, is impermanent, compounded, dependently arisen, subject to destruction, subject to extinction, subject to fading away, subject to cessation [the same formulation for the rest of the *nidānas*].”¹¹

What is, if any, the relationship or distinction between *paṭiccasamuppanna* and PS? According to Buddhaghosa,

“... *dhammas* that are conditions should be understood to be *paṭiccasamuppāda*. *Dhammas* that are produced through such and such conditions are dependently co-arisen *dhammas*.”¹²

It seems that these two notions refer to two different “points of reference” of *dhamma*-processes and so their nature is epistemological, and not ontological. However, can PS in this connection be reduced to a mere “condition”? For Buddhaghosa, there is no difficulty because he, as we have seen, interprets the abstract properties of PS in terms of *paccaya-sabhāva*.

Vaibhāṣika, on the other hand, does not hesitate to interpret the relationship between the two notions in terms of a full-fledged causal theory, although fully aware that both – cause and effect – refer to the same *dharma*-plane:¹³

“The limb that is the cause is *pratītyasamutpāda*, [so] defined because [something] co-arises from it. The limb that is the effect is *pratītyasamutpanna*. Thus, all the limbs are established in both ways, as cause and effect. And so there is no settlement of [conclusive] truth because of an [ever] altering connection [between cause and effect]. What is *pratītyasamutpāda* with reference to [something] is not *pratītyasamutpanna* with reference to that same [thing], like cause and effect or father and son.” Yaśomitra: “A cause is established with reference to effect; an effect is established with reference to cause.”¹⁴

Vasubandhu rejects this, as well as many other interpretations of PS by Vaibhāṣika for “not being in accordance with the Canon because the definition in the *Sūtra* is different”:

“What is *pratīyasamutpāda*? Namely, this being, that becomes, and so on ... the nature of phenomena (*dharmas*), the steadfastness of phenomena (*dharmas*) ... [ending with the qualification] the immutability’ – this is called *pratīyasamutpāda*. The arising of phenomena (*dharmas*) is the manner of [all] phenomena (*dharmas*). Hence, the very nature of phenomena is just this rule [pattern, norm] [namely] being ignorance, karmic components become, not otherwise. This *pratīyasamutpāda* is not merely a cause.”¹⁵

within its limits even when spoken by Buddha himself. Otherwise, the word ‘*nirvāṇa*’ itself would bring liberation to all only if uttered by Buddha(s), of course.

5

The terms *sammuti-sacca* (‘conventional truth’) and *paramattha-sacca* (‘absolute truth’) do not appear in the *Sutta* portion of the Canon. In its earliest phase, the term *sammuti* almost entirely refers to (commonly accepted) views or theories, and is nowhere contrasted with *paramattha*, which is, according to Jayatilleke (2004: 366), in the earliest phase used for ‘the highest goal’. Commonly accepted linguistic usage (*lokiya-vohāra*, based on “general opinion”, *sammuti*; cf. Sasaki, 1992: 79) is, for example, ‘being’ (*satta*) or ‘chariot’ (*ratha*), to take famous examples from S. I. 135, although no such things exist when closely analysed (*Yathā hi aṅgasambhārā hoti saddo ratho iti; evaṃ khandhesu santesu, hoti sattoti sammuti*). *Sammuti* is not necessarily deceptive or false only if used “skillfully”, i.e., if one does “not get attached” to such expressions and has in mind what they actually refer to (i.e., among commonly accepted things or phenomena). The qualification of *paramatthatas* or *paramatthena* (from the highest point or meaning) was added only in the later section of the Canon (*Abhidhammapīṭaka* and thereafter), announcing an analysis (and linguistic expressions) of reality in terms of compounded and uncompounded *dharmas*. How these two types of linguistic usages or discourses (cf. also the *neyyattha-nītattha* distinction in A. I. 60) were “reified” as two distinct types of truth (*sacca*) “without a third” (cf. AA I. 95) or even “realities” (*sat*) in *Sarvāstivāda-Vaibhāṣika* (cf. AK 6.4.) is not clear. Anyway, *Mahāyāna* and particularly *Madhyamaka* seem to reinforce the original meaning of *paramattha* (*paramārtha*) as ‘the highest goal’ which has nothing in common with any kind of discourse, truth or analysed reality, including *paramārthatas* in the *abhidharma* sense, which – accordingly and inevitably – altogether belong to *saṃvṛti* (concealing/deceptive reality), including, of course, *Madhyamaka*’s discourse itself. The latter only indirectly (and hopefully) points to or “makes known” (*jñāpayati*) the Ultimate (cf. VV 64 and Commentary) through a par-

ticular type of reasoning, which – although also conventional in nature in *Madhyamaka*’s view – proves to be efficient for penetrating the ultimate goal. Here *saṃvṛti* is obviously understood to be an inevitable epistemological basis for the latter (cf. MMK, 24. 10 and Candrakīrti’s Commentary: *tasmānnirvāṇā dhigamopāyatīvādavaśyameva yathāvastitā saṃvṛtirādāvevābhyupeyā*: “Therefore, *saṃvṛti* is necessarily first to be admitted as it stands because [it is] an expedient [*upāya*] for attaining *nirvāṇa*”).

6

What is amazing in Buddha’s treatment of PS is that it appears as a statement of truth and, at the same time, as a methodological explanation of his doctrinal “position” on many fundamental issues often in contradiction with other current teachings (cf. *Nidāna Saṃyutta* of S., especially *Kaccānagottasutta* and *Aññatitthiyasutta*). Likewise, and this was particularly stressed in Nāgārjuna’s writings, the fact that PS “is there” is a specific and great chance given to beings to fundamentally change their conditions, which would otherwise be impossible to do for they are either stuck with their inborn nature (the determinism of *svabhāva/niyati-vāda*) or exposed to the unpredictability of action (the indeterminism of *yadrchā/ahetu-vāda*). In short, PS “functions” in many ways – as a statement referring to universal truth penetrated by Buddha, as an explanatory basis or frame for situating his teachings, and as a practical argument for the possibility and efficiency of mental cultivation. Linguistically, PS reveals itself as a proper “syntactic” way of addressing or approaching (doctrinal) subject-matters: “Who, Venerable Sir, craves? – The question is not properly put, said the Bhagavant. I do not say that [someone] craves. If I had said [‘someone] craves’ then the question ‘who, Venerable Sir, craves?’ would be properly put. But I do not say so. Me, not speaking thus, who would ask – ‘Venerable Sir, conditioned by what craving [arises]’ – that [would be] a question properly put.” (*Ko nu kho, bhante, upādiyatīti? No kallo pañho ti bhagavā avoca – upādiyatīti ahaṃ na vadāmi. Upādiyatīti cāhaṃ vadeyyaṃ, tatrassa kallo pañho – ko nu kho, bhante, upādiyatīti? Evañcāhaṃ na vadāmi. Evaṃ maṃ avadantaṃ yo evaṃ puccheyya*



So it seems that for Vasubandhu, as well as for Buddhaghosa, in the last instance PS is not “one thing”, while (dependently co-arisen) phenomena another. To speak about PS is to speak about “dependently co-arisen phenomena” (*pratītyasamutpannadharmas*) and vice versa,¹⁶ although Buddhaghosa, on the level of (epistemological) analysis, apparently comes closer to Vaibhāṣika when he defines PS in terms of *paccaya* (-*sabhāva*) and *dhammas* in terms of *paticcasamuppanna*.¹⁷ But, in reality, there is no “ontological” difference between *paccaya* (conditions) and (dependently co-arisen) *dhammas*;¹⁸ there is only a temporal difference – and this is not a category of the *paramattha* type.¹⁹ The Vaibhāṣika school, on the other hand, burdens heavily this insight with a complicated causal theory embedding in it such concepts as *kāritra* (activity), *prāpti* (attainment), *phalapratiḡraha* (fruit/effect-seizing), *phaladāna* (fruit/effect-giving), etc., which Vasubandhu fiercely criticises in a lengthy commentary to AK 5. 26.

In the *Nidānasamyukta* (of the *Samyuktāgama*) of the northern Buddhist Canon, there is one *Sūtra* without a counterpart in the Pāli Canon, entitled (via reconstruction) *Paramārthasūnyatāsūtra* (“Discourse on Emptiness in its Ultimate Sense”),²⁰ which uses the term *dharmasaṃketa* as a designation of *idappaccayatā* or PS:

“What is the ‘discourse on emptiness in its ultimate sense’? Bhikṣus, when the eye is arising, there is no place from which it comes. When it is ceasing, there is no place to which it goes. Thus, the eye, not being, becomes and, being, it ceases [lit., ‘goes back’].²¹ There is action, there is result, but except for the *dharmasaṃketa*, one does not maintain a doer who throws away these *skandhas* and takes up again other *skandhas*. . . . Here this *dharmasaṃketa* [means] – this being that becomes; because of the arising of this, that arises, namely conditioned by ignorance Again, not being this, that does not become; because of the suppression of this, that suppresses. . . .”²²

The expression ‘*dharmasaṃketa*’ or the term ‘*saṃketa*’, at least to my knowledge, does not appear in the Pāli Canon, but only later in commentarial literature (*Aṭṭhakathās*), obviously in a sense of ‘convention’,²³ e.g., ‘conventional statement’ (*saṃketavacana*) as opposed to ‘ultimate statement’ (*paramatthavacana*) in the context of the characterisation of the two truths.²⁴ Likewise, in the vast body of the *Yogācāra* and *Madhyamaka* philosophical literature, *saṃketa* is always associated with the conventional, worldly, conceptual, provisional, symbolic, etc., thus referring to mankind’s joint effort to make (agreeable) sense of the world they live in.²⁵

So the expression ‘*dharmasaṃketa*’ would mean ‘conventional *dharma*’ or the like. But, commenting on Vasubandhu’s citation of *Paramārthasūnyatāsūtra*, Yaśomitra explains that *saṃketa* means “the establishment of a connection between cause and effect”,²⁶ or alternatively, “except for the *dharmasaṃketa* (means) except for the characteristic of *pratītyasamutpāda*”.²⁷ Thus, according to this explanation, the meaning of the passage would be:

“There is action, there is result, but one does not maintain a doer who throws away these *skandhas*. . . ; there is only (a continuum) of conditionality (*hetuphalasambandha*).”

But, already in his Chinese translation of the AKB, Paramārtha understands the term *saṃketa* here as “metaphorical designation”, thus completely changing the meaning:

“... one does not maintain the existence of an agent except when, conforming to worldly usage, one says that the *dharmas* are a *pudgala*.”²⁸

Is it possible that in this *Sūtra* we have a hint of Candrakīrti's equalisation of *saṃvṛti* with *idampratrayatāmātra* ("mere that-conditionality")?²⁹ Or, to put it differently, is it possible that, for Buddha, *asmin satīdaṃ bhavati* ("this being that becomes"), etc., at least according to *Paramārthasūnyatāsūtra*, is a mere "symbol" (*saṃketa*) of reality suited for human understanding,³⁰ a reality which is otherwise probably indescribable?

– *kiṃpaccayā nu kho, bhante, upādānaṃ ti, esa kallo pañho (Moliyaphaggunasutta, S. 2.1.2.2). Cf. also M. II. 9: "Dhamma is explained/preached in a causal (connected) way, not in a non-causal (non-connected) way" (sanidānaṃ dhammaṃ desayato no anidānaṃ).*

7

As it was pregnantly expressed, I believe, in MMK 24.18: "We proclaim: what(ever) is dependent co-arising, that is emptiness; that is based on conventional designation; only that is the middle path" (*yaḥ praṭītyasamutpādaḥ sūnyatām taṃ pracakṣmahe / sā prajñaptir upādāya pratipat saiva madhyamā*).

8

Katamo ca, bhikkhave, paṭiccasamuppādo? Jātipaccayā, bhikkhave, jarāmarāṇaṃ. Uppādā vā tathāgatānaṃ anuppādā vā tathāgatānaṃ, t̥hitāva sā dhātu dhammaniyaṃatā idappaccayatā. Taṃ tathāgato abhisambujjhati abhisameti. Abhisambujjhitvā abhisametvā ācikkhati deseti paññāpeti paṭṭhapeti vivaraṃti vibhajati uttānikaroti. 'Passathā ti cāha- jātīpaccayā, bhikkhave, jarāmarāṇaṃ'. ... Iti kho, bhikkhave, yā tatra tathatā avitathatā anaññathatā idappaccayatā- ayaṃ vuccati, bhikkhave, paṭiccasamuppādo.

9

*T̥hitā vā sā dhātū ti, t̥hito va so paccaya- sabhāvo, na kadāci jāti-jarā-maraṇassa paccayo na hoti ... Paccayena hi paccay' uppannā dhammā t̥t̥hanti: tasmā paccayo dhammā-t̥t̥hitatā ti vuccati. Paccayo dhamme nijameti, tasmā dhamma-niyāmatā ti vuccati. Idappaccayatā ti, imesaṃ jarā-maraṇādīnaṃ paccayā idappaccayā, idappaccayā ca [Visuddhimagga: eva] idappaccayatā (SA, Vol. II, 40). Idappaccayatā (lit., 'that-conditionality') is thus the same as idappaccayā ('that-conditions') or, alternatively, as an 'assemblage of conditions' (*paccayasamūha*) – "Because there is a condition or because there is an assemblage of conditions for those (occurrences) beginning with *jarāmarāṇa* as already stated, it is called *idappaccayatā*" (*yaṭhāvuttānaṃ etesaṃ jarāmarāṇādīnaṃ paccayato vā paccayasamūhato vā idappaccayatā ti vutto*, *ibid.*, 41; cf. also *Vsm*, XVII, 6). *Tathāta*, *avitathatā*, *anaññathatā* and *idappaccayatā* are epithets or synonyms for "the property (or: sign) of conditions" (*paccayākāra*) – "Because each particular *dhamma* originates through [its] particular [appropriate] conditions, neither more nor*

less, it is [called] suchness (*tathatā*). Because [once] conditions reach [their] completeness, there is no non-production, even for a moment, of arising *dhammas*, it is [called] not-suchness (*avitathatā*). Because there is no arising of a [certain] *dhamma* through conditions [appropriate] to some other *dhamma*, it is [called] not-otherness (*anaññathatā*) [for the interpretation of *idappaccayatā* in this context, see above, *paccayasamūha* as an 'assemblage of conditions']" – *Tathatā ti ādāni paccayākārass'eva vevacanāni: So tehi tehi paccayehi anūñadhikeh'eva tassa tassa dhammassa sambhavato tathatā ti, sāmaggim-upagatesu paccayesu muhuttam pi tato nibbattanadhammānaṃ asambhavābhāvato avitathatā ti, aññadhammapaccayehi aññadhammānuppattito anaññathatā ti* (*ibid.*; cf. also *Vsm*, XVII, 6). No explanation of these abstract terms is offered in either *AKB* or in *Sphuṭārthā* of Yaśomitra.

10

*Dhammato añño kattā natthī ti dassetum (Dīghanikāya-Tīkā, 673). The same text also mentions another, very curious reason why *sabhāva* is introduced in the "definition" of *dhamma* – "because of the acceptance of the opinion of people who need to be instructed" (*bodheyayanānurodhavasena*, *ibid.*, 76), cf. *Karunadasa* (1996: 15).*

11

Katame ca, bhikkhave, paṭiccasamuppannā dhammā? Jarāmarāṇaṃ, bhikkhave, aniccaṃ saṅkhatam paṭiccasamuppannam kha- yadhammaṃ veyadhammaṃ virāgadhammaṃ nirodhadhammaṃ.

12

*Paṭiccasamuppādo ti paccayadhammā vedit- abbā; paṭiccasamuppannā dhammā ti tehi tehi paccayehi nibbattadhammā, Vsm, XVII, 4; cf. also SA, *ibid.*, 41, paṭicca-samuppannam ti, paccaye nissāya uppannam.*

13

In the final analysis, there is no difference between PS and *praṭītyasamutpanna* because, according to *Sāstras* (presumably *Prakaraṇa*, cf. *Bhāṣya* to AK 3.25b), both refer to all compounded *dharma*s (*saṃskṛta-dharma*), *Bhāṣya* to AK 3.27.

14

hetubhūtaṃgaṃ praṭītyasamutpādaḥ, sam- utpādyate 'smāditi kṛtvā | phalabhūta- maṅgaṃ praṭītyasamutpannam | evaṃ sarvānyaṅgānyubhayathā sidhyanti; hetu-



An interesting and original solution to this problem was offered by neo-*Vaibhāṣika* Saṃghabhadra, who in his interpretation tried to retain both meanings of PS, namely conventional and ultimate.³¹ For him, the traditional interpretation of PS (the three lives' interpretation) is based on the causality of time which has a beginning (*ādi*, i.e., *avidyā*) and so it refers to conventional truth (*saṃvṛti*), which Saṃghabhadra terms *dharmasaṃketa* ('acceptable agreement', i.e., a causal relationship between cause and effect) or *prajñapti* ('intimation'). And this is what is precisely stated in the *Paramārthasūnyatāsūtra*. On the other hand, the very conditionality of things which are dependent upon each other is based upon the actuality (*kāritra*) of time and, from this perspective, there is neither a beginning nor an end (as in the time aspect of causality, *dharmasaṃketa*). This is termed *paramārtha* by Saṃghabhadra. So, PS has a beginning (the time aspect of causality, *dharmasaṃketa*), but is also beginningless (the actuality aspect of causality, *paramārtha*). Saṃghabhadra obviously understands the canonical treatment of PS to be a conventional interpretation (as pertaining only to the psycho-physical constituents of human beings), while *Vaibhāṣika*'s "special" causal theory elucidates the fact of conditionality (and so of PS) in its ultimate sense (*paramārtha*).³² And this is perfectly in accordance with *Sarvāstivāda-Vaibhāṣika*'s general and clear-cut distinction between *saṃvṛti-satya* (concealing truth) and *paramārtha-satya* (absolute truth). However, it is difficult to believe that Buddha understood the ultimate meaning of PS in terms of a special and complicated causal theory constructed by *Vaibhāṣika*, "publicly" (or to his *Samgha*) offering only a conventional interpretation.³³

In any case, the interpretations and elaborations of PS offered by early Buddhist philosophers were far from the issue having been settled. The situation was further complicated by the necessity of incorporating somehow a newly developed "special" causal theory (the system of *hetus*, *pratayas* and *phalas*) into the old formula, which was more or less successfully done by *Theravāda* (Buddhaghosa), and less successfully by *Sarvāstivāda*. As for the latter (particularly for *Vaibhāṣika*), PS was a kind of obligatory doctrinal heritage, "frozen" in its dogmatic twelve-membered formula of generating existence, and actually suppressed and replaced by a more elaborate special causal theory, to which the old sutric formula served as a mere "symbol" (*saṃketa*).³⁴ The question "what PS *actually* means (*artha*)" was never asked, the only concern was to further elaborate "its" causal functioning, and this enterprise finally ended in a more or less rational "jungle" of different and complicated theoretical (causal) constructions.³⁵

This situation dramatically changed with the emergence of Mahāyāna Buddhism in general, and its foremost philosophical school Madhyamaka in particular. For the latter, PS does not refer primarily to the process of causation between "things", but is a statement or "definition" of "things" themselves. A thing or phenomenon *is* PS, which further means that "it" is nothing in itself or by itself (*niḥsvabhāva*), and is hence a bare or "empty" (*sūnya*) phenomenon, whose "positive" existence is nothing but a mentally generated "dependent designation" (*upādāya prajñaptir*). What can be said of phenomena "as they are" (*yathābhūta*) is only the mere fact of conditionality (*idaṃpratyayatāmātra*), and there is no other way of establishing them.³⁶ The apparent diversity of phenomena and their mutual relations is the result of mental imputations (*samāropa*) and linguistic or mental "diffuseness" (*prapañca*), which obscure the original appeasement or "nirvanisation" of phenomena.³⁷

For Madhyamaka, thus, PS is a mighty “cure” for the conceptualisation of reality, and our inborn and obsessive inclinations towards “things”

phalabhāvāt | na caivaṃ satyavyavasthānaṃ bhavati, bhinnāpekṣatvāt | yadapekṣya pratīyasamutpādo na tadevāpekṣya pratīyasamutpannam, hetuphalavat piṭṭputravacca, Bhāṣya to AK 3.28b; Yaśomitra (Jyākhyā): phalamapekṣya heturvyavasthāpyate, hetuś-cāpekṣya phalamiti.

15

etadapyutsūtram; sūtre ‘nyathā nirdeśāt | “pratīyasamutpādaḥ katamaḥ? Yadutāsmiṃ satīdaṃ bhavati” iti vistareṇoktvā iti yā “tra dharmatā dharmasthītā yāvadviparyastatā ayamucyate pratīyasamutpādaḥ” iti | dharmajātīḥ dharmāṇāṃ śailiḥ | ato yeyam dharmatā ya eṣa niyamaḥ | avidyāyāmeva satyāṃ saṃskārā bhavanti, nānyathā | eṣa pratīyasamutpādo na hetureva, Bhāṣya, ibid. Yaśomitra cites in full this famous statement of Buddha obviously from the version found in *Śālistambasūtra* 2 and 9 (cf. Ross Reat, 1993: 27, 33), which adds some further qualifications not to be found in *Paccayasūta* or elsewhere in the Pāli Canon, namely *bhūtātā* (reality), *satyatā* (truthness), *tattva* (thatness), *aviparītātā* (exactness), together with the abovementioned *aviparyastatā*.

