



Debates on Human Rights – thinking philosophy, political economy, sociology, political science, psychology and arts
for understanding law

Working Papers on contemporary challenges for understanding law in a multipolar world

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Digitisation Between Fostering Tradition and Constructed Realities¹

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Title & Abstract

Digitisation Between Fostering Tradition and Constructed Realities

Digitalisation and artificial intelligence are a double edged sword: on the one hand they can be used to foster traditional and contemporary cultures (including sports); on the other hand there is the danger of alienation between actors, traditions and nation. Against this background it will be discussed in which way instruments of digitisation can be utilised in favour of maintaining tradition and integrating it into today's world, protecting it against the traps of an artificially constructed reality. The presentation will define core terms and ventilate the responsibilities of different actors.

Digitisation Between Fostering Tradition and Constructed Realities

Challenges in the Era of New Technologies and Virtualisation

Defining the economy as matter of production and reproduction of people's every day life is reflecting the fact that life and living is founded in real life. Subsequently rights — in narrow legal terms and also as matter of (the understanding) of justice — must be seen in this light. This is obvious in debates on fake news, namely information that is not simply wrong but that is made-up — or we can also say: that is created — in order to mislead the recipient. We can speak in such cases of — at the end simple — criminal activities: presenting false facts.² However, the situation today is becoming a bit more “complicated” as we are facing to some extent a “reversal”: while it had been always the case that men make history — not least by producing the means of production developing the productive forces and with this the way of living — the constructive aspect, that is already entailed here, is reaching nowadays new dimension. Human activity is in many instances not limited to manipulating and exploiting the environment; instead it is about creating a new environment, namely a more or less artificial virtual world – in other words, a world that does not, as it were, exist. Subsequently, law and even more so justice lost a sound benchmark for a good life, justice in the relationship between humanity, humans and nature. The world and the relevant standards are apparently turned completely upside down.

² saying so must be qualified: in some legislatures the spreading of fake news is considered to be a legal offence, we find in many cases “non-criminal responses, as developing media competence, requiring transparency of social platforms. However, even in those cases we are often dealing with criminal offences as fake news may contain defamation, incitement to violence and others.

We must analyse the complexity of the constellations around virtualisation, AI and related socio-technical conditions; on such a foundation it will be possible to outline the strategy for an emancipative application that underscores the meaning of AI as support mechanism to grasp, understand and deal with the real world, without replacing it.

In the concluding remarks it will be briefly discussed what this means for the debate on Human Rights.

Virtualisation — Conditions of Constructing New Realities

In the preface to a contribution to the Critique of Political Economy, written in 1859, Karl Marx contended

It is not the consciousness of men that determines their existence, but their social existence that determines their consciousness.³

While not questioning this, we must ask today what happens if being itself is transferred to a matter of consciousness. This has not meant to reflect consciously being. Instead, it refers to the virtualisation of everything. While being in its objective perspective is still the determining factor, the question is now to be reformulated: being gains some abstract character, we are confronted with a real world that is virtual — a paradox and as such it is difficult to understand; this difficulty is part of the process of virtualisation itself. We can approach an understanding with what Jason Moore writes in another context:

Facts in science do not present themselves in a pre-existing shape. Rather it is the experimental or observational protocol that construction facts out of an undifferentiated nature. And if we do not like what we see, we can rearrange the description of nature to have a more pleasing aspect. So, facts make a theory, but it takes a theory to make facts⁴

We can — metaphorically — also refer to quantum entanglement, i.e.

the idea that particles of the same origin, which were once connected, always stay connected. Even if they separate and move far apart in time and space, they continue to share something beyond a mere bond — they shed their original quantum states and take on a new, united quantum state

³ Marx, Karl, 1859: Preface to A Contribution to the Critique of Political Economy; in: Marx Engels. Collected Works; Volume 29: Marx 1857-61; (London:) Lawrence&Wishart, 2010 [electric books]: 261-265; here: 263

