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DIGNITY AND FREEDOM IN HUMANISM, TRANSHUMANISM AND POSTHUMANISM – PHILOSOPHICAL AND ETHICAL FOUNDATIONS FOR LEGAL REGULATION

Abstract. The paper critically examines the philosophical foundations of neurorights, morphological freedom based on the concept of body ownership and boundless freedom for self-determination, including cyborgs. The origins of modern transhumanism (Huxley, Bostrom, More) can be found in Renaissance humanism with an explicit reference to the concept of dignity and freedom in Giovanni Pico della Mirandola. By analyzing Pico's work *De dignitate hominis* we find a misinterpretation. Posthumanism warns against the loss of human dignity and points to its widespread instrumentalization, which could be a subsequent risk of bodily improvements (Ferrando, Braidotti). Even the Renaissance addressed the question of man's position in relation to nature and animals, the so-called *scala naturae*. The concept of *divine nature* is a manifestation of Pantheism in Neoplatonism and is not materialist (Böhme, Comenius, Ficino).

Can ego-centrality be a reason for the limitation of *morphological freedom*, i.e. for the limits of the right to bodily integrity? So far, transhumanist enhancements take place within the framework of the right to bodily integrity and freedom to deal with one's body, i.e. the autonomous space of the individual, closely related to the right to direct one's life towards *personal happiness*. If human rights and their basis are more moral in nature, this can accept the use of proportionality to measure rights, principles, values and interests in law also taking into account environmental protection and the rights of marginalized entities, including *non-human rights* (Balzer, Rippe, Schaber).

Keywords: dignity, morphological freedom, cyborg, Transhumanism, Posthumanism, divine nature, non-human rights

GODNOŚĆ I WOLNOŚĆ W HUMANIZMIE, TRANSHUMANIZMIE I POSTHUMANIZMIE – FILOZOFICZNE I ETYCZNE PODSTAWY REGULACJI PRAWNEJ

Streszczenie. Artykuł poddaje krytycznej analizie filozoficzne podstawy neuropraw, wolności morfologicznej opartej na koncepcji własności ciała oraz nieograniczonej wolności samostanowienia, obejmującej również byty cyborgiczne. Genezy współczesnego transhumanizmu (Huxley, Bo-

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strom, More) można poszukiwać w humanizmie renesansowym, szczególnie w koncepcji godności i wolności Giovanniego Pico della Mirandoli. Analiza *De dignitate hominis* tego autora ujawnia jednak błędną interpretację. Posthumanizm ostrzega przed utratą ludzkiej godności oraz wskazuje na jej szeroko rozpowszechnioną instrumentalizację, co może stanowić kolejne ryzyko związane z ulepszaniem ciała (Ferrando, Braidotti). Już w renesansie podejmowano pytania o miejsce człowieka w porządku natury i wobec zwierząt, w ramach tzw. *scala naturae*. Koncepcja boskiej natury stanowi przejaw panteizmu w neoplatonizmie i nie ma charakteru materialistycznego (Böhme, Comenius, Ficino).

Czy ego-centriczność materii może być podstawą ograniczenia wolności morfologicznej, a więc wyznaczenia granic prawa do integralności cielesnej? Jak dotąd, transhumanistyczne modyfikacje mieszczą się w ramach prawa do integralności cielesnej oraz wolności w dysponowaniu własnym ciałem, tj. autonomicznej sfery jednostki ściśle powiązanej z prawem do ukierunkowywania własnego życia na osobiste szczęście. Jeżeli prawa człowieka i ich fundament mają w większym stopniu charakter moralny, wówczas dopuszczalne staje się stosowanie zasady proporcjonalności do wyważania praw, zasad, wartości i interesów w prawie, z uwzględnieniem także ochrony środowiska i praw podmiotów marginalizowanych, w tym podmiotów nie-ludzkich (Balzer, Rippe, Schaber).

Słowa kluczowe: godność, wolność morfologiczna, cyborg, transhumanizm, posthumanizm, boska natura, prawa nie-ludzkich podmiotów

1. INTRODUCTION

The title refers to dignity in humanism, transhumanism and posthumanism, and I would like to touch upon legal and philosophical dignity as well. You can see, however, that the topic is very broad, so let's just focus now on the very topical issue of cyborgs, on which I would like to demonstrate the development of dignity.

The main question I pursue in the concept of freedom and dignity in Renaissance humanism, transhumanism in modernity, and posthumanism in postmodernity is whether the concept of freedom leads to or indirectly contributes to human self-centeredness and egocentrism. If so, this leads to the materialization of freedom in the care of the soul and in the concept of self-mastery only on a self-centered personal or psychological level as a result of disenchantment with lost spirituality. Here, I discuss the question of the limits of autonomy in the search for human happiness and individual self-realization. I also examine whether there is an instrumentalization of man or humanity, i.e., a violation of human dignity in humanism, transhumanism, and posthumanism. I focus only on the problem of cyborgs, people enhanced by biotechnology, and I present here moral and legal solutions to the conflicting legal values of freedom, dignity, and equality. An anthropological perspective cannot be avoided. I do not address the normative problem of incorporating morality into law, but I do start from the moral basis of human rights (Tasioulas 2015, 50).

The paper critically examines the philosophical foundations of neurorights, morphological freedom based on the concept of body ownership and boundless freedom for self-determination, including cyborgs. The origins of modern transhumanism (Huxley 1957; Bostrom 2005; More 2003) can be found in Renaissance humanism with an explicit reference to the concept of dignity and freedom in Giovanni Pico della Mirandola. By analyzing Pico's work *De dignitate hominis* we find a misinterpretation. If transhumanism works with the idea that man is free enough to be what he wants to be, then according to Pico we cannot understand this as freedom without limits. On the contrary, in the context of Pico's philosophy, it is about freedom of choice (Copenhaver 2022, 244) and his concept of dignity and freedom, man has as a spiritual biblical Adam, a state of ensoulment, to which we arrive by a spiritual path connected to moral purification. And therefore, Pico's concept of freedom and dignity cannot be interpreted only materialistically and egocentrically, as transhumanism does.

Even the Renaissance addressed the question of man's position in relation to nature and animals, the so-called *scala naturae*. Is it not possible to find in the Neoplatonic natural philosophy of the Renaissance and early modern times the ideological sources of *divine nature*, i.e. naturalism leading to *moral respect* not only for man, but also for nature? But this respect as *dignity is not egocentric* and powerful, but mastering oneself according to the instructions of the sphere of spirit, *Logos* (Pico in Borghesi 2016; Pico in Copenhaver 2019; Pico 2005; Comenius 2017; 2022; Böhme 1974). The concept of *divine nature* is a manifestation of Pantheism in Neoplatonism and is not materialist (Böhme 1974; Comenius 2017; 2022). Therefore, *duties* were imposed on man, especially to himself; only later do we encounter freedoms and rights (Cicero 1970).

Posthumanism warns against the loss of human dignity and points to its widespread instrumentalization, which could be a subsequent risk of bodily improvements (Ferrando 2013; Braidotti 2022).

The image of a person as a subject in law is dynamic. Can ego-centrality in matter be a reason for the limitation of *morphological freedom*, i.e. for the limits of the right to bodily integrity? So far, transhumanist enhancements take place within the framework of the right to bodily integrity and freedom to deal with one's body, i.e. the autonomous space of the individual, closely related to the right to direct one's life towards *personal happiness*. We find ethical theories accepting ego-centrality, but also *vice versa*. The right to focus one's life on personal happiness as a right to self-determination is part of the protection of human dignity according to the theory of recognition as a *heteronomous concept* (Tiedeman 2012). Can these physical enhancements only be achieved with the consent of the person undergoing the enhancement? Is this consent part of the concept of so-called *neurorights*, and can *neurorights* be characterized as postmodern fundamental human rights in the digital age?

I believe that a *transhumanist* approach to the body, for example, accepting all biotechnological enhancements, exemplified now by Elon Musk's telepathy chips and Neuralink, requires setting limits that only enhancements for health and preservation of life are acceptable, not just better employment or violence and warfare. Finally, *human cloning* was prohibited because of the risk of the *objectification (instrumentalization)* of human beings, which is precisely an essential characteristic of the protection of human dignity in law, based on the so-called *Dürig's object formula* (Dürig 1956).