16

Cf. also Cruise (1983: 155): “‘Causation’ is not one thing and ‘things involved in causation’ another ... to be a thing is to be a causal thing, to be conditioned and a condition.” Kalupahana (1975: 68), on the other hand, makes a “... distinction between a causal relation (*paṭicca-samuppāda*) and the causally related (*paṭicca-samuppanna*)”. The former aspect comprises “the pattern” in accordance with which things change, while the latter relates to changing things themselves.

17

Cf. the commentarial explanation of Buddha’s famous statement “who sees *dhamma* sees *paṭiccasamuppāda*, who sees *paṭiccasamuppāda* sees *dhamma*” – “Who sees *paṭiccasamuppāda* sees conditions, who sees *dhamma* sees dependently co-arisen *dhammas*” (*yo paṭiccasamuppādaṃ passati ti yo paccaye passati so dhammaṃ passati ti so paṭiccasamuppādanadhamme passati*, MA, II, 230).

18

This fact is also reflected in well-known complementary commentarial “definitions” of *dhamma*, which suggest that *dhamma*, *sabhāva* and *paccaya* are in the final instance one and the same “thing”: “Dhammas are so called as they bear their own nature”, *Attano sabhāvaṃ dhārenti ti dhammā*, DhsA, 126, and “Dhammas are so called as they are borne by their conditions”, *Paccayehi*

dhāriyanti ti dhammā, DhsA, 63. In the same line of reasoning is Buddhaghosa’s criticism of those who imagine that “*idappaccayatā* is the essence (*bhāva*) of that-conditions” in a sense of “essence as a [particular] mode (*ākāra*) of ignorance, etc., as a cause [acting] in the manifestation of [kammic] formations, etc., and that the term *paṭiccasamuppāda* [is used] for the change/transformation (*vikāra*) [occurring] in formations when there is that [particular mode in ignorance acting as a cause]”. Rejecting completely such an interpretation, Buddhaghosa underlines that “it is ignorance, etc., themselves that are called ‘cause’”. – *Ye pi maññanti, idappaccayānaṃ bhāvo idappaccayatā – bhāvo ca nāma yo ākāro avijjādīnaṃ saṅkhārādi-pātubhāve hetu so – tasmīṃ saṅkhāravikāre paṭiccasamuppādasaiṅṅā ti ... Avijjādīnaṃ hetuvacanato*, Vsm, XVII, 14.

19

Time (*kāla*) is, at least according to *Theravāda Abhidhamma*, a mere “concept” (*paññatti*), not any different from ‘mountain’, ‘house’, ‘person’, etc., which is defined as that which “remains” (*avasesa*) after reality *paramatthatas* (from the absolute point of view) is analysed. It is said that all such things, “although not existing *paramatthatas*, become support for generating consciousness in the form of shadow(s) of things (ultimate)” – *evam ādippabhedā pana paramatthato avijjāmanā pi athacchāyākārena cittuppādānam ālambanabhūtā, Abhidhammattha sangaha*, VIII, 29, 30. It could be said that time is understood to be a “subjective reflection” of the fact of PS’s (or *idappaccayatā*) “being there”; cf. also Sasaki (1992: 107).

20

The entirety of this *Sūtra* (*Samyuktāgama*, 335) was reconstructed from Chinese by Lamotte (1973), although the part cited was already reconstructed by Poussin (cf. n. 80 in chapter nine of his French translation of AKB). This part of the *Sūtra* was cited by Vasubandhu in his commentary to AK 3.18.

21

For Vasubandhu, this part of the *Sūtra* is one of the “canonical proofs” (*uktatvāt*) that *Vaiśāṅghika*’s theory of *sarvakālāstitā* (the existence of *dhammas* in all three time periods, i.e., the past, the present and the future) has no footing in Buddha’s own words; cf. *Bhāṣya to AK 5.27b*.

22

Paramārthaśūnyatāsūtram katamam/ caḥṣur bhikṣava utpadyamānam na kutaścid āgacchati/ nirudhyamānam na kvacit saṃnicayam gacchati/ iti hi bhikṣavaś caḥṣur abhūtvā bha-



which constantly fuel a distorted vision of reality and existence. It, at the same time, mirrors *nirvāṇa* and is as such “defined” by Madhyamaka as “the appeasement of (all) diffuseness/mental and linguistic proliferations” (*prapañcānāmupaśama*).³⁸

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vati bhūtvā ca prativigacchatīti/ asti karmāsti vipākaḥ kāraḥ tu nopalabhyate ya imāṃś ca skandhān niḥśipyaty anyāṃś ca skandhān pratisamḍadhātīyanyatra dharmasaṃketāt/ ... anyatradharmasaṃketād iti/ atrāyaṃ dharmasaṃketo yad utāsmīn satīdaṃ bhavati/ aśyotpādād idam utpadyate/ yad idam avidyāpratīyayāḥ ... tatrāsmīn asaṭīdaṃ na bhavati/ asya nirodhād idam nirudhyate ...

23

Etymologically, *saṃketa* comes from *saṃ√CIT*, “to observe together” or “to agree together”, and so it is semantically close to Pāli *sammuti* (from *saṃ√MAN*, “to think together”) in a sense of general agreement.

24

Dve saccāni akkhāsi sambuddho vadataṃ varo sammutiṃ paramatthaṃ ca tatiyaṃ n'ūpalabbhati sanketavacanaṃ saccaṃ lokasammutikāraṇaṃ paramatthavacanaṃ saccaṃ dhammānaṃ bhūtalakkaṇaṃ (AA. I. 95) – “The Perfectly Awakened One, the best of speakers, (proclaimed two truths) – conventional and ultimate; a third is not to be found. A conventional statement is truth in terms of worldly conventions; an ultimate expression is truth (in terms of) the real characteristic of *dhammas*.”

25

In PP 492.8 (*Vṛtti* to MMK 24. 8), *saṃketa* appears in the third “meaning” of *saṃvṛti* as (commonly accepted) expressions: *saṃvṛtiḥ saṃketo lokavyavahāra* – “*saṃvṛti* (means) conventional worldly designation”, such as, e.g., “name, the named (the object of naming), knowledge, the known (the object of knowledge), etc.” (*abhidhānābhidheyajñāna jñeyādi*, *ibid.*).

26

saṃketo hetuphalasambandhavyavasthā, Vyākhyā to AKB 3.18.

27

dharmasaṃketād iti pratīyasamutpādalakṣaṇāt, Vyākhyā 708 (Wogihara).

28

Poussin, AKB (Pruden, Vol. IV, 1990: 1369). Cf. also Eltschinger (2010: 323, n. 102).

29

Kim saṃvṛtervyavasthānaṃ vaktavyam? idampratīyatāmātreṇa saṃvṛteḥ siddhira-bhyupagamyate, PP. 54.24 – “How to declare the establishment of the conventional? The establishment (proof) of the conventional is obtained by (the fact of) mere conditionality.” This conforms to his second

“definition” of *saṃvṛti* given in PP 492.7–8: *parasparasambhavanam vā saṃvṛtiranyonya samāśrayeṇetyarthaḥ* – “Or, the conventional means mutual occurrence by way of supporting [i.e., conditioning; cf. a more usual expression *parasparāpekṣā*] each other.”

30

The statement *asmiṃ satīdaṃ bhavati*, etc., is perfectly in conformity with ordinary human experience and does not go “beyond convention” (cf. *sāmaññaṃ nātidhāveyya*, M. 3. 230), for it is clear to everyone that from a certain seed a certain fruit emerges, that where there are harsh words animosity inevitable occurs, etc. These are observable facts and there is nothing obscure about them. Obscurity and contradictions emerge, as is pointed out by *Madhyamaka*, when we try to impute (*samāropa*) to them certain “rational” or metaphysical categories (of the *svabhāva* type), which, instead of offering an explanation, only obscure the bare and plain fact of *asmiṃ satīdaṃ bhavati*, etc. Thus, various “theories” (*dṛṣṭi*) emerge “about” reality, i.e., causality (*svayaṃkṛtam*, *paraṃkṛtam*, etc.). In trying to “secure” this plain fact of conditionality from “non-referential” imputations, Candrakīrti says that “because of [the undesirable] consequence of substantialism and because it cannot be [otherwise] argued, [*saṃvṛti* is established by refuting a] fourfold thesis [cf. MMK 1.1]”, *na tu pakṣacatuṣṭay ābhyupagamena sasvabhāvavādaprasaṅgāt, tasya cāyuktatvāt*, PP. 54.24–25. Garfield's (2003: 15) observations are very appealing in respect of this issue: “Penetrating to the depths of being, we find ourselves back on the surface of things, and so discover that there is nothing, after all, beneath these deceptive surfaces. Moreover, what is deceptive about them is simply the fact that we take there to be ontological depths lurking just beneath.”

31

What follows is taken from Sasaki (1992: 111–112); cf. also 109–110.

32

To my knowledge, *Ābhidharmikas*'s attempt to interpret PS explicitly in terms of the two truths is the only such attempt. Saṃghabhadra, just as *Mādhyamikas* (e.g., Buddhapālita), understands the canonical treatment of PS to be conventional (*saṃvṛti*, *saṃketa*) in a sense that it refers only to the arising and ceasing of psycho-physical phenomena (the three lives' explanation). But, what is conventional in this interpretation, according to Saṃghabhadra, is not the “arising and ceasing” as it is for *Mādhyamikas*, but



S = *Samyutta-nikāya* (1884–1898; reprint: 1960). Feer (ed.), 5 vols., Pāli Text Society.

SA = *Samyuttanikāya-aṭṭhakathā* (1932; reprint: 1977). Woodward, F. L. (ed.), in: *Sārattha-ppakāsinī. Buddhaghosa's Commentary on the Samyutta-nikāya*, Vol. II, Pāli Text Society.

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Vsm = *Visuddhimagga of Buddhaghosācariya* (1950). Warren, H. C. and Kosambi, D. (eds.), Harvard Oriental Series, Vol. 41.

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Goran Kardaš

O nekim doktrinarnim prijeporima u ranim buddhističkim interpretacijama »su-nastajanja u zavisnosti« (pratītyasamutpāda)

Sažetak

Pratītyasamutpāda (»su-nastajanje u zavisnosti«) temeljno je buddhističko učenje koje Buddha naziva »srednjim putem« između ontoloških ekstrema egzistencije i neegzistencije. Unatoč tome, rani buddhistički filozofi nisu postigli konsenzus u pogledu njegova točnoga doktrinarnog ili čak gramatičkog značenja. U ovome članku dajem osnovne linije tih prijepora među ranim buddhističkim školama, temeljene na primarnim izvorima, nastojeći pokazati da oni zapravo reflektiraju njihova različita shvaćanja problema uzrokovanja i prirode fenomena.

Ključne riječi

uzrokovanje, Madhyamaka, fenomeni (*dharme*), *pratītyasamutpāda*, Vaibhāṣika, Vasubandhu

Goran Kardaš

Zu einigen doktrinellen Unstimmigkeiten in frühen buddhistischen Interpretationen des „Mit-Entstehens in Abhängigkeit“ (pratītyasamutpāda)

Zusammenfassung

Die pratītyasamutpāda („Mit-Entstehen in Abhängigkeit“) ist die grundlegende buddhistische Lehre, welche Buddha den „Mittleren Weg“ zwischen ontologischen Extremen der Existenz und Nichtexistenz nennt. Nichtsdestotrotz erreichten die frühen buddhistischen Philosophen keinen Konsens über dessen treffende doktrinelle oder sogar grammatische Bedeutung. In diesem Ar-

tikel erläutere ich die Grundlinien dieser Unstimmigkeiten zwischen den frühen buddhistischen Schulen, die auf primären Quellen fußen, indem ich zu schildern trachte, dass eigentlich diese Unstimmigkeiten ihre auseinandergelassenen Auffassungen des Problems der Verursachung und Natur von Phänomenen widerspiegeln.

Schlüsselwörter

Verursachung, Madhyamaka, Phänomene (*Dharmas*), *pratītyasamutpāda*, Vaibhāṣika, Vasubandhu

the sphere of the “psycho-physical”, which, when analysed properly (*paramārthatas*), reveals itself as a complicated causal structure bearing on such functions imagined as real (*sat*), as actuality (*kāritra*), potentiality or capability (*sāmarthya*), etc. *Mādhyamikas*, on the other hand, insists on the conventionality of causation itself (“arising and ceasing”, i.e., *saṃvṛti*=*idampratīyatā*, cf. n. 29 above) and provides a completely new rendering of PS as a “non-arising” (non-ceasing, etc.) *paramārthatas* (a qualification which is persistently applied by Bhāviveka and not by Candrakīrti, at least not explicitly). In fact, Buddhaghosa’s interpretation of PS in *Visuddhimagga* ch. XVII and *Vibhaṅga* ch. VI (*Pañcikasamuppādivibhaṅga*) also functions on two (exegetical) levels – *suttantabhājanīya* (according to canonical discourses) and *abhidhammabhājanīya* (according to “more advanced” *abhidhammic* discourses), which only implicitly imply the *saṃvṛti-paramārtha* distinction. On the first exegetical level, PS is interpreted according to the three lives’ theory (i.e., temporally, a series of successive states), while *abhidhammabhājanīya* views all the limbs of PS as functions in each and every “thought moment” (*viññānakhaṇa*) atemporally (i.e., causally), systematically applying the system of 24 *paccayas* (types of conditions) to it.

33

On many points in AKB, Vasubandhu tries to show that *Vaibhāṣika*’s reading of the Canon is highly strained, almost violent in their effort to “harmonise” their special theories with the canonical statements.

34

According to *Vaibhāṣika*, the definition of PS or dealing with it is “optional in the *Sūtras* and definite in the *Abhidharma*”, *ābhiprāyikāḥ sūtre lākṣaṇiko ’bhīdharma*, *Bhāṣya* to AK 3. 25b.

35

It is not even clear whether PS counts only for conscious beings having in mind its “abstract” formulation of the form “this being that becomes”, which is “at the bottom” of the formula. Recently, E. Shulman, in his well-argued article discussing the “initial meaning” of the *pratītyasamutpāda*, argues that, in the earliest strata, this “concept” “addresses the workings of the mind alone” (2008: 299), and that the *idappaccayātā*, at least at this initial stage, does not refer to the general or “ab-

stract” causation principle of all “things” (not just mental or related to the mental), because it [*idappaccayātā*] “never occurs detached from the articulation of the 12 links” (ibid., 307). This conclusion, as well as the presented argumentation based on Pāli canonical sources, is philologically faultless. Nevertheless, there are some implicit or even explicit indications that the formula was, in its abstract determination even in the early period, held to count for non-living or non-human “things” as well, although this is understandable because of the well-known reason (the problem of suffering) that Buddha did not care for “the world” outside the human domain, referring only occasionally to the appearance of causal processes in the natural world and always by analogy with causal processes occurring in the mental world, as for example in S. III 54. Thus, Vasubandhu in *Bhāṣya* to AK 3. 25, ibid., mentions four different interpretations of PS (static, the one that is accepted by *Vaibhāṣika*, momentary, prolonged and serial), which “pertain to both living and non-living [things]” (*tathāvasthikāḥ kṣaṇikāḥ prākaraṣikāḥ sāmbandhikāḥ sattvākhyo ’sattvākhyasceci bhedaḥ*), and the reason why in the *sūtras* PS pertains only to living beings is “to abandon perplexity regarding the past, the future and the present” [i.e., “did I or did I not exist in the past”, etc.] – *kimarthaṃ punaḥ sūtre sattvākhyā eva?*, *Bhāṣya*, ibid., *pūrvāparāntamadhyeṣu sammohavinivṛttaye* (AK 25cd). The locus classicus of this issue is *Śālistambasūtra*, a text that could be the earliest *Mahāyāna sūtra* we are in possession of, but which is treated as a typical (early) *abhidharma* treatise. The *Sūtra* views PS in terms of causes (*hetupāṇibandhatas*) and conditions (*pratīyapāṇibandhatas*) applied to “outer” (*bāhya*) and “inner” (*adhyātmika*) PS (10) thereby analysed in four sections: in terms of causes and conditions applied to inner PS and in terms of causes and conditions applied to outer PS. An example of the causal relation in the outer PS is the gradual emerging of a fruit from a seed (via a sprout, a leaf, etc.). (11) The conditional relation regarding this causal occurring would be “the coming together” (*samavāya*) of the six elements (earth, water, heat, wind, space and season). (12) The same idea – namely, that a cause is primary for the emerging of an effect, while the conditions are auxiliary – is found in an early Pāli “paracanonical” text *Nettipakaraṇa* using almost the same example and interpretation as here. There (451–453; cf. also a parallel passage



Goran Kardaš

**Sur quelques difficultés doctrinales
dans les anciennes interprétations
de la « coproduction conditionnée » (*pratītyasamutpāda*)**

Résumé

Pratītyasamutpāda (« la coproduction conditionnée ») est l'enseignement bouddhique que le Bouddha nomme « la voie du milieu » entre deux extrêmes ontologiques, celles d'existence et de non-existence. Malgré cela, les anciens philosophes bouddhistes ne sont pas parvenus à un consensus autour de sa signification doctrinale précise, voire grammaticale. Dans cet article, je livre les traits principaux des difficultés présentes dans les anciennes écoles bouddhistes fondées sur les sources premières, en essayant de montrer qu'en fait, elles reflètent leurs diverses compréhensions du problème de causalité et de la nature du phénomène.

Mots-clés

causalité, Madhyamaka, phénomènes (*dharma*), *pratītyasamutpāda*, Vaibhāṣika, Vasubandhu

in *Peṭakopadesa*), *hetu* is further identified with *sabhāva*, *asādhāraṇa* (not shared in common), and *pratyaya* (*paccaya*) with *parabhāva*, *sādhāraṇa* (shared in common). Finally, we can recall here that Pāli Commentaries elaborate the idea of “the five (natural) laws” (*pañcavidha niyama*), namely “season law” (*utu-niyama*), “seed law” (*bīja-niyama*), “mental law” (*citta-niyama*), “kammic law” (*kamma-niyama*), and “dhammic law” (for their formal definitions, cf. DhsA, 854). In sum, there is no reason to assume that Buddha’s vision of PS was “initially” reduced to the plain of mental processes alone, although it is true, as Shulman illustrates, that in the earliest sources the explication of PS (and *idappaccayatā*) always occurs in this context.

36

Cf. footnote 29.

37

Hence, according to Madhyamaka (Nāgārjuna), there is no “ontological” difference between *saṃsāra* and *nirvāṇa*, cf. MMK 25.20. The difference starts with the process of nam-

ing and differentiating reality, which finally ends up in a “jungle of (distorted or dogmatic) views”.

38

“When *pratītyasamutpāda* is viewed just as it is, in it there is appeasement of [all] diffuseness [proliferations] because the Noble Ones [have achieved] complete cessation of diffuseness of naming and of other [alike] signs. And so this *pratītyasamutpāda* is called the [complete] appeasement of diffuseness. In it there is no activity of consciousness nor of mental phenomena, [in it] knowledge, objects of knowledge, as well as [karmic] doings are ceased because [in it all] adversities, such as birth, aging and death, are prevented without remainder. [It is therefore] auspicious.” *yathāvasthitapratītyasamutpādadarśane sati āryāṇāmabhidheyādilakṣaṇasya prapañcasya sarvathoparamāt, prapañcānāmupaś amo ’sminniti sa eva pratītyasamutpādaḥ prapañcopaśama ityucyate | cittacaittānāṃ ca tasminnapravṛttau jñānajñeyavyavahāra nivṛttau jātijarāmaraṇādindiravaśeṣopadrava rahitavāt śivaḥ*, PP. 11. 8–11.

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Nietzsche's Shadow in *Sons and Lovers* by D. H. Lawrence

Abstract

This paper analyses Friedrich Nietzsche's understanding of power as the will to power, of autonomy as self-becoming, and of dominance as self-overcoming. Wandering through the main thoughts of D. H. Lawrence's novel Sons and Lovers, this paper draws upon the main pillars of Nietzsche's philosophy and tries to ponder Nietzsche's understanding of power and his comprehension of any will to power. Nietzsche's understanding of the will to power is closely related to the process of the affirmation of life, the struggle for the achievement of nobility of spirit, struggle for the achievement of becoming "poets of our lives" and for creating law for ourselves, and to a constant struggle with life for life itself. Lawrence portrays the same perspective through the eyes of an artist, abounding with philosophical and psychological connotations. Lawrence provides his readers with a Nietzschean perspective of free spirits who try to overcome themselves and to create their own law for self-dominance and dominance over the world.

Key words

Friedrich Nietzsche, D. H. Lawrence, *Sons and Lovers*, will to power, autonomy, dominance

Introduction

This paper aims to highlight three Nietzschean concepts that appear in D. H. Lawrence's *Sons and Lovers*, i.e. (a) the will to power as a force of life, (b) autonomy as self-becoming, and (c) dominance as self-overcoming. The paper considers various other sources which led Lawrence to Nietzsche's philosophy. The above concepts of the will to power, autonomy and dominance are interrelated. The will to power is the basis for achieving autonomy and a force that generates dominance. If one has no will to power, one is unable and unfree to create oneself. Increasing one's inner sense of power experienced by an individual is part of the process of self-overcoming. In philosophy, this concept of power was advanced by Friedrich Nietzsche in the form of *Übermensch* as the self-overcoming man. Probably no literary mind living in England during the first two decades of the twentieth century was left unaffected by Nietzsche's thought. It is not surprising that Lawrence was profoundly moved by him. Nietzsche, if properly interpreted, represents an intensely affirmative view of life. Lawrence, who criticised Europe for its "anti-life philosophy", would naturally have considered Nietzsche a guiding light.