⁴ Moore, J. W. M. 2015. "Putting Nature to Work" in: Wee, C. and Arndt, O. [red.] Supramarkt Bokförlaget Korpen 2015: 92

*which they maintain forever. This means if something happens to one particle, it affects all the others with which it's entangled.*⁵

In a simplified way, and taking together the two statements, we refer methodologically to some form of constructivism, as we are living in a reality that is constructed,

- on the one hand on the basis of certain given objective conditions while these cover an extremely wide range of possible entanglements, i.e. possible ‘combinations’, and
- on the other hand as arranging reality according to the needs of the different actors, i.e. the power relations between them. In a pointed way, Katharina Pistor’s definition of capital is relevant, suggesting that even a piece of dirt can be seen as asset and is with this potential capital.⁶

Teacher — Art collector

Let me switch, moving to recent personal experiences — and here looking at my two existences: the one as academic, working at the Human Rights Centre in Changsha, People’s Republic of China; the other is that of an old age pensioner, living in Møgeltønder, a tiny village in Sønderjylland, Denmark, and art collector.

Both settings are as any other places “historical”, i.e. they developed over time, established something entirely new, but even then standing on the ground of a process, which includes traditions. One could say, wherever we enter, we are entering a snapshot of history. In both these positions I am also confronted with Artificial Intelligence — in the first inevitably, in the second by choice.

Talking about choice: I do not want to go into deep philosophical matters of freedom etc.; but there will be little dispute when I say that choice and inevitability are determined by specific “frameworks” and conditions. I suggest to understand such frameworks theoretically with two perspectives, namely as

⁵ NASA: What Is the Spooky Science of Quantum Entanglement?; <https://science.nasa.gov/what-is-the-spooky-science-of-quantum-entanglement/>; venerdì 26 settembre 2025

⁶ Pistor, Katharina, 2019: The Code of Capital. How the Law Creates Wealth and Inequality; Princeton/Oxford: Princeton University Press: 2

- life regime — it presents the fundamental pattern of production and consumption in the perspective of classes and social groups as they are structuring in general terms life
- mode of living — it is the way in which individuals translate the general opportunities and restrictions into their real life⁷

Technology

I don't want to complain, nor do I want to suggest that there is something like the good old times — at most they exist as illusion and self-deception. But teaching today is definitely different from the times when I studied. One of the major differences must be seen in the fact that today digital instruments and artificial intelligence play a major role whereas they did not even exist when I studied. The computer that we, as students, could rarely use had a performance that is today topped by any smart phone; we had to wait at least a day until we could collect the outcome of statistical calculations for which we had to “write punch cards”. The computer itself was very real, I could even walk into it — entering through a “hygenising tunnel”. Today a little thing as a mobile phone has a higher performance, and it is ... simply magic, tangible but not graspable.

We can also say that the situation turned in some way around: the digital instrument is in some way not graspable whereas the results are more “tangible”, more real than line-drawings, usually of endless numbers only an expert could make sense of. So it had been really more or less exclusively used for calculating statistics.

Now, imagine against this background a picture, a dance, a flower bed. Of course, you can also see them as rows of numbers — that is what every computer or phone does. But it can change any code in real time and with extreme precision and it can furthermore even process movement directly although it remains virtually. And it can furthermore create movement.

⁷ see Herrmann, Peter, 2020: The Common Good. Freedom and the Control of the Individual that Lacks Insight into Necessities; in: *Commedia della Vita or Pánta Rêi's Firm Ground*. Peter Herrmann's blog, trying to inspire thinking; <https://williamthompsonucc.wordpress.com/2020/03/30/the-common-good/>; 29/05/2020

Technology and Communication

I mentioned a little art collection — and as amateur-curator I thought it would be nice to have a catalogue. Well, the entire thing developed by chance but finally I really wrote a catalogue ... and I did so in closest “cooperation with My Assistants”

And arts, the liberal art, even in a wider understanding? The definition of liberal art is not least established with reference to the free man, and looking back it means that we can speak of “intangibles” — people who stood above real life, people who transcended in some way real life: economically independent, well-educated ... — even creators.