A suitable methodological solution in legal argumentation may be the *proportionality* test, which seeks to balance legal principles and values against each other without completely overriding one of them (Alexy 2015; 2018; Barak 2015) despite the critics of proportionality, there is not necessarily an inflation of inherent natural human rights (Huscroft 2014; Webber 2014). The *legal order*, like nature in our vision and postmodern and posthumanist (Braidotti 2022) understanding, is no longer hierarchical (Teubner 1989; Ondřejek 2020), and it is impossible to theoretically rule out the collision of more than two conflicting values in a pluralistic world. If human rights and their basis are more moral in nature, this can accept the use of proportionality to measure rights, principles, values and interests in law, also taking into account environmental protection and the rights of marginalized entities, including *non-human rights* (Singer 1984; Heeger 2014; Balzer, Rippe, Schaber 1999).

2. DIGNITY AND FREEDOM IN TRANSHUMANISM, THE PROBLEM OF MATERIALISTIC SELF-WILL AND EGOCENTRISM

We are currently dealing with cyborgs. Let us first say who they are. They are not robots, artificial intelligence, but they are human beings, that is, subjects of the law. They are people who have taken advantage of biotechnological enhancements in their bodies. We meet people who have a new sensory organ for color perception, to be better artists. Or technology replaces nerve connections and works in prosthetics. The term *cyborg* was coined by musician and neuroscientist Manfred Clynes (1925–2020) in collaboration with Nathan S. Kline (1916–1983), a psychoanalyst, psychiatrist, and director of the Rockland State Research Center. Research regarding the effects of music and sounds on the human psyche led to the interconnection of art and science to deliberately evoke certain positive emotions (from sad to glad) in the audience, so the question was how to technologically modify music and sounds in the context of human perception (Clynes, Kline 1960, 27).¹ Humans are thus improving and constantly evolving dynamically as

¹ For more see: Clynes, Kline (1960) "Altering man's bodily functions to meet the requirements of extraterrestrial environments would be more logical than providing an earthly environment

a result of science, to improve their physical and mental functions. There is no death or sadness, no vulnerability, no suffering or pain, only positivity. There is only constant change towards perfection.

And more recently in January 2024, Elon Musk's company, *Neuralink* is conducting trial research into implanting a Telepathy chip. The chip allowed Noland Arbaugh to play a game of chess on the computer using only his mind. Simply put, technology, electronic connections are replacing neural connections; also, the chip can respond to the brain's thinking centres, i.e. it responds to a given thought and allows even a physically paralysed person to write an email, and use a PC and a mobile phone. Elon Musk plans to improve people with sensory disabilities and would like to work on memory enhancements. The research is being presented as the *holy grail in Pandora's box*.²

Less well known were recent situations related to the COVID period in Sweden, where payment cards, or rather small chips implanted into the body, specifically into the wrist area, were implemented in order to minimize contact. Implanting the chip directly into the wrist sped up payment for transportation in cities and ensured contactless payment (eliminating cash and also making it easier to use payment cards). All of this with the consent of the persons concerned. Similarly, during the COVID period, some American employers introduced wrist chips with the consent of their employees. EU regulation in this area is currently lacking. Issues of bodily integrity and voluntary technological interventions have not been legally addressed (Martínez-Ramil, Bolaños-Frasquet, Solarte-Vasquez 2022, 144–145, 150–151).

Now the improvements are mainly implemented for sick patients, and the treatment would eventually be part of the health insurance reimbursement. But we can see that there is a cyborg who just let another sense, an antenna for color discrimination, be completed. This is an enhancement here that does not pursue the purpose of healing but is implemented in the context of the artist's work. And now we come to the question: what purpose can be considered legitimate? As for health and preservation of life, let's say it's a justifiable reason that will help sick people. However, what about other reasons going beyond the necessary, i.e., enhancement for one's profession (improving performance, creativity), or for beauty (which is what the current cosmetic industry does with all the plastic surgery and procedures) that are not aimed at preserving health and life?

The bodily enhancements of the human being are based on *morphological freedom*, the concept of possessing the body. We humans are the owners of our bodies; we can do what we want with them. Our freedom is unlimited and as

for him in space (...) Artifact-organism systems which would extend man's unconscious, self-regulatory controls are one possibility," p. 27 see: "Cyborg deliberately incorporates exogenous components extending the self-regulatory control function of the organism in order to adapt it to new environments."

² <https://neuralink.com/>

gods in perfection we experience no wrong, no evil, no sickness and suffering, no stupidity and humiliation of vulnerability. The concept of physical enhancement fully corresponds to the modern philosophy of *transhumanism*.

Transhumanism developed in modern times in the 1970s. The father of the idea of transhumanism was Julian Huxley (1887–1975).³ As Bostrom writes about transhumanism, Huxley based his conception of *freedom and dignity* on that of the Renaissance humanist, Giovanni Pico della Mirandola. Huxley himself does not quote Pico directly (see later notes), but rather his successors in transhumanist ideas, such as Nick Bostrom. Huxley emphasizes the dynamic nature of human development, and Pico's motif is in the background here "man does not have a predetermined form, but that he changes and is responsible for his own form" (Bostrom 2011, 1–2).⁴ Bostrom further quotes from Kant and adopts the notion of autonomy as independence from external influences and dependencies; and further refers to Nietzsche's *Über-mensch* as independence from religion (Bostrom 2011, 4). Bostrom reflects conservative views that criticize transhumanism due to the possible decline of values such as dignity according to Hans Jonas and adds to his thesis an analysis of the risks of technology (Bostrom 2011, 21).

There are many versions of transhumanism, but essentially it is based on the dignity conditioned by freedom according to Pico. Transhumanism is based on an emphasis on rationality, which during the Renaissance led to an

³ "The human race, in fact, is surrounded by a large area of unrealized possibilities, a challenge to the spirit of exploration" (Huxley 1957, 15). "(...) therefore that we must explore and make fully available the techniques of spiritual development; above all, that there are two complementary parts of our cosmic duty – one to ourselves, to be fulfilled in the realization and enjoyment of our capacities, the other to others, to be fulfilled in service to the community and in promoting the welfare of the generations to come and the advancement of our species as a whole.

The human species can, if it wishes, transcend itself – not just sporadically, an individual here or there 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" (Huxley 1957, 17).

"What rituals and techniques of 'salvation', of self-development and self-transcendence will be worked out, what new incentives and new modes of education, what methods for purgation and for achieving freedom from the burdens of guilt and fear without inflicting harm on oneself or on others, what new formulations of knowledge and consequent belief? What modes will the future find of distilling its ideas of its destiny into compelling expression, in drama or architecture, painting or story, or perhaps in wholly new forms of art?" (Huxley 1957, 126).

⁴ Bostrom's quotation omits the term Adam and differs rather from Pico's quotation (compare Pico's later quotation): "Renaissance humanism also created the ideal of the well-rounded person, one who is highly developed scientifically, morally, culturally, and spiritually" (Bostrom 2011, 1–2). A landmark of the period is Giovanni Pico della Mirandola's *Oration on the Dignity of Man* (1486), which proclaims that man does not have a ready-made form and is responsible for shaping himself: "We have made you a creature neither of heaven nor of earth, neither mortal nor immortal, in order that you may, as the free and proud shaper of your own being, fashion yourself in the form you may prefer. It will be in your power to descend to the lower, brutish forms of life; you will be able, through your own decision, to rise again to the superior orders whose life is divine."

awareness of individuality and the concept of free will (Copenhaver 2022, 244). However, this was not unlimited autonomy. In history, it was the first time that the concept of freedom was formulated in opposition to fatalism and predestination. Furthermore, it was not a materialistic concept, as I will show below in the text, nor was it egocentrism, which is the fundamental pillar of transhumanism and today's concept of morphological freedom of unlimited bodily perfection.

