14. A better way of being? Human rights, transhumanism and 'the utopian standpoint of man'

Britta van Beers

1. INTRODUCTION: OUTOPIAN CREATURES WITH EUTOPIAN LONGINGS

In the field of utopian studies, the longing for utopia is generally regarded as typical for the human condition. In this vein, Frank and Fritzie Manuel conclude their classic work *Utopian Thought in the Western World* with the observation that 'Western civilization may not be able to survive long without utopian fantasies any more than individuals can exist without dreaming' (Manuel & Manuel, 1979, p. 814). They even go as far as to compare 'a utopian's release of imaginative energies' with the rapid eye movements that occur while dreaming (ibid.). Similarly, Ruth Levitas, following Ernst Bloch, suggests that utopia, understood as 'the expression of desire for a better way of being', is bound up with being human, as 'we live always beyond ourselves, in a quest for something better' (Levitas, 2003, p. 4).

These contemplations on human nature and the utopian propensity bring to mind Helmuth Plessner's philosophical anthropology. In his 1928 magnum opus *Die Stufen des Organischen und der Mensch* (Plessner, 2016), recently translated as *Levels of Organic Life and the Human* (Plessner, 2019), Plessner formulates three 'fundamental laws of anthropology' to offer a philosophical answer to the question as to what defines us as humans. The third of these is the law of the *utopian standpoint* ('das Gesetz der Utopischen Standorts', Plessner, 2016, p. 419). According to this law, human existence can be understood as 'ein Stehen in Nirgendwo' (Plessner, 2016, p. 424), 'a standing in nowhere'. Unlike animals, human beings cannot just live and be, experiencing the world from a given centre ('centric position'), but are forced to lead a life and also

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relate to this centre ('excentric position').[1] Because of his excentric position, 'the human is no longer in the here/now', Plessner writes, 'but "behind" it, behind himself, without place, in nothingness, absorbed in nothingness, in a space- and timelike nowhere-never' (Plessner, 2019, p. 271). Accordingly, within the concept of the utopian standpoint, the *ou-topos* side of utopia, 'no-place', comes to the fore. Humans are *outopian* creatures in the sense that that they are marked by a 'constitutive homelessness':

> As an excentric being without equilibrium, standing out of place and time in nothingness, constitutively homeless, he must 'become something' and create his own equilibrium (Plessner, 2019, p. 288).

One of Plessner's central claims is that to come to grips with their homelessness, to 'become something', humans rely on culture and technology. As such, culture and technology can be viewed as an 'ontic necessity' for humans:

> Man […] wants to compensate for the lack that constitutes his life form. […] In this fundamental need or nakedness, we find the motive for everything that is specifically human: the focus on the *irrealis* and the use of artificial means, the ultimate foundation of the technical artefact and that which it serves: culture (translation by De Mul, 2014, p. 18).

Plessner brings this thought to expression with his first and probably best-known law of anthropology: the law that humans are *artificial by nature*. Human beings are artificial by nature, not only because they need artificial tools and technical artefacts to get by in life, but also because technology and culture, ultimately, enable them to become what they are:

> As an excentrally organized being, the human must *make himself into what he already is.* Since the human is forced by his type of existence to lead the life that he lives, to fashion what he is – because he *is* only insofar as he performs – he needs a complement of a non-natural, nonorganic kind. Therefore, because of his form of existence, he is by nature *artificial* (Plessner, 2019, pp. 287–88).

It is against this background that utopian longing, understood here as a longing for *eu-topos*, good-place, can also be understood. According to this line of thinking, the outopian nature of human beings, or their 'utopian standpoint',

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[1] In Plessner's words: 'Man not only lives and experiences his life, but he also experiences his experience of life' ('er lebt und erlebt nicht nur, aber er erlebt sein Erleben', Plessner, p. 364, translated by De Mul, 2014, p. 16).

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gives rise to their eutopian dreams. Here, the *irrealis* is the imagined place of utopia. In Plessner's words:

> The idea of paradise, of the state of innocence and the Golden Age, which every human generation has known […] points to what the human lacks and to his knowledge of this lack, by virtue of which he stands above the animal (Plessner, 2019, p. 287).

In this chapter, I build on the understanding of humans as outopian creatures with a eutopian 'desire for a better way of being' (Levitas, 2007, p. 27) to come to a better understanding of the relation between two contemporary utopias: the humanist utopia of human rights and the transhumanist techno-utopia of human enhancement. According to transhumanist thinkers, transhumanism is the logical extension of humanism. They stress that their school of thought, like humanism, presupposes a rather utopian account of the human based on which individual choice and freedom are to be pursued and protected. For them, human enhancement is not only compatible with, but even commanded by, human rights.

Based on an analysis of the utopianism involved in humanism and transhumanism, I argue that this position only holds superficially. Upon closer examination, the transhumanist's quest for techno-utopia, even if he uses human rights as a starting point, is likely to pave the way for a world that can hardly be viewed as utopian according to humanist standards. To come to that conclusion, I offer a comparison between humanism and transhumanism through the lens of Plessner's first and third fundamental law of anthropology: the law that humans are artificial by nature and the law of the utopian standpoint.

