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Philosophy and the future of human rights: peculiarities of the relationship between recent science and technology

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Abstract:

Modern trends in the development of information society demonstrate the important role of scientific advances and technological innovations in affecting human society. Legal aspects of such influence remain a topical issue for research, since the dynamics of the emergence of new technological solutions is quite high, so lawyers have to respond to today's challenges promptly. The article aims to analyze the future of human rights in the digital day, to understand and outline the threats arising from the impact of technology on society from a philosophical point of view. The methods of knowledge used in the article are divided into general scientific (analysis and synthesis), specific scientific (historical, psychological), philosophical (prediction, synergetic method), and special legal (dogmatic). The results traced the peