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**WELFARE AND MARKET:  
A SOCIAL, ECONOMIC  
AND LEGAL ANALYSIS**

# WELFARE AND MARKET: A SOCIAL, ECONOMIC AND LEGAL ANALYSIS

Ida D'Ambrosio  
Paolo Palumbo

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名誉

*Meiyo*  
*Honor*

良心

*Ryoushin*  
*Conscience*

高貴

*Kouki*  
*Nobility*



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# CONCEPTIONS OF HUMAN NATURE AND RIGHTS

*Maria Lucia Tarantino* \*

**Keywords:** Man's Nature, Rights, Person

## 1. Introduction: Human species, human being, human individual and human genome

The nature of man evolves in itself biologically and culturally and has a purpose, for which, teleologically considered in all its dimensions, is naturally addressed to respect for life and freedom of each individual and to respect for the environment (Eccles, 1979; UNESCO, 1997). So it does not tend towards the globalization of the societal technocratic paradigm in which today's culture delves more and more (Pope Francis, 2015). A paradigm that represents the totalitarian society, in any of its forms, either as an expression of some men's domination on others or as an expression of industrial domination on nature, in favour of the few and at expense of the many. From here the incentive to equally consider everybody's life in recognition and respect of their rights. Recognition and respect that is to be proportional to the needs of the necessary existence and the existential development of each person, and the improvement of live conditions.

Recognition and mutual respect that imply a reference to the concepts of human species, human being, human individual, and human person, in order to specify more clearly the problem of the social dimension of human nature.

Human species, human being, human individual, and human person are independent entities. As for human species, we should remember that it precedes the human being because the human being just comes from it. Human species is actually present in the universal moment that exists in each human being. In this sense, then, human species is something previous to the human being, so it is to the human individual and person.

In the nature of human being and, consequently of human individual and human person, the characteristics of human species and the specific principles of each individual are present; these principles are the universal ones and the individuating ones and they make each human being an individual very different from the others, but different because of the way the individuating principles occur. Specifically, in each human being, universal and individuating principles are present. Distinction, this already known in Greek-Roman Age; present in Aristotle's work<sup>1</sup> and resumed by Cicero (Ferrero & Zorzetti, 1986), it is a classical distinction that, re-proposed by St. Thomas (Centi, 1997), entered the common culture suffering non-essential variations, due to the different dimension of man's nature privileged by the author who reintroduced it.

Lastly, in the affluent society, that could have brought the biological evolution of man to a final point (Eccles, 1979), the human evolution would have only been cultural, that is why we often consider culture as the only foundation of man's nature and not nature and culture. In this way, we undermine the basis of the classical distinction between man's universal and individuating principles. Principles that, we shouldn't forget, are both present in the nature of every man, although in different ways.

However, speaking about man's nature, we should take into consideration that in each human individual we see a universal principle, common to all men, and a particular one, specific to each human; we should also consider that universal principles are articulated in several dimensions.

## 2. Man's nature and rights

Man's universal principles are the foundation of his fundamental or natural (Bobbio, 1990) rights and the specific or individuating principles are the principles of his non-fundamental rights; these last

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<sup>1</sup> See <http://classics.mit.edu/Aristotle/nicomachaen.10.x.html>

principles are intended to guarantee in the first place the exercise of fundamental rights and not the realization of man's desires, that are not founded in nature or anyway not related to the respect of his nature.

If it's agreed on what has just been said, the consequence is that individuating rights should never be used against fundamental rights and the right to freedom should never be used against the right to life. Respect for the right to life that is now the cultural context of bioethics, intended as an ethic of life. Man's life that in its necessary essence has been re-proposed biologically and culturally by the UNESCO (1997) in the Universal Declaration on the Human Genome and Human Rights.

Then, about freedom, we don't have to forget that this is the ability of reason to judge which action has to be taken in specific cases, in order to meet the values of life. The ability that is obviously followed by a practical judgement, which is consent and choice of that action.