2. FROM HUMAN RIGHTS TO HUMAN ENHANCEMENT?

The human rights tradition is an overtly utopian one, with its humanist belief in the inherent dignity of human beings and their inalienable rights, its highly aspirational norms, and its insistence on the possibility of a better world. Both the utopian hopes and the dystopian fears that underpin human rights discourse are well illustrated by the opening words of the preamble of the Universal Declaration of Human Rights (1948):

> Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world; Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and

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> freedom from fear and want has been proclaimed as the highest aspiration of the common people, […].

Some argue that 'the barbarous acts which have outraged the conscience of mankind' demonstrate that the belief in human rights and human dignity is utopian in the derogatory meaning of the word, that is, a product of 'unrealistic idealism' (as Levitas, 2017, p. 6, describes this interpretation). In this vein, Jeremy Bentham (1843, p. 489) famously dismisses the belief in natural rights as 'nonsense upon stilts'. Alisdair MacIntyre (1981, p. 67), in turn, compares the belief in human rights with a belief in unicorns and witches.

Indeed, the existence of human rights cannot be understood in empirical terms or be defended as based on a fact-based view of human nature. However, it is undeniable that human rights discourse has become so engrained in western culture and society, that its reality, on a normative and symbolic level, can hardly be denied. The counterfactual ideal of human rights can be seen as a 'humanising fiction' (Labrusse-Riou, 2006, p. 167), opening up a normative, institutional space in which human beings can flourish and relate to each other. Thus, the 'homme rêvé' (Delmas-Marty, 1999; Pessers, 2016) or 'dreamt human' of human rights is much more than merely a figment of the imagination.

Similarly, human dignity is criticised every now and again for its ambiguities and inner tensions. Admittedly, it is commonly recognised that human dignity can be interpreted as both a rights-supporting and rights-constraining concept (McCrudden, 2013, p. IX). For some authors, this is reason enough to regard dignity as 'a squishy, subjective notion, hardly up to the heavyweight moral demands assigned to it' (Pinker, 2008) or even as 'a useless concept' (title of Macklin, 2003). However, dignity's inner tensions also account for its conceptual richness. In a way, the ambivalence of human dignity is a reflection of the idea that humanity cannot be reduced to a single defining trait or characteristic. Legal scholar Alain Supiot describes the fundamental duality of this concept and its dogmatic roots in the following striking terms in his book *Homo Juridicus* (Supiot, 2005, p. 13):

> As an individual, each one of us is unique, but also similar to others; as a subject, each one of us is sovereign, but also subjected to the law; as a person, each one of us is spirit, but also matter. The secularization of Western institutions did not eradicate this anthropological configuration, and the three attributes emerge again, each with its double value, in declarations of human rights. The reference to God has disappeared from the law of persons, but what has not disappeared is that, logically, all human beings must be referred to an authority that vouches for their identity and symbolizes that they are not to be treated like a thing.

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In addition, dignity's inner tensions allow the legal meaning of human dignity and human rights to evolve over time through a process that legal scholars refer to as 'evolutionary interpretation'. In this manner, the European Court on Human Rights refers to the European Convention of Human Rights as a 'living instrument' that 'must be interpreted in the light of present-day conditions'.[2] As such, it brings into practice the thought that humanity is not a given, but rather an assignment. This accords well with Plessner's philosophical anthropology. As Plessner (1970, p. 10) writes:

> Whatever is to be reckoned among the specific endowments of human nature does not lie in the back of human freedom but in its domain, which every single individual must always take possession of anew if he would be a man.

While the atrocities of the 20th century led to the post-war renaissance of human rights and human dignity, those same events are generally believed to have contributed to a decline in techno-utopian ways of thinking. The Enlightenment ideal of emancipation through scientific progress lost much of its shine in the aftermath of the crimes that were committed in the name of the (pseudo-)science of eugenics. The Manuels, in their aforementioned 1978 book *Utopian Thought in the Western World*, suggest that this techno-utopian silence continued well into the 1970s, the period in which they were undertaking their study. Indeed, they explicitly lament the absence of utopian thought in the light of scientific developments that were already taking place at the time of their writing (Manuel & Manuel, 1978, p. 811):

> Just when magnificent new scientific powers have become available to us, we are faced with a paucity of invention in utopian modalities. […] What distresses a critical historian today is the discrepancy between the piling up of technological and scientific instrumentalities for making all things possible, and the pitiable poverty of goals. We witness the multiplication of ways to get to space colonies, to manipulate the genetic bank of species man, and simultaneously the weakness of thought, fantasy, wish, utopia.

To say that the techno-utopian gap has been filled in the decades following the publication of the Manuels' book would be an understatement. Techno-utopianism seems omnipresent in today's technology-driven society. 'Big tech' companies such as Facebook, Amazon and Google are quite explicit about their utopian dreams. Moreover, they know how to market and package

[2] ECtHR 25 April 1978, *Tyrer v. United Kingdom*.

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these. A good example is the following section, aptly entitled *Designing for the Future*, from a recent Facebook announcement:

> Imagine a world where all the knowledge, fun, and utility of today's smartphones were instantly accessible and completely hands-free. Where you could spend quality time with the people who matter most in your life, whenever you want, no matter where in the world you happen to be. And where you could connect with others in a meaningful way, regardless of external distractions, geographic constraints, and even physical disabilities and limitations.[3]

According to this Facebook article, what would be needed to make this dream come true is the realisation of so-called *brain–computer interfaces*, that is, technologies that allow human thoughts to be directly transferred to computers and vice versa. This would make it possible for people to 'type simply by imagining what they wanted to say – all without ever saying a word or typing a single keystroke'. In the long run, it would also enable people to read each other's minds.