Lawrence read German well, and it is not unlikely that his avid interest in Nietzsche led him to his original works.¹ The force that drives his self-crea-

1

Jessie Chambers, a close friend of Lawrence's, relates in her memoirs that he began

discussing Nietzsche in 1909. The Croydon Library had nine of Nietzsche's works at the



tion is his will to power. The fundamental principle, which Nietzsche called “Dionysian”, is actually a union of Dionysus and Apollo; a creative striving that gives force to itself. It seems appropriate to speak of a strong resemblance between his and Nietzsche’s ethics. From amongst early 20th century British writers, it is really only Lawrence who takes Dionysus as seriously as Nietzsche might have wished. Both Nietzsche and Lawrence offer elaborate worldviews, including political blueprints, based on thoroughgoing both metaphysical and personal irrationalism. Both were overwhelmed with the urgency of their “transvaluation” (in their later works, occasionally causing a shrill tone, a loss of moral balance, the most universal sign of the modern age). In their original, different yet basically similar way, both try to show that the relationship between life, philosophy and art is more profound and congenial. Friedrich Nietzsche expressed philosophic truths that artists such as Lawrence were capable of responding to. Although the way in which the philosopher expressed these truths was poetic, applying them to the dynamics of human relationships in a powerful work of fiction was the novelist’s task. Lawrence’s novel *Sons and Lovers* has accomplished this precisely. Lawrence gives flesh to the ideas voiced by Nietzsche and, in the process, creates characters of amazing psychological complexity.

As an artist, Lawrence’s main character, Paul Morel is potentially a Nietzschean creator. However, he allows his artistic sensibility to become misguided. He is a sensitive man and an artist, a person for whom one can feel compassion because of his inability to find himself, to cut ties with his mother and create himself as an autonomous person. Paul is not a common person, he is exceptional and powerful, but he manifests his will to power destructively. In a Nietzschean understanding, Lawrence is trying to show that the most spiritual men, as the strongest, find happiness where others would find destruction, namely in labyrinths, in rigorousness towards themselves and others. Lawrence’s art does emphasise the development of creation out of a solution and, therefore, what is at work is the creative self-emerging from the dissolution of an old condition. The dissolution of the condition signifies the death of the ego, and for this to happen, the will must be smashed if the creative self is to break free. Paul is in constant danger of becoming the modern egoist.

In his autobiographical novel *Sons and Lovers*, Lawrence places his young alter ego in the character of Paul Morel, who is caught in the crossfire between irreconcilable parents, the mother, an aspiring champion of culture, and the father, a “purely sensuous”, hard drinking miner. Paul is an artist, seeking to achieve fulfilled personality, united by Dionysian and Apollonian forces. Philosophical types feel that, behind everyday reality, there is another reality and that everyday reality is a mere semblance. Artistic types try to reach “beyond sun and stars”. The artist and the philosopher use semblance-images in interpreting life and in building an autonomous person capable of dominating over both the conscious and the unconscious, and over the world. Lawrence focuses the need for dominance in the novel, following Nietzsche, on the relationship and endless war between the two sexes.

Will to power as a force of the artistic life

For Nietzsche, the will to power is the most fundamental feeling from which all emotions are derived. The will to power, as the “most primitive form of affect”,² is the feeling of our encounters with other forces, the experience of

quantity as quality. The concept of the will to power is neither that of being nor that of becoming, but that of *pathos* – the most elemental fact from which both becoming and effecting first emerge.³

The will is not only a complex of sensation and thought, but above all an effect, and in fact the effect of command.⁴ The will to power is the will to ability, the spontaneous will necessary for the development of Dionysian consciousness, the transcendence of nihilism resulting from a break between the senses and the outspoken mind. The will to ability brings this condition into existence: a dynamic dualistic condition of self and other, freedom and imprisonment, self-centeredness and love. This form of freedom develops out of the destruction of the “will to nothingness”, given that the other form is possible only when the “will to nothingness” is no longer the impulse guiding life. Only a minority possesses this “will to ability”, which is opposite to the destroyed “will to nothingness”. The will to nothingness is commanded by the problematic emotion of fear. Fearful affects are a reaction to an actual or potential hurt or destruction of an organism; a reaction to the possibility of a loss of the thriving and persistence of an organism.⁵ Lawrence describes some kind of “will to nothingness” in Paul’s case when his indecision seems to bleed off his energy.

“He had that poignant carelessness about himself, his own suffering, his own life, which is a form of slow suicide.”⁶

Lawrence explains the duality of energy by observation that Miriam believes that Paul had “desires for higher things”, but also for lower things, and that “desire for the higher would conquer”. However, she forgets that her “higher” and “lower” are arbitrary.⁷

For Nietzsche, the will to power is a system of “dynamic quanta”, in which the “quanta” are in a relationship struggling to overpower one another. This power must be commanded or balanced to promote a healthy individual. If it is not, and one force has excess power in deficient areas, then the individual is insufficient, sick or weak.⁸ Nietzsche describes this substance as a “dynamic quantum” of energy and a “force” that is directed outwards to overcome, master or encapsulate other wills.

“This world is the will to power – and nothing besides! And you yourselves are also this will to power – and nothing besides!”⁹

time. They were as follows: *Beyond Good and Evil, Thus Spoke Zarathustra, Twilight of the Idols, The Antichrist, The Birth of Tragedy, The Future of Our Educational Institutions, Human, All Too Human, The Will to Power, and The Gay Science*. (Rose Marie Burwell, “Catalogue of D. H. Lawrence’s Reading from Early Childhood”, *D. H. Lawrence Review*, 3/1970, p. 207.)

2
Friedrich Nietzsche, *The Will to Power* (hereinafter referred to as *WP*), 366, 688.

3
Ibid., 339, 635.

4
Friedrich Nietzsche, *Beyond Good and Evil* (hereinafter referred to as *BGE*), 48.

5
Erika KERRUISH, “Interpreting Feeling: Nietzsche on the Emotions and the Self”, *Minerva: An Internet Journal of Philosophy*, 13/2009, pp. 15–16.

6
D. H. Lawrence, *Sons and Lovers* (hereinafter referred to as *SL*), p. 258.

7
Ibid., p. 229.

8
John Richardson, *Nietzsche’s System*, Oxford University Press, New York 1996, pp. 39–43.

9
F. Nietzsche, *WP*, 1067.

Thus, following this interpretation, we are a force of power. Mrs Morel hated Miriam because of the passion of her strong nature.¹⁰ Regardless of whether power is described as an “effortful pursuit” or a drive to “overcome obstacles”, Nietzsche perceives people in an emotional state of one kind or another – there is no emotionally neutral state. The will to overcome an affect is itself only the will of either another or several other affects.¹¹ The will or the experience of willing (in self-mastery) is itself the product of various unconscious drives of affects.¹²

Mrs Morel understood freedom as a positive power, as a will to power, because she is a warrior.

“She could not be content with the little he [her husband] might be; she would have him the much that he ought to be. So, in seeking to make him nobler than he could be, she destroyed him.”¹³

In this process, she injured, hurt and scarred herself, but she lost none of her worth.

In his work, Lawrence interprets psychologically the will to power, emphasising the will to power as a second-order drive which influences first-order drives. This drive is “responsible” for overcoming or improving our desires, activities, and passions. For instance, if we desperately want to become something or have the desire to be an artist, depending on the will to power, we can be psychologically motivated to use our power to fulfil our desire, to overcome obstacles in the way and in the struggle within ourselves and the world, and become an artist. Nietzsche suggests this point in his *On the Genealogy of Morals* when he describes the will to power as “the strongest, most life-affirming drive”, and when he states that we are “obedient (...) to the same basic instinct”. From this perspective, the will to power is a drive in humanity and an instinct inherent in us. Paul Morel drew from his mother the warmth of life, the strength to produce; Miriam urged this warmth into intensity of a white light, but she is also very dangerous because

“She is one of those who will want to suck a man’s soul out till he has none of his own left (...). She will never let him become a man; she never will.”¹⁴

Her will to power is stronger than his.

The will to power is a positive motive which makes us strive for something. What is important for Nietzsche is that the will to power is a drive to overcome oneself or that it can be some kind of impulse. Lawrence shows how Paul Morel got the “force” from his mother, so

“... he (...) could feel her warmth inside him like strength. They were both very happy so, and both unconscious of it. (...) He was conscious only when stimulated. (...) he was stimulated into knowledge of the work he had produced unconsciously. In contact with Miriam he gained insight; his vision went deeper.”¹⁵

The will to power enables us to overcome ourselves by changing or growing, which reconstructs our entire being so that we have not only achieved a goal, but also changed something fundamental in ourselves. Lawrence’s view in Mrs Morel case is her thought:

“I don’t care who you are nor what you are, *I shall* have my own way.”¹⁶

She was stronger because her husband would always run away from battle, and the passion between them was deadlocked.

Lawrence declares that the “*Wille zur Macht* is a spurious feeling”.¹⁷ It creates the man’s desire to venture within the unknown of the female, or in the case

of the woman the venture toward the sunrise and the brilliant active embrace of her husband. Lawrence describes the “shine” of the will to power in Paul’s eyes as a

“... peculiar heaviness of its [baby’s] eyes, as if it were trying to understand something that was pain. (...) Its deep blue eyes (...) seemed to draw her [mother’s] innermost thoughts out of her.”¹⁸

Lawrence holds that human existence is based on irreconcilable dualisms: between body and mind, between self and other, between instinct and morality, between Platonic body and soul. Both Nietzsche and Lawrence oppose this reductive dualism with a dynamic dualism, a shifting balance which repairs this condition of irreconcilability.

According to Nietzsche, there is no “being” behind doing – the deed is everything.¹⁹ Lawrence shows this perspective through Miriam because she “want[s] to do something”, she “want[s] a chance like anybody else”, and everything the man has. She wants to learn.²⁰ According to Nietzsche, “knowing” is created as legislation, and the will to truth is the will to power.

The image of a healthy man, a truly powerful man, as presented by Lawrence, is the image of a Dionysian man who knows when to invoke reason and when to allow his intuitive faculty and his senses to predominate. Lawrence is eager to know the feelings of man and to become aware of new feelings. The energy one has and cannot use could destroy him. Feelings represent this kind of vital energy.

Both Lawrence and Nietzsche believed that the body–mind dualism is central to describing the human condition, since the relationship between the two polarities is crucial in determining what they consider to be life-giving and what life-denying. In *The Birth of Tragedy*, Nietzsche delineates the central polarity in terms of Greek deities. Namely, the opposing forces are Apollo, who contains “the glorious divine image of the principium individuationis”, the principle of individuation, and Dionysus, who is “brought home to us most intimately by the analogy of intoxication”, in which “the entire symbolism of the body is called into play”. Dionysus is a “mysterious primordial unity”, eternally suffering and contradictory, out of which Apollo, the cognitive mode of existence, arises as a necessity. Dionysus urges man to dissolve the distinction between man and man, and man and nature in an ecstatic participation in the irrational swirl of energy which lies beneath phenomena. Dionysian wisdom is the recognition of “the essence of nature”, which is a primordial

10
D. H. Lawrence, *SL*, p. 258.

11
Friedrich Nietzsche, *On the Genealogy of Morals* (hereinafter referred to as *GM*), III, 17.

12
In slightly different terms, the theory of the will was developed by empirical psychologists an entire century after Nietzsche.

13
D. H. Lawrence, *SL*, p. 16.

14
Ibid., p. 160.

15
Ibid., p. 158.

16
Ibid., p. 26.

17
Jessie Chambers indicates that Lawrence began discussing the will to power as if he had come upon “something new and engrossing” (Jessie Chambers, *D. H. Lawrence: A Personal Record*, Barnes & Noble, New York 1965, p. 120.)

18
D. H. Lawrence, *SL*, p. 36.

19
F. Nietzsche, *GM*, I, 13.

20
D. H. Lawrence, *SL*, p. 155.

flux of creation and destruction indifferent to its individual creatures. Apollo, as the *principium individuationis*, distances himself from the horror of the vision of the individual's annihilation by interposing a protective veil of self-contained art, ethical self-knowledge and self-moderation. Nevertheless, a balance between the two drives is necessary to sustain human life akin to Dionysian energy: an insatiable desire to manifest power by aggressively conquering and absorbing. Nietzsche unites Apollonian and Dionysian forces in his theory of the will to power.²¹ In fact, he sees the entire world as an enormous force field made up of intersecting desires for power. The Dionysian indifference to the welfare of the individual is also apparent in this theory of the will to power. Nietzsche rejects the Darwinian belief that self-preservation is the basic instinct of life. Rather, self-preservation is a by-product of the will to power. The will to power is the urge to live through self-overcoming and self-creation.

The evolution of art is tied up with the duality between the Apollonian and the Dionysian, similarly to reproduction, where two sexes in perpetual conflict are brought together periodically in reconciliation. These are different natural drives "stimulating and provoking each other to give birth to ever-new, more vigorous offspring". For Nietzsche, the Apollonian and Dionysian are artistic powers, which erupt from nature itself without the mediation of any human artist.

According to Lawrence, the will to power is seen in a woman as a strange soft vibration in the air, going forth unknown and unconscious, and seeking a vibration of response. She is a discordant, jarring, painful vibration, going forth and hurting everyone within range. A man is a fountain of the vibration of life, quivering and flowing towards someone, something that will receive his outflow and send back an inflow, so that a circle is completed, and there is a sort of peace. Otherwise, he is a source of irritation, discord, and pain, harming everyone near him.²² In his novel *Sons and Lovers*, Lawrence describes how Miriam was impressed with Paul, "discovered in him rare potentiality, discovered his loneliness". Her soul expanded into prayer beside him.²³ She is his worshipper and he caused her sorrow. Half the time he grieved her, and half the time he hated her. She was his conscience and this was too much for him.²⁴

Autonomy as self-creation

In *Sons and Lovers*, Lawrence starts to show a process of self-understanding, the consciousness of this rare freedom, this power over oneself and over fate, which in his case penetrated into the profoundest depths and became an instinct.

"Be yourself is the last motto."²⁵

Nietzsche understands self-creation as the coming into being through the giving of rules or laws to oneself, which one holds onto by a "protracted will".²⁶ These laws are not explicit, symbolically represented rules, because Nietzsche stresses the uniqueness of the very active. Lawrence writes about "a new self or a new centre of consciousness".²⁷

The highest type of free man should be sought where the greatest resistance is constantly being overcome: "five steps from tyranny, near the threshold of the danger of servitude".²⁸ Describing the self-creation as self-overcoming, Lawrence writes about Paul's irresoluteness regarding Miriam; he could not

leave her, because she did hold the best of him. He could not stay with her because she did not take the rest of him. Because of this, “he chafed himself into rawness over her”.²⁹

Nietzsche proposes a programme of de-deification of nature, together with a naturalisation of humanity “in terms of a pure, newly discovered, newly redeemed nature”,³⁰ remaining faithful to the earth with the power of its virtue.³¹ The same thought is expressed by Miriam who “could very rarely get into human relations with anyone: so her friend, her companion, her lover, was Nature”.³²

A vitally important expression of a person is giving “style” to one’s character or “attain[ing] satisfaction to oneself”.³³ Giving style to oneself is a great and rare art, because we must be able to achieve a self-conception that is thoroughly satisfying, not merely our strengths, but also our weaknesses appear to us, necessary for a complete self that we can affirm in unity.

Nietzsche calls on us to be “poets of our lives” and emphasises that this is, first of all, about giving artistry to “the smallest, most everyday matters”.³⁴ Lawrence imagined the artist as someone who can reach “beyond stars and sun”, and has something evanescent. His main character in *Sons and Lovers* is Paul Morel, an artist. This understanding is very close to the Nietzschean Dionysian world-artist, the primordial unity itself as it creates the feeling in man of being a god who feels ultimate blissful pleasure in this creation. Art is joyous hope that the “spell of individuation can be broken” and that unity can be restored.

Every artist knows that, far from any feeling of letting himself go, his most “natural” state is – the free ordering, placing, disposing, and giving form at the moment of “inspiration”.³⁵ Lawrence sees some kind of inspiration in love relations because “together they received the baptism of life, each through the other”.³⁶

As an aesthetic phenomenon, existence is still bearable to us, and art furnishes us with eyes and hands, and above all, a good conscience to be able to make

21
Kenneth Asher, “Nietzsche, D. H. Lawrence and Irrationalism”, *Neophilologus*, 1/1985, pp. 15–16.

22
D. H. Lawrence, *Late Essays and Articles* (hereinafter referred to as *LEA*), p. 299.

23
D. H. Lawrence, *SL*, p. 166, 167.

24
Ibid., p. 251.

25
D. H. Lawrence, *Psychoanalysis and the Unconscious; Fantasia of the Unconscious* (hereinafter referred to as *PU*), p. 105.

26
F. Nietzsche, *GM*, II, 2.

27
D. H. Lawrence, *SL*, p. 252.

28
F. Nietzsche, *Twilight of the Idols*, 38.

29
D. H. Lawrence, *SL*, p. 251.

30
F. Nietzsche, *The Gay Science* (hereinafter referred to as *GS*), 161.

31
F. Nietzsche, *Thus Spoke Zarathustra*, p. 188.

32
D. H. Lawrence, *SL*, p. 165.

33
F. Nietzsche, *GS*, 290.

34
Ibid., 299.

35
F. Nietzsche, *BGE*, 188.

36
D. H. Lawrence, *SL*, p. 361.

such a phenomenon of ourselves.³⁷ Art helped Paul to distinguish himself, but he was unaware in his own powers.³⁸ He had an internal struggle. Nietzsche valued artistry as the good will to appearance, as something necessary for supporting one's active immersion in life and for maintaining the will to self-responsibility. Successful artistry is also a form of self-discovery – it is the discovery within the lawfulness of one's actions. It is the will to overcome oneself, as a characteristic will to power or will to life.

As Nietzsche and Lawrence argue for a balance between the different modes of consciousness, they also advocate an art which entices a fusion between instinct and the conscious. Nietzsche conceives art as “the task of incorporating knowledge and making it instinctive”. The art of speech, Lawrence writes, is the use of symbols. The everyday world is an illusion. The world as such can never be experienced or expressed linguistically. Consciousness has been developed under pressure from the need for communication, so conscious thinking takes the form of words.

Nietzsche asserts that “we possess art lest we perish of the truth”.³⁹ It does not mean that we possess art instead of the truth, but we possess art so that we can possess the truth and not perish of it. Nietzsche is best understood as a conditional cognitivist – as someone who thinks of truth as valuable, but not as valuable no matter what. The criterion of the truth resides in the enhancement of the feeling of power. Because of this, the artist takes it upon himself to act as a legislator of values in society, for the total cultural pattern.⁴⁰ Art will tell him something horrible yet truthful about his existence, if only he would listen. Both Nietzsche and Lawrence agree that the task of art is to provide us with a new kind of knowledge: a synthesis of the conscious and unconscious. For Nietzsche, art makes life bearable; for Lawrence, art puts us in a new relationship with the universe.

In Lawrence's sense, all things, both human and inhuman, seek self-fulfilment beyond mere survival. In the same way as Nietzsche, Lawrence also advances the joyous affirmation of earthly existence, our own nature and that which is around us. The autonomous person is a free spirit who actualises drives towards self-overcoming and lives his life authentically. Man must be suppressed. Nietzsche pleads with us to be at least warriors. As each person struggles towards a sense of his own identity, it is uniformity that must be fought. According to Nietzsche, men who uncover the hypocrisy and excessive comfort of their age are the most admirable types because their reevaluation involves the courage to become conscious. The strength he possesses is an inner power.

The autonomous person strives successfully for mastery over his own passions, aiming for the highest possible state of self-perfection, because he develops a finer sense of his own humanity. The autonomous person constantly strives for self-overcoming, never compromising himself by accepting what others have defined as human. Nietzsche attacked the modern world because of its emasculated feature and blamed effeminacy on humanitarian ideals. Thus, we need a war of change that would replace morals with an artistic conception of life.

Asking himself what art is, Lawrence felt compelled to first say what man is. Art is a form of supremely delicate awareness. Art is the outcome of a true equilibrium between the Dionysian and Apollonian form of art. Man is anything from a forked radish to an immortal spirit. He is pretty much everything that ever has been or will be, absolutely human and absolutely inhuman.⁴¹

In terms of the ability of people to overcome mutual discord, we must look up to the highest man as the one who combines within himself the greatest versatility. The autonomous person has the capability to master his own passions. This self-awareness may make us noble. When a man's body has reached one of its periods of loneliness, and with a sure voice cries that it wants to be alone and intact, it is inevitably then that the accursed perversity of the spirit, the self-aware of itself, is bound to whip the unhappy senses into excitement and to force them into fornication.⁴²

When Zarathustra returned to the mountains and to the solitude of his cave withdrawing from men, Nietzsche conceived of this withdrawal-return as a dynamic process of energy-gathering and energy-dispersing, as two polar forces in the recurring cycle of creative growth.⁴³ In Lawrence's view, Paul was in forced solitude after his mother's death. He lost someone with whom he faced the world.

"Now she was gone, and for ever behind him was the gap in life, the tear in the veil, through which his life seemed to drift slowly, as if he were drawn towards death."⁴⁴

He was at a turning point in his life because he hesitated in the agony of which side to choose: the side of life or the side of death. In solitude, he decides not to take the side of darkness and follow his mother, but walked quickly through the faintly humming, glowing town.⁴⁵

Zarathustra speaks of rebirth, not forgetting an awareness of childish naiveté. When a person is reborn, his old life dies, he forgets it. It is new wisdom that one discovers after one goes through a rite of passage. Nietzsche holds that man can develop a finer sense of humanity out of his inhuman qualities. By inhuman he means all that is awe-inspiring, that is, godlike. A visionary, a passionately driven artist, even a saint – they all manifest man's inhuman qualities. It is in this sense that Lawrence probably means "inhuman" activity.