I suppose that transhumanist freedom, understood in this way, ultimately turns humans into instruments, objects that lose their dignity as subjects, their value as human beings, and ultimately live in the wake of their passion for perfection, driven by their own egos. The concept of ownership of the body turns against humans and leaves no room for the care of the soul, which should turn to the spirit. It is a typical Faustian work, freedom without limits. The fact is that since the Renaissance, there has been a materialization and, as part of the disenchantment (Copenhaver 2015, 424–427), also a loss of divinity and ultimately a loss of God and an ever-increasing captivity of the body.

But if we read Huxley's 1957 essay more closely, he too presents his transhumanist vision as a belief in human progress, and he also discusses spiritual methods of raising consciousness to a higher level of meditation, literally self-transcendence. Huxley sets himself against the authority of religion, fatalism and the hedonism to which individualism leads us (Huxley 1957, 58, 124), but he is himself quite concerned with the religious aspect and does not explicitly quote Pico, unlike Spinoza or Pascal.

The myth of immortality was related to the body, and the soul fell, exactly the opposite of what Pico points out (Pico 2005; Pico in Borghesi 2016; Pico in Copenhaver 2019). The soul has the freedom to choose to rise to the divine spirit and return to the state of Adam before his consciousness fell out of paradise (Pico 2005; Pico in Borghesi 2016; Pico in Copenhaver 2019; Heptaplus 2022, 206). What is missing here is suffering, and thus the purification of the soul through human suffering and self-awareness of smallness would not be a desire for the great divinity that also lies within man like a seed, in which his greatness truly lies, that he has the seed of divinity within him, like a spark (later – Paracelsus and Jakob Boehme). To be a sculptor in the Renaissance means to carve into stone, the stone of one's own ego, and thus consciously work on the purification of the soul to death. This is well illustrated by the Renaissance concept of *docta ignorantia* (Cusanus 2001 and Comenius 2022), a concept based on limits and self-responsibility, on duties to oneself and other people. It is a philosophical, ethical, and teleological concept at the same time. As Jaroslav Malík argues, transhumanism ultimately leads to a lack of freedom, to totalitarianism (Malík 2022, 144). Through his analysis of superintelligence, Malík concludes that: "However, these two methods of control are distinct from each other. We can only control instruments, we can only control persons normatively. The status of a given object or being derives from its characteristics" (Malík 2021, 107).

So how is transhumanism itself defined? Max More defines it,

Transhumanism shares many parts with humanism, including respect for reason and science, the necessity of progress, and the valuing of human (or transhuman) existence in this life. (...) Transhumanism distinguishes itself from humanism by recognizing and anticipating the radical changes in the nature and possibilities of our lives arising from the various sciences and technologies (...). (More 2003)⁵

More's principles of transhumanism are: perpetual progress, Self-Transformation, Practical Optimism, Intelligent Technology, Open Society – information and democracy, Self-Direction, Rational Thinking (More 2003).

The principle of “*Self-Direction* – means valuing independent thinking, individual freedom, personal responsibility, self-direction, self-respect, and a parallel respect for others“ (More 2003). We can see that for More, this principle involves limits on individual freedom with inherent responsibility; his understanding does not involve unlimited freedom. In the second point, *Self-Transformation*, he also mentions the necessity of respecting other people and their *dignity* (More 2003). Furthermore, he defines an open society as a combination of *freedom and responsibility*, stating that freedom alone would be similar to adolescence. Regarding *Self-Direction*, he states that it involves *self-knowledge, self-control, self-discipline, personal responsibility in self-experimentation, spontaneity, self-protection, and self-control* as opposed to the good of the whole and paternalism. Freedom of choice and *self-determination* go hand in hand with risk-taking and responsibility for one's decisions and judgments, excluding external authorities. External power destroys self-responsibility built on individual rationality and reflection.

I quote further:

Since self-direction applies to everyone, this principle requires that we respect the self-direction of others. This means trade not domination, rational discussion not coercion or manipulation, and cooperation rather than conflict wherever feasible. Self-direction means being clear about our values and our purposes. Having clear purpose in life not only brings both practical and emotional rewards but also protects against manipulation and control by others. Freedom from others brings fulfillment and personal progress only when combined with self-direction. (More 2003)

Social relationships with others are rooted in self-confidence. Further quoting from More: “Self-direction means approaching others as potential sources of value, friendship, cooperation, and pleasure.” Benevolence implies the application of common morals and goals, policies. More concludes his *transhumanist manifesto* with the thesis:

Self-direction means being in charge of our lives. This requires choosing actions intelligently. This in turn requires independent thinking. (...) Self-direction calls on us to rise above the surrender of independent judgement that we see – especially in religion, politics, morals, and relationships. Directing our lives asks us to determine for ourselves our values,

⁵ <https://web.archive.org/web/20131015142449/http://extropy.org/principles.htm>

purposes, and actions. New technologies offer more choices not only over what we do but also over who we are physically, intellectually, and psychologically. By taking charge of ourselves we can use these new means to advance ourselves according to our personal values. (More 2003)

The above means that transhumanism has many faces and, according to Max More, does not represent the idea of autonomy as completely boundless, without limits and responsibility towards oneself and others. On the contrary, it explains that unlimited and irresponsible autonomy would be like the behavior of an adolescent. However, in the case of Elon Musk, who supports transhumanism, it is not entirely clear that this is such a cultivated concept. The problem is that science and technology are his business and that he does not see the effort to avoid discriminatory behavior and egocentric arbitrariness and self-centeredness as worthwhile (Boehme 1974; Comenius 2022). States should jointly regulate this issue legally. Ethical discussions are not enough.

Transhumanism is justified by utilitarian ethics and well-being. It means that humans are supposed to continually evolve towards a better version of themselves, the best version of themselves, thanks to rationality, science and technology, among other things. The goal is self-development and that the well-being of the self is the well-being of society. Transhumanism is justified by utilitarian ethics and well-being. It means that humans are supposed to continually evolve towards a better version of themselves, the best version of themselves, thanks to rationality, science and technology, among other things. The goal is self-development and the well-being of the self is the well-being of society. However, are there any limits to personal choice? Whether Max More formulates them in intelligent decision-making, self-responsibility, and respect for others in theory, the problem is always practical action and the ethics of applied biotechnology research. So, can we expect a steadily improving future?⁶

Nick Bostrom defines *morphological freedom* as the *civil right* of a human being to either maintain or modify his or her own body on his or her own terms, through the informed, consensual use or rejection of available therapeutic or basic medical technology (Bostrom 2005). The use of biological and technological advances in science to enhance the body and consciousness.

We can accept prosthetic replacements and perhaps even telepathy chips for paralyzed people, where we deal with illness and disability everywhere. Within the framework of autonomy and disposal of the body, we can accept abortion and reproductive medicine, which can serve other purposes (family happiness, having or not having children at certain stages of life). Furthermore, sex change can be justified in the context of anti-discrimination rights and gender identity. If Max More requires intelligence and self-responsibility for autonomy, then cosmetic and aesthetic modifications to the body related to other diseases (e.g., cancer) can also be accepted. What I find problematic is the purely aesthetic perspective based

⁶ World Transhumanist Organization (WTA); H+ Magazine, see more: transhumanism.org

on social trends. If we make such decisions based on fashion trends, I believe we are not autonomous, but rather compare ourselves to our surroundings and, under pressure from our surroundings and society, accept certain standards that are not close to us; this has been a phenomenon of fashion for centuries. As adults, intelligent and reflective individuals, we should be able to completely free ourselves from societal pressures and consciously create space for others.

The goal of transhumanism is also to make changes in consciousness, cognitive abilities, memory, perception, senses, and emotions (Malík 2021). The telepathy chip is one such intervention in the brain. At some point in our body enhancement, the question of preserving human identity may arise (Malík 2022). We may then ask, “How long am I still me?” This leads us to consider what our essence is. It is a bit like asking, “What is a river?” Is a river its bed or its water? Is my essence my ego, or my consciousness, which is broader and presupposes a non-egocentric basis, let’s say the soul? The ego is undoubtedly finite. What about the soul? Further information on this in the chapter on Renaissance humanism, according to which the soul was the link between spirit and body, and therefore Neoplatonism works with the triad of the physical, the metaphysical, and, let’s say, the hyperphysical – in Pico’s case, the *celestial court* (Pico 2016; 2019).