In the remainder of the post, we can read about the Facebook research that is supposed to make this technology possible. Drawing inspiration from science fiction writers (William Gibson and Neal Stephenson), the Facebook researchers are trying to decode human brain activity and to make sense of the sea of neuro-data that is available to them. For that purpose, they rely on complex algorithms and machine learning.

Facebook is not alone in this pursuit. Neuralink, owned by Tesla and SpaceX CEO Elon Musk, is in the same business. In August 2020, Musk presented a device that he describes himself as 'a Fitbit in your skull'. For now, this AI brain implant is still a work in progress. Nevertheless, Musk, likewise inspired by science fiction writers (especially Iain Banks), already dreams of the day that Neuralink's brain implants will not only be used to treat diseases such as paralysis and depression, but also to enhance human capabilities. He believes that a merger of humans with artificial intelligence is needed if we do not want to lose our competitive advantage to artificial intelligence.[4] Indeed, Musk's utopian endeavours through Neuralink can be understood as the result

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[3] Facebook blogpost, 'Imagining a new interface: Hands-free communication without saying a word', 30 March 2020, see https://tech.fb.com/imagining-a-new-interface-hands-free-communication-without-saying-a-word/.

[4] For an analysis of developments in the field of artificial intelligence from the perspective of utopia, see the chapter by İspir and Keleş in this volume.

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of Musk's dystopian fear[5] that artificial intelligence will overtake the human race.[6]

Other striking examples of today's techno-utopianism are the endeavours in Silicon Valley to extend the human life-span as part of the quest to make humans immortal;[7] and the attempts at genetically modifying human offspring to enable humanity to take evolution into its own hands. As to the latter, the first two genetically modified babies have already been born in China in 2018.[8] Their birth suggests that today's techno-utopian dreams are more than just products of feverish imagination. Indeed, huge amounts of money are being poured into human enhancement projects of this kind. That does not make the underlying ambitions any less utopian. Many of these techno-scientists and entrepreneurs have grand visions of possible futures and openly refer to science fiction as their main source of inspiration (Van Beers, 2017).

The utopianism fuelling many of these initiatives can be labelled *transhumanist*. Should the Manuels have written their study of utopian thought in present times, surely, they would have devoted a chapter to transhumanism. Philosopher Nick Bostrom, director of the Oxford Institute for Humanity and one of today's leading transhumanists, is open about the utopian ambitions of the transhumanist project. In a 2008 article, aptly entitled 'Letter from Utopia', he even writes to the reader as if he were a citizen of Utopia, a world in which all transhumanist dreams have come true, telling the reader 'how marvelous' (Bostrom, 2008, p. 1) his life is over there and urging the reader to make this techno-utopia, including its trans- and posthuman inhabitants, a reality.

Bostrom defines transhumanism as a movement that 'holds that current human nature is improvable through the use of applied science and other rational methods, which may make it possible to increase human health-span, extend our intellectual and physical capacities, and give us increased control over our own mental states and moods' (Bostrom, 2005, pp. 202–203).

Although the rise of transhumanism is quite a recent development – the World Transhumanist Association was founded in 1998 – traces of transhu-

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5 A. Regalado, 'Elon Musk's Neuralink is neuroscience theater', *MIT Technology Review*, 30 August 2020, see https://www.technologyreview.com/2020/08/30/1007786/elon-musks-neuralink-demo-update-neuroscience-theater/.

6 A. Cuthbertson, 'Elon Musk claims AI will overtake humans in less than 5 years', *Independent*, 27 July 2020, see https://www.independent.co.uk/life-style/gadgets-and-tech/news/elon-musk-artificial-intelligence-ai-singularity-a9640196.html.

7 A. Gabbat, 'Is Silicon Valley's quest for immortality a fate worse than death?' *Guardian*, 23 February 2019, see https://www.theguardian.com/technology/2019/feb/22/silicon-valley-immortality-blood-infusion-gene-therapy.

8 A. Regalado, 'Exclusive: Chinese scientists are creating CRISPR babies', *MIT Technology Review*, 25 November 2018, see https://www.technologyreview.com/2018/11/25/138962/exclusive-chinese-scientists-are-creating-crispr-babies/.

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manism can be found much earlier. It is commonly held that the term was coined by evolutionary biologist Julian Huxley, whose brother Aldous Huxley authored one of the great dystopian novels of the 20th century, *Brave New World* (Bostrom, 2011). Huxley equally presents transhumanism as a utopian belief in his 1957 essay *Transhumanism*:

> The human species can, if it wishes, transcend itself not just sporadically, an individual here in one way, an individual there in another way, but in its entirety, as humanity. We need a name for this new belief. Perhaps transhumanism will serve: man remaining man, but transcending himself, by realizing new possibilities of and for his human nature. 'I believe in transhumanism': once there are enough people who can truly say that, the human species will be on the threshold of a new kind of existence, as different from ours as ours is from that of Pekin man. It will at last be consciously fulfilling its real destiny (Huxley, 1957, p. 17).