So, coming to my catalogue — even if I am not professional curator, art historian or expert for book-design, artist ..., because I am not any of these — I could arrive at some reasonable result. And here I must say “we came”. As the catalogue says upfront, before the actual catalogue commences:

This collection reflects over 100 years of art history – from Chagall's biblical visions to Peter Kurgan's mineral landscapes.

The catalogue was created jointly by DeepSeek AI, ChatGPT and Peter Herrmann.

DeepSeek's claim: AI helps make this diversity accessible without replacing human depth

Indeed, the work became increasingly exciting... and dangerous. It was like being drawn into a real communication with somebody and about an object that came to life before our eyes.

Technology and Reproduction

Looking at my experience from teaching, the situation is completely different: students make photos from slides or of anything on the drawing board; instead of listening, they are looking at the screens which displays a translation into their preferred language. In other words, there is no real communication; instead we are witnessing a process of mediatisation. Is that the only way of understanding? And is it at the end understanding or is it the transfer of information that is possibly even reduced (i) because I anticipate an under-complex comprehension of the machine, (ii) because the machine is even biased when it translates or (iii) because of the lack holistic perception? The

often used term knowledge society is in this light misleading and we must speak of information society instead.

The Economic Dimension — Great Unity

Of course, both perspectives — that of the amateur curator and that of the third-level educational and research system must be seen within a wider context, namely in the light of the economic conditions which I see here as accumulation regime, defined as

particular combination of production and consumption which can be reproduced over time despite conflictual tendencies

Another contextual matter is the mode of regulation, defined as

an institutional ensemble and complex of norms which can secure (...) reproduction pro tempore despite the antagonistic character of capitalist social relations.

Ancient Agōn — Sacred Activity	Sport I: Secular diversion and organised recreation	Sport II: highly competitive activity, closely linked to economic interests
Art — skilful human workmanship	Liberal Art — attainments directed to intellectual enlargement	
Technology: system or method of making or doing		Technology: system or method of making or doing with a clearly defined objective
Intelligence: the highest faculty of the mind, capacity for comprehending general truths;		
Artificial Intelligence: a contradiction in terms?		

In the following, I want to draw attention on the traditional Chinese thinking, namely the Confucian emphasis of the Great Unity。 For the present discussion especially the following points must be highlighted:

- it is about the perfection of oneself
- it focuses on harmony (天人合一 [Tiān Rén Hé Yī]) as union of heaven — understood as moral and spiritual power and the totality of the natural world and humanity; in other words as moral and ecological responsibility
- it aims on transcending cultural or national boundaries.

In other words, we are looking at an integrated relationship of human beings as part of nature, a matter of integrity in all respects. It is a matter of

- socio-economic being and environment — one can say: socio-natural integrity
- socio-cultural being in a historical perspective — in other words: historical integrity
- socio-political control — this is a matter of regulatory integrity

Statis and Dynamic

The integration of new technologies in the further development of sports plays a major role — a role that will be increasing in the future. This means not least that we can use new technology, and in particular artificial intelligence, to enhance the understanding of responsiveness; it may be a matter of sport performance or perception.

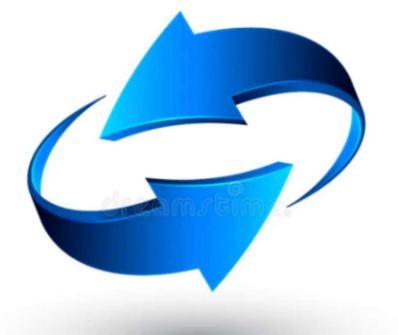
If we look closely at the relationship between new technologies, emphasising the role of digital instruments and artificial intelligence we see on the one hand that new technologies are in their own terms more or less static — the mobile aspect being characterised by self-referentiality. However, this can be transcended from outside and the instruments can be then used for mobilisation.