Freedom is therefore intended as an essential moment for the exercise of reason. As such it becomes a moment that is independent and founding of the man's nature and its related right.

The exercise of the right to freedom leads human individual to develop reason in speaking to others, namely to change into a social animal. Specifically, as social animal, he has to open to others, to the social fabric. However, with a view to do so, he has to harmonically use all the dimensions of his nature. He has to socially act also in the respect of others' rights and have towards them the same respect he has towards himself.

If a man prefers to exercise some dimensions rather than others, he is inevitably pushed to dominate those who don't choose the same dimensions; in defence of his behaviour he uses the assertion of his interests (Hume), of his power (Nietzsche), of his *libido* (Freud).

### 3. The overcoming of the traditional anthropologic paradigm

The traditional anthropologic paradigm, mentioned in the previous paragraphs, has been overcome in the last 150 years, years characterized by scientific and technological progress (Eccles, 1979). This paradigm has been overcome by the paradigm of the transhuman, the result of a culture intended, indeed, mainly as scientific and technological progress. This last has been to some extent overcome by the post-human paradigm (Cingolani & Metta, 2005).

These last two paradigms about man's nature are not new in the history of philosophical and scientific thought; they find their conceptual origins at least at the start of the modern age with Francis Bacon. In his *The Great Works of Nature Especially in Relation to Human Uses*<sup>2</sup>, he listed the potential offered by nature that from over 150 years (Eccles, 1979), became practicable, partially because of science and technology progress. We are referring to a long life, to the reinforcement of intellectual and physical abilities, to the partial elimination of aging, etc.

1) The transhuman paradigm has to be seen as the result of the philosophical, scientific, and technological thought, and in particular of bionics, the science that studies electronic systems which emulate man's behaviour. Bionics that is on the right way to build artefacts whose job is to recover the natural abilities that man has lost, and to imitate the original functions of human organs. However, the transhuman is still a human individual, able to keep thinking of and creating new programmes of life.

2) The post-human paradigm (Marchesini, 2002; Pulcini, 2005; Fuschetto, 2010; Cingolani & Metta, 2005) is totally different. The post human individual, using artificial intelligence, could plan individual lives that are completely socially independent. In short, the risk is that the posthuman could be released from the guide of a *recta ratio* and could be programmed to have higher intelligence than a natural one. The undesirable event, as we could move towards a low concept of man, who would be represented only through his autonomy and his artificial rationality, but deprived of any human dimension. He would be a machine.

From here the opportunity to refer to the precaution principle in order to support the non-manipulation of the human genome. Possibility, on the contrary, was supported by

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<sup>2</sup> We say "at least" thought about the myth of Icarus, son of Daedalus and Naucrates, to whose body the father adapted wings made of wax, to help him run away from Crete Labyrinth. But Icarus flew too high, too close to the sun, wax melted and he fell into the sea.

Harris (1992) who adopted a firm decision in favour of this manipulation. The position that is strongly criticized, among the others, by Fukuyama (2002), in his *Our Posthuman Future: Consequences of the Biotechnology Revolution*.

The use of the precaution principle looks here essential because, at a time when technocracy dominates, we are thinking of programme man's nature in order to increase profits. For example, with genetic engineering, we could think about modifying man's genome in order to program men who are physically gifted, to design a social class intended for arduous jobs.

But a question springs to mind if the use of the precaution principle is enough to stop the attempt of manipulating the human genome, even if it is anyway a good remedy.

We must agree that this principle isn't strong enough as the age in which we live in an age of laxity in the ethic and social field, as aforementioned. However, we cannot exclude the possibility of urging man to abandon his setup as an individual of human species and to lean towards his setup as a human person. From here the opportunity to justify this proposal.

It is necessary to remind that in different times of human history, unfortunately, a good part of human beings is not made of people, but of individuals. And a human individual is not a human person, as we will see better later. Here it is enough to remember that one could be defined as *Homo Praedatorius* and the other one as *Homo sapiens*.