According to Huxley, this transcendence can take shape through both social and technological means. In contrast, today's transhumanism is characterised by its focus on technology as the main means of human salvation.

At first sight, it seems obvious to view transhumanism as 'an outgrowth of secular humanism and the Enlightenment', as Bostrom (2005, p. 202) does. Like humanism, it is a secular system of belief dedicated to the promotion and protection of human freedom, emancipation and ingenuity. From this perspective, transhumanism can be regarded as humanism with a technological edge, or 'humanism-plus', in line with the name *Humanity+* with which the World Transhumanist Association rebranded itself in 2008.[9]

Moreover, transhumanists commonly present their movement as a human rights movement, with its own Bill of Rights – the Transhumanist Declaration[10] – and its own human rights cause – the claim that human enhancement should be recognised as a human right. According to Bostrom, such a right to human enhancement entails, first, a right to morphological freedom, that is, the right to decide how to shape oneself through technological means, for example through cyborg technologies or genetic modification; and, second, a right to reproductive freedom, by which Bostrom means the right 'to decide which reproductive technologies to use when having children' (Bostrom, 2005, p. 203), such as genetic selection or modification of offspring.

This also means that transhumanists are in favour of what is commonly known as 'liberal eugenics': they regard efforts at improving human nature, for example through genetic optimisation of one's offspring, as laudable, as long as they are based on the autonomous decisions of the aspiring genetic

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[9] See www.humanityplus.org.

[10] The most recent version can be found here: https://humanityplus.org/philosophy/transhumanist-declaration/.

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designers or prospective parents. Accordingly, the transhumanist ambitions to improve the human species can be distinguished from the state eugenics of the past, such as practised in the US, Canada, Sweden and other states during the heyday of the eugenics movement in the first half of the 20th century, which was brought to a halt after the horrific eugenic practices in Nazi Germany.

The question remains, however, as to whether or to what extent also strictly 'liberal eugenics' can be defended from a human rights perspective. Human rights documents, such as the Council of Europe's Convention on Human Rights and Biomedicine (1997) and UNESCO's Declaration on the Human Genome and Human Rights (1997), ban and restrict the use of reproductive technologies, especially when used for human enhancement purposes, such as the genetic modification or sex-based selection of offspring, regardless of the reproductive preferences of the prospective parents (Van Beers, 2017). Similarly, several liberal philosophers, including Jürgen Habermas (2005) and Francis Fukuyama (2002), regard the use of these reproductive technologies for non-therapeutic purposes as conflicting with human rights and human autonomy.

This suggests that Bostrom's thought that transhumanism is at its core in line with human rights is not as straightforward as it may seem. In the remainder of this chapter, I take a closer look at the humanist utopia of human rights and the transhumanist utopia of human enhancement through the lens of Plessner's first and third anthropological law (the designation of man as artificial by nature and man's utopian standpoint) in order to map both the affinities and the discrepancies between both utopias.

3. ARTIFICIAL BY NATURE

Humanists and transhumanists conjure a highly utopian image of the human. As such, the imagined, artificial creatures who populate the humanist utopia of human rights and the transhumanist utopia of human enhancement both seem to reflect Plessner's thought that human beings are artificial by nature. In this section I argue that the connection with Plessner's first anthropological law goes deeper than the mere level of imagery. Human rights discourse and human enhancement technologies can be viewed, each in their own way, as so-called *anthropotechnologies* through which humans hope to create 'better ways of being' and to 'make themselves into what they are'. At the same time, humanists and transhumanists employ a radically different concept of the artificial, the *irrealis*. This difference is, as I shall argue, at the root of a fundamental friction between humanist and transhumanist anthropotechnologies, which cannot be overcome by labelling human enhancement as a human right or labelling transhumanism as humanism-plus.

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In the context of human rights, the utopian view of humanity prominently comes to the fore in the emblematic words of Article 1 of the Universal Declaration of Human Rights:

> All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

This subject of human rights, 'endowed with reason and conscience', and bearer of 'dignity and rights', is far removed from everyday, tangible reality. The human rights depiction of humanity can hardly be called an accurate description of existing human beings. As legal philosopher Dorien Pessers (2016, p. 202) writes about Article 1:

> Not a human being is born, but an ideal human being: free, equal, dignified and in the possession of human rights. Of course, this 'birth' has little to do with real life. On the contrary, on a global scale the opposite tends to be case. Nevertheless, the legal birth of an ideal man is of great symbolic importance. French legal scholars speak of the *homme rêvé* of the human rights as a *fiction protective*. The utopic dream of the legal community in which all humans are included as legal subjects, represents a 'counterfactual anticipation': man is born as an *homme situé*, but the fact that he from the outset is received into a legal community that anticipates another reality, referring to a life in freedom, equality and dignity, offers him the protection of dialectic, critical legal principles.

The high degree of idealism that is involved in this human right understanding of human beings is no secret. As discussed, the Preamble of the Universal Declaration refers to the 'barbarous acts which have outraged the conscience of mankind' as one of the main reasons why this human rights declaration was created in the first place. Given this historical context, the birth of this legal subject is quite an astounding event, the product of an enormous symbolic effort that bears testimony to the utopian hope for a better world and 'a better way of being'.