We are unknown to ourselves, so we must seek knowledge of ourselves. First of all, a person must be a self-creator. We have no desire to say what men ought to be.⁴⁶ In other words, one must be capable of believing in the self that lies beyond the image that one has been conditioned to accept.

"Thou shalt – you ought to – you should – become the one you are."⁴⁷

Even where he writes "be yourself" (*sei du selbst*) in *Schopenhauer as Educator*, he immediately outlines a tension with the present moment: "you are not really all that which you do, think and desire now".

37
F. Nietzsche, *GS*, 107.

38
D. H. Lawrence, *SL*, p. 183.

39
F. Nietzsche, *WP*, 822.

40
David Thatcher, *Nietzsche in England 1890–1914*, University of Toronto Press, Toronto 1970, p. 228.

41
D. H. Lawrence, *LEA*, p. 230.

42
Ibid., p. 169.

43
James W. Hillesheim, "Action and Solitude: A Nietzschean View", *Educational Theory*, 4/1969, pp. 361–362.

44
D. H. Lawrence, *SL*, p. 407.

45
Ibid., p. 420.

46
D. H. Lawrence, *PU*, p. 85.

47
F. Nietzsche, *GS*, 270.

“Become the one that you are: that is a cry which is *always* only to be permitted among rare human beings, yet utterly superfluous for the rarest of those rare beings.”⁴⁸

“Be yourself” seems to offer only encouragement and affirmation, only consent. It would thus seem, on this reading, that Nietzsche’s will to power is exactly a will to self-assertion or acceptance, lending credence to the historical legacy of being yourself, what you are, or of following your bliss. To become the one you are requires turning your own will upon itself. If the will cannot be a will against its own nature, if willing cannot become no willing, the will is powerless against time and is an “it was”.

To become what one is, one must take one’s own life over as an invention; even more importantly and at the same time, one must learn to love. To learn to love is to learn to bless and this love has an extraordinary meaning: it is as much human as it is divine.⁴⁹

Nietzsche advocates a struggle for the improvement of ourselves beyond what we have ever achieved. He urges us to advance beyond this master morality⁵⁰ and become overman, without associating violence with the overman. Self-efficacy requires “resistance” or “obstruction”.⁵¹ The autonomous individual wants to become a human being who is new, unique, incomparable, who gives himself laws, who creates himself.⁵² Lawrence’s Paul is determined to “make a man whom nothing should shift off his feet; he was going to alter the face of the earth in some way which mattered”.⁵³ In some way, he is determined to become free. However, freedom is a very great reality. What is needed, above all, is achieving freedom from lies, freedom from oneself, from the lie of oneself, from the lie of one’s all-importance, even to oneself; it is freedom from the self-conscious and the self-enclosed. From the other side, freedom means moving away from the vast lie of the social world, the lie of purity and dirty little secrets.⁵⁴

These Lawrence’s opinions are correlated with Nietzsche’s perspective that the gift of such benediction is the affirmation of the great and the small, “a yes-saying without reserve: to suffering itself, to guilt itself, to the most questionable and strangest in existence itself”, because “nothing that is can be subtracted, nothing is dispensable”.⁵⁵ An affirmation of pain and violence is not only inevitable, but also necessary, an affirmation of aging, death and change is also necessary, as a reconstitution of the process that brings such a change, absolved in itself as innocent, without fault.

According to Lawrence, “man is a changeable beast, and words change their meanings with him, and things are not what they seemed, and what’s what becomes what isn’t”.⁵⁶ When the great fight with man has almost come to an end, “is it because man has found a new strength, has died the death in his old body and been born with a new strength and a new sureness”?⁵⁷ At the end of the “fight” for love, Paul feels that he cannot bare Miriam’s love because her love smothered him.⁵⁸

Lawrence holds that modern morality has its roots in hatred, a deep evil hate of the “instinctive, intuitional, procreative body”.⁵⁹ Because of that, people are no longer eager for life and man has been dodged, side-tracked. Tortured, cynical and unbelieving, he has allowed all his feelings to leave him, and what remains is a shell of a man, very nice, very pleasant and, in fact, the best of modern man. Nothing really moves him, except for one thing: threats against his own safety. He is terrified of not feeling “safe”. In this so framed and virtual world of reality, he keeps his woman there, namely between himself and the world of dangerous feelings and demands. Yet, he feels nothing. He

is only a creature, an empty shell, so far from being an autonomous human being.

Dominance as self-overcoming

The true realisation of the will to power, genuine freedom, has been connected to self-overcoming. This drive towards self-overcoming inspires us to go beyond what we are today, what we are at this very moment. And for Nietzsche, this is life-affirming.

The goal of life is to overcome obstacles, and not merely to extend life as long as possible. Moreover, the will to power frequently causes us to take risks, overextend ourselves, and even sacrifice self-preservation. Nietzsche argues that consciousness, understood to be the ability to step back and observe ourselves in a particular situation, is a very late development in man.

Dominance over the weaker is an example of the will to power. Nietzsche explains that even the weakest of beings possess the will to power, but it is also expressed as tyranny, dominance, and oppression of others. Following Nietzsche, Lawrence points out that modern morality has its roots in hatred, a deep evil hate of the instinctive, intuitional, procreative body.⁶⁰ Nietzsche endorses mastery over others as a primary means of power, because the drive for power is something fundamentally real in everything.

“Life itself is an affair of aristocrats. In my soul, I’d be proud as he. As far as I am myself, Fierté, Inégalité, Hostilité.”⁶¹

Lawrence, much like Nietzsche, advocates “aristocracy of soul” as a product of an internal pathos of distance, a “mysterious” craving for multiplicity and stratification within the soul.

Nietzsche proposes a “going up” (*Hinaufkommen*) to nature that would also involve overcoming humanity. For this difficult task – demanding virtue without ethics and reverence without wings – Nietzsche thinks a new man is required, one who surpasses the present man: the free spirit, the Overman. The

48

Friedrich Nietzsche, *Nachlass* 1876; *Sämtliche Werke. Kritische Studienausgabe*, ed. by G. Colli and M. Montinari, De Gruyter – DTV, Berlin 1999, 8, 19(40), p. 340.

49

Friedrich Nietzsche, *Nachlass* 1884/1885; *Sämtliche Werke. Kritische Studienausgabe*, ed. by G. Colli and M. Montinari, De Gruyter – DTV, Berlin 1999, 11, 29(19), p. 341.

50

F. Nietzsche, *BGE*, 260.

51

F. Nietzsche, *WP*, 689, 693, 702.

52

F. Nietzsche, *GS*, 335.

53

D. H. Lawrence, *SL*, p. 222.

54

D. H. Lawrence, *LEA*, p. 251.

55

Friedrich Nietzsche, *Ecce Homo (Birth of Tragedy)*, 2.

56

D. H. Lawrence, *LEA*, p. 236.

57

Ibid., p. 362.

58

D. H. Lawrence, *SL*, p. 417.

59

D. H. Lawrence, *LEA*, p. 192.

60

Ibid., p. 193.

61

D. H. Lawrence, *The Letters of D. H. Lawrence, The Cambridge Edition of the Letters and Works of D. H. Lawrence*, Cambridge University Press, Cambridge 2002, p. 213.

“will to life”, to self-overcoming, is akin to Lawrence’s favoured formulation of “singling out”. As Kaufmann explains,

“... the assumption is that the powerful and the impotent are both imbued with the will to power, and that extreme or prolonged oppression and frustration may easily pervert this drive and make the oppressed look for petty occasions to assert their will to power by being cruel to others.”⁶²

Nietzsche accepts violence and dominance as one of the primary struggles for gaining the highest degree of power, claiming that growth is emphatically identified as “increased mastery” over others.

Lawrence’s concern with such a transformation was a major preoccupation of his for quite a number of years. It is significant that whenever he spoke of a new order in society, it was always in terms similar to those used by Nietzsche. We have created a great, almost overwhelming incubus of falsity and ugliness on top of us, so that we are almost crushed to death. Let us submit to the knowledge that there are aristocrats and plebeian born, not made.⁶³

Nietzsche insists on great courage, because it is only the greatest act of courage that can bring one successfully to the final stage or “courage to be”. In a section of *The Will to Power*, “Nietzsche insists throughout that we must ‘employ’ (*in Dienst nehmen*) our impulses and not weaken or destroy them”.⁶⁴

In the novel *Sons and Lovers*, Lawrence presents fight for dominance primarily through the man–woman relationship. For him, this relationship has a positive meaning in so far as it assists the couple in their mutual goal of achieving self-perfection.

According to Nietzsche, romantic love is absurd and lies. Love, just like any other feeling, is not within the individual’s power because feelings are involuntary and promises cannot be made based on something beyond our control. We softly grow tired of the old, of the one that we safely possess.⁶⁵ In correlation with this attitude, it is easy to see when Lawrence writes that Paul is tired of her and he was searching for “new sensation”, and “she remained alone with herself, waiting”.⁶⁶

Lawrence holds that the woman felt that she is a higher moral being. Because of this, all the time she would be imagining something where there was nothing.

“She had known so much, and had told him so little.”⁶⁷

For Nietzsche,

“The pleasure we take in ourselves tries to preserve itself by time and again changing something new *into ourselves* – that is simply what possession means.”⁶⁸

Lawrence is aware of the notion that the woman should be submitted to this position, almost as a sacrifice.

“... her whole body clenched itself involuntarily, hard, as if against something; but Life forced her through this gate of suffering, too, and she would submit (...).”⁶⁹

Lawrence observes that the man is not aware of the woman as a person, she is only a woman. Lawrence explains the act of voluntary sacrifice with the woman’s great love which she gives man. Because of this, he won and acquired dominance over her. In this possession, “her dark eyes, full of love, earnest and searching, made him turn away”; “he could not meet her gaze”; “his eyes, full of the dark, impersonal fire of desire, did not belong to her”; “she wanted to escape”; “she wanted him to look at her eyes full of love”.⁷⁰

Nietzsche explains that sexual love most clearly reveals itself as a craving for new property: the lover wants the unconditional and sole possession of

the person he longs for; he wants to be the only beloved one, to live and to rule in the soul of the other as that which is supreme and most desirable.⁷¹ In Lawrence's words, Paul was only like any other man, seeking satisfaction. For man's possession was "a great moment in life".⁷² Miriam, as a woman, is arguing for something beyond, something more in him, something deeper.

Nietzsche holds that women naturally like peace and comfort, while men want the opposite; they welcome challenges and obstacles. Women hate to see men suffer and try to help ease life by removing obstacles; but this is very frustrating for men. As Lawrence rightly notes,

"... woman only works with a part of herself. The real and vital part is covered up."⁷³

According to Nietzsche, "it is indeed amazing that wild greed and injustice of sexual love has furnished the concept of love as the opposite of egoism when it may in fact be the most candid expression of egoism".⁷⁴ In the novel, Lawrence describes that because of his wild greed Paul was not capable of being real with her, "he had to put aside himself and his desires".⁷⁵ Lawrence describes the ambivalence of love, domination, the conscious and the unconscious, with the following words:

"She hated her love for him from the moment it grew too strong for her. And, deep down, she had hated him because she loved him and he dominated her. She had resisted his domination."⁷⁶

Love is only a part of creation and dominance. The ultimate goal is the creation of two individuals – two "single ones". Lawrence sees the energy of self-creation at times when a woman absorbs within herself, via uniting channels, one man's strength and energy.

"She did not want to meet him (...). She wanted to draw all of him into her."

This is the cause of "intensity like madness, which fascinated him, as drug-taking might".⁷⁷

62
Walter Kaufman, *Nietzsche: Philosopher, Psychologist, Antichrist*, Princeton University Press, New Jersey 1974, p. 194.

63
D. H. Lawrence, *The Letters of D. H. Lawrence*, p. 248.

64
W. Kaufman, *Nietzsche: Philosopher, Psychologist, Antichrist*, p. 225.

65
F. Nietzsche, *GS*, I, 14.

66
D. H. Lawrence, *SL*, pp. 299–300.

67
Ibid., p. 298.

68
F. Nietzsche, *GS*, I, 14.

69
D. H. Lawrence, *SL*, p. 284.

70
Ibid., p. 284.

71
F. Nietzsche, *GS*, I, 14.

72
D. H. Lawrence, *SL*, p. 284.

73
Ibid., p. 416.

74
F. Nietzsche, *GS*, I, 14.

75
D. H. Lawrence, *SL*, p. 290.

76
Ibid., p. 296.

77
Ibid., p. 194.

“Only the one who loves can be so attuned, as the lover catches a sensuality opening his/her senses into a sensibility veritably alive to everything in life.”⁷⁸

Love begets love. If this were not so, love would be a very terrible thing.

Lawrence points out that “love is a great emotion”, and that power is quite another thing. However,

“... both love and power are based on wonder. Love without wonder is a sensational affair, and power without wonder is mere force and compulsion. The one universal element in consciousness which is fundamental to life is the element of wonder.”⁷⁹

During the time of his wandering Paul was not dominated by Miriam. Because of this, he was “irritable, priggish and melancholic”.

“She spoilt his ease and naturalness. And he writhed himself with a feeling of humiliation.”⁸⁰

During the Miriam’s time of wandering, she did not realize him. He might be objected to because she never realized the male he was.⁸¹

According to Lawrence,

“What we want is life, first and foremost: to live, and to know that we are living. And you can’t have life without adventure of some sort.”⁸²

This perspective is very close to Nietzsche because, in tragic Dionysian ecstasy, we are happily alive, “not as individuals, but as the one living being, with whose procreative lust we have become one”.⁸³

In *Beyond Good and Evil*, Nietzsche writes that moralities too are only a sign-language of emotions. In Lawrence’s view, it was “purity” that prevented even their first lovers’ kiss; “she could scarcely stand the shock of physical love, even a passionate kiss”.⁸⁴

The real trouble with women is that they must always go on trying to adapt themselves to men’s theories of women, which is what they have always done.

“When a woman is thoroughly herself, she is being what her type of man wants her to be.”⁸⁵

In the love relationship between Paul and Miriam, Mrs Morel is petrified with fear because Miriam is not like an ordinary woman and she is not interested in adapting herself to men’s theories of women. “She wants to draw him out and absorb him till there is nothing left of him, even for himself”; because of her domination, “he was uncertain of himself, insecure, an indefinite thing”.⁸⁶

His mother hated her because he would never become a man standing on his own two feet – she would suck him up. She makes him so spiritual, and he does not want to be spiritual.⁸⁷ He felt that she wanted his soul out of his body, and not him.

Lawrence notes that the one thing he would not accept her as is a human being, a real human being of the feminine sex.

“A woman does not fight a man for his love – though she may say so a thousand times over.”⁸⁸

Women have the logic of emotion; men have the logic of reason. She fights him because she knows instinctively that he is unable to love. He has lost his peculiar belief in himself, his instinctive faith in his own flow of life. Thus, he cannot love. Paul was afraid of her love for him. He does not have the courage to love. This love was too good for him; he was inadequate. “His own love was at fault, not hers”,⁸⁹ because the deepest of his love belonged to his mother. On the other hand, Paul realised that she dominated because she absorbs, she must fill herself up with love. This makes her negative.⁹⁰ By weaving the

character of Clara, Lawrence shows an ambiguity of attitude towards one's lover. Clara treated Paul as a hero, but thought of him as an infant, a foolish child. She was full of bitterness because he was away from her all the time, she had summed him up, had seen his littleness, his meanness, his lewd, false, inconsistent, despicable character. In spite of his weakness, Paul had exerted peculiar dominance over her. Her love was always a conflict.

Conclusion

The language that both Nietzsche and Lawrence use is different from the language used by modern critics, but such "reverence" and humility seem to be another perspective of "materialist spirituality". In other words, they reject the duality of matter and spirit, whilst recognising that "materiality is already full of form, spirit, story, agency, and glory".⁹¹ In an attempt to conceive a new way of life, to establish new values, we need a struggle to liberate human beings from the fixed, arbitrary control of ideals and into free spontaneity.⁹² Therefore, the main aim of this paper was to shed light on Lawrence's work, and at the same time, to clarify certain misconceptions about Nietzsche's work.

His artistic sensibility allowed him to become misguided. Lawrence identified the male principle with culture-creating qualities and the female one with "natural" qualities. Thus, readers find themselves associated with the male principle through the following: the will to motion, change, activity, multiplicity and diversity, knowledge, mind, spirit, and light; and with the female principle through these: the will to inertia, stability, permanence, oneness, feeling, body, and darkness.⁹³

Lawrence emphasises that creation inspires humanity to say "yes" to life. Nietzsche tells us to "create ourselves" by "inventing new values", but always in accordance with our inborn abilities and limitations. Nietzsche proclaims that, for the game of creation, a "scared 'yes' is needed". In his novel *Sons*

78
Babette Babich, "Nietzsche's Imperative as a Friend's Encomium: On Becoming the One You Are, Ethics, and Blessing", *Nietzsche-Studien*, 33/2003, p. 56.

79
D. H. Lawrence, *LEA*, p. 131.

80
D. H. Lawrence, *SL*, p. 179.

81
Ibid., p. 189.

82
D. H. Lawrence, *LEA*, p. 132.

83
Friedrich Nietzsche, *The Birth of Tragedy*, 4.

84
D. H. Lawrence, *SL*, p. 179.

85
D. H. Lawrence, *LEA*, p. 162.

86
D. H. Lawrence, *SL*, p. 193.

87
Ibid., p. 188.

88
D. H. Lawrence, *LEA*, p. 306.

89
D. H. Lawrence, *SL*, p. 208.

90
Ibid., p. 218.

91
Val Plumwood, *Environmental Culture*, Routledge, London 2002, p. 226.

92
Émile Delavenay, *D. H. Lawrence and Edward Carpenter*, Taplinger, New York 1971, p. 231.

93
D. H. Lawrence, *Phoenix: The Posthumous Papers of D. H. Lawrence*, Viking Press, New York 1974, p. 446–448.

and Lovers, Lawrence underlines that “the game of creation” is a fiction that establishes value in life, allowing us to embrace life and derive strength from it. Nietzsche created the fiction of the will to power because he values humanity’s strength in life. Following perspectivism, the will to power is one perspective that Nietzsche offers as a means of envisioning the world.

According to Nietzsche, through the process of overcoming oneself, “you shall become the person you are”.⁹⁴ Nietzsche explains that each human being has a will to power and hence “belongs to the essence of what lives, as a basic organic function; it is a consequence of the will to power, which is after all the will of life”.⁹⁵ Lawrence allies himself with Nietzsche’s belief that our actions are determined in secret sessions of the dominances of wills to power, the decision of which the mind must await attentively so as to receive and react. Both Nietzsche and Lawrence try to influence people to learn to express their full potential.

Nietzsche sees that

“Love – in its means, war; at bottom, the deadly hatred of the sexes.”⁹⁶

In Lawrence’s words, “something in him she hated, a sort of detached criticism of herself, a coldness which made her woman’s soul harden against him”.⁹⁷

In the war for dominance, there is always a danger that he who fights with monsters should look to it that he himself does not become a monster. And when you gaze long into an abyss, the abyss also gazes into you.⁹⁸

Nietzsche encourages us to be stronger and inspires us to become autonomous, individuals who possess such attributes as strength, bravery, and manners, and who aspire to live in a society in which there may be mercy for others. Self-mastery is not an achievement of a conscious “self” who contributes anything to the process, but merely an effect of interplay of certain unconscious drives, drives over which the conscious self exercises no control. What we suffer from today is a lack of a sense of our own wholeness or completeness, which is peace. What we lack, what the young lack, is a sense of being whole in ourselves. Lawrence fights against modernity in which we are taught to achieve a state of false peace, false strength and false power, and to become egoists in a negative sense. Egoists no longer have spontaneous feelings and can no longer be made to suffer humanly. This is herd or slave morality.

Nietzsche refers to master morality as a morality which endorses nobility, strength, honour, and the dominance of the weak. He contrasts this kind of morality with slave morality, a morality that espouses weak virtues, such as vengeance, pity and herd mentality. The three main characters, Paul, Paul’s mother and Miriam, are “free spirits”, each of who is on a different path, because every person is a unique human being with a noble spirit.

At the end of the novel, Paul is at a crossroads, because he can choose between the ability to nothingness and being “answerable for oneself, and proudly, and therefore to have the right to say yes to oneself”.⁹⁹ He is at a turning point in his life: to become a creature, an empty shell, or a creator, a free, autonomous human being capable of overcoming himself. Paul becomes free in the end, accepting and affirming himself as a whole, rather than seeing the necessity of character as an inhibition or obstacle to action.

Lawrence emphasises the thought that “to know means to lose”.¹⁰⁰ It is viewed as an irresistible formula of failures in our modern times, but also as a thought so much in contradiction with the Western culture, with the longing and believing that knowledge is the path to revealing new perspectives. He believes in one’s own forces as possibilities for the affirmation of life.

After mother's death, Paul recognises the condition and opportunity for true self-expression and for the expression of his inexhaustible energy. Constantly overcoming obstacles and challenges in life, people prove their strength of character which brings the greatest rewards and creativity.

People must become strong enough in themselves, powerful enough, to be creators, because "every strengthening and increase of power opens up new perspectives".¹⁰¹ Lawrence shows on Paul's example that "the noble soul has reverence for itself"¹⁰² and emphasises the value which both Nietzsche and Lawrence share – intense affirmation of life.