The central idea of legal and certain philosophical concepts of human dignity (e.g., in Kant 2016; 2017) is precisely the prohibition of instrumentalization (Dürig 1956; Maunz, Dürig 2009; Rosenkranzová 2019; 2022; 2024). If we treat other people as mere objects, the object of exchange, this is a violation of human dignity in law. However, it also applies philosophically and ethically. A significant sign of objectification and instrumentalization is humiliation, and this can happen whether we are vulnerable or have perfect bodies. Aren’t even perfect bodies a weak band-aid on the wound of our own lower and insufficient self-worth, our self-doubt, and low self-confidence? Isn’t physical perfection and following fashion just proof of our lack of autonomy, intelligence, and identity? For example, Kant’s concept of the dignity of a rational person presupposes a great deal of perfection of the soul and self-restraint, even asceticism and self-denial (Kant 2016; Rosenkranzová 2019; 2021; 2022; Sensen 2011).

So, we are all technologically enhanced cyborgs, a combination of organism and mechanism, but where is the care for the soul?

3. DIGNITY AND FREEDOM IN RENAISSANCE HUMANISM AND THE MISINTERPRETATION OF PICO

But what is Renaissance humanism about?

It helps to consider the differences between the Renaissance and the Middle Ages. The Middle Ages are characterized by man’s dependence on spiritual authority; man is passive. Supranaturalism is professed, that is, the world here

is seen only as a temporary tear valley, and theocentrism, God is the center of all things. The Renaissance, on the other hand, responds to these manifestations by making man active; man has free will as a choice, he has autonomous reason to make decisions, and he is noble, dignified, and responsible. Naturalism is professed – this life is true, and spiritual values are already realized in this world, nature is analogically divine. The concept of man is cosmological; he is seen as part of nature and the universe, astrology is advanced, and the influence of the stars on man is explained. The question of who man is becomes so fundamental that man becomes like a small universe, a *microcosm* at the center of the world, analogous to the earth, which is gradually overcome by heliocentrism. On the theological level of Neoplatonism, man is identified with the earth and the sun with Christ. It symbolizes that spiritual transformation must be realized in the body and in the material world. If spiritual questions disappear in the Renaissance literary art of some authors, then only matter, beauty, and self-improvement remain. The circle of philosophers around Marsilio Ficino, together with Giovanni Pico della Mirandola, at the Medici's Platonic Academy in Florence, did not abandon the theological concept, and their main objectives were the search for ancient wisdom that would verify Christianity. Transhumanism and posthumanism remain mostly only in matter, in egocentrism, and do not seek any higher good or spirituality leading to a transformation of consciousness.

And so, we know, that the Renaissance Humanism was inspired by Cicero's concept of dignity as the nobility.

For example, the predecessor of Giovanni Pico della Mirandola (1463–1494), Giannozzo Manetti (1396–1459), wrote a work entitled: *On Human Worth and Excellence* (1452/3) (Copenhaver 2018; Steenbakkens 2014, 88–89). From Giovanni Pico della Mirandola came the work *Oratio de dignitate hominis* in 1486, which was only so designated by the publisher, not by Pico (Pico in Copenhaver 2019; Manetti in Copenhaver 2018, 7).

As evidenced by my earlier research (Rosenkranzová 2017; 2019; 2022)⁷ and especially Brian Copenhaver's (2015; 2019; Manetti in Copenhaver 2018, 7), Pico did not create any concept of dignity (Kristeller 1955; 1972; 1981; Nejeschleba 2005; Steenbakkens 2014; Herufek 2017; 2022; Borghesi, Papio, Riva 2016; Black 2006). In my view, he speaks of a spiritual path, and both dignity and freedom refer to the original heavenly Adam, to whose state we fallen, materialistic humans

⁷ Rosenkranzová (2022): "(...) According to Copenhaver, the term dignitas is used here only twice. However, it is always in a different context from the point of view of human dignity (In *Oratio the Seraphs, the Cherubs, and the Thrones* are the model of dignity and glory (Pico 2016)). Reportedly, there was a marginal remark dignitas hominis in the first edition (Nejeschleba 2005). Pico's work *Heptaplus* discusses the dignity of man in connection with the days of creation and the creation of man, who alone is analogous to God the Creator. There are even similar passages as in *Oratio* (Black 2006). The term dignity is used as prominence in the form of the seed of divinity over other creatures."

are to return by returning our souls to the spiritual and taking a moral life stance as well. This freedom to do whatever we want is meant, in the context of Pico's work, time, and Neoplatonism, as a call to live according to the spirit.

According to Pico, we can say, that each being has its nature (prototype, archetype, *extra imago dei*),⁸ except man, who has no fixed form and no definite nature. Man is created as a free creature who chooses his nature based on his free will (*freedom of choice*). Man decides for himself whether his life should have the character of a plant, an animal or an angel (low life, instinctive or sublime, soulful), or God. This means that man has these germs within him as a principle and it is up to him what he develops within himself and what path he takes. The germ is a principle, latent and does not at all mean the full development of the principle, but at the same time, as far as the germ of God in man is concerned, it also means finality, as the goal of all our human direction and effort. If one chooses to cultivate the germ of God in the soul, it is only a possibility.⁹ Man is partly mortal and partly immortal (Plato). One participates in divinity to the extent that one approaches God.

According to Pico, human freedom goes beyond ordinary perception and is highlighted (it is freedom of choice at the level of hyperphysics – Mind; Adam). Being is the result of activity, since, if we are not spiritually transformed into the state of Adam before the fall, then it is as if we are not. To be a sculptor is a symbol of the ego's shattering and the hard work of self-rejuvenation in the ensuing union.

⁸ Pico (in Borghesi 2016, 117: 18–20): “He therefore took man, this creature of indeterminate image, set him in the middle of the world, and said to him: “We have gave you, Adam, no fixed seat or form of your own, no talent peculiar to you alone. This we have done so that whatever seat, whatever form, whatever talent you may judge desirable, these same may you have and posses according to your desire and judgment. (...) But you, constrained by no limits, may determine your nature for yourself, according to your own free will, in whose hands we have placed you. We have set you at the centre of the world so that from there you may more easily gaze upon whatever it contains. We made you neither of heaven nor of the earth, neither mortal nor immortal, so that you may, as the free extraordinary shaper of yourself, fashion yourself in whatever form you prefer. It will be in your power to degenerate into the lowel forms of life, which are brutish. Alternatively, you shall have the power, in accordance with the judgement of your soul, to be reborn into the higher orders, those that are divine.”

Pico (in Borghesi 2016, 113: 15): “(...) Pico's man has not been created in the image of God but is opus indiscretæ imaginis.”

⁹ *Oratio de dignitate hominis*, Pico states: “The Father infused in man, at his birth, every sort of seed and all sprouts of every kind of life. These seeds will grow and bear fruit in each man who sows them. If he cultivates his vegetative seeds, he will become a plant. If he cultivates his sensitive seeds, he will become a brute animal. If he cultivates his rational seeds, he will become a heavenly being. If he cultivates his intellectual seeds, he will be an angel and son of God. And if he – being dissatisfied with the lot assigned to any other creature – gather himself into the centre of his own unity, thus becoming a single spirit with God in the solitary darkness of the Father, he, who had been placed above all things, will become superior to all things. Who will not wonder at this chameleon of ours? Or rather, who will admire any other being more?” (Borghesi 2016, 121: 27–30).

Human dignity is not predetermined and conditioned by being. Dignity does not happen automatically but must be achieved as a state of being. The automatically but concept of man dynamic (we are what we want and desire). Man can become God. A person is a knowing (active) subject, and the world is a known object. The germ of divinity is the beginning and goal of man (Neoplatonic).

Dignity and freedom for Pico is the state of the original heavenly Adam – a spiritual entity, the spiritual element in the human being. Dignity is not materialistic and not self-centered, selfish. Dignity is not only metaphysical, but *hyperphysical* – supranaturalism for Pico; we have body, soul and spirit. The principle (seed) of dignity is in) each man, but to get it, we should take a spiritual path to rebirth Adam. Dignity is not innate, is not equal for everyone as in modern legal documents and interpretation. And this is why we constantly misrepresent Pico's notion of dignity and freedom in modern and postmodern interpretations (Copenhaver 2015; 2019).