From this perspective, human rights discourse can be regarded as a humanist *anthropotechnology*, to use German philosopher Peter Sloterdijk's striking term (Sloterdijk, 2009, p. 23). That is, human rights can be said to produce or manufacture a specific kind of human being, the *homme rêvé* of human rights, in an attempt to keep barbarism at bay. As Sloterdijk writes in his much-discussed essay *Rules for the Human Zoo* (2009, p. 15) about the humanist effort:

> Humanism as a word and as a movement always has a goal, a purpose, a rationale: it is the commitment to save men from barbarism. It is clear that exactly those times which have experienced the barbarizing potential that is released in power struggles

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> between peoples are the times in which the demand for humanism is loudest and most strident. […] The label of humanism reminds us (with apparent innocuousness) of the constant battle for humanity that reveals itself as a contest between bestializing and taming tendencies.

Sloterdijk regards literature and education as the main technologies with which the classic humanist tradition has sought to civilise humanity, to 'tame' and 'domesticate' humans, in his provocative words. However, it makes sense, as Pessers convincingly argues, to view the law, and particularly law's concept of the person, as an important humanist anthropotechnology as well (Pessers, 2016, p. 205). Indeed, Sloterdijk's words on humanism's struggle to 'save men from barbarism' seem particularly meaningful in the context of post-war human rights declarations and conventions, with their references to 'the barbarous acts' of the past and their idealist image of the human.

The most direct expression of the highly utopian view of humanity underlying human rights discourse is the legal principle of human dignity. It is because of our supposed inherent dignity, this mysterious intangible quality with which we are all endowed, that we are equally protected by human rights and recognised as legal subjects in the first place. However, no hard evidence can be offered for the existence of human dignity, nor of its subject. Moreover, insights from both cognitive and life sciences suggest that the human qualities that are presupposed by human dignity, such as human reason, freedom, autonomy and equality, are not reflected on an empirical level. In that sense, the concept of human dignity is, at heart, a counterfactual one (Van Beers, 2009; Pessers, 2016).

This counterfacticity does not necessarily make the human rights image of the human less powerful. Indeed, as human rights scholar Mireille Delmas-Marty writes, the secular belief in human rights can be defended as 'a revolt against the laws of nature, a refusal to stay confined within the limits of the biological conception of man' (author's translation of Delmas-Marty, 1999, p. 107). Moreover, if it can be said, in line with Plessner's first anthropological law, that humanity is an assignment or a promise rather than a factual given, then human dignity and human rights can be regarded as an important factor in the never-ending process of humanisation.

The counterfactual depiction of the human that underpins human rights discourse raises the question as to how the humanist anthropotechnology of human rights relates to the transhumanist technologies of human enhancement. According to Sloterdijk (2009, pp. 23–24), the ambition to improve human nature through technological interventions can be largely understood along the same lines as classic, humanist attempts at saving men from barbarism through culture and education. To him, both reading and breeding anthropotechnologies are part of the process of human self-domestication. As such,

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breeding technologies should, according to Sloterdijk, not be banned, but regulated through 'a codex of anthropotechnologies' (Sloterdijk, 2009, p. 24). Such a codex would enable society to actively confront the options offered by reproductive and genetic technologies, such as the possibility of 'a genetic reform of the characteristics of the human species' (Sloterdijk, 2009, p. 24).

Sloterdijk has doubts whether the outcome of this process will be a positive one. In his words, 'any great success in taming would be surprising in the face of an unparalleled wave of social developments that seems to be irresistibly eroding inhibitions' (Sloterdijk, 2009, p. 24). Given his lack of techno-optimism and -utopianism, Sloterdijk is far from a transhumanist thinker.

Still, his view that both reading and breeding can be viewed as anthropotechnologies that serve the self-domestication of humankind, is shared by transhumanist thinkers. For example, a well-known transhumanist line of thinking is that genetically selecting or modifying one's offspring is not substantially different from trying to make the most of your child through education. Pro-enhancement philosopher John Harris (2007, p. 2) puts it like this:

> If the goal of enhanced intelligence, increased powers and capacities, and better health is something that we might strive to produce through education, […] why should we not produce these goals, if we can do it safely, through enhancement technologies or procedures?

Similarly, Harris (2007, p. 14) argues that writing can be viewed as 'one of the most significant enhancement technologies'. What to think about this portrayal of human enhancement technologies as fitting in the humanist ideal of *Bildung*? Clearly, there are some important similarities between humanism and transhumanism. First, transhumanists, like humanists, rely on an artificialist concept of human nature. According to Bostrom, the artificial nature of the humanist concept of dignity accords well with the transhumanist belief that human nature can be improved through technological means. He even describes the transhumanist's ideal in terms of dignity, albeit 'posthuman dignity' (Bostrom, 2005, p. 213):

> Transhumanists […] see human and posthuman dignity as compatible and complementary. They insist that dignity, in its modern sense consists in what we are and what we have the potential to become, not in our pedigree or our causal origin. What we are is not a function solely of our DNA but also of our technological and social context. Human nature in this broader sense is dynamic, partially human-made, and improvable.