Tradition plays a very important role as mobilising factor. However, tradition is also in its own terms static, and the challenge posed by new technologies are now themselves a mobilising factor in relation to tradition: it is framed in a new way by the implication and application of new technologies so that we arrive at a new understanding of tradition: it is not maintaining tradition as it is, but we can now develop it further, appropriating it in an active way for today.

It is a bit of a race without winner — it is an ongoing “competition”, though not aimed at weakening the other side, but at enriching each other.

Tradition and Technology

Tradition



New Technologies

If thoughtfully handled, it can well contribute to the development in different areas — I only want to mention very briefly three, while admitting it is more meant to be a matter of inspiration, living differentiated reflection and development to experts in the fields.

- Medicine — to my own surprise I am most sceptical in this area. I presume that this is due to my understanding of, and experience with, TCM as being highly intuitive. Having said this, the question is if and how the ease with which AI can handle huge amounts of data will relate to experience.

Only two issues will be raised here:

First, it is a matter of mapping, in the widest sense and making existing experience broadly available:

This analysis yielded four superior diagnosis and treatment schemes in the form of knowledge mapping, further supporting the fact that the applications of AI in the TCM could effectively utilize the invaluable experiences of famous veteran TCM practitioners to provide more organized and precise diagnostic platforms. Furthermore, the knowledge mapping technology is not only essential for building databases for the TCM-associated clinical diagnosis and treatment outcomes but also assists with the visualization and deep analysis of novel ideas and therapeutic rules before their implementations. The clinical application of knowledge mapping can provide multiple potential treatment options to the physicians based on the diagnostic results, thereby accelerating the treatment procedures, which in turn will be automatically included in the database if proven efficient, forming a virtuous circle.⁸

Second, it is an opportunity to overcome scepticism and even the rejection of TCM by the Western professionals.

It is worth mentioning that combining acupuncture with modern medical technologies and AI tools can significantly reduce the controversy of acupuncture safety issues seriously considered in Western countries. Moreover, these interdisciplinary approaches have prompted international medical research on acupuncture technology to develop advanced methods such as purple laser acupuncture, two-color laser needles, and ultra-thin permanent needles. However, there are still shortcomings in acupuncture machine-based research, such as the design of the machine model which is relatively simple yet without the incorporation of refined features and also remains unsuitable for deep treatments.⁹

• An entirely different area is the application of artificial Intelligence in the area of architecture and regional/urban planning. Before a short take on this, I want to quote Rolf Heider who recently stated in an email to me

As a structural engineer and structural designer who sat between the worlds of architecture and construction science, I tend to agree with Joseph Beuys' wisdom: 'Everything is art, and everyone is an artist.' This is already evident in the etymology of the German language, because even in Old High German, what one masters – knowledge, expertise, mastery – was referred to as art. It is that which is created by humans, in contrast to that which is produced by the evolution of nature (the cosmos).

⁸ Chuwen Feng, Shuoyan Zhou, Yuanyuan Qu, Qingyong Wang, Shengyong Bao, Yang Li, Tiansong Yang, 2021: Overview of Artificial Intelligence Applications in Chinese Medicine Therapy; in Evidence-Based Complementary and Alternative Medicine; Wiley Online;; <https://onlinelibrary.wiley.com/doi/10.1155/2021/6678958>; lunedì 8 dicembre 2025; <https://doi.org/10.1155/2021/6678958>

⁹ *ibid.*

It is about understanding architecture with accepting the necessary stasis — necessary to allow buildings to stand — as part of arts. Linking this with the Confucian thinking, we can immediately to the challenge but also the possibilities: architecture and planning reach now into a wider area that is not manageable by simple traditional measurements but arrivers at amazing results as for instance the Hong Kong–Zhuhai–Macau Bridge which is in it's own terms more than a connection between locations: welding bridge, tunnel and islands, integrating architecture and construction technology/ structural engineering, harmonising nature and technology and as well stasis and movement.

- Looking then finally at Sports, I want to invite you to another detour, linking the reflection to arts as process.