When Pico speaks of mastery of oneself, it is the result of accepting the spirit, or rather the union of the soul with the spirit, which requires inner spiritual purification, high morality, and above all the disappearance of egocentricity, replaced by logo-centricity, which is an inner spiritual transformation after which we can speak of mastery as a path of initiation. It is not a materialistic, egocentric project of self-will. Nor is it about dominion over nature as supremacy. This must have been misunderstood soon after Pico's death. The image of man at the top of the pyramid (*scala naturae*) was rather unfortunate.¹⁰ It is not about domination, but rather about developing the concept of man as a *microcosm*, so that we understand what man is composed of (Allen 2014; Black 2006).¹¹ In addition to the seed of divinity, he carries minerals in his bones, has the vitality of plants and the passions and aggression of animals, and the rationality and will, which are reflections of man. On the contrary, a person who completes the journey of consciousness transformation to logocentrism connects with the original beginning and experiences inner peace, joy, and respect for all creation, that is, the dignity of oneself as a human being and the dignity of all creation, nature, animals, creatures, and the cosmos. It is precisely *dignity*, or nobility, that is also a symbol in Pico's poetic expression of divinity, as the seed of divinity in man and the signature of God's speech in nature (Pico in Borghesi 2016; Pico in Copenhaver 2019). Thus, man retroactively recognizes his life's task and dignity. However, this is a consequence of uniting with the spirit and not self-will. It is precisely the will that follows the intentions of the spirit. And in Pico's interpretation, it is such a universal concept, as he sought to search across religions and philosophies in view of his syncretism.

¹⁰ Carlus Bovillus (Charles de Bovelles), 1509 – *scala naturae* different from Pico in *Oratio and Heptaplus*.

¹¹ Pico – *Heptaplus* (Allen 2014; Black 2006).

4. DIVINE NATURE IN NEOPLATONISM AS THE BASIS OF DIGNITY AND LEGAL PROTECTION OF NATURE TODAY

Nature is creation; in nature we read the signatures of God and, according to Jacob Boehme and Jan Amos Comenius, we can know God through nature (Comenius 2017, 2022; Schifferová 2009). According to the classical Rosicrucians of the 17th century, in addition to the Bible (as a book of scripture), nature, the *book of nature* (*Famma Fraternitatis* and the book of the world, *libri naturae*; Gilly 1998), is also given to man for knowledge (Bouman, van Heertum 2014; Quispel 2000). The entire creation, including humans, minerals, plants, animals, the planet as part of the universe, and the universe itself, originates from an unknowable beginning, the spirit, the Logos. Before the Word, which was biblically in the beginning, however, according to some Neoplatonists, such as Jacob Boehme (Boehme 1974), there was *Ungrund*, or according to other Rosicrucians, *prima materia*, i.e. nothing. Some speak of *higher (solitary) darkness* (as seen in Pico in Borghesi 2016, 121),¹² others of the original mother and father (*prima mater* + *frater*, i.e. water and fire).

The individual stages of Creation are reflected in a hierarchical conception of the world. However, this does not imply focus or dominance. In Neoplatonism, alongside the hierarchical conception, we also encounter an image of the world as a wheel or circle. This can be seen, for example, in the works of Jacob Böhme (1974) and Comenius (2017). It is typical for both authors that the original cause of Creation is actually also the finality, the purpose to which the human spirit should return. Returning to the original cause is actually Plato's *anamnesis*, the process of remembering the Light, the Sun, and it is the Neoplatonic concept of Christian re-creation. It is uniquely man who has the important task, given his mind and higher intellectual abilities, to turn his soul into spirit and attract the divine, spiritual higher energy of the spirit into matter, thereby bringing about renewal according to the original idea and renewal, the rebirth of the spirit in individual human beings, even physically in the body (by reviving individual spiritual centers, primarily the heart and head). Then, with this renewed, transformed energy, man increases the planetary spiritual vibration and that of the universe, and also has a spiritual, energetic effect on animals, plants, and stones. Man has to even redeem the gods themselves in this way (Pico in Borghesi 2016; 2019; Allen 2014; Black 2006).

Neoplatonism is based on Plato and Platonism, Pythagoras and the Pythagoreans, Christianity, and in Pico's work, syncretism incorporates elements of Arabic mysticism, Jewish Kabbalah, and Hermeticism in an effort to discover ancient wisdom (*prisca theologica*), according to the traditional method of

¹² Pico in Borghesi (2016, 121) – Oratio: 30, 27 – God in darkness. See Rosenkranzová (2019b) – the poetic text inspired by Pico *Reflection of the day – a higher darkness: reflections-of-the-day-about-a-higher-darkness/*

searching for roots (*ad fontes*). The influence of Pythagoras is also evident in Pico's *Heptaplo*. (Pico in Borghesi 2016; Allen 2014; Black 2006).¹³ A concise expression of the teachings of Pythagoras and the Pythagoreans can be found in these words of Porphyry, a disciple of Plotinus, which were later also taken up by Giovanni Pico della Mirandola:

What he said to his disciples no man can tell for certain, since they preserved such an exceptional silence. However, the following facts in particular became universally known: first that he held the soul to be immortal, next that it migrates into other kinds of animal, further that past events repeat themselves in a cyclic process and nothing is new in an absolute sense, and finally that one must regard all living things as kindred. These are the beliefs which Pythagoras is said to have been the first to introduce into Greece. (Guthrie 1995, 186: Porphyry (V.P. 19, DK. 14.8a))

It follows from the above that particularity contributes in part to *universality*. This implies the interconnectedness of all parts of the whole. In Neoplatonism, this interconnectedness is admired as *Platonic love*, a force that connects everything. For Neoplatonists and Pythagoreans, however, it is not just a matter of material laws in physics, but at the same time it has always been a theological concept, namely the concept of *divine nature*. In Pythagoras, we can find the idea of reincarnation (specifically, the *transmigration of souls*), since all matter and energy only transform; nothing completely disappears. This ultimately led to a high *respect* and recognition of all life, since everything stems from one common substance and origin, which he expressed in his mathematics and further in a certain set of rules for spiritual life, including, among other things, not eating meat. For Pythagoras and his school, *vegetarianism* is an expression of *brotherhood, friendship and substantial kinship with animals and plants*, which are very close to humans. Moreover, Pythagoras carefully observed purity, namely mental purity, so as not to be influenced, for example, by the emotions of animals (aggression, passion, loss of courage). Eating animals would mean cannibalism (Guthrie 1995, 195).

I believe that these are the germs of *virtue ethics* as we see it in *Stoicism* in Cicero (*De officiis*), and as it is finally developed and surpassed by Immanuel Kant (*Methaphysik der Sitten*) with his own conception of deontological ethics, but both without vegetarianism. (Rosenkranzová 2019; 2021; 2022; Kant 2016; Cicero 1970).

Going back to Pythagoras, the exact reason for the prohibition of killing and eating animals is that: "(...) they share with us the right to a soul."¹⁴ "Aristoxenus said of Pythagoras and his followers: 'Every distinction they lay down as to what

¹³ Borghesi, Riva, Papio, Marchignoli, Melloni, Buzzeti (2016, 76): Pythagorean inspired Pico by idea of transmigration of man, concept of man as mikrokosmos and seeds and stages of creation (transmigration of souls makes us friendly to the plants etc. – Empedocles doctrine).