Second, transhumanists, like humanists, seek to civilise humans and to create a better world through their anthropotechnologies. A striking example is the

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position taken by transhumanist philosopher Julian Savulescu, who argues in his book *Unfit for the Future* that human enhancement (in the form of so-called 'moral enhancement') is needed to be able to grapple with humankind's destructive inclinations and to protect human civilisation (Savulescu, 2012). Similarly, the aforementioned Huxley (1957, p. 16) regards transhumanism as a way to escape from the Hobbesian state of nature:

> Up till now human life has generally been, as Hobbes described it, 'nasty, brutish and short'; the great majority of human beings (if they have not already died young) have been afflicted with misery in one form or another […] They have attempted to lighten their misery by means of their hopes and ideals. The trouble has been that the hopes have generally been unjustified, the ideals have generally failed to correspond with reality. The zestful but scientific exploration of possibilities and of the techniques for realizing them will make our hopes rational, and will set our ideals within the framework of reality, by showing how much of them are indeed realizable.

However, Huxley's reference to Hobbes also gives reason to question the view that transhumanism is merely humanism by other means. Evidently, Huxley's transhumanist proposals to overcome the state of nature form a radical departure from Hobbes' political philosophy. In Hobbes' political theory, the state of nature, in which man is a wolf to man (*homo homini lupus est*), can be overcome through political and legal means. Through the drafting and signing of the social contract, state power is constituted, personified in 'the sovereign', who Hobbes describes as 'our Artificiall Man the Common-wealth'. In that constitutive process, not only the 'Artificiall Man' of the sovereign is created, but also the 'artificial man' of the sovereign's subjects: the wolves become legal subjects, obeying to the rule of law, thereby bringing the state of nature to an end (Van Beers, 2009, pp. 60–61). This echoes Pessers' earlier discussed idea that the birth of the legal subject is an event of great symbolic importance.

In contrast, the transhumanist way to transform the wolves of the state of nature into the civilised men of the state of civil society is not through symbolic, but technological means. Instead of subjecting individuals to the rule of law, thereby making them legally accountable for their behaviour, transhumanists hope to transform human nature on a physiological level, through, for example, genetic or neurological engineering. As legal philosopher Lon L. Fuller describes the difference between anthropotechnologies of this kind and more traditional, legal ones: 'Instead of telling men to be good, we condition them to be good' (Fuller, 1969, p. 162).

The question is to what extent such a view of the human, as an animal that needs to be domesticated, tamed, conditioned and bred, can still be regarded as a humanist one. This question will be examined in further detail in the next section. A possible response to this doubt is that technological inventions and interventions offer humans 'more effective means of self-taming' (Sloterdijk,

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2009, p. 24) than humanist, symbolic inventions and interventions. After all, as Sloterdijk (2009, p. 20) writes:

> What can tame man, when the role of humanism as the school for humanity has collapsed? What can tame men, when their previous attempts at self-taming have led primarily to power struggles? What can tame men, when, after all previous experiments to grow the species up, it remains unclear what it is to be a grown-up? Or is it simply no longer possible to pose the question of the constraint and formation of mankind by theories of civilizing and upbringing?

However, once the transition is made from humanist to transhumanist anthropotechnologies, the utopian quest for 'a better way of being' is fundamentally altered. A radical divide remains between the transhumanist's utopian ambition to improve human nature through technological means and the humanist's utopian belief in 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want' (preamble of Universal Declaration of Human Rights), just like there is a radical divide between the birth of the subject of human rights and the birth of the first genetically modified babies in China.

To explain this vital difference, the Belgian transhumanist philosopher Gilbert Hottois distinguishes between the 'transcendence symbolique' that is pursued through, for example, religions and human rights discourse, on the one hand; and the 'transcendence opératoire' that is pursued by transhumanism, on the other hand (Hottois, 1999, p. 179).[11] As Hottois sees it, the day that a 'transcendence opératoire' of human nature would be realised, is the day that we would have created our own gods on a material level. Historian Yuval Harari refers to this new man as *Homo Deus* in his popular book on current technological developments of the same title (Harari, 2016).

In other words, while the artificial human being of human rights is at its core a counterfactual, symbolic entity, a humanising fiction that is founded on the thought that 'man is the animal that must recognize itself as human to be human' (Agamben, 2004, p. 26), the artificial human being that transhumanists hope to bring into the world through human enhancement technologies would be a factual, material being. The gap between *Sein* and *Sollen* would thus be closed, and the 'constitutive homelessness of man' would come to an end. This also means that Plessner's anthropological law of 'man's utopian standpoint' is given a fundamentally different meaning in the context of transhumanism.

[11] See De Vries' chapter in this volume for further reflection on the difference between these two types of transcendence.

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4. THE UTOPIAN STANDPOINT

Within the transhumanist literature, utopia is presented as a destiny that could be realised on a factual and material level. In this vein, Huxley (1957, p. 16) writes about the transhumanist goal of making 'our hopes rational' and setting 'our ideals within the framework of reality'. Bostrom (2008, p. 6) takes it one step further by calling on the readers of his 'Letter from Utopia' to make techno-utopia a reality, thereby fulfilling their transhuman destinies:

> If you could visit me here for but a day, you would henceforth call this place your home. This is the place where you belong. Ever since one hairy creature picked up two flints and began knocking them together to make a tool, this has been the direction of your unknown aspiration. Like Odysseus you must journey, and never cease to journey, until you arrive upon this shore.