When the majority of members of a society are human individuals, society doesn't live a life of splendour. In times when only a few human beings live like people, humanity is forced to live an era of decadence. And, unluckily, this is our epoch. For more than 150 years, indeed, the most important cultural conquests have been only in the scientific and technological field, the result of scientific thought. Consequently, in these social sectors, that characterized the technological society, humanity is living a golden age. But the technological society is only one of the forms of life in human society. In fact, the technologist, before being that, is a man with his values. From here man's necessity to take this responsibility principle as the North Star of his conduct (Jonas, 1979)<sup>3</sup>.

So our age appears with an intrinsic laceration. In some cultural sectors, it progresses, and in others, it does not progress or it even regresses. It declares legally licit what is against the continuity of human species' life, so it privileges too much, for example, the *libido*, dimension of man's nature; man, in turn, privileges a decay of morals. This privilege takes shape in accepting the condition of freedom without limits, that vaguely reminds us of the epoch of "*A furia di lussuria fu si rotta, che libito fe' licito in sua legge, per torre il biasmo in cui era ridotta*"<sup>4</sup>.

In favour of progress in the scientific and technological fields I could recall, as Aristotle said, that about the principles based on science "we do not need to search for further explanations", as they get their credibility from themselves, so the scientific progress is linear; on the other hand, principles based on opinion, have to be adopted by everybody "or by the majority, or by the wise men, and among these or by everybody or by the majority"<sup>5</sup>. Synthetically, the scientific progress historically runs along a straight ascending line, while the philosophical, humanistic one runs along an ascendant line that it is not straight but sinusoidal.

But we can have an effective Renaissance only if during the rebirth all the dimensions of man's nature are involved, together with the sector of culture in which they are practiced. It would also happen if science is not only used for technology's sake in different fields like medicine, communications, war, etc, so man should take as a guide of his own conduct, the values that led him to a civil evolution in the history, like altruism, solidarity, respect for his own dignity and the dignity of others, either of a religious or secular nature. Man's nature adopts fundamental characteristics of humanism and religious renewal, political renewal, and naturalism. Man's nature that, then, does not erase its religious and metaphysical dimension from its paradigm (Pico della Mirandola & Garin, 1994).

Therefore man has to be supported by his own dignity, which should lead him to take as guide the value of authenticity, of identity that implies the liberation from subjugation to political power and

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<sup>3</sup> In this volume we read: "Humanity existence means simply that men live; the fact that they live well represents the following commandment. The pure ontic fact of their existence becomes, for those who haven't been asked before, the ontological commandment on which basis humanity has to keep on existing. That anonymous "first commandment" is implicitly in all the others (...). Entrusted to the instinct of procreation for its immediate realization".

<sup>4</sup> Alighieri, D. *Inferno*. Canto 5, vv. 55-57.

<sup>5</sup> Aristotle. *Topics*, I (A), 1, 100b, 18-20.

the power of media. He also has to present himself as supplied with the ability of self-design, following only his own nature's suggestions (Xingjian & Gallo, 2018; Morin & Lazzari, 2001; Fukuyama & Amato, 2019). Nature that, in order to be permeated and guided by the reason, takes him to use as a fundamental point the *Homo Sapiens* with his characteristics and not the *Homo Praedatorius* who, obeying the principles of biological evolution, is led by violence and aggressiveness. This last behaves towards others as a ruthless being, like in the sad phenomenon, spread in the last few years, of femicide. The figure, this of the *Homo Praedatorius* that has been unfortunately reintroduced in the history of humanity nearly a century ago, leading humanity towards an epoch of decadence.

However, we should never forget that either in bad and good times, social actors are always the human beings who must be respected for their necessary essence; it does not matter if they behave as individuals or as persons.

At this point, it is necessary to specify the concept of individual and that of person and therefore the characteristics that help to shape one concept and the other.