¹⁴ Guthrie (1995, 190), (D.L. VIII, 12. – quotes from Plutarch and his after-dinner Questions).

should be starting-point; their whole life is ordered with a view to the divine. This is their principle and it is the governing principle of their philosophy” (Guthrie 1995, 199). Guthrie explains that by purifying the soul, the members of the Pythagorean Brotherhood were drawing closer to the divine, which was a priority for them. It is only from this effort to approach the divine that the concept of “kinship of all life, which was a necessary presupposition to the doctrine of transmigration. This kinship had a very wide extension, embracing more than what we should be inclined to accept as animate nature (...)” (Guthrie 1995, 200). Next, Guthrie introduces Empedocles, for whom: “everything had a share of consciousness (fr. 110.10) and even the universe as a whole was a share of eyes of the Pythagoreans a living and breathing creature” (Guthrie 1995, 200).¹⁵

Guthrie further states that: “The Pythagorean Ectophanus described the world as a form of divine power called Mind or Soul which was cause of physical motion” (Guthrie 1995, 200).¹⁶ The Pythagorean doctrine according to Democritus was characterized as follows:

Natural kinship between man and the universe, microcosm and macrocosm, must be close. The universe was one, eternal and divine. Men were many and divided, and they were mortal. But the essential part of man, his soul, was not mortal, and it owed its immortality to the circumstance, that it was neither more nor less than a small fragment of the divine and universal soul, cut off and imprisoned in a perishable body. (Guthrie 1995, 200)¹⁷

Pythagorean *transmigration of souls* takes place within unity with the eternal thanks to sympathetic force. Through the cultivation of the individual soul, union with the universal soul is achieved, thereby liberating the soul from the cycle of rebirth. This requires a deep inner desire for salvation (it was a mystery initiation cult) and, at the same time, not abandoning the rationality that leads to understanding (*philosophia*) (Guthrie 1995, 203–205). This is clearly summarized in Guthrie’s sentence: “The philosopher who contemplates the kosmos becomes kosmos in his own soul” (Guthrie 1995, 211).

It is precisely this commonality, anchored in the whole, that leads us to overcome ourselves and surrender our egocentricity, as Comenius and Jacob Böehme say, to rid ourselves of our self-centeredness, our self-will. If we are harmonized with the whole, with the universe, we see that it is easier to relinquish our own domination, lordship, that is, cruelty, aggression, disrespect, indignity, destruction and absorption, excessive consumption. However, I see that the perspective of the whole must be earned from the bottom up by each person, gradually, according to the maturity of their soul. No one should appropriate the perspective as a whole, such as an international organization, as this will lead to ideological violence. In the spirit of Comenius, everything is education

¹⁵ Ar. Phys. 213b22, De Philos. Pythagore (DK, 58B30; 277).

¹⁶ DK, 51. I, pp. 324.

¹⁷ P. 200 – E. Frank – Anon. Londinensis, DK, 44A27.

of the soul, and his motto, written in emblem was: “*Omnia sponte fluant. Absit violentia rebus*” – we can say “let everything flow freely, free of all violence” (Comenius 2017; 2022; Wouter 2016; Schifferová 2009). For Jan Patočka, inspired by Comenius, partiality is a risk of losing one’s humanity and becoming a mere thing. He appealed for us to make a “spiritual conversion – a turn towards universality” (Schifferová 2009; Patočka 1997).

In addition to the *Pansophia (General Consultation on the Correction of Human Affairs)*, Comenius describes the idea of the world and the place of man and God in his book *Centrum securitatis*, where he states: “Every ray has a double center. (...) Similarly, every human being has a double center” (Comenius 2017, 29). The whole world is radiation. Matter is energy. Everything is permeated by vibrating rays. As Comenius says, each ray has a dual center, then it means that the nature of the universe, the man and the macrocosm is dual. There are two essences side by side, two qualities, two orders, two matrices. Comenius expands this idea: “(...) The general one or common one, from which it runs out and to which it returns. The other one is its own one (...) The common one, which is God, the creator and maintainer of everything, and the other one, its own one, which is its God given nature” (Comenius 2017, 29; 2022). There are two parallel worlds emerging from two centers. First one is carried by the ray of eternity, the other one comprises variability and transience.

However, it should be added that Comenius otherwise emphasizes the Neoplatonic triad of matter, light, and spirit (physics, metaphysics, and hyperphysics). In *Centrum securitatis*, however, he focuses on the importance of the whole. Comenius’ metaphysics is non-Aristotelian (Wouter 2016).

I believe that if we start from Neoplatonism and its conception of *divine nature* and man, then through caring for the soul, we arrive at an inner mystical experience of the soul connected with the spirit (motifs of the alchemical wedding in the microcosm of man, *sponsus et sponsa*) and then, after a spiritual transformation of consciousness, one becomes aware of oneself as part of a larger whole, the macrocosm and the divine creative *Logos*, in which man participates internally (Pektas 2018). This leads to a spiritual and internal renewal of consciousness, as was the original Adam from the energy of the beginning. There is an internal unification and self-annihilation in the beginning. The forgetfulness of the soul caused by its vibrational fall is restored. As a result, a connection arises in human consciousness, the rose of the heart, the spark of the spirit, where there is a point of communication with the Spirit, the divine energy. To achieve this, we must be refined by purification of the soul and care for the soul. The condition is the dissolution of egocentricity, not morally, through exercise, but through the method of abandoning the ego and letting in the spirit. A person cannot force themselves into this, but it is the inner eros of the soul longing for connection with the Spirit, with the Logos. Then a person is guided by the spirit and soul, or rather the spiritual soul, renewed, married, and egocentricity is gone, as it

is gradually replaced by logos-centricity, which the soul longs for and towards which it is directed. Inner unification naturally brings with it a deep and natural respect for oneself and other people, as well as respect for animals and nature, the universe, and all of creation, as all of this is created by the higher, more intelligent forces of the creative Logos.

This is precisely where *Pico's dignity* as a human being lies, in the fact that he can transform himself spiritually, or rather transform his consciousness, like a chameleon (Pico in Borghesi 2016, 123; Pico in Copenhaver 2019), and participate in all shades and colors, in all expressions of being. This means having an indefinite form within oneself and at the same time all the seeds of potential. It is up to human choice what sprouts. It is freedom of choice, unforced choice, to learn, as in the school of life, to care for the soul and enable its inner spiritual unification, like the original Adam, and to revive its higher spiritual abilities, including higher consciousness, as opposed to earthly cunning and goodness. In the *Logos*, on the one hand, there is equality, freedom, and dignity, but on the other hand, there is also a certain vibrational hierarchy of spheres. Pico's concept of dignity is a theological and philosophical concept of Neoplatonism, which is strongly influenced by his syncretic inspirations from Kabbalah, Arabic mysticism, and, in addition to Christianity, also from Neoplatonic paganism, which exists in the background of Plato and the Pythagoreans. We do not become God, but in our souls we experience participation in the Logos, in creation, through higher consciousness and in the depths of our hearts. We participate in the world soul.

5. DIGNITY AND FREEDOM IN POSTHUMANISM, DESTRUCTION OF HIERARCHIES?

Just as transhumanism expresses modernity, posthumanism is characteristic of postmodernity; it is the deconstruction of the human condition through critical theory. Posthumanism is diverse and pluralistic, bringing critiques of humanism as anthropocentric, that is, humans are not at the top of the evolutionary pyramid or experience equality with animals and nature. Humans do not have inherent rights to destroy nature or place themselves above it. Also, human knowledge is reduced to a position of less control, previously considered to be the defining aspect of the world. Human rights exist on a spectrum of animal rights and posthuman rights.