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94

F. Nietzsche, *GS*, III, 270.

95

F. Nietzsche, *BGE*, 259.

96

F. Nietzsche, *Ecce Homo (Why I write such good books)*, 5.

97

D. H. Lawrence, *SL*, p. 345.

98

F. Nietzsche, *BGE*, 102.

99

F. Nietzsche, *GM*, II, 3.

100

D. H. Lawrence, *PU*, p. 66.

101

F. Nietzsche, *WP*, 616.

102

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Vesna Stanković Pejnović, Živojin Đurić

Nietzscheova sjena u *Sinovima i ljubavnicima* D. H. Lawrencea

Sažetak

Rad analizira Nietzscheovo razumijevanje moći kao volje za moć i autonomije kao samopostajanja, s jedne strane, te dominacije, kao samonadilaženja, s druge strane. Naglašavajući glavne misli Lawrenceova romana Sinovi i ljubavnici, rad se oslanja na glavne stupove Nietzscheove filozofije, pokušavajući proniknuti u njegovo razumijevanje moći i svake volje za moć. Nietzscheovo razumijevanje volje za moć usko je povezano s procesom samoafirmacije, borbe za ostvarenje plemstva duha, te njegovim vlastitim riječima, pothvatom postajanja »pjesnikom vlastitog života« i stvaranjem vlastitih zakona te konstantnom borbom sa životom za sam život. Lawrence prikazuje istu perspektivu očima umjetnika s mnogo filozofskih i psiholoških konotacija. Lawrence dijeli sa čitaocima Nietzscheovu perspektivu shvaćanja slobodnog duha koji pokušava nadići sebe te stvoriti vlastite zakone samodominacije te dominacije nad svijetom koji ga okružuje.

Ključne riječi

Friedrich Nietzsche, D. H. Lawrence, *Sinovi i ljubavnici*, volja za moć, autonomija, dominacija

Vesna Stanković Pejnović, Živojin Đurić

Nietzsches Schatten in D. H. Lawrences *Söhne und Liebhaber*

Zusammenfassung

Der Aufsatz analysiert Nietzsches Verständnis der Macht als Wille zur Macht und der Autonomie als Selbstwerdung einerseits, und der Domination als Selbstüberwindung andererseits. Indem er die Hauptgedanken von Lawrences Roman Söhne und Liebhaber akzentuiert, lehnt sich dieser Aufsatz an die Hauptsäulen der Philosophie Nietzsches an, wobei er seinen Standpunkt zur Macht und jeglichem Willen zur Macht zu ergründen sucht. Nietzsches Erfassung des Willens zur Macht ist eng verknüpft mit dem Prozess der Selbstaffirmation, des Kampfes um die Verwirklichung des Geistesadels. Sie ist, um es mit seinen eigenen Worten auszudrücken, ebenso verknüpft mit der Unternehmung, „Dichter des eigenen Lebens“ zu werden, sowie mit der Schaffung eigener Gesetze und dem Dauerkampf mit dem Leben um das Leben selbst. Lawrence stellt dieselbe Betrachtungsweise mit dem künstlerischen Auge dar, mit zahlreichen philosophischen und psychologischen Konnotationen. Lawrence teilt mit den Lesern Nietzsches Anschauung vom Verständnis des freien Geistes, der sich selbst zu überwinden und eigene Gesetze zu schaffen versucht, Gesetze der Selbstdomination und der Domination über die Welt, die ihn umgibt.

Schlüsselwörter

Friedrich Nietzsche, D. H. Lawrence, *Söhne und Liebhaber*, Wille zur Macht, Autonomie, Domination

Vesna Stanković Pejnović, Živojin Đurić

L'ombre nietzschéenne dans *Amants et Fils* de D. H. Lawrence

Résumé

D'une part, ce travail analyse la compréhension nietzschéenne de la puissance comme volonté de puissance et l'autonomie comme auto-devenir, et d'autre part, il analyse la domination comme auto-dépassement. En accentuant les pensées principales du roman Amants et Fils de Lawrence, ce travail s'appuie sur les piliers principaux de la philosophie nietzschéenne et tente de pénétrer sa compréhension de la puissance et de chaque volonté de puissance. La compréhension de la volonté de puissance de Nietzsche est étroitement liée au processus d'auto-affirmation – lutte pour réaliser la noblesse de l'âme –, à une entreprise pour devenir « poète de notre vie » et à une création de nos propres lois, comme il l'affirmait lui-même, mais encore, à une lutte constante avec la vie pour la vie elle-même. Lawrence présente la même perspective à travers un regard d'artiste rempli de connotations philosophiques et psychologiques. Il partage avec Nietzsche sa perspective d'une conception de l'esprit libre qui tente de se dépasser soi-même et de créer ses propres lois d'auto-domination et de domination sur le monde qui l'entoure.

Mots-clés

Friedrich Nietzsche, D. H. Lawrence, *Amants et Fils*, volonté de puissance, autonomie, domination



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Eine „Philosophie von der Sprache her“

Max Gottschlich (Hrsg.), *Die drei Revolutionen der Denkart. Systematische Beiträge zum Denken von Bruno Liebrucks*, Verlag Karl Alber, Freiburg – München 2013

Zusammenfassung

Stefan George dichtete den Vers: „Kein ding sei wo das wort gebricht“. Das Sprachdenken von Bruno Liebrucks (1911–1986) kann als die Philosophie zu diesem Vers verstanden werden. Diese kreist in weitausholenden wie dichten Kommentaren zu Herder, Humboldt, Kant, Hegel und anderen Philosophen um den Gedanken, dass es für den Menschen ein Außerhalb der Sprache nicht gibt. Von so etwas wissen wir nur innerhalb der Sprache. Liebrucks verallgemeinert diesen Gedanken auf die Mittedisziplin der Philosophie, die Logik, indem er sagt: „Nur innerhalb des Begriffs gibt es etwas, das außerhalb des Begriffs existiert“.

Der hier besprochene Tagungsband widmet sich in affirmativer, apologetischer, aber auch kritischer Hin- bzw. Absicht dieser fundamentalphilosophischen These und deren Relevanz für alle philosophischen Disziplinen. Denn es leuchtet ein, dass sich, wenn das stimmt, die Szene in Logik, Erkenntnistheorie, Ethik, Ästhetik und anderen philosophischen Sparten zur Gänze ändert bzw. als anders als bisher angesehen und verstanden werden muss. Die große Frage lautet daher: Handelt es sich bei der Liebrucksschen Anstrengung des Begriffs wirklich um einen gelungenen Nachweis von Revolutionen der Denkungsart oder um eine durch Überdehnung des Sprachbegriffs bewirkte Restitution längst vergangener (wenn überhaupt jemals geteilter), von uns Heutigen aber nicht oder nicht mehr für wahr zu haltenden Sprach- und Weltansichten?

Schlüsselwörter

Bruno Liebrucks, Philosophie, Sprache, Logik

I

Die Einsicht, dass die Größe eines Philosophen sich nicht nach der Vielzahl seiner Anhänger bemisst, denn die könnte auch aus einigen Nullen bestehen,

sondern danach, was und wie umfänglich er anderen zu denken gibt, mag den Herausgeber des hier zu besprechenden Sammelbandes, Max Gottschlich, dazu bewogen haben, von Bruno Liebrucks (1911–1986) als von einem „der bedeutendsten“, und zwar, so die Begründung, „weil“ einem der „profundesten Denker des 20. Jahrhunderts“ (7) zu sprechen. Die Profundität dieses Denkens spiegelt sich vor allem in dem extensiv wie intensiv großangelegten Werk *Sprache und Bewußtsein* wider, das mit seinen 7 Bänden und sage und schreibe 5540 Druckseiten aber auch nicht eben zu einer verbreiteteren Rezeption und Auseinandersetzung einlud, vielleicht auch in einer schnelllebigen Zeit, die alles in Kürze auf den Punkt – also nicht zur Sprache!¹ – gebracht wünscht, nicht einladen konnte. Obwohl Liebrucks selbst keinem Zweifel am systematischen Anspruch seiner „Anstrengung des Begriffs“ vorgearbeitet hatte, wird diese doch in zweierlei Hinsicht verkannt. Erstens, weil es sich scheinbar „nur“ um *Interpretationen*, vor allem zu Hamann, Herder, Humboldt, Kant, Hegel, Hölderlin, Wittgenstein und Josef König handelt, denen man das Eigenständige deshalb nicht ansieht, weil man nicht reinschaut in die Bände und sie deshalb vorschnell der *Sekundärliteratur* zurechnet. Dabei hat Liebrucks selbst auf seine Darstellungsart („Methode“) als auf ein „sphärenmischende[s] Komponieren“, als „Komposition von Kommentar und Kritik“² hingewiesen, also auf ein genuin sprachliches Tun, das am besten vielleicht wie ein wirkliches Gespräch zu begreifen ist, als Aufnahme nämlich *und* Erwidern, Nähe, Verstehen suchend, aber doch immer mit der gehörigen Achtung der Distanz; deshalb nennt Liebrucks die von ihm „geübte Methode“ „distanzierte Anpassung“, d. h. „[n]icht alles, dem wir uns anmessen, wird bejaht“, er behält sich die Freiheit vor, sich „an die Texte“ zu „halten, wenn“ er „es für notwendig h[ält]“, und“ er wird „über sie hinausgehen, wenn“ er „es“ wiederum „für notwendig h[ält]“³. Die Hinwendung zur Tradition geschieht hier und in der Philosophie überhaupt also nicht in bloß philosophiehistorischer Absicht, sondern ist motiviert durch die Einsicht in die systemphilosophische Notwendigkeit, d. h. Unabdingbarkeit einer Anknüpfung an den erreichten Stand der Philosophie und seiner bzw. ihrer Vorgeschichte. Max Gottschlich stellt in seinem Beitrag *Transzendentalphilosophie und Dialektik* diesen Punkt deutlich heraus, wenn er auf die selbstgestellte Frage „Wie konstituiert sich systematisch relevante Philosophie?“ antwortet:

„Nur in der Aneignung des Problemstandes, wie er in der Geschichte der Philosophie nicht schon hinter uns, sondern zunächst immer erst vor uns liegt.“ (43)

Mit Liebrucks, auf den Gottschlich sich hier bezieht, gesprochen:

„Wir beginnen immer mit der Übernahme des Überlieferten und haben darin unser Leben lang zu lernen. [...] Im Geistigen folgt so auf das Alter die Jugend. Jung wird man hier um den Preis, den man dem Alter, den Toten und der Tradition gezahlt hat.“⁴

Die zweite Verknennung rührt daher, dass man Liebrucks, wohl von den Titeln her, als Sprachphilosophen missverstand (und missversteht). Doch Sprachphilosophie ist seine, wie er sie nannte, „Philosophie von der Sprache her“⁵ gerade nicht; sie wendet sich nicht im Zuge des berühmten *linguistic turn* der Sprache als auch einem wichtigen und interessanten, bislang nur leider vernachlässigten Gegenstand zu, um zu untersuchen oder zu analysieren, was dieser, also die Sprache, wohl sei. Liebrucks weiß, dass wissenschaftlich vergegenständlichte Sprache nicht mehr die Sprache ist, in der wir sprechen und leben, und er weiß auch, dass solche Vergegenständlichungen im Grunde gar nicht möglich oder doch nur möglich sind um den Preis der Verkürzung oder

Vereinseitigung.⁶ Sie gelingen schon bei den einfachsten Dingen nicht. Nehme ich das auf meinem Tisch liegende Buch in die Hand, um zu sehen, wie es auf der Rückseite aussieht, so ist es nicht mehr das auf dem Tisch liegende Buch, sondern ein anderer Gegenstand geworden. Wilhelm von Humboldt hatte diese Unmöglichkeit an der Sprache wie keiner vor ihm begriffen:

„Denn die Sprache kann ja nicht als ein da liegender, in seinem Ganzen übersehbarer, oder nach und nach mitteilbarer Stoff, sondern muss als ein sich ewig erzeugender angesehen werden, wo die Gesetze der Erzeugung bestimmt sind, aber der Umfang und gewissermassen auch die Art des Erzeugnisses gänzlich unbestimmt bleiben.“⁷

Sie ist nach Humboldt, aber auch nach Liebrucks, „kein Werk (ergon), sondern eine Tätigkeit (energeia)“.⁸ Und so geht es Liebrucks denn auch um die *Wirklichkeit* der Sprache, nicht darum, wie Sprache sich einzelwissenschaftlicher Untersuchung darstellt oder darstellen mag. Es geht um die Auffassung der Wirklichkeit *als* Sprache, der Sprache als derjenigen Wirklichkeit, mit der allein wir es zu tun und in der wir uns einzurichten, genauer, immer schon eingerichtet haben, denn eine Alternative zu ihr haben und hatten wir nicht. „Das Ziel der Untersuchungen“ von *Sprache und Bewußtsein* „besteht in der Gewinnung“ des (philosophischen) Bewusstseins „der Sprachlichkeit des Menschen in allen seinen Lebensbezügen“.⁹

Diese Idee einer „Philosophie von der Sprache her“ lässt sich im Kontext der eben aus Humboldt herangezogenen Bestimmung der Sprache sehr gut weiter verdeutlichen. „Die Sprache“ ist nach ihm, „in ihrem wirklichen Wesen aufgefasst“, „etwas beständig und in jedem Augenblicke Vorübergehendes. Selbst ihre Erhaltung durch die Schrift“ – und das Phänomen der Schrift ist es wohl gewesen, das zu der Ansicht von der Sprache als einem fertigen, gegenständlichen Gebilde (ver)führte, weil der Schrift das Werden, die Bewegung jeden-

1
Vgl. die alle Mehrdeutigkeit ausnutzende Frage „Warum kommt es nicht zur Sprache?“, von der die Liebrucksche „Anstrengung lebt“ (Bruno Liebrucks, *Sprache und Bewußtsein*, Bd. 1: *Einleitung. Spannweite des Problems*, Frankfurt am Main 1964, S. 2).

2
Ebd., S. 37.

3
Ebd., S. 37f.

4
Bruno Liebrucks, „Sprache und Metaphysik“, in: ders., *Irrationaler Logos und rationaler Mythos*, Würzburg 1982, S. 38.

5
Vgl. den Untertitel seiner Aufsatzsammlung *Erkenntnis und Dialektik. Zu einer Einführung in die Philosophie von der Sprache her. Aufsätze aus den Jahren 1949–1971*, Den Haag 1972.

6
Liebrucks „geht“, wie Josef Simon in seinem Beitrag „Absoluter Geist und Persönlichkeit. Bruno Liebrucks zum 100. Geburtstag am 12. 10. 2011“, S. 280, ausführt, „von der Kritik an einem Bewusstsein aus, das glaubt, die Sprache als objektivierbaren *Gegenstand* ver-

stehen zu können. Es handelt sich bei diesem Ansatz also nicht um ‚Sprach-Philosophie‘ als besondere Disziplin, sondern um eine historisch verstandene Alethologie ‚von der Sprache her‘“.

7
Wilhelm von Humboldt, *Ueber die Verschiedenheiten des menschlichen Sprachbaues, Gesammelte Schriften*, Akademie-Ausgabe, hg. von Albert Leitzmann, Berlin 1903ff., VI, S. 177.

8
Wilhelm von Humboldt, *Ueber die Verschiedenheit des menschlichen Sprachbaues und ihren Einfluss auf die geistige Entwicklung des Menschengeschlechts*, a. a. O., VII, S. 46.
– Josef Simon macht in seiner Studie „Sprache bei Kant“, *Revue Roumaine de Philosophie* 39, 1–2 (1995), S. 79, darauf aufmerksam, dass „Sprache“ „ihrem allgemeinen Begriff nach sich entwickelnde Einzelsprache“ „ist“. „Deshalb können nach Kant eigentlich auch nur tote Sprachen zum *Gegenstand* einer Wissenschaft werden.“

9
B. Liebrucks, *Sprache und Bewußtsein*, Bd. 1, a. a. O., S. 43.

falls nicht *prima facie* anzusehen ist¹⁰ – „ist immer nur eine unvollständige, mumienartige Aufbewahrung, die es doch erst wieder bedarf, dass man dabei den lebendigen Vortrag zu versinnlichen sucht“. Lesen ist virtuelles Sprechen. Wir könnten kein geschriebenes Wort als Wort lesen, wenn wir es nicht auch sprechen könnten. Sprache als „Thätigkeit (energeia)“ betrachtet führt dann auch zu ihrer „wahre[n] Definition“, die „nur eine genetische seyn“ „kann“, wonach sie „nemlich die sich ewig wiederholende Arbeit des Geistes“ ist, „den articulierten Laut zum Ausdruck des Gedankens fähig zu machen“. Insofern ist diese „Definition“ der Sprache, „streng genommen“ „die“ „des jedesmaligen Sprechens“.¹¹ Dass in einer Sprachbetrachtung wie dieser überhaupt der Laut in den Blick kommt, macht, unter anderem, ihren Vorzug vor aller analytisch ausgerichteten Sprachphilosophie aus, in der man das Phänomen „Laut“ so gut wie nicht berücksichtigt findet; als zu bedeutungsirrelevant, wenn nicht bedeutungslos, hat man ihn und das eng mit ihm verbundene Phänomen der Stimme angesehen bzw. die Bedeutung der Stimme und des Lauts für die *Bedeutung* (der Bedeutung) übersehen. Es ist genau solche Überwindung des auch unsere Gegenwart noch weithin beherrschenden Platonismus – man denke an Platons Rede von der Sprache als „zweitbesten Fahrt“¹² –, um die es Liebrucks geht, der dann auch, in Anlehnung an den zu Unrecht vergessenen Sprachdenker Eduard Rossi, „Stimmbildung“ und „Sinnbildung“, da beide untrennbar, so zusammenzudenken versucht, dass „*Stimmbildung*“ „immer schon *Sinnbildung*“ „ist“. Der Satz: „Die menschliche Stimme ist nicht Träger eines Sinnes“¹³ zielt denn auch weniger auf (oder gar gegen) die berühmte Indifferenz von Zeichen und Bezeichnetem (Hegel, Simon) – die durch diesen Satz unangetastet bleibt –, sondern darauf, dass der Sinn ohne die Stimme des „tönende[n] Erdengeschöpf[s]“¹⁴ Mensch nicht in der Welt bzw. nicht in sie gekommen wäre. Und da die Stimme immer Stimme eines einzelnen, immer die eines Individuums ist, versteht man von hier auch erst den genialen Gedanken Humboldts:

„Erst im Individuum erhält die Sprache ihre letzte Bestimmtheit.“¹⁵

Schon von daher erweist es sich, dass der ‚un- oder übergegenständliche‘ Gegenstand *Sprache* „niemals“ „unter einem Oberbegriff gefasst werden“ „kann“.¹⁶ Nimmt man den nicht weniger bedeutsamen Gedanken Humboldts hinzu, dass „der Begriff erst im Worte seine Vollendung erhält“,¹⁷ dann wird nicht nur das, sondern vor allem verständlich, dass die Wirklichkeit, in der wir leben, eine *ersprochene* Wirklichkeit ist, ja dass wir von „außersprachliche[n] Gegenstände[n]“, von denen wir nichts wissen können und auch nichts zu wissen brauchen“,¹⁸ nur innerhalb von und durch Sprache ein Wissen haben. Das logische Pendant hierzu lautet:

„Nur innerhalb des Begriffs gibt es etwas, das außerhalb des Begriffs existiert.“¹⁹

II

Fritz Zimbrich bringt in seinem Beitrag „*Die Götter Hölderlins wohnen im Hegelschen Begriff*“. *Versuch einer Beschreibung dieser Wohnstätte* diese Einsicht in bewundernswerter, den sogenannten gesunden Menschenverstand allerdings brüskierenden Deutlichkeit auf den Punkt, wenn er schreibt:

„John Rogers Searle unterscheidet ‚sprachunabhängige Tatsachen‘ – ‚etwa die Tatsache, daß der Gipfel des Mt. Everest von Schnee und Eis bedeckt ist‘ – von den ‚sprachabhängigen Tatsachen‘ – ‚etwa die Tatsache, daß «Der Gipfel des Mt. Everest ist von Schnee und Eis bedeckt» ein Satz des Deutschen ist“^[20]. Searle will nicht sehen, dass es unabhängig von der Sprache weder einen Gipfel noch einen Mt. Everest, weder Schnee noch Eis gibt.“ (140)²¹

Das ist die Zumutung, die der gesunde Menschenverstand empört von sich weisen, ja in ihr nichts als Unsinn oder gar Verrücktheit vermuten wird. Doch Zimbrich kann, ganz im Geiste von Liebrucks, mit einem Beispiel darlegen, dass diesem Unsinn ein Vernunftkredit eingeräumt werden kann, wenn nicht muss:

10

Werner Schmitt bemerkt in seinem Beitrag „Liebrucks’ Umwege zu Hölderlin“, S. 154, zu diesem Punkt: „Die Verwesentlichung geschieht durch Fixierung der Sprache in der Schrift. Die im aktuellen Gespräch gesprochenen und gehörten Worte sind die Form des lebendigen Geistes. In der schriftlichen Fixierung haben wir die Nachricht von ihm, der einmal lebendig war und nun in den Zeichen über lange Zeit in der wesentlichen Möglichkeit seiner Auferstehung in einem ihm verwandten Geist harrt.“

11

W. von Humboldt, a. a. O., VII, S. 46f.

12

Platon, *Phaidon*, 99 c9–d1; Josef Simon bemerkt in *Philosophie des Zeichens*, Berlin – New York 1989, S. 21f., in Bezug auf Platons Unterscheidung zwischen Philosoph und Sophist: „Der Philosoph wisse, daß man dieselbe Sache immer auch in einem *anderen* Logos wiedergeben könne als in dem, in dem man es gerade tut. Woher weiß er aber überhaupt um diese Differenz der Logoi zur *Sache*, d. h. woher kann er wissen, daß der Logos auf etwas *anderes* als immer wieder nur auf einen anderen *Logos* verweist? Denn etwas anderes als ein anderer Logos ist niemals gegeben. Kein Ur-Bild bietet sich als tertium comparationis direkt an. Daß der Philosoph um die Ideen wisse, die die wahren Urbilder seien, und daß der Dia-logos immer nur die ‚zweitbeste Fahrt‘ sei, ist hier keine Lösung. Daß die Ideen, über ihre *dia-logische* Erörterung hinaus, *seien*, muß selbst Doxa bleiben.“ Das Bild von der „zweitbesten Fahrt“ auf die Sprache zu beziehen, ist in unserem Kontext aber auch dadurch gerechtfertigt, dass, wie Theodoros Penolidis in seinem Beitrag „Zu Liebrucks’ Interpretation des späten Platon“ deutlich macht, Liebrucks „den griechischen Logos“ „in seinem geliebten Deutsch ‚Sprache‘“ „nennt“ (S. 41).