With these words, Bostrom suggests that, because man is artificial by nature, and has since time immemorial made use of tools and artefacts, transhumanism is man's final destiny. However, it can be highly doubted whether the transhumanist philosophy is truly in line with Plessner's philosophical anthropology. Evidently, the thought of homecoming that Bostrom invokes in these sentences is at odds with Plessner's idea of man's constitutive homelessness. Given their utopian standpoint, it is in the nature of human beings to be without a steady basis. For Plessner, promises of a home, for example through technology or religion, cannot but remain promises, never to be truly realised.

In addition, it could be said that transhumanists, in their search for a home, are likely to lose their way along their quest, or even forget what home represented to them in the first place when they commenced their search. After all, if everything goes according to plan, during this journey they will be radically transformed and may, ultimately, even transcend themselves. Still, transhumanists hold on to the possibility of 'man remaining man, while transcending himself' (Huxley, 1957, p. 17).

Similarly, one of the intriguing premises of the transhumanist, dynamic view of human nature is the idea that while the human, as a result of human enhancement technologies, may change over time and even transform into the posthuman, the transhumanist project will continue to be guided by humanist values. Transhumanists thus maintain, as Bostrom writes, 'that we can legitimately reform ourselves and our natures in accordance with humane values and personal aspirations' (Bostrom, 2005, p. 205), also in the long run, when we have entered a posthuman state of being.

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Both the futility and the tragedy of the transhumanists' quest for a home are captured well in Plessner's following reflections (Plessner, 2019, p. 316):

> The excentric form of […] existence drives the human to cultivation and creates needs that can only be satisfied by a system of artificial objects, which it stamps with the mark of transience. Human beings attain what they want all the time. And as they attain it, the invisible human within them has already gone beyond them. The reality of world history testifies to [this] constitutive rootlessness.

Also, for more practical reasons, transhumanists are likely to lose track of humanist values along the way. The reason is that, in order to realise human enhancement technologies, human nature needs to become transparent, predictable and manipulable. In practice, these goals can only be achieved through the aggregation and analysis of huge amounts of data, better known as 'big data'. In such contexts, the human emerges not so much as an *in-dividual*, that is an indivisible unity, but rather as a *dividual* (Harari, 2016, pp. 103 and 291): an entity that can be divided in neurones (cognitive sciences), genes (life sciences) and atoms (nanosciences), which, in their turn, can be translated into bits and bytes (information sciences). From this *dataist* perspective, human beings appear no longer as 'free and equal' human beings that 'are endowed with reason and conscience', to use the words of the Universal Declaration of Human Rights, but instead primarily as data processors, of which the functioning can be predicted and reduced to algorithms. Moreover, the focus on data, which translates literally as *givens*, is at odds with the previously discussed human rights idea that humanity is not a given, but rather an assignment.

This raises the question as to what will be left of the humanist belief in human dignity, and the human rights that are built on it.[12] According to Harari, the growing reliance on big data will give rise, eventually, to a new religion that will replace humanism: dataism. He considers this development to be the result of a self-destructive dynamic of humanism (Harari, 2016, p. 65):

> The rise of humanism also contains the seeds of its downfall. While the attempt to upgrade into gods takes humanism to its logical conclusion, it simultaneously exposes humanism's inherent flaws.

In other words, while it may seem logical in the short run to view transhumanism as the next step of humanism, the transition to transhumanism will in the long run bring with it the dissolution of humanism and human dignity in a sea of big data.

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[12] In her contribution to this volume, Bugajska offers further reflection on the relation between transhumanism and humanism through an analysis of posthuman thought.

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Even if Harari's thoughts are quite speculative, the first signs of this self-destructive tendency can be detected at present. As discussed in section 2, 'big tech' companies such as Google, Facebook and Amazon are already trying to realise transhumanist utopias. These powerful companies are in the perfect position to do so: the big data that are needed for the development of transhumanist anthropotechnologies are being aggregated on a massive scale in the context of the digital services that these 'tech giants' offer.

The collection of these personal data is mostly presented as necessary for the functioning and improvement of the digital services in question. Yet it is a well-known fact that these data are also being used to predict, nudge and manipulate human decision-making and behaviour. The much-discussed 2018 Facebook-Cambridge Analytica data scandal,[13] in which Facebook data were bought and used in an attempt to influence the users' electoral choices during the US presidential elections in 2016, offers a glimpse of futures to come.

The underlying business model is commonly known as *surveillance capitalism*.

In her elaborate study *The Age of Surveillance Capitalism* (2019), Shoshana Zuboff offers a meticulous dissection of this phenomenon. What makes surveillance capitalism unprecedented, Zuboff argues, is that it gives rise to a new form of power: *instrumentarianism*. She explains the genesis and meaning of instrumentarian power in the following terms (Zuboff, 2019, p. 8):

> Eventually, surveillance capitalists discovered that the most-predictive behavioral data come from intervening in the state of play in order to nudge, coax, tune, and herd behavior toward profitable outcomes. Competitive pressures produced this shift, in which automated machine processes not only *know* our behavior but also *shape* our behavior at scale. With this reorientation of knowledge to power, it is no longer enough to automate information flows about us; the goal is to *automate us*. […] In this way, surveillance power births a new species of power that I call *instrumentarianism*. Instrumentarian power knows and shapes human behavior toward others' ends.