Francesca Ferrando claims that:

Posthumanism is often defined as a posthumanism and a post-anthropocentrism: it is "post" to the concept of the human and to the historical occurrence of humanism, both based, as we have previously seen, on hierarchical social constructs and humancentric assumptions. Speciesism has turned into an integral aspect of the posthuman critical approach. The posthuman overcoming of human primacy, though, is not to be replaced with other types of primacies (such as the one of the machines). Posthumanism can be seen as a post-exclusivism: an empirical

philosophy of mediation which offers a reconciliation of existence in its broadest significations. Posthumanism does not employ any frontal dualism or antithesis, demystifying any ontological polarization through the postmodern practice of deconstruction. (Ferrando 2013, 4)

Rosi Braidotti writes: “A posthuman approach avoid the recreation of a pan-humanity that would dialectically absorb these others into a new superintelligence project” (Braidotti 2022, 67). Then let us add Rosi Braidotti’s critical reflections on the Renaissance concept of man in the words of Fraser Gray:

Rosi Braidotti claims that the paradoxes generated by humanism occur because beneath its pretensions to universality, a certain image of the subject is always presupposed by those declaring the universal self-evidence of human equality. And throughout history, the predominant image of the subject of equality has been humanist Man, the model for which is Leonardo DaVinci’s Vitruvian Man: “a male of the species” who is also “white, European, handsome and able-bodied.” Braidotti thus suggests that “the human of humanism” or humanist subject of equality often operates as a normative principle, “a systematised standard of recognizability – of Sameness – by which all others can be assessed, regulated and allotted to a designated social location.” To perpetuate its own supremacy, the humanist subject must ensure that these “others” (modes of being not recognised as fully human) are not only barred from participation in the community of humanist subjects, but hierarchised on a sliding scale of inequality. Braidotti argues that this form of subjugation operates via a “dialectics of otherness,” the “anthropocentric, gendered and racialised” process by which others are “cast out of normality.” That is, as a historically dominant mode of being, the human of humanism reduces all others to a non-identity, to their “not-being” a humanist subject. This not only results in the exclusion of all those different from the norm but also results in the creation of a new system of domination, as the hypocrisies of the American independence movement demonstrate.“ (Grey 2025)

Rosi Braidotti approaches posthumanism through the lens of feminism and focuses on the value of equality and the emancipatory efforts of *others*, which must be differentiated. Based on *Critical Legal Studies* and *feminism*, which are anti-theoretical, Braidotti considers personal experience of embodiment, matter containing vitality, intelligence, and self-organization to be significant. Matter cannot be reduced to a social construct, and therefore social relations and, we might add, rights are deconstructed. For Braidotti, *new materialism* is bodily empiricism, the philosophy of lived experience, and materialism is the basis of *posthuman feminism* (Braidotti 2022, 108).

Braidotti’s *new materialism* brings a *non-anthropocentric* concept of cooperation between *species*, speaking *beyond dualism* about the parallelism of entities, and therefore it is not just about the *experience of the human body*, but about the experience with technologies and natural species. Braidotti rejects the duality of nature and culture (established by Aristotle) and prefers a holistic approach, inspired by Spinoza and his idea of a single source of nature, a single matter, with inherent equality. By *not distinguishing between subject and object* in social relations, we contribute to the formation of relationships without superior subjects, where all entities (humans, animals, technology, and nature) coexist (Braidotti 2022, 113).

Braidotti describes the sheep Dolly as an emblem of *denatured* and modified biology, which is a kind of vitality, life, a renaturalization of the artificial, a *denaturation* of *queer inhumanism*. Preciado says that we live in punk hypermodernity (Braidotti 2022, 159). According to Braidotti, the strategy of posthumanism is *self-design* – body perfection, fitness, diets, cosmetics, plastic surgery, sex changes, and genetic engineering. The combination of nature and the artificial (biotechnology) is demonstrated by the widespread use of reproductive medicine (Braidotti 2022, 167).

I suppose that posthumanism misunderstood the concept of the so-called Platonic Academy of Marsilio Ficino, including his pupil Giovanni Pico della Mirandola and others in Renaissance Florence, the concept of man was *cosmological* and very Neoplatonic in oriented, adopting elements of Pythagoreanism, Hermeticism, and, especially in Pico's case, inspired by Kabbalah and Arabic wisdom. The nobility, uniqueness, and dignity of man lay in his potential ability to transform his consciousness into a higher spiritual consciousness that participates in the *Logos*, in Creation, like the original heavenly Adam before the Fall. This was a theological concept that became heresy and was perhaps adopted by some Western esoteric movements (such as Rosicrucianism, Freemasonry, and Martinism; Rosenkranzová 2022; Quispell 2000; Bouman, van Heertum 2014; Glenys 2008).

During mystical inner union with the *Logos*, there is no superiority, but rather a deep respect and recognition of the equality of all creation (Eckhart, Boehme 1974; Comenius 2017; 2022), which was the concept of *divine nature*, the signature of God's Word in matter. The prerequisite for achieving unity with the beginning, with the *Logos*, is self-purification and humility, no arbitrariness or pride and dominion, only dominion over one's internal states, passions, inclinations, strong emotions, instincts (Pico 2016; 2019; Ficino, Comenius 2017; 2022).

Therefore, I believe that the *scala naturae* was a misunderstanding of Florentine Renaissance humanism. Whether Rossi Braidotti follows Spinoza with the idea that everything created has one origin, one source, one matter, Spinoza also follows Renaissance Neoplatonism and is even partly part of it, similar to Comenius. For more, see the previous chapter, including Pythagoreanism. However, unlike the posthuman Braidotti, Spinoza thought in the context of his spirituality. I see it as both posthumanism and Neoplatonism developing a certain version of equality, respect, friendship, brotherhood and dignity. The fact that liberalism emphasized only Pico's freedom in misinterpretation, since it was only about freedom of choice (Copenhaver 2022, 244), is of course problematic.

I agree with the idea of equality and dignity of creatures, which must be respected. The question is whether it is possible to redefine legal subjectivity, as this would better express the equality of all posthuman entities. Humans, animals, creatures, nature, the cosmos, robots, and other machines would all be on the same level. On the other hand, would humans lose their responsibility? What we can

certainly do now is to legally recognize at least protection under anti-discrimination law and, if necessary, deduce protection for other entities by analogy.

The effort to eliminate duality is possible either through unification or triad. According to the Pythagoreans, odd numbers are stable. This is possible in philosophy, theology, and on the psychological level of the individual, as well as in social relations. Since the dynamics of law are always quite conservative, but over time always react conservatively to social changes. Proportionality can be used to measure conflicting subjective rights in pluralism, and it is not impossible that multiple values would be taken into account in the measurement, which is what happens in hard cases. Žofia Folková discusses the elimination or weakening of the subject-object duality of legal relationships in more detail in this issue of the journal. I believe that the solution may rather come from recognizing the dignity of all entities except humans and compensating for the unequal status of non-subjects by analogy, as in classical relationships, or emphasizing the protection of creatures as objects.

6. MORPHOLOGICAL FREEDOM AND NEURORIGHTS AS A FUNDAMENTAL RIGHT AND PROPORTIONALITY IN LAW

We can legally conceive of morphological freedom as a Fundamental Right or Freedom under Article 2 or 8 of the European Convention on Human Rights.

In medical practice, it is consensual self-determination or reversion as a refusal of medical service. According to Nick Bostrom, morphological freedom is the *civil right* of a human being to either maintain or modify his or her own body on his or her own terms, through the informed, consensual use or rejection of available therapeutic or basic medical technology (Bostrom 2005). Use of biological and technological advances in science to enhance the body and consciousness, as set out in Chapter II. The goal of the TH+ movement is the widest possible range of morphologies and lifestyles.

A characteristic feature here is precisely the autonomy and consent of the individual.

The term *neurorights* (*global neurolaw*) has been in existence since 2016 (Shen 2016, 1075). Neurorights are even considered fundamental rights. I have no problem with this, because they are always possible variants of current fundamental rights, since the legal definition of fundamental rights has always been extended through *evolutionary interpretation*, or vague legal concepts have simply been clarified. Elisa Moreu Carbonell (2021, 155) asks the question whether to regulate neurorights legally or not?¹⁸ I agree with regulation, but the question is in what

¹⁸ “Neuro-rights are ethical, legal and social principles of freedom 31 The Cyborg Foundation, <https://www.cyborgfoundation.com>, cofounded by N. Harbisson, the first cyborg recognised as such, fights for recognition of a range of rights for cyborgs, such as equal rights with natural

form and at what level, whether within the EU or at Member State level, and how outside the EU. These are questions that I have not yet resolved.

Ienca and Adorno (2017, 23–24) proposes to address the protection of neurorights through Article 3 ECHR, as part of bodily integrity, specifically *mental integrity*.¹⁹

The provision of medical services is partly a private right and partly a public right, as medical procedures are usually covered by health insurance. However, elective medical procedures (on request) beyond the scope of standard medical practice – i.e. cosmetic surgery – go beyond what is necessary, which could be ethically questionable. Legally, this is a matter of the right to the protection of physical integrity (Article 2 of the European Convention on Human Rights, hereinafter referred to as the ECHR). Physical integrity is part of the right to life, including prevention and social aspects. If we also consider abortion to be an expression of transhumanist autonomy, we must take into account Article 2 of the ECHR.