13

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 1, a. a. O., S. 192.

14

Vgl. ebd., S. 57.

15

W. von Humboldt, a. a. O., VII, S. 65. – „d. h.“, wie Simon diesen Satz erläutert, „sie ‚ist‘ als Sprache nichts Identisches, kein Bezeichnetes, sondern Zeichen. Aber ihre ‚Grammatik‘ nötig“ oder, wie man auch sagen kann,

verführt „uns, sie in der Reflexion auf sie auch als Seiendes“, als Gegenstand „zu verstehen“ (Josef Simon, „Sprache als Zeichen betrachtet“, in: *Sprache denken. Positionen aktueller Sprachphilosophie*, hg. von Jürgen Trabant, Frankfurt am Main 1995, S. 99).

16

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 1, a. a. O., S. 179.

17

Ebd., S. 275.

18

Josef Simon, „Kritik der Urteilsform“, in: *Was sich nicht sagen lässt. Das Nicht-Begriffliche in Wissenschaft, Kunst und Religion*, hg. von Joachim Bromand und Guido Kreis, Berlin 2010, S. 80.

19

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 1, a. a. O., 4. – Dieser Gedanke ist vielleicht der stärkste und beste Ausdruck für die Grundstruktur dessen, was man im emphatischen Sinn unter Dialektik zu verstehen hat. Nach Liebrucks gilt sogar: „Der Mensch hat niemals anders als dialektisch gedacht“ (Bruno Liebrucks, *Sprache und Bewußtsein*, Bd. 4, Frankfurt am Main 1968, S. IX). Entsprechend wird man dialektisches Denken nicht als veraltet oder gar überholt, sondern als Manifestationsform allen Erkennens ansehen können. Als Beispiel für die Unverbrauchtheit bzw. Unverbrauchbarkeit von Dialektik mag hier eine Stelle aus Thomas Sören Hoffmanns *Philosophische Physiologie. Eine Systematik des Begriffs der Natur im Spiegel der Geschichte der Philosophie*, Stuttgart – Bad Cannstatt 2003, S. 450, stehen: „[D]ie Idee und erst recht der Geist“, „ist“, „das Ansieh der Natur, und zwar auch dann, wenn die Natur wesentlich das Gegen der Idee oder ihr Außersichsein ist; der Gedanke, daß es ohne die Idee und ohne (reellen) Begriff der Natur eine Natur ‚gäbe‘, ist kein denkbarer Gedanke, sondern allenfalls eine sich gegen den Begriff aufspreizende Vorstellung.“

20

John Rogers Searle, *Die Konstruktion der gesellschaftlichen Wirklichkeit. Zur Ontologie sozialer Tatsachen*, Frankfurt am Main 2011, S. 70.

21

Vielleicht wäre es vorsichtiger, weniger apodiktisch zu schließen und, wie Josef Simon, zu sagen, dass wir das nicht wissen können



„Wenn jemand einen Regenbogen sieht, sieht er eigentlich keinen Regenbogen, sondern etwas, von dem er weiß, dass es ein Regenbogen ist.“ (140)

Wichtig scheint mir vor allem, dass, wie Zimbrich ausdrücklich anmerkt, dieses „Wissen“ „allerdings wahr und auch falsch sein kann“ (140); denn sagen „Ich sehe einen Regenbogen“ kann ich ja nur, wenn ich weiß, was ein Regenbogen ist; und folglich kann ich mich auch nur dann darin irren, dass da ein Regenbogen ist, wenn ich wieder weiß, was ein Regenbogen ist. Sehe ich hingegen etwas, von dem ich nicht weiß, dass es ein Regenbogen ist, dann sehe ich auch keinen Regenbogen, sondern etwas, von dem ich nicht weiß, was es ist. Es verhält sich hier wie überall: Es sind da nicht zuerst oder primär wohlunterschiedene Dinge oder Sachen, denen wir dann in einem zweiten Schritt einen Namen geben oder sie so im weitesten Sinn bezeichnen. Im Lichte solcher Erwägungen erscheint die Liebrucksche *Philosophie von der Sprache her* als ein einziger, riesiger Kommentar zu dem berühmten Vers Stefan Georges „Kein ding sei wo das wort gebricht“.²²

Dass man das eine Revolution der Denkungsart nennen kann, dürfte kaum bestritten werden. Liebrucks selbst hat „drei“ solcher Revolutionen der Denk- oder Denkungsart, d. h., wie Max Gottschlich erläutert, „Revolutionen in der Selbstinterpretation des Denkens“ in der abendländischen Philosophie ausgemacht. Die erste ist mit dem Namen Platon verbunden und steht für den „Eleatismus, wobei dieser zwei Momente hat: die unmittelbare Metaphysik bzw. Ontologie und formale Logik“. Genauer geht es in dieser ersten Revolution um Platons Bestimmung bzw., gegen Sokrates, Neubestimmung des „Verhältni[s]es des Allgemeinen und Einzelnen“, d. h. um die Lösung des „méthexis-Problem[s]“ (48). Diese Neubestimmung besteht in der Überwindung der sokratischen (und auch noch vom mittleren Platon vertretenen) Annahme des (wahren) „Sein[s] als abgetrennte[r] Allegemeinheit“ (40), wie Theodoros Penolidis in seinem Beitrag *Zu Liebrucks' Interpretation des späten Platon* darlegt. Bekanntlich bestritt Sokrates in seiner Ideenlehre ganz eleatisch Bewegung und Bewegtsein der bzw. unter den Ideen; auch sollten Vielheit, Anderssein, Werden, Vergehen und Differenz den Ideenkosmos nicht affizieren. Doch, so Penolidis, dieser

„... eleatische Gedanke des absoluten Einsseins des Seins führt in lauter Aporien. Die Trennung des Einen von allem Anderen (von den Vielen) und der mitspielende Ausschluss des Widerspruchs aus ihm stellt das Eine als dasjenige dar, welches aus aller Bezüglichkeit entfernt wird. Ein solches Eine bleibt aber jeder in ihm gesetzten Bestimmung bar.“ (17)

Es war die philosophische Großtat des späten Platon, „den Gedanken der inneren Differenz“ auch „der Idee“ (14) durchsichtig gemacht zu haben. Penolidis verweist hier auf eine Stelle in *Sprache und Bewußtsein*, an der Liebrucks diesen Gedanken als den Hauptertrag seiner Platoninterpretation²³ herausstellt:

„Auch heute scheint mir die Tragweite des platonischen Satzes, daß das Nicht-Seiende seienderweise ist, keineswegs in den Bagatellisierungsversuchen verschwinden zu müssen, die er immer erfährt [...]. Daß das *heteron* Platons seine Identität mit sich selbst darin hat, etwas anderes als es selbst zu sein, diese Entdeckung Platons, die allem Platonismus und damit allem, was man heute so Denken nennt, ins Gesicht schlägt, ist heute so wahr wie am ersten Tage, da der größte Philosoph unserer Tradition diesen in die Freiheit führenden Gedanken faßte.“²⁴

Dass man nach Liebrucks diesen Gedanken „fomallogisch einfach zerfetzen“ „kann“,²⁵ um aus Angst vor der Dialektik es gar nicht erst zur ihr kommen zu lassen, verweist schon auf die zweite Revolution der Denkungsart, die mit dem Namen Kant und dessen Transzendentalphilosophie verbunden ist. Eine der wesentlichen Einsichten Kants besteht darin, dass es sich bei der formalen

Logik nicht um eine „Logik der Wahrheit“ – diesen Namen behält Kant seiner „transzendentalen Analytik“ vor – sondern, wie Gottschlich erläutert, nur um eine Logik der oder von „Folgerichtigkeitsforderungen“ (51) handelt. Aus einem widerspruchsfreien Satz oder Urteil, heißt dies, folgt noch nicht, daß er wahr ist; oder, mit Kant zu reden:

„[D]enken kann ich, was ich will, wenn ich mir nur nicht selbst widerspreche, d. i. wenn mein Begriff nur ein möglicher Gedanke ist, ob ich zwar dafür nicht stehen kann, ob im Inbegriffe aller Möglichkeiten diesem auch ein Objekt korrespondiere oder nicht.“²⁶

Damit hat Kant, so Gottschlich, die „Einsicht“ gewonnen, „dass die Gleichung: Logik = formale Logik falsch ist“ (50), dass also der „Absolutheitsanspruch des formallogischen Denkens“ zu Unrecht erhoben wird. Dieser „liegt“, wie Liebrucks erläutert,

„... in der Annahme, daß der Satz, es sei nichts von ihm selbst her verständlich, eine Ausnahme habe. Die formale Logik hält sich für autark, also aus ihr selbst her verständlich. Die Annahme besteht in der als ‚selbstverständlich‘ angesehenen Meinung, daß der Mensch, wenn er formallogisch denkt, *nicht* dialektisch denkt, daß die formallogische Charakterisierung dieses Denkens selbst eine erschöpfende oder doch dem Menschen einzig mögliche Darstellungsweise von ihm sei.“²⁷

Gottschlich macht an dieser Stelle deutlich, dass die aus diesen Überlegungen notwendig erscheinende Einschränkung der „Autarkie formaler Logik“ „keinen Sprung in den Irrationalismus, den Verlust des Verstandes und der Wissenschaftlichkeit“ „bedeutet“. Schon gar nicht ist diese Einschränkung nur unter Verzicht des „Ernstnehmen[s] der formalen Logik“ möglich. Sie ist nur möglich in der „konsequenten Selbstanwendung“ der formalen Logik auf sich selbst (50). „Zur transzendentalen Logik gelangen wir“ nach Gottschlich allein

„... durch das Ernstnehmen des Erkenntnisanspruches formaler Logik, den alles Denken, das bei Verstand bleiben will, immer schon voraussetzt. Zur Dialektik^[28] gelangen wir durch das Ernstnehmen der transzendentalen Logik, wodurch es möglich wird, die formallogischen Folgerichtigkeitsforderungen wirklich ernst zu nehmen, d. h. *an ihnen selbst* zu betrachten. Denn die formale Logik *behauptet* bloß deren Widerspruchsfreiheit, zeigt diese aber nicht im Sinne ihrer Selbstanwendung auf.“ (50f.)

und auch nicht zu wissen brauchen. Wie will man wissen, was es außerhalb oder jenseits der Sprache *nicht* gibt? Man kann auch sagen: Für uns gibt es außerhalb der Sprache nichts; obwohl auch das einer kritischen Reflexion kaum standhalten wird. Es so weit zu treiben und anzunehmen, dass es außerhalb der Sprache und also quasi *an sich*, beispielsweise, keine Tiere gäbe, ist schlichter Unsinn, der auf einer Überdehnung des Begriffs der Sprache beruht.

22

Stefan George, *Das Neue Reich*, Düsseldorf – München 1964, S. 134.

23

Bruno Liebrucks, *Platons Entwicklung zur Dialektik. Untersuchungen zum Problem des Eleatismus*, Frankfurt am Main 1949.

24

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 1, a. a. O., S. 11.

25

Ebd.

26

Immanuel Kant, *Kritik der reinen Vernunft*, B XXVI, Anm. – Das ist übrigens – in anderen Worten – Kants Argument gegen die Möglichkeit eines allgemeinen materialen Wahrheitskriteriums (vgl. ebd., B 83f.).

27

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 4, a. a. O., S. IXf.

28

Die (Hegelsche) Dialektik stellt die „dritte Revolution der Denk(ungs)art“, nämlich die Revolutionierung des Kantischen Begriffs des Begriffs dar.

(Das Selbstbewusstsein der formalen Logik erfährt, sich so auszudrücken, gleichsam eine Kränkung, indem ihm vorgeworfen wird, sich nicht ihren eigenen Gesetzen zu unterwerfen und dergestalt aus der Pflicht des λόγον δίδοναι zu stehlen. Sie hält ihre Gesetze quasi nicht nur für unantastbar, sondern für *unansprechbar*.) Wenn, wie Liebrucks schreibt, „[d]er Mensch“ „niemals anders als dialektisch gedacht“ „hat“,²⁹ dann „beruht“ „[d]ie formale Logik“ „auf der Verdrängung ihres dialektischen Kerns“.³⁰ Aufgeklärt über diese Verdrängung, gleichsam geheilt, würde sie so dialektisch sein wie nur möglich; sie würde den Widerspruch verzeihen, den sie – wie man sagen muss – selbst begeht, gerade weil sie sich für autark hält.

III

Kann, so gesehen, formale Logik nur durch Dialektik gerettet und „menschlich“³¹ werden, dann verbieten sich alle Tiraden gegen sie. Liebrucks hat das gewusst, auch wenn es einem oberflächlichen Blick sich häufig so darstellt, als habe er in der formalen Logik das Erzübel menschlichen Weltumgangs gesehen. Er wendete sich aber nur gegen deren Verabsolutierung. Das wird, leider, zu oft übersehen und führt dann zu Missverständnissen nun nicht nur der formalen Logik, sondern auch der Dialektik. So können wir beispielsweise Klaus Honrath (*Bruno Liebrucks und Immanuel Kant. Die Logik, das Geld des Geistes und die [praktische] Vernunft im Leben des Menschen*) nicht (oder doch nur sehr bedingt) zustimmen, wenn er in Bezug auf „Hegels Kritik der Urteilsform“ schreibt, sie „ha[be] genau dies zum Inhalt, dass das Urteil einem Menschen gegenüber immer schon unangemessen und im eigentlichen Sinne auch böse“ (105) sei. (Als ob Urteile, die nicht Menschen gegenüber gefällt werden, nicht auch der Hegelschen Kritik verfielen; aus dem von Honrath namhaft gemachten Grund allein lässt sich das Unternehmen „Wissenschaft der Logik“ bzw. „Dialektik“ jedenfalls nicht erklären und verstehen.) Die Form des Urteils wird von Hegel kritisiert, insofern es die Form der *philosophischen* Wahrheit oder der Darstellung des „Spekulative[n]“³² sein (können) soll, was sie nicht sein kann, wenn „[d]as Wahre“ „das Ganze“ „ist“.³³ Hier hilft auch nicht Honraths Verweis auf eine Nachlassreflexion Kants, nach der wir unser Urteil „in suspenso lassen“³⁴ (105) sollen. Kant wendete sich mit dieser Forderung gegen das *vorschnelle* Urteil bzw. gab zu bedenken, man solle nur dann urteilen, wenn es unumgänglich, d. h. sittlich geboten ist; „[o]hne noth“, wie Kant in der Nachlassreflexion 2588 bemerkt, sollen wir nicht urteilen. (Man denke nur, beispielsweise, an Zeugenaussagen vor Gericht, die nicht mit dem Hinweis auf die [philosophische] Unwahrheit der Urteilsform verweigert werden können.) – So verständlich vor dem Hintergrund des bislang Ausgeführten die Kritik an einem sich verabsolutierenden formallogischen Denkduktus auch ist, man kann nicht im Ernst der Mathematik vorwerfen, dass gerade in dem Umstand, dass sie aufgrund ihres reinen Konstruierens zu apodiktischer Gewissheit gelangt, „ihr Mangel bei der Vermittlung wirklicher Einsicht in das Leben“ (96) bestehe. Kant kritisiert ja nicht die Mathematik, sondern die Vorstellung, die mathematische Methode oder Denkungsart könne oder solle gar von der Philosophie befolgt werden. (Und diese Vorstellung wurde, nebenbei bemerkt, nicht von Mathematikern, sondern von Philosophen ausgeheckt!) Honrath geht es u. a. auch um eine Rehabilitierung der Philosophie Kants gegenüber ihrer Liebrucksschen Kritik bzw. Darstellung. Dabei kommt er allerdings zu Sätzen, die mit Kant einfach nicht zusammenstimmen wollen:

„Das Recht zum Schutz der Würde ist der Schein der Vernunft in diese Welt. Im Recht *erscheint* Gerechtigkeit.“ (107)

Das ist, ganz abgesehen davon, dass hier die Begriffe des Scheins und der Erscheinung unkantisch genug vermengt werden, mit Kant schlechterdings nicht mehr zu vereinbaren. Nach Kant „kann“ „das Recht“ „gar nicht erscheinen, sondern sein Begriff liegt im Verstande, und stellt eine Beschaffenheit (die moralische) der Handlungen vor, die ihnen an sich selbst zukommt“.³⁵ Wenn es, bei Honrath, wenig später heißt: „Der tragende Grund des Rechtsbewusstseins als Moment der wirklichen Freiheit zeigt sich im Durchgang durch die Kantische Rechtslehre“ (107), möchte man hinzufügen: hoffentlich nicht nur dort, sondern auch unabhängig davon in der allgemeinen Menschenvernunft. – Die eben gerügten Tiraden gegen die formale Logik hätte sich Honrath gerade in Bezug auf seine Unterstreichung bzw. Apologie des von Kant gelehrten Primats der praktischen Vernunft eigentlich versagen müssen. Es sollte bekannt sein, dass die formale Logik in Gestalt des Satzes vom zu vermeidenden Widerspruch nach Kant das einzige ist, an dem wir unsere Maximenprüfung ausrichten können, auf die allein es in der moralischen Reflexion ankommt. Eine Maxime, die sich widerspricht und dergestalt sich nicht „zur *allgemeinen Gesetzgebung schicken*“³⁶ kann, ist unmoralisch und böse; dagegen die Maxime, die keinen Widerspruch enthält, moralisch und gut. (Und das heißt natürlich nicht, dass allein oder nur die *ihr* korrespondierende Handlung [unbedingt, absolut] geboten ist – schon gar nicht, dass nur diese eine Maxime geboten ist –, sondern nur, dass sie eine von den Handlungen ist, die moralisch geboten sein oder werden können, sofern diesen [verschiedenen, anderen] ebenfalls widerspruchsfreie Maximen zugrundeliegen oder zugeordnet werden können. Des Guten ist mehrerlei, des Wahren nicht.)

IV

Einer der in systemphilosophischer Hinsicht interessantesten Beiträge ist der von Thomas Sören Hoffmann. Unter der Überschrift *Die Betrachtung der Kategorien an ihnen selbst und die Sprache. Zu Liebrucks' Deutung der Hegelschen Logik* widmet sich Hoffmann dem, wie man sagen kann, wunden Punkt der Liebruckschen Deutung und Aneignung von Hegels „Wissenschaft der Logik“, der „faktisch vollzogene[n] unmittelbare[n] *Verschränkung* von Logik und Realphilosophie“, dem „Ineinanderschieben von logischer und geist-

29

B. Liebrucks, *Sprache und Bewußtsein*, Bd. 4, a. a. O., S. IX.

30

Bruno Liebrucks, *Sprache und Bewußtsein*, Bd. 6/2, Frankfurt am Main – Bern 1974, S. 129.

31

Vgl. den Titel des aus drei Teilen bestehenden 6. Bandes von *Sprache und Bewußtsein*: *Der menschliche Begriff. Sprachliche Genesis der Logik, logische Genesis der Sprache*.

32

Vgl. Georg Wilhelm Friedrich Hegel, *Enzyklopädie der philosophischen Wissenschaften* (1830), § 31, Anm.: „Ohnehin ist die Form des Satzes oder bestimmter des Urteils un-

geschickt, das Konkrete – und das Wahre ist konkret – und das Spekulative auszudrücken; das Urteil ist durch seine Form einseitig und insofern falsch.“

33

Georg Wilhelm Friedrich Hegel, *Phänomenologie des Geistes*, GW 9, S. 19.

34

Immanuel Kant, *Nachlassreflexion* 2506.