Consequently, Zuboff warns that surveillance capitalism 'will thrive at the expense of human nature and will threaten to cost us our humanity' (Zuboff, 2019, pp. 11–12). And so, the circle is completed: the transhumanist pursuit of human enhancement is likely to bring along the development of technologies that rely on a dataist view of human beings. This gives rise to instrumentarian power, which in turn threatens to undermine or bring along the very end of the humanist belief in human freedom and human dignity.

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[13] C. Cadwalladr and E. Graham-Harrison, 'Revealed: 50 million Facebook profiles harvested for Cambridge Analytica in major data breach', *Guardian*, 17 March 2018.

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Transhumanists may counter this grim view by stating that surveillance is not necessarily part of the package of enhancement technologies that they are pursuing. Yet, it does not seem a very realistic option to separate human enhancement technologies from dataist visions of human nature. Moreover, given the current dominance of big tech in the collection of big data, it will be hard to disentangle dataism from surveillance capitalism. Indeed, as discussed in section 2, many transhumanist techno-utopian dreams are presently being promoted and pursued by big tech companies.

Interestingly, Zuboff refers to the surveillance capitalist's techno-utopia as a *utopia of certainty* (title of Chapter 14 of Zuboff, 2019). Certainty is the magic word, as social relations and human behaviours become predictable, calculable and hence manipulable in the context of surveillance capitalism. Of course, all of this comes with a capitalist twist. 'The application of instrumentarian power to societal optimization', Zuboff writes, is taking place 'for the sake of market objectives' (Zuboff, 2019, p. 399). Indeed, promises of societal optimisation through technological means are already shining through many of Silicon Valley's communications, such as Facebook's 2020 message that brain–machine interfaces will bring a better world where we can all connect with each other without any barriers once we become able to read each other's minds.

The utopia of certainty can also be recognised in Bostrom's transhumanist vision of the future. For obvious reasons, he does not present surveillance as a transhumanist goal in itself. However, based on his more dystopian viewpoints and his concerns about existential risks for humanity, Bostrom suggests that one of the best ways to prepare for possible major catastrophes caused by mankind is to develop 'a well-intentioned surveillance project' (Bostrom, 2019, p. 470). This would enable 'intrusive surveillance and real-time interception in advance', resulting in 'extremely effective preventive policing' (Bostrom, 2019, p. 469).

To those who see this as a rather frightening scenario, Bostrom replies that the development of such an intrusive surveillance system does not equal its use. Moreover, he argues that it 'may be the only way to achieve a general ability to stabilize our civilization against emerging technological vulnerabilities' (Bostrom, 2019, p. 470).

5. CONCLUSION: HUMAN RIGHTS AS 'DIESSEITS DER UTOPIE'

Perhaps this is the great appeal of transhumanism: the idea that it is possible to have your cake and eat it too in combining religion and science, faith and rationality, idealism and realism. At the same time, this can also be regarded as one of transhumanism's major weaknesses. If the coming of a 'new man'

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is a real possibility, sacrifices may have to be made in order to realise man's 'real destiny' (Huxley, 1957, p. 17). In this chapter I have suggested that one of the sacrifices being made will be the humanist belief in human dignity and human freedom.

To arrive at this conclusion, I have argued that viewing transhumanist utopianism merely as an outgrowth of humanist utopianism obscures a fundamental tension between these two utopias. Despite the affinities between humanism and transhumanism, a closer look at the utopias on which these movements are built indicates that there is a radical divide between the transhumanist's utopian ambition to improve human nature through technological means and the humanist's utopian belief in 'the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want' (preamble of Universal Declaration of Human Rights). An examination of both schools of thought through the lens of Plessner's first and third anthropological law (the designation of man as artificial by nature and man's utopian standpoint) suggests that the difference between the two is not so much a difference in degree, but rather a difference in kind.

The transhumanist's claim that human enhancement is a human right may, at first sight, seem in line with the philosophy of human rights. What is thereby being overlooked, however, is that the propagated right to human enhancement presupposes a specific technological, cultural and material context in which these enhancement technologies can come into existence in the first place (Hunyadi, 2019, p. 62). This context is already becoming visible: the dataist and instrumentarian practices of surveillance capitalism, in which human freedom and human dignity are sacrificed for a 'utopia of certainty'.

It could be said that in order to reach utopia, some sacrifices may have to be made. However, the sacrifice in question is enormous. According to Huxley (1957, p. 16), the process toward the realisation of transhumanist ideals:

> will begin by being unpleasant, and end by being beneficent. It will begin by destroying the ideas and the institutions that stand in the way of our realizing our possibilities (or even deny that the possibilities are there to be realized) and will go on by at least making a start with the actual construction of true human destiny.

These sentences bring to mind many of the reasons for which utopianism is often feared. Moreover, once transhumanist anthropotechnologies take over from humanist ones, not only the institutions standing in the way of transhumanism will be destroyed, but, ultimately, also *Homo Institutionalis* himself (Hunyadi, 2015, p. 87): the legal subject, bearer of human rights and dignity, accountable for his actions. As such, transhumanism brings with it a domination of *Homo Faber* over *Homo Institutionalis*. Plessner appears to have foreseen this when he urges humans, despite their utopian longings, to

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remain 'diesseits der Utopie' (Plessner, 1974). The utopian dream is to remain a dream. Attempts at realising eutopia on a factual level would be a denial of not only the counterfactual nature of eutopia, but also of humankind's outopian standplace.

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