Applying Article 2 of the ECHR has a certain advantage, as it is the most important right in terms of proportionality and balancing of rights, similar to how interference in human dignity is given priority in national states as an absolute right (Wagnerová 2012; Barak 2015; Rosenkranzová 2019; 2024). The European Court of Human Rights (hereinafter referred to as the ECtHR) is not usually restrained when it comes to the right to life and is willing to address it, as opposed to the rights under Article 8 of the ECHR, given the theory of the *margin of appreciation*, which is more closely linked to the positive obligations of Member States, i.e. when some action is expected from the state towards the protection of rights (Kmec, Kosař 2012, 88–89). Remaining within Article 2 of the ECHR, in the context of morphological freedom, this is more of a so-called negative obligation, meaning that the member state must create space and conditions for the exercise of freedoms, and any positive obligations are rather secondary.

Another possibility for legally protecting morphological freedom, *neurorights*, and other manifestations of transhumanism is Article 8 of the ECHR, which guarantees the right to respect for private and family life, which encompasses

persons or the right to design themselves as a species. related to the ownership of people's brains and thoughts, in other words, rights protecting the human brain and thoughts. As mentioned above, the law is based on the premise that we humans have the capacity to choose freely (autonomy of will or free will). But what will happen when humans are exposed to others knowing our emotions and introducing thoughts in our heads? That is why attention must be paid to neuro-rights" (Carbonell 2021, 155).

¹⁹ "(...) mental integrity is protected by the EU Charter of Fundamental Rights (Article 3), this right is conceptualized as a right to protecting mental health and is complementary to the right to physical integrity. We suggest that in response to emerging neurotechnology possibilities, the right to mental integrity should not exclusively guarantee protection from mental illness or traumatic injury but also from unauthorized intrusions into a person's mental wellbeing performed through the use of neurotechnology, especially if such intrusions result in physical or mental harm to the neurotechnology user" (Ienca, Adorno 2017, 23–24).

various forms of autonomy, such as reproductive medicine, gender identity and identity in general, the right to self-determination and self-realization (including the distinction between the so-called *fora interna* and *fora externa*), worldview, and the right to pursue one's happiness, including the protection of privacy and human dignity (not to be instrumentalized or humiliated). In addition, there may be situations where the situations listed above are governed by anti-discrimination law, such as discrimination against LGBTI people. Human dignity is a subjective right in Article 8 ECHR, but it also functions independently as a legal value for interpretation or as a legal principle (Barak 2015; Rosenkranzová 2019; 2024). Usually, various conflicts of principles and rights cannot be ruled out, which is where so-called judicial proportionality tests are applied in individual court cases (Alexy 2015; 2018; Barak 2015). Proportionality tests are a suitable legal tool for resolving conflicts in a pluralistic world. I believe that they are also an expression of postmodern posthumanism.

A suitable methodological solution in legal argumentation may be the *proportionality* test, which seeks to balance legal principles and values against each other without completely overriding one of them (Alexy 2015; 2018; Barak 2015) despite the critics of proportionality, there is not necessarily an inflation of inherent natural human rights (Huscroft, Webber 2014).

The *legal order*, like nature in our vision and postmodern and posthumanist (Braidotti 2022) understanding, is no longer hierarchical (Teubner 1989; Ondřejek 2020, 75), and it is impossible to theoretically rule out the collision of more than two conflicting values in a pluralistic world. If human rights and their basis are moral (Tasioulas 2015, 50), then we can accept the use of proportionality to measure rights, principles, values and interests in law also taking into account environmental protection and the rights of marginalized entities, including *non-human rights* (Balzer, Rippe, Schaber 1998). The existence of non-human rights in the broadest sense is also confirmed by studies of neurorights (Shen 2016, 1075).²⁰

7. CONCLUSIONS

I came to the following conclusions:

- 1) Transhumanism misinterprets Pico's concept of dignity, focusing on the spiritual quality of a caring soul that experiences freedom, but that freedom is not limitless. In Renaissance humanism, it is only freedom of choice. It is by no means a materialistic and self-centered conception. Dignity must be arrived at by purification of the soul, care of the soul, and spiritual restoration to the state of the divine Adam.

²⁰ And in 2012, a group of scientists (including many neuroscientists) signed the Cambridge Declaration on Consciousness, which declared that "the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness" (Shen 2016).

- 2) The misunderstanding had negative implications for the concept of *scala naturae*, where man was placed at the top of the food pyramid chain and as an arbitrary master, in the sense of power and superiority over nature. If man and mankind acted according to the spirit and soul unselfishly, then they would understand this, according to Pico, as a moral challenge to master their passions, instincts and carnality and become the master of themselves. This is the spiritual concept of Neoplatonism. By analogy, nature is divine and man as a conscious being and master who has come to know himself has respect for all life. Posthumanism eventually comes to similar conclusions but manifests itself only in a naturalistic and materialistic way, since God has long been dead.
- 3) *Morphological freedom* as a manifestation of transhumanism is another form of materialism if we deal with the body and can partly a concern the soul expressing its autonomous space. According to law, it is part of the right to bodily integrity, dignity and privacy, including the right to personal happiness and self-identity or worldview.
- 4) It will be ethically legitimate to accept bodily enhancements of people made possible by implanted technologies (chips), i.e., cyborg enhancements, if the purpose of the operation is life and health (limb immobility and paralysis, loss of senses, or even mental and neurodegenerative diseases). Such a goal could be financed by health insurance. However, if other goals were involved, mere enhancement to improve professional skills (artist) or even violence (individual or collective), then this cannot be accepted. The artist's enhancement is purely egocentric. And this would bring health care into the realm of privately provided services, which are not usually strictly regulated.
- 5) Transhumanism leads to the perfection of the body, thus reducing us humans to objects, instruments, and items of care materialized in the body. It is a manifestation of materialization and de-spiritualization, a trivialization of *care for the soul* (Patočka 1997), an ancient concept directing the soul toward the spirit, toward the Logos. This leads to the flattening of human consciousness and its captivity in matter; in Western culture, there is no spiritual transformation of consciousness and the organs of internal secretion. The *aesthetics* of perfection in transhumanism overlooks the ugly and vulnerable. This is *discriminatory* and, at the same time, can lead to a violation of dignity and humiliation, according to Avishai Margalit (1998) in his concept of dignity as relational respect for other people, where the characteristic is *being seen*, and therefore any overlooking is exclusion and discrimination. Fabio Macioce (2026) elaborates on this idea in his research.²¹

²¹ Fabio Macioce presented a paper entitled: "Groups and humiliation: the case of aesthetic humiliation" at a workshop the 27.06.2025 in Onati International Institute for the Sociology of Law.

- 6) Discrimination is remedied by posthumanism, which emphasizes plurality and allows us to see even the ugly. Equality is a central value of posthumanism. Through its efforts to raise awareness and perception of all entities as visible. Posthumanism is respectful and thus protects human dignity, the *dignity of creatures*, and the dignity of all entities. Unlike Neoplatonism, posthumanism does not carry a theological concept and is materialistic, so equality and dignity are only physical and psychological. It does not liberate us from dualism with another dimension, as Renaissance Neoplatonism did. However, freedom is in last place, which is understandable because posthumanism reacts critically to previous liberalism. Freedom is manifested more in the right to self-determination, self-identity, including gender identity. It is precisely posthuman deconstruction that is helpful to the dignity of all entities and the protection of the environment and animals, even though posthumanism is anti-naturalistic with a positive relationship to technology, whose progress is just as irreversible.
- 7) I think that dignity (love), freedom and equality (community) should always balance together. A *triad of values* is more stable than a duality creating opposites. One cannot exist without the others. This is illustrated by the reflection: “Posthumanism seeks to problematize these binaries or overcome them. Spirituality assumes transpersonal experiences and forms of being in which distinct ontological boundaries may be blurred or erased, leading to nondual experiences” (Ferrando, Banerji 2023, 2).

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