#### 4. The individual

The figure of the *Homo Praedatorius* "ambitious and ruthless creature, acting according to the principle of biological evolution, that is survival of the most suitable one" (Eccles, 1979, p. 120), taken as a model by individualism for several decades, led the human being to face a transformation.

Studies on individualism showed this transformation. Since the last decades of the last century, lifestyles on a social aspect followed the way of hedonistic consumerism and we experienced the reintroduction of individualistic anthropology oriented toward a minimum State, to which you can ask to satisfy all man's desires. We could say then, that the essence of the individualistic anthropology has gone through a process of hybridization and then became individualistic.

Already in the 60s, with Morin and Rabbito (2002) we remember the coming of private individualism as a product of a mass culture that permeates human beings' life and overcomes the traditional figure of bourgeois individualism, creating a radical transformation of custom.

This transformation brought the individualistic anthropology to meet the hedonistic sense of life. This is a kind of anthropology that thanks to mass communication, to consumerism, and technological progress, encouraged customs' permissiveness; it is well connected to unlimited freedom that is peculiar to the existential intimacy of man in the individualism, and that is oriented towards a variety of social backgrounds.

This individualistic tendency, based actually on a variety of social backgrounds is led to demand the recognition of new rights and to make the request to have a private individual life, free from social constraints.

Consequently, if we want to take stock of the form of today's individualism, we could say that it developed in different directions that create new anthropologic figures. These forms take as their foundation a culture separated from the cultural development that led the human being to overcome the characteristics of the *Homo Praedatorius*; he, as mentioned before, behaves towards others as an egotistic being, without social scruples.

This phenomenon led humanity to regress and not to live in accordance with values like altruism, love towards others, solidarity, etc., values typical of the human being as a person; because of this phenomena humanity is going to experience another age of decadence.

That's why freedom, lacking in limits of conduct, led the human being to look for a sexual orientation regardless of his natural conformation. A socio-cultural phenomenon, expression of transhumanism that turns against man's nature and privileges culture only as a point of reference for man's life.

The phenomena of sexual orientation, result of waves of woman revolution, is oriented to affirm a society pervaded with secularism and its values of egotism, mass consumption, amusement. It could be an expression of a phase of decadence in the history of society and not of a phase of splendour, because it is based on a conception of man's nature that doesn't have a religious or metaphysical dimension. Briefly, this society is an expression of a phase in human history in which human being is a mass individual, characterized by his egotism, his vision of life as mainly oriented towards

consumerism and amusement, while it does not privilege the human being with his values: altruism, social solidarity, respect for himself and others.

The above-mentioned considerations reinforce the idea that in the history of western society, this phase of decadence, expression of the human being as individual who lives in the perspective of secularism, *Etsi deus non daretur* (Grozio & Fasso, 1961). So, a human being, who deprives the man's nature of its religious dimension, lives a life devoted to amusement and consumerism.

This situation has relentlessly opened the way for the word gender, as opposed to the word sex. Gender gives up the natural sexual complementary difference between man and woman, and it is a result of social politics in the Anglo-American debate about the nature-culture relationship.

The renunciation of natural diversity and sexual complementarity of man/woman is an expression of secularism and is aimed at demonstrating sexual equality. Unaccomplished goal, as sexual equality has been now rejected even in the American feminist context. Actually, the feminist Scott (2017) has recently taken a position against the equation secularism as sexual equality, trying to demonstrate that the gender theory is naturally unfounded and to prove that relationship nature-culture is unavoidable. In this way, she shows that the last feminist movements are somewhat trends or forms of custom that cannot be translated into legal rules and that amusement cannot be used as the value to support the gender.

## 5. The desired return to the person: The welfare state

If now we ask which is the attribute that makes a person unique, the answer is the classic and traditional one: the reason intended as that man's faculty thanks to which man is distinguished from animals and that leads him to respect himself and others<sup>6</sup>.