When the brush picks up the ink, it becomes animated; when the brush transfers the ink to the painting surface, it brings it to life. To animate the ink requires long practice, to animate it with the help of the brush requires knowledge of life. Those who have strengthened their soul through long practice, but do not know the depths of life, can only handle the ink, not the brush. Those who have been stunned by the pulsating life but have not been able to form their soul through practice can only handle the brush but not the ink.¹⁰

I propose there following “translation”

When ~~the brush~~technology picks up ~~the ink~~sports, it becomes animated; when the ~~brush~~tradition transfers the ink to the ~~painting surface~~estadion, it brings it to life. To animate ~~the ink~~tradition requires long practice, to animate it with the help of ~~the brush~~technology requires knowledge of life. Those who have strengthened their soul through long practice, but do not know the depths of life, can only handle the ~~ink~~technology, not ~~the brush~~real sports. Those who have been stunned by the pulsating life ~~in the arena~~ but have not been able to ~~form their soul~~appropriate tradition through practice can only handle the ~~brush~~technology but not the ~~ink~~tradition.

When technology picks up sports, it becomes animated; when the tradition transfers the ink to the stadion, it brings it to life. To animate tradition requires long practice, to animate it with the help of technology requires knowledge of life. Those who have strengthened their soul through long practice, but do not know the depths of life, can only handle the technology, not real sports. Those who have been stunned by the pulsating life in the arena but have not been able to appropriate tradition through practice can only handle the technology but not the tradition.

In short, the core challenge that is posed by new technologies, that are linked to the digital world, are concerned with the tension of stasis and dynamics: while at first glance, not withstanding the

¹⁰ Huayulu; quoted in: Miklós, Pál, 1981: Drachenauge. Einfuehrung in die Ikonographie der chinesischen Malerei; Leipzieg: Koehler&Amelang: 24; original in Hungarian language 1973; translation P.H.)

rapid processes that are technically going on with the use of digital instruments, these technologies are fundamentally static, not being able or even willing to move, they entail an energising momentum: the speed with which solutions are brought forward require a permanent review and verification of questions and subsequent answers. At least if taken seriously, the in themselves static “answers” are exposed to disbelief. While there is there danger of taking things face value, there is the need and opportunity that challenges are taken up: medicine revisits human beings and their health, architecture relocates itself as mediator of humans and “nature” and sports re-focuses on fair competition rather than wearing athletes down in competition. In other words, the lack of substance in the new digital world prompts a search for clarity regarding content.

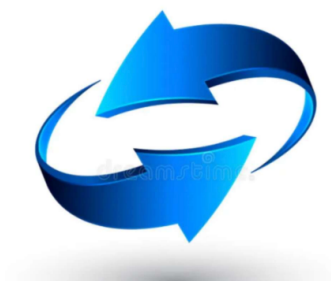
Back to Real Life

Taking up the earlier terminological presentation, artificial intelligence is caught in the tension between being a contradiction in terms on the one hand or an extension that solely functions as technical enabler of human intelligence, not least creativity.

In one area, it is a matter of understanding what sport activities and arts are。

It is a matter of free movement, joy, but as well as serious activities being concerned with understanding the world and perfecting the self in and with it. Artificial Intelligence may be able to help developing a higher understanding of these activities。

Life Regime



Mode of Living

One thing remains to be said: Economy is about the production and reproduction of daily life. That means not least that understanding “accumulation regime” and “mode of regulation” must begin from looking at the mode of living and life regime, finding from here the requirements for a regulative system that allows accumulation being a matter of ..., well, the production and reproduction daily life.

Rights for the Future — Rights of the Future

When reality loses its genuine, material ground, one option may be to escape into the same realm — while we witness, with a fair bit of agreement, tendencies to do exactly this by dissolving the key actors and their responsibility and, in parallel, looking for new structures (governance mechanisms that shift responsibility away from the nation states, replacing nation state responsibility by responsibility of professional structures on the global level; radical reforms of the United Nations that would in fact undermine the existing structures further without guarantee that the new structures will work), it is questionable that such attempts will be successful. At the end they would mean a doubling of the loss of reality. To speak of ‘globality’ does not, in essence, reflect reality, for reality is still shaped by nation-states, even if their capacity to make decisions is restricted.