35

I. Kant, *Kritik der reinen Vernunft*, B 61.

36

Immanuel Kant, *Kritik der praktischen Vernunft*, § 4, Lehrsatz III.

philosophischer Perspektive, das – aus der Sicht Hegels – zwar sicherlich geistphilosophisch, aber nur mit erheblichen Einschränkungen auch logisch gerechtfertigt werden kann“ (114). (Dieses Ineinanderschieben bzw. diese Verschränkung findet bei Liebrucks ihren prägnanten Ausdruck im Untertitel des der „Wissenschaft der Logik“ gewidmeten 6. Bandes von *Sprache und Bewußtsein*: Sprachliche Genesis der Logik, logische Genesis der Sprache.) Zwar sei, so Hoffmann, „die Hegelsche Logik, wenn sie zur Frage wird, selbst ein Sprachgeschehen, und zwar ein Sprachgeschehen jetzt im Sinne einer sprachlichen Genesis“ und „insoweit“ „nicht nur ihrem logischen Gehalt nach, sondern stets auch als konkreter Sprechakt aufgefasst“; schließlich mussten die Bücher „Wissenschaft der Logik“ geschrieben, sprachlich gestaltet werden, so dass es nicht nur sinnvoll, sondern zwingend ist, zwischen der *Darstellung* der „Wissenschaft der Logik“, dem Buch mit diesem Titel, und dem Dargestellten selbst, der (*Wissenschaft der*) *Logik* zu unterscheiden.³⁷ Von dieser Überlegung „ist“ nach Hoffmann „gleichwohl die Frage“ „zu unterscheiden“, „wie es denn streng *systematisch* um das Verhältnis von Logik und Sprache steht“ (116). Eine „recht einfache Antwort“, die sich zudem direkt auf Hegel selbst berufen kann, hat nach Hoffmann zu lauten:

„Während die Logik als ‚Wissenschaft der absoluten Form‘ zu verstehen ist, in der es, in Hegels bekanntem Bilde gesprochen, um die ‚Gedanken Gottes vor der Schöpfung‘ geht, fällt die *Sprache* in den Bereich der Realphilosophie, den Bereich also der bereits geschehenen Schöpfung, und zwar näherhin in den Bereich der Philosophie der explizit aufgehobenen Natur, der Philosophie des Geistes.“ (116)

Daraus ergibt sich zum einen, dass „die Logik innere Prämisse des Geistes“, zum anderen, dass sie „als selbst ersprochene Daseinsweise des Geistes“ „ihrerseits dessen Funktion“ (120) ist. Beide Funktionen nicht „angemessen“ (121) zu unterscheiden und also „unmittelbar[er]“ zu verschränken birgt nach Hoffmann unter anderem die Gefahr „des Sprachrelativismus“ (120), auf den man vor allem dann verfällt, wenn man die Unmöglichkeit einer „sprachfreie[n]“ Denkens³⁸ eingesehen hat. Für „die Logik als Gestaltung des absoluten Geistes“ bedeutet das jedoch keine Sprachrelativität, sondern, eher im Gegenteil, dass sie „ihrer eigenen Sprachlichkeit durchgängig mächtig“ (122) ist. Anders wäre „eine logisch jederzeit mögliche Sprachkritik“ (125) undenkbar. Mit diesen Überlegungen kann sich Hoffmann gegen die Liebrucksche Ansicht, wonach „bei Hegel entsprechend der Natur des Logischen die Sprache die Führung“³⁹ habe, wenden und sagen:

„Die Logik als solche, d. h. die reine ‚Innerung‘ des Begriffs, die doch nicht in einen Platonismus der Wesenheiten, sondern in eine Innerung des absoluten Begreifens mündet, bedarf schlechthin keiner ‚Führung‘, so wenig ein Sich-Einlassen auf die Dialektik überhaupt eine Bejahung von Heteronomie meinen kann.“ (125)

Wenn „[d]as Geschäft der Logik im Sinne Hegels“ in der „denkende[n] Betrachtung der Denkbestimmungen an ihnen selbst“ besteht, dann ist „der Aspekt ihrer Sprachlichkeit und sprachlichen Objektivität“ (122) gerade nicht Gegenstand der denkenden Betrachtung.

Im Kontext der Erörterung der von Liebrucks anvisierten Möglichkeit eines Mythos⁴⁰ – vielleicht war es die sprachliche Kleinigkeit, dass die beiden Wörter Mythos und Logos dasselbe, nämlich „Wort“, bedeuten, die Liebrucks auf diesen Gedanken gebracht hatte – kommt Hoffmann zu zwei Sätzen, in denen er den Hegelschen Hauptgedanken, des Vorrangs des Begriffs oder der Logik gegenüber der Sprache, zu einer beinahe nicht mehr zu überbietenden Evidenz bringt:

„Wer spricht, denkt in der Tat nicht nur, sondern hat es auch mit dem Anderen des Denkens zu tun. Wer jedoch im logischen Sinne denkt, spricht nicht nur mit sich selbst, sondern öffnet den Horizont, in dem Sprache überhaupt sprechen kann.“ (129)

Das und nichts anderes meinte Hegel, als er am Ende der „Wissenschaft der Logik“ schrieb:

„Die Logik stellt daher die Selbstbewegung der absoluten Idee nur als das ursprüngliche *Wort* dar, das eine *Äußerung* ist, aber eine solche, die als Äußeres unmittelbar wieder verschwunden ist, indem sie ist; die Idee ist also nur in dieser Selbstbestimmung, *sich zu vernehmen*; sie ist in dem reinen *Gedanken*, worin der Unterschied noch kein *Anderssein*, sondern sich vollkommen durchsichtig ist und bleibt.“⁴¹

V

Es hätte den Rahmen einer Rezension gesprengt, wenn jeder der Beiträge auch nur annähernd angemessen gewürdigt werden sollte. Verdient hätten es alle. Die bei einer Auswahl unvermeidbare Subjektivität ist denn auch nicht als Qualitätsurteil zu verstehen. So verdienten beispielsweise die, man muss schon sagen, *con amore* verfasste Studie von Simone Liedtke *Freiheit als Marionette Gottes. Eine Untersuchung über den Gottesbegriff im Werk von Bruno Liebrucks* (252–279) ebenso eine eingehendere Würdigung wie der genannte Aufsatz von Josef Simon, der den Versuch unternimmt, die Sprache selbst – das Liebruckssche Absolute – noch aufzuheben in einer Philosophie des Zeichens, was auf wenigen Seiten einfach nicht gelingen kann. Dasselbe gilt auch für die Versuche von Werner Schmitt (*Liebrucks' Umwege zu Hölderlin*, 144–168), Werner Woschnak (*Liebrucks' Interpretation von Herder und Gehlen*, 171–200) und Maria Woschnak („*Handle sprachlich*“ – *Zur Ethik bei Bruno Liebrucks*, 201–220).

Von der eingangs behaupteten Profundität des Liebrucksschen Denkens kann sich jeder überzeugen, der den hier besprochenen Sammelband zur Hand nimmt. Erstaunlich die tiefe Kenntnis der Liebrucksschen Schriften bei allen Autoren der Beiträge. Erstaunlich, genauer bedauerlich, aber auch, dass es diesem Denken beschieden war – und mit dem hier besprochenen Band

37

Und nur die, d. h. seine, Bücher *Wissenschaft der Logik* konnte Hegel gemeint haben, als er von der „frei[en] Muße“ sprach, sie am liebsten nicht nur, wie Platon seine *Politeia*, „siebenmal“, sondern „siebenundsiebzigmal durcharbeiten“ (Georg Wilhelm Friedrich Hegel, *Wissenschaft der Logik*, „Vorrede zur zweiten Ausgabe“, GW, XXI, S. 20). Hoffmann selbst weist auf diese Stelle hin (S. 122).

38

Vgl. G. W. F. Hegel, *Enzyklopädie der philosophischen Wissenschaften* (1830), § 462 (mdl. Zusatz): „Ohne Worte denken zu wollen, wie Mesmer einmal versucht hat, erscheint [...] als eine Unvernunft, die jenen Mann seiner Versicherung nach, beinahe zum Wahnsinn geführt hätte. Es ist aber auch lächerlich, das Gebundensein des Gedankens an das Wort für einen Mangel des ersteren und für ein Unglück anzusehen.“

39

Bruno Liebrucks, *Sprache und Bewußtsein*, Bd. 6/1, Frankfurt am Main 1974, S. 165.

40

Vgl. im vorliegenden Band: J. Simon, „Absoluter Geist und Persönlichkeit“, S. 294: „Im Mythos sieht Liebrucks die sinnliche Gestaltung des Logos als logisch absolute Idee. Die griechischen Götter seien ‚niemals realiter existierende Einzelgestalten gewesen, sondern sinnliche Allgemeinbegriffe‘“. Die in diesem Zitat zitierte Stelle ist entnommen Bruno Liebrucks, *Sprache und Bewußtsein*, Bd. 7, Bern – Frankfurt am Main – Las Vegas 1979, S. 98.

41

G. W. F. Hegel, *Wissenschaft der Logik* III, GW, XII, S. 237.

hoffentlich nicht mehr sein wird –, weithin unbekannt und folglich unerkannt zu bleiben; ist es, weil man in dem philosophischen Individuum Bruno Liebrucks nicht einen „Sohn seiner Zeit“ bemerkte?

Axel Hesper

Jedna »filozofija iz jezika samoga«

Sažetak

Stefan George napisao je stih: »Nijedna stvar ne može biti tamo gdje riječ nedostaje«. Mišljenje jezika Brune Liebrucksa (1911.–1986.) može se shvatiti kao filozofija ovoga stiha. Ona naširoko – primjerice, u opsežnim komentarima Herdera, Humboldta, Kanta, Hegela i drugih filozofa – kruži oko misli da za čovjeka ne postoji ništa izvan jezika. O nečemu saznajemo samo unutar jezika. Liebrucks proširuje ovu misao na središnju disciplinu filozofije, logiku, pri čemu kaže: »Samo unutar pojma ima nečega što egzistira izvan pojma«.

Zbornik radova o kojemu ovdje raspravljamo fokusira se – s afirmativnim, apologetskim, ali i kritičkim pogledom i namjerom – na ovu fundamentalnofilozofijsku tezu i njezinu relevantnost za sve filozofijske discipline. Naime, ako ta teza stoji, ispostavlja se da se scena u logici, spoznajnoj teoriji, etici, estetici i drugim dijelovima filozofije u potpunosti mijenja, odnosno mora ju se promatrati i razumijevati drugačije nego do sada. Stoga veliko pitanje glasi: radi li se u Liebrucksovu naporu pojma doista o uspješnom dokazu revolucija načina mišljenja ili pak o jednoj restituciji izazvanoj prenaprezanjem pojma jezika – restituciji davno prošlih (ako ikad uopće podijeljenih) pogleda na jezik i svijet koje mi danas ne smatramo (ili više ne smatramo) istinitima.

Ključne riječi

Bruno Liebrucks, filozofija, jezik, logika

Axel Hesper

A “Philosophy from the Language Itself”

Abstract

Stefan George wrote a verse: “Where word breaks off no thing may be”. Bruno Liebrucks’ (1911–1986) thoughts on language can be understood as the philosophy behind this verse. It widely circles, as dense commentaries of Herder, Humboldt, Kant, Hegel, and other philosophers, around the thought that for human beings nothing exists outside language. We get to know something only within language. Liebrucks extends this thought on the central discipline of philosophy – logic – by stating: “Only within the concept there is something which exists outside the concept.”

The book of proceedings discussed in this paper focuses – with an affirmative, apologetic, but also a critical view and intent – on this fundamental philosophical thesis and its relevance to all philosophical disciplines. For it is clear that, if this thesis is true, the scene in logic, epistemology, ethics, aesthetics, and other branches of philosophy becomes entirely changed, i.e. it must be considered and understood differently than it has been hitherto. Hence the great question arises: Is Liebrucks’ effort of the concept really a successful proof of the revolutions of the ways of thinking or is it a case of restitution, caused by overstretching the concept of language, of bygone (if ever shared at all) views on language and world that we today do not (or no longer) consider to be true?

Key words

Bruno Liebrucks, philosophy, language, logic

Axel Hesper

Une « philosophie à partir du seul langage »

Résumé

Stefan George a écrit le vers : « Aucune chose ne soit, là où le mot faillit ». L'idée du langage de Bruno Liebrucks (1911–1986) peut être comprise en tant que philosophie de ce vers. De par les nombreux commentaires tels que ceux de Herder, Humboldt, Kant, Hegel mais également d'autres philosophes, cette philosophie tourne autour de la pensée que pour l'homme il n'existe rien au-dehors du concept. On découvre toute chose uniquement grâce à la langue. Liebrucks élargit cette pensée au champ de la logique, discipline philosophique centrale, et par là affirme que « c'est seulement au-dedans du concept que quelque chose existe au-dehors du concept ».

Le recueil de travaux dont il est ici question se focalise – au travers d'un regard et d'un dessein affirmatifs et apologétiques, mais aussi critiques – sur cette thèse philosophique fondamentale et sur sa pertinence pour toutes les disciplines philosophiques. En effet, si cette thèse est correcte, il s'avère que le domaine de la logique, de la théorie de la connaissance, de l'éthique, de l'esthétique et de d'autres branches philosophiques changent dans leur totalité, c'est-à-dire qu'il va falloir concevoir et comprendre la philosophie d'une manière autre que celle conçue et comprise jusqu'à présent. Ainsi, la grande question est la suivante: s'agit-il réellement dans l'effort du concept de Liebrucks d'une preuve de révolution réussie dans la manière de penser; ou d'une restitution causée par une distorsion du concept du langage, à savoir d'une restitution des regards longtemps abandonnés (peut-être jamais divisés) sur le monde et le langage qu'aujourd'hui nous ne considérons pas (ou ne considérons plus) comme vrais ?

Mots-clés

Bruno Liebrucks, philosophie, langage, logique



Book Reviews

Nicholas Dungey

Michel Foucault and
Franz Kafka

Power, Resistance, and the Art of
Self-Creation

Lexington Books, Lanham 2014

Nicholas Dungey's general research is an attempt to move beyond the modern conception of subjectivity, language and power, and the politics they give rise to. He is particularly interested in the aesthetic intersections of language, power, subjectivity, and literature, and the possibility of reconstituting personal and political space. In his book about Michel Foucault and Franz Kafka, Dungey seeks to reconcile Foucault's dialectics of disciplinary power and resistance as the agonistic struggle in which authentic subjectivity can be created, and the way that Kafka experienced this struggle in his life by being a writer and, at the same time, a member of family, a friend, and an employee. Foucault's theory shares similarities with Nietzsche's – it introduces us to the world as a ground for the interplay of power. And we should have no illusions that power is a kind of metaphysical substance, that is, it is always dynamic, always "in the process". Kafka thought that he could recreate himself, his *self*, only through the process of writing, by being a writer. It was the *Dionysus* project of ever creating and destroying oneself. After the first chapter in which Dungey introduces us to Foucault's theoretical work and demonstrates its application to Kafka's novel *The Trial* and short story *In the Penal Colony*, he focuses on the possibility of self-creation through art and self-creation as art. In the second part, he also rejects approaches to Kafka which are in search of Kafka's true self, because he argues that Kafka was well aware that he *is* the process, and would never be able to finish. Foucault's theory sets the ground point of resistance in the ethical substance, which is the pure possibility for resist-

ance to disciplinary power. For Foucault, one can resist only through the art of self-creation, and this is the core of his new ethics. This review has taken on the task of introducing inextensively the possibility of synthesising Foucault's theoretical positions and Kafka's life as a work of art.

We can understand discourse as the *mise-en-scène* of the interplay of power. In other words, every disciplinary power requires a context so that it can be exercised. Dungey writes that, for Foucault, and no less for Kafka, this context is the Enlightenment. The Enlightenment releases the subject who is now free to do whatever he wants, as long as it is within the boundaries of what is normal. The enlightened subject is seen as a naturally rational human being, and the development of society set off in the direction of normalising and disciplining individuals. Distortion was made and some historical facts became an integral content of *rational*, human nature as such. One could call it theoretical or practical delusions, but we would not go far with it. Foucault brings us the *Apparatus* of resistance, so that we can supply our understanding with critical conciseness. The individual or the subject is not a metaphysical substance, but rather another context of the interplay of power, one *place* of this interplay. This is the reason why Dungey criticises psychoanalytical approaches to reading Kafka which have the ambition to find Kafka's "true self". There is no Kafka's true self, or better yet, there is no Kafka's true self outside his actions, his life as a work of art. Discourse is arranged, Dungey argues, so that it better serves the purposes of surveillance, normalising, and disciplinary power. Space and time are also organised in the mantra of increasing the centres of disciplinary power. We cannot see the authority of knowledge in the same way; our knowledge is visible and graded. Dungey writes that the spaces in which people dwell have their disciplinary pattern. Schools, prisons, and military institutions are only radical examples of how spaces can be organised so that disciplinary power can have its desirable effect. This radicalisation is just a pointer; it

shows us the possibilities of discovering disciplinary power in our everyday routine. The organisation of space and time inscribes onto one's body and into one's soul the patterns of behaviour requested by society rooted in the Enlightenment.

Through an analysis of the said titles, Dungey wishes the reader to notice the way in which disciplinary power works in Kafka. For example, the officer in the short story *In the Penal Colony* operates a machine which has a normalising function. The goal is to make a perfectly functional member of society. "The machine metaphor" – if the Apparatus in the story is a place of the distribution of disciplinary power – is intensified with the way Kafka names his characters by their function. Dependency on a function in the interplay of power is who you are in a given context, in a given situation. In *The Trial*, Joseph K. has failed to use the authority that the person of his social standing should have. He was arrested for a crime he was not aware of, and could not defend himself because he was denied information about the same. The two men that came to arrest him were instructed not to give him any information about his arrest. Dungey argues that we are always already arrested, and that Kafka wrote his novel with this in mind. There is no metaphysical self that can be excluded from the interplay of power, no lethargic and objective watcher. One is always already arrested, always on trial, and one can only "get away from here" with the growth of power, going away in the increasing of power with no illusions that this fight is not what it is – an everlasting *agon* of disciplinary power and resistance which never ends in a static self. This leads to Foucault's account of ethics and the ethical project of aesthetical self-creation that Dungey supports with Kafka's diary entries which are, according to Dungey, quintessential to his life as a work of art.

One is able to create one's authentic self only if even the most (seemingly) unquestionable parts of one's soul can be destroyed and recreated. The predisposition to understand these remote parts of one's soul,* and the operation to recreate them is what Foucault calls the *ethical substance*. This is the place where the ethical project and the aesthetics of self-creation find its source. Nietzsche writes about his Dionysian perspective of ever creating and destroying oneself in his famous last fragment of *The Will to Power*. This is the new ethics, Nietzsche's ethics, based on the revaluation of all values. It is similar to Foucault and Kafka. Dungey quotes the diary entries which, according to him, prove that Kafka experienced his life in the same pathos

as Foucault did a few decades later. This pathos consists in the perpetual destruction of what we have to become, in order to open the space for something new, something of even greater *will to power*.

For Nietzsche and Foucault – and Dungey argues that Kafka was of the same perspective – life can be vindicated only as an aesthetical phenomenon. This *self* that emerges through resisting a disciplinary power must be beautiful in its uniqueness. Dungey argues that the process of the aesthetical creation of subjectivity has its teleology, although the book brings no illusions concerning the same – the process of self-creation as an ethical need manifested through resistance to disciplinary power is one that never ends. Dungey brings one quote from Kafka's diary entries:

"When I look into myself I see so much that is obscure and still in flux that I cannot even properly explain or fully accept the dislike I feel for myself."

As Dungey also notices, Kafka is never deluded into thinking that the process is over, that he has reached the highpoint and that his everlasting agonistic misery has come to an end. At this point, one can also identify the grounds for the argument that Dungey places before the approaches that view Kafka's true self hidden somewhere in or between the words he wrote. Kafka is a writer, and the writer is, in fact, the very act of his writing. Kafka needs to write, it is his *place* of resistance. Dungey writes that the diary entries play a very important role in the process of Kafka's self-creation. By writing about his most inner feelings about life, family and literature, he could destroy them altogether and *move on* in his will to power, understood as the moment of self-conditioning. Only by writing the truth about himself to himself could he start the gigantic project of becoming the one that he must be. One must, according to Foucault, understand one's place within the historical context and do what is in one's power to resist the disciplinary power, and it is in the process that one can collect the sweet prize of becoming oneself.

In general, the second part of the book is the peak of the book's great project. The aim is to show how Kafka's life was in the sphere of immanence what Foucault's theory was in the sphere of reflection, and that Kafka really did live his life as literature, as art. In Kafka's texts, from his diary entries to his fictional work, we can find different literary expressions of the *agon* consisting in the opposition between disciplinary power and resistance. Dungey writes carefully and soberly, but at the same time he writes with great passion

about a theme he “went out” to explore. The book offers a plausible theoretical synthesis and could be a useful tool for students and scholars interested in Foucault and Kafka.

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To understand oneself as the place of the *interplay of power*, and that nothing is beyond this interplay. No lethargic *self* is to be found in the unexplored depths of one’s soul. There is only the possibility of resisting a disciplinary power, and one *must* (in the language of ethics) resist in order to create what is to be *the self*.

Roni Rengel

Carlos Fraenkel

Teaching Plato in Palestine **Philosophy in a Divided World**

Princeton University Press,
Princeton – Oxford 2015

Teaching Plato in Palestine is a 240 page long monograph that evolved from an article originally published in the magazine *Dissent* when Michael Walzer was a co-editor. The author’s initial idea was to discuss classical and medieval philosophy with young Palestinians who were devout Muslims. In this form, it can be considered to be a result of Fraenkel’s everyday way of communicating philosophy, consisting of five chapters in which he discusses Plato with Palestinians, Maimonides with Indonesians, Spinoza with Jews in the United States, Marx with Brazilians and, essentially, anthropological and bioethical issues with the Mohawk people in North America, with Plato, Aristotle and Socrates being silent followers since Palestine. In a special chapter on “Diversity and Debate”, we learn that the book is a result of eight years of experience of working out a concept of philosophising outside classrooms and in concrete situations, and Fraenkel explains his motives for writing the book and his position on the purpose of philosophy and debate, whilst offering a variety of arguments on issues regarding tradition, cultural imprinting, faith, truth and reason via issues from the philosophy of communication, rhetoric and bioethics, such as, for example, the problem of ethnocentrically-grounded ideas of debate, or the issue of philosophy not being accepted everywhere

where it appears. His position is coordinated by an axis of diversity, in a sense that his book and this special chapter aim to point out the simplicity of apparent differences that should make us fully aware of the dangers of misconception, misunderstanding and ideology, and by an axis of dialogue, in a sense that he finds nothing more useful than discussing differences, a difficult process that may eventually result in better interrelations. This position is defended through Aristotle and Plato’s theory, that is, through the idea of nurturing right approaches within the moral dimension of acting or, in other words, through the claim that you do not simply possess ethics, you acquire it through learning from a young age and adapt yourself to upholding it through nurture.