The reason, then, as an attribute of man's nature that leads man to communicate with others. Still resorting to Aristotelian categories, we may say that reason is the characteristic that, through its use, changes a man from a reasonable animal (*logikon*) into a social one (*politikon*).

It should be also recalled that reason, shaping the person's rationality, has to be intended as an essential attribute that allows a person to go beyond the appearance of things and to intellectually understand their intrinsic order. The reason, therefore, as an attribute that is substantial if it is used, if it can't be temporary used, or if it is used only occasionally.

This last distinction has been of great importance in the history of philosophy, because reductionist anthropology, not accepting reason's substantiality as an attribute of man's nature, but instead, as an operational instrument, could propose different anthropological forms. It could also disavow the intellectual moment of human reason. Disavowal that led towards the absolutizing of reason, for each knowledge is reason's work.

From here Kant, with reason absolutization and individual self-consciousness as prodromes of subjectivity in terms of an autonomous entity, proposed reason as the ability of self-determination and its very intellectual exercise. Characters these, present either in contractualism or in ethical non-cognitivism.

Non-cognitivism that, not recognizing to reason the capacity to know even the necessary essence of things, it doesn't give to reason the ability to distinguish right from wrong in morals, but recognizes the subject as the ultimate source of moral (Kant, 1980).

The conclusion is that, in this philosophical frame, reason presents self-determination and autonomy as its fundamental attributes. Moreover, in this doctrinal perspective, the person who cannot exercise reason even temporary cannot be considered the centre of rights' charge that is rights' subject.

The consequence of this reductive anthropological conception is that the individual is recognized as a person only if he is able to act morally. If the individual is not able, he is qualified as a potential person, so for some scholars, he can obtain rights only gradually, as he becomes able to use them. In this way, the road to the theory of evolution is open (Engelhardt, 1986).

This reductive anthropological conception, determined by rationalism and based on

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<sup>6</sup> The reference to Aristotle is unavoidable. For man, as the only animal that's got reason, see in particular but not only Aristotle. *Politics*, I, 2, 1253 a 9; cfr VII, 13, 1332 b.

non-cognitivism and contractualism, cannot be reduced to the evolutionary theory but includes also other philosophical theories. I am referring to Hume empiricism, qualified as a reductionist anthropological conception of senses, a fundament of utilitarianism, for which the person is characterized by perception and not reason.

Furthermore, the reductive anthropological conception does not include in its context only the anthropology of senses, but also all the theories that privilege one man's dimension on the others. We are referring, for example, to the privilege of strength dimension that led to the theory of the will to power (Nietzsche), or to the libido, that led to the vaguely sexual theory (Freud), etc.

The reductive anthropological conception is not to be privileged in any of its concretizations; instead, we should privilege the anthropological conception that harmonically welcomes every dimension of man's life, the metaphysical one included. The metaphysical dimension actually enriches man's nature because opens its origin to the mystery.

The different anthropological conceptions that I just mentioned, even the reductive ones, are the foundation of different bioethics (Fornero, 2009).

However, a person represents the central role of cultural evolution in society and history. Centrality that, with its characters of altruism, solidarity and subsidiarity offers itself as foundation and criterion of ethicality. Ethicality to be intended as an expression of dignity and identity of the human person (Morin & Lazzari, 2001). Ethicality of which foundation is eventually the practical judgement of reason; this judgement acts as a person's moral conscience and, thanks to the rational reflection, the person becomes aware of itself and decides to act for his own sake and the sake of others.

But this is possible if we agree with the connection between social rights and welfare state. If we accept that positive meaning and rules would be given to relation rights, earlier left to the social dimension of single human beings and social groups.

In brief, social rights receive the chrism of legitimacy if they go through reciprocity if they represent social obligations to agree with. Obligations that lead the single man towards the society and the State social obligation towards the state-citizens mutuality, to be intended not as simple assistance, but as the constitutional bond of citizenship relationships (Curducci, 2017).

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