However, this restriction is not due to decisions now being made at a global level. Rather, we are dealing with a form of subordination: many nation states use globalisation as excuse for their inaction — one example is the Federal Republic of Germany: instead of acknowledging their own inaction and addressing the shortcomings of federalism as the cause of their lag in digitalisation and an up-to-date infrastructure, they look for a scapegoat elsewhere: China, Russia and now even the USA. The other side of the doubling: decisions that are taken are guided by national interest, and capacities. The recent disputes about tariffs and the questions around migration must be mentioned. While the matters in question concern global relationalities, we see that the USA — in the real world, not virtually — impose tariffs to “make America great again”, the EU member states reintroduce border controls etc.

In short, the only strategy to answer the challenges of virtualisation is a re-realisation in the sense that the issues that are virtualised find answers in the real world — but now on a global scale. This means not least to accept virtuality without opening a door that allows virtuality taking over.

Taking examples as architecture, medicine and sports, presented earlier, we can now say that such excursus underscores the need for global regulation and thus legal and related institutional instruments. Also in Human Rights legislation we encounter the need for clearer institutional mechanisms that use AI solely as instruments, based on definite rules. Current trends that lead to a blurring of responsibilities¹¹ may, at first glance, appear to correspond to the subjectivation brought about by virtualisation. However, this merely perpetuates the real problems that already exist.

¹¹ see Herrmann, Peter, March 29, 2026: Donald Trump — The New Tony Blair?; <https://www.hrug.legal/?p=848>

Bio

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Senior Research Fellow at the Human Rights Research Centre, Law School, Central South University; Visiting professor at the Center for Digital Intelligence Research of Excellent Traditional Sports Culture; Member of the European Academy of Sciences and Arts, and member of the European academic community; he was awarded the 2023 China Friendship Award for Foreign Experts.

He studied sociology (Bielefeld, FRG), economics (Hamburg, FRG), philosophy (Bremen, FRG) and political science (Leipzig, GDR). He obtained the *venia legendi* in sociology from the Debreceni Egyetem (Debrecen, Hungary).

While working a short time at the university in Bremen where he obtained his doctorate, he delved into social policy in what is now the European Union. He may be seen as one of the first scholars working in the field of European social policy, not least because this field only had been only germinating at the time. This research work resulted on the one hand in moving to Cork, Republic of Ireland, where he lectured and researched in different positions (lecturer, senior researcher ...). The said research resulted on the other hand in his engagement in European Social policy, where he worked with the European Social Action Network and the Social Platform, lobby organisations in the social field. This engagement resulted in a large “personal network”, and invitations by various institutions: teaching at Corvinus University, Budapest, Hungary; research at Zhejiang University, Hangzhou; teaching at the Pontificia Università San Tommaso d’Aquino – Angelicum of the Vatican, Rome; others had been e.g. in Australia (research), Turkey (teaching), Cuba (government advisory position), Moldova (teaching), Ukraine (teaching), Austria (teaching), China (Bangor College China; teaching), Netherlands (research). He also worked for the Max Planck Institute for Foreign and International Law/Social Law and Social Policy in Munich (FRG), where he obtained a profound research qualification in jurisprudence, where Hans F. Zacher had been his mentor.

His research interest shifted increasingly to economics. He concentrated on developing the French theory of regulation further, in particular by focusing on the systemic relationship between law and economics, digitalisation and capital structure, and the life

world of people. Influential in this respect had been the close cooperation Paul Boccara. Having studied by Niklas Luhmann surely influenced his thinking, allowing the cross-fertilisation of ist and system-theoretical thinking. In recent years, not least when working in the field of digitisation and artificial intelligence, quantum mechanics/physics enrich the perspective from social science.