The exposition of the content of Fraenkel’s travels and seminars is a combination of journalistic reports on people and situations he worked in, and a dialogic exchange of knowledge and opinions on subjects chosen to be discussed during seminars, all of which is spiced up with personal details on how he met certain people and how the situations he was in came to be. This includes less important information on means of travel or Fraenkel’s personal life – although it is worth noting that, at some point, the book is also a certain summary of impressions and memories – as well as some rather important information on how philosophy as an institutionalised phenomenon has come to be in the lands he visited. This is particularly challenged in chapter five, in his discussions with the Mohawks. In this sense, whoever is looking for a deeper, broader dialogic development of the issues discussed should avoid this book because it is not up to standard, either in the way in which it develops arguments or its structural focus. However, in light of its purpose and objectives, this issue does not matter because it will serve as guidance for teachers to come and as an interesting read to others, mostly because it offers a number of examples of exceptions to general rules, meaning that diversity continues to sustain itself and develop in an increasing number of shapes that struggle between authenticity and cultural norms, including Fraenkel’s witty offerings of philosophy whenever someone begins to deal with absolutes or responds to situations inappropriately. Ultimately, this book indirectly offers evidence that human beings are, before anything else, human beings, individual lives open to interpretation. Furthermore, the reach of this book, apart from sharing valuable insights, is twofold: firstly, it suggests abandoning the safe space of identity bubbles and ivory towers in order to pursue the meaning of philosophical engagement; secondly, it offers

a teaching template for bringing philosophy to a broader public and for bringing a broader public to philosophy.

In my personal view, what this book really does is point towards an uncertainly dubious role of philosophy in the contemporary world and then offer solutions to understanding what kind of role it has and why it should matter. Challenging a commonly held belief in a war-torn land is bold and necessary, and it shows how the right questions asked in the right manner can stimulate a revision of previously held knowledge.

“By giving students the basic semantic and logical tools they need to clarify their intuitions and to analyze arguments for and against the views, philosophy could help to extend and refine the debate that naturally arises in a pluralistic society from conflicting interests, values, and worldviews. And it could also help citizens make wise use of the power they have in a democracy” (p. 86).

Yet it is precisely this, somewhat veiled and entirely silent dimension of problems hiding between rows of printed words and fired bullets that has gotten me worried while reading the book. The question of the purpose of professors of philosophy – if the underlying idea is anything but a walled-out analysis of who said what or a walled-in analysis of language – is manifested rather strangely when you realise that even Fraenkel has discussed philosophical issues in a more or less secure context, with people, mostly students, willing to discuss classical and medieval philosophy anyway. This fact repeats a line already drawn between the idea of institutionalised philosophy, perhaps eventually reaching out via the idea of practical application, and philosophy considered to be a calling, perhaps eventually reaching out via living a difference in making. If what Fraenkel has been doing during the past decade is to be endorsed – and it most certainly is – then we still have not crucially stepped forth from a two and a half millennium old belief that philosophy occurs either when common social troubles are ironed out or in isolation from the outside world. Fraenkel’s experiences across the world show us exactly that. For example, when it becomes obvious that discussions in Indonesia might work because there already exists a certain consensus on a means of communication and education in plural society, we are again to wonder whether philosophy can or cannot ever reach the public in a sense that it structurally embodies a healthy culture, and furthermore, whether philosophers can or cannot ever operate philosophically in insecure conditions.

Can we imagine a philosopher carrying wounded Palestinian children away from conflict

and spending an evening discussing the problem of evil and theodicy? Or venturing into the Indian slums and getting people to question their cultural and religious system or their social role? Or explaining the use and abuse of faith and politics in African states where every 20 seconds a child dies from lack of sanitation? Is this why Fraenkel has never really dug into the idea of Allah when he spoke with Muslims in their land, or called to arms in socially severely mangled Brazil? What happens here with all the philosophical concepts and all the intellectual potency we can muster? Is it possible that this is where philosophy could (should) reach its pinnacle, not by communicating knowledge, but by shaping from spoken or written analyses into creation which is ridden of the necessity of examination and discovery? If one is the lover of wisdom, or, in other words, its carrier, what could be more fulfilling and purposeful than being wisdom itself? And yet, scholars will be offended by such an idea. This is nicely described, again in the chapter on Brazil, on pages 87 to 89. There is much more that can be discovered with Fraenkel’s book in this context. For example, the way that certain systems in culture, such as education, continue to operate regardless of the conditions created by the authorities, ultimately showing how they have been misplaced from their purpose in itself, and have rather become clusters of cogs in someone’s machine. This can be seen in the chapter with Plato in Palestine, and in the chapter with Marx in Brazil. Philosophy, then, is challenged with the issue of intellectual elitism, the issue of substantiating a breeding ground for ideology and the issue of neutral, sterile analytics merging journalism with conceptual design. Fraenkel’s book indirectly outlines all these problems, and provides a number of peculiar situations – on all narratological levels of communication between author, characters and readers – that challenge these issues and invite a revision.

The book is most certainly contemporary. It is easy to read, it has a wealth of interesting information, it offers an idea of philosophical education including a number of examples from across the world, and it probably indirectly anticipates many projects that will occur in the future. I highly recommend the following two chapters: “Citizen Philosophers in Brazil” and “Diversity and Debate”. And I do recommend reading and studying this monograph. However, what I would also like to suggest to its readers is the following: read Fraenkel’s content to discover the underlying structures of the actual, which has not been addressed properly yet, and which has not at all been addressed by this adventure.

This will supplement Fraenkel's endeavour and perhaps facilitate the further evolution of applied approaches.

Luka Perušić

Boran Berčić

Filozofija [Philosophy]

Vol. 1 and 2; Ibis grafika,
Zagreb 2012

Boran Berčić, a full professor of philosophy at the University of Rijeka, has been engaged in higher education committedly for almost 15 years. This book is primarily the crown of his teaching efforts and an admirable pedagogical legacy for all newcomers to philosophy. His energy, enthusiasm and philosophical vividness are sublimated in an impressive two-volume book, and more than 900 pages (!) of an incredible enterprise of thought.

In the "Foreword" of Volume 1, the author explains his motives and gives some tips for reading the whole work. He is aware of good translations into the Croatian language of some introductions to philosophy, but also clearly states that they are often too difficult for non-philosophers, usually cover only a (smaller) part of philosophical problems and are always determined by the philosophical positions of the respective authors. These reasons motivated him to try to offer a systematic, yet at the same time widely comprehensive introduction to philosophy. If we take a look at the content, the methodology and the style of these two volumes, it is obvious that the author has not only succeeded in his mission, but has also given much more to his colleagues, and to the reading public in general, and those interested in philosophy in particular.

There is probably no better way to start an introduction to philosophy which at the same time wants to be philosophical than to question the meaning of life. This is the title of the first chapter, in which the author, with elegance and admirable comprehensiveness, opens the horizon of philosophical problems with the question of the meaning of life. After he presents the motivation for asking the question and justifies its logic, he convincingly and progressively leads the reader to

the optimistic conclusion that, even if we do not have a straightforward answer to the title question, this does not mean that life is meaningless. On the contrary, questioning the perspective of exclusive instrumental rationality, we could plausibly argue in the direction that the very meaning of human life is in a continuous process of finding and creating its meaning.

In the second chapter, the author critically analyses Epicurus and Lucretius's arguments for the irrationality of having fear from death, concluding finally that, despite the fact that these arguments are interesting and of high quality, death is something bad for us.

The third chapter entitled "Destiny" deals with fatalism. The author presents the main arguments for fatalism and some crucial objections to this view. Giving some additional objections, he finally concludes that the fatalist is, at best, faced with the uncomfortable dilemma: if sophisticated fatalism has content, it is implausible and most probably untrue, and if it is immune to any empirical fact, then it is without any content and states nothing. The implausibility of fatalism opens the playground to another problem, which is presented in the following chapter on free will.

Free will is one of the most widely discussed philosophical problems, and it is not surprising that this chapter is one of the longest. The author gives an incredibly clear and comprehensive overview of the main positions in the discussion about free will: determinism, libertarianism and compatibilism. He presents the core arguments of all positions fairly, critically evaluating their strengths and weaknesses. As an honest philosopher with his own position, he gives some suggestions that can help to take compatibilism as a plausible position, concluding that, in the light of the distinction between values and desires, we could consistently save free will in our deterministic mechanical world, taking our freedom as a possibility to act according to our own values. This is the only way of saving the possibility of moral responsibility and ethics in general, the topics of the following two chapters.

Although the problem of moral responsibility is closely connected with the problem of free will, the author wisely presents it in a separate chapter. Despite the complexity of the discussion, he succeeds in offering a highly comprehensive presentation of the problem, different positions and main arguments, without waiving philosophical thoroughness and broadness of implications for the most important practical philosophical discipline: ethics. He concludes the chapter with a plausible

perspective on the problem, the interpretation of moral responsibility as a mode of reason responsiveness.

The chapter on ethics is one of the longest. It should be stressed that, although ethics is a classic topic of every proper introduction to philosophy and that there are many books on ethics and bioethics written in Croatian, this chapter is most probably the first in trying to provide a systematic and philosophically precise overview of normative ethics in general with an incredible sense of readability for anyone interested in this important topic. As in the rest of the book, the author brilliantly introduces the reader to all the main ethical normative theories in the manner of a philosophical dialogue. He first presents the position of consequentialism and then that of deontological ethics, so as to draw them into a dialogue in part three, showing their strengths and weaknesses in dealing with ethical problems. At the end, he presents virtue ethics, suggesting that it is reducible, in large measure, to deontology and/or consequentialism.

“Social Contract” is the title of the next chapter focusing on the questions of the philosophy of politics. The chapter is wisely positioned after the chapter on ethics because there are many important features of ethical argumentation needed for understanding two important parts of this chapter. In part one, the author presents the social contract theory and its main positions. Very interesting is the inclusion of game theory in this context (when discussing the so-called prisoner’s dilemma). In part two, he analyses the problem of distributive justice, mainly focusing on the important positions of John Rawls and Robert Nozick in the overall discussion. The natural lottery argument is discussed at the end.

“Values” are the final chapter of Volume 1. Someone could question the author’s choice of putting this topic at the very end instead of the very beginning of the book, but there are good reasons for this: although values are in the groundwork of all of our thinking and acting, philosophical talk about values is quite demanding, which then requires that readers first become habituated to dealing with problems philosophically. The author decides to present the topic by explaining and elaborating the distinction between facts and values. He concludes that it seems that the gulf between them will always be open, although this is exactly the reason why we appreciate wisdom and prudence so much, with the two necessarily guiding us in our thinking and acting.

If we take Volume 1 to be dedicated to practical philosophy, Volume 2 focuses on theoretical philosophy, which is a fact that the author

himself also notes in the “Foreword” to Volume 2. It begins with the longest, five-part chapter – “Knowledge”. Part one investigates the definition and nature of knowledge, showcasing the complexity of defining knowledge and the different ways in which our knowledge can be grounded. Part two is dedicated to scepticism, a crucial challenge to any epistemological theory (theory of knowledge). The other three parts present three different responses to sceptics: foundationalism and its attempt to find a foundational, irreducible ground of all our knowledge; coherentism and its reliance on the coherence of all our beliefs; and pragmatism with its original way of introducing success as the criterion of truth (and knowledge), and of shifting the burden of proof to sceptics.

The following chapter entitled “Reality” is one of the rare chapters which should be read exactly after the preceding one, because it could not make much sense without some epistemological insights. The author opposes the two main metaphysical positions on reality in the first two parts: realism and antirealism. He then moves on to discuss verificationism as a specific position which tries to go along the said positions, arguing that the question about the real existence of the external world is simply – meaningless.

The philosophy of mind is the topic of the chapter entitled “Mind”. After discussing the question whether some of the differences between the mental and the physical (such as extensions in space, intentionality, rationality and privileged access) are real or just putative, the author presents all the relevant positions in the debate. He first presents the eliminativist theories of mind which deny the existence of mental properties (behaviourism and eliminative materialism), and the reductionist theories which accept the existence of mental properties, but only as a type of the physical, or as being reductive to the physical (physicalism and functionalism). Although some antireductionist arguments and critics are presented in discussing these positions, a general overview of antireductionist positions is given under the title of “Dualism” (interactionistic dualism, parallelism: pre-established harmony and occasionalism, naturalistic dualism, dualism of properties and epiphenomenalism).

The chapter on “God” introduces the main problems in the philosophy of religion. The author first tries to explain the nature of the discussion about the philosophy of religion and the mere possibility of arguing about its main topics rationally. In part two, he unveils the basic positions in the debate about the nature of God. A special part is devoted to the

discussion between theists and atheists about the burden of proof. The parts that follow present the basic arguments for believing in God (ontological, teleological and cosmological arguments) with their main objections and critics. The final part examines an argument for the rationality of believing in God (Pascal's wager) and shows its implausibility.

"Why $2 + 2 = 4$?" is the title of the following chapter, introducing the main problems of the philosophy of mathematics. In part one, the author presents all the relevant positions in the philosophy of mathematics, including their main arguments and their accompanying objections: fictionalism, nominalism, conceptualism, physicalism, Platonism. He concludes this part with a discussion about the nature of existence of mathematical entities (realism and antirealism in mathematics), the truth about mathematical statements and an explanation of mathematical truths. Despite the implausible arguments of mathematical realism, the author shows why this position is so vivid in the philosophy of mathematics, explaining some specific characteristics of mathematics.

The closing chapter is called "What is Philosophy?". This could surprise the reader who would perhaps expect such a chapter at the beginning of the book. But the author intentionally positioned it at the very end, guided by the idea that it would be inappropriate to talk about philosophy without some experience in philosophy itself. After reading both volumes, each reader could try to enter into dialogue with the author, and could try to find his/her own way of understanding what philosophy ultimately is. The author provides some valuable tips for everyone willing to be engaged in finding an answer to this question. He wonders (and discusses) whether philosophy is a search for truth, a discipline embracing those questions which have no standard methodology of answering questions (yet), or a science. He discusses a synoptic view of philosophy as the creation of the overwhelming picture of the world, the view that philosophy is its own history, and the view that philosophy is a conceptual analysis. He finally concludes by suggesting that viewing philosophy as a critical reflection of our own beliefs and acts is perhaps the best option.

In conclusion, I would like to single out at least three admirable features of this two-volume book. Firstly, it is an important philosophi-

cal contribution, which not only compiles fine-grained philosophical arguments in one place with the author's original additions and defences of some theses, but is also a masterpiece of the popularisation of philosophy. More specifically, all the crucial philosophical problems are analysed in a systematic and thorough manner, without losing clarity and a sense of humour, which is really refreshing for every non-philosopher who wants to acquire concrete, broad and philosophically legitimate, but at the same time comprehensive, clear and easy to read information about most philosophical problems.

Secondly, the author indebted all his Croatian colleagues engaged in teaching. The pedagogical value of this book is astonishing. Showing the strengths and weaknesses of their core arguments, the author persistently evaluates all positions creating an atmosphere of a vivid philosophical dialogue. In this way, he teaches not just in philosophy, but also for philosophy and, broadly, for general critical thinking and reasoned discussion. It represents quite a useful schema for any philosophy teacher in his philosophy classes. On the other hand, this book is now an unavoidable philosophy textbook with useful tools for every teacher and student. It brings: questions at the end of each chapter which could be useful for both students (to test their understanding of the topic dealt with in each chapter) and teachers (as a guide for test questions), an impressive list of references for further reading, an instructive and detailed Index (in both volumes, on 53 pages in total!), including the names of philosophers, philosophical positions, main problems, relevant topics, etc.

Thirdly, no book trying to be, all at the same time, a philosophical introduction to philosophy, an overview of the history of philosophy (and philosophical problems) and a textbook of philosophy has ever been published in Croatia (and the wider region). This book successfully consolidates all of these features and is a unique and original enterprise. Thus, it is not only a philosophical or a pedagogical, but also a true cultural achievement, which deserves and obliges all of the author's colleagues not only to applaud him sincerely, but also to be proud of being his philosophical counterparts.

Igor Eterović

NOTES TO CONTRIBUTORS

General information

Synthesis philosophica only publishes thus far unpublished papers in English, German and French. The journal publishes both papers that are reviewed and those that are not subject to the reviewing process. The papers that are subject to review are accepted for publication only once they receive two anonymous positive reviews.

Reviewed papers are categorised in the following way:

- *original (scientific) paper* presenting new and thus far unpublished results of scientific research;
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The journal also publishes uncategorised papers, i.e. reviews of philosophically relevant publications published within the period of the last three years.

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The desirable length of original scientific papers should range between 16 and 32 typewritten pages, of preliminary communications and review articles between 8 and 16, and of book reviews between 4 and 8 typewritten pages. A typewritten page contains 1800 characters with spaces.

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Referencing

The editor's office recommends referencing *by footnotes* in a way that has been standard in *Synthesis philosophica*. The first reference to a work in a footnote should have the following form:

- [for books] John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge (MA) 1971, p. 43.
- [for anthologies] Julie K. Ward (ed.), *Feminism and Ancient Philosophy*, Routledge, New York–London 1996.
- [for journal articles] Hubert L. Dreyfus, “The Current Relevance of Merleau-Ponty’s Phenomenology of Embodiment”, *Synthesis philosophica* 19–20 (1–2/1995), pp. 35–50.
- [for a paper from an anthology or a chapter from a book] James Rachels, “Ethical Theory and Bioethics”, in: Helga Kuhse & Peter Singer (eds.), *A Companion to Bioethics*, Blackwell, Malden (MA)–Oxford–Carlton (VI) 2004, pp. 15–23.
- [for e-literature] Arne Naess, “Is It a Plus to Have a Definite Metaphysics in Common”, http://trumpeter.athabasca.ca/content/v22.1special/9definite_metaphysics.pdf. Accessed on July 27, 2007.

If the title and subtitle of a cited paper or book are not already separated by a punctuation mark, in citing them the two must be separated by a full stop and the first letter of the subtitle must be written in a capital letter. For example:

- Hans Jonas, *The Phenomenon of Life. Toward a Philosophical Biology*
- Yi Junqing, “The Laborious and Painful Process of Emancipation. A Survey of the Last Ten Years of Chinese Philosophy”

The footnote of an already and previously cited work should only contain the initial of the first name and the full surname of the author, the title of the work (book or article) cited and the relevant page number/s. For example:

- J. Rawls, *A Theory of Justice*, p. 120.
- H. L. Dreyfus, “The Current Relevance of Merleau-Ponty’s Phenomenology of Embodiment”, p. 38.

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- [für einen Zeitschriftenartikel] Richard Wisser, „Hegel und Heidegger, oder: die Wende vom Denken des Denkens zum Seinsdenken“, *Synthesis philosophica* 4 (2/1987), S. 301–326.
- [für einen Artikel aus einem Sammelband oder ein Buchkapitel] Vittorio Hösle, „Ontologie und Ethik bei Hans Jonas“, in: Dietrich Böhler (Hg.), *Ethik für die Zukunft. Im Diskurs mit Hans Jonas*, Beck, München 1994, S. 105–125.
- [für E-Texte] Jürgen Mittelstraß, „Glanz und Elend der Geisteswissenschaften“, <http://docserver.bis.uni-oldenburg.de/publikationen/bisverlag/unireden/ur27/dokument.pdf>. Eingesehen am 02. 03. 2008.

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- E. Bloch, *Geist der Utopie*, S. 32.
- R. Wisser, „Hegel und Heidegger, oder: die Wende vom Denken des Denkens zum Seinsdenken“, S. 304.

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- [pour un livre] Simone de Beauvoir, *Le Deuxième Sexe*, Gallimard, Paris 1949, p. 78.
- [pour un recueil] Rada Iveković & Jacques Poulain (éds.), *Europe – Inde – Post-modernité. Pensée orientale et pensée occidentale*, Noël Blandin, Paris 1992.
- [pour l'article d'une revue] Manfred Frank, « Comment fonder une morale aujourd'hui ? », *Synthesis philosophica* 3 (1/1987), p. 69–86.
- [pour l'article d'un recueil ou le chapitre d'un livre] Chantal Zabus, « Encre blanche et Afrique originelle. Derrida et la postcolonialité », in : Michel Lisse (éd.), *Passions de la littérature. Avec Jacques Derrida*, Galilée, Paris 1996, p. 261–274.
- [pour la littérature sous forme électronique] Michel Foucault, « Qu'est-ce que les Lumières ? », <http://foucault.info/documents/whatIsEnlightenment/foucault.questecequeLesLumieres.fr.html>. Consultée le 14 février 2009.

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- M. Frank, « Comment fonder une morale aujourd'hui ? », p. 81.

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- Ibid., p. 84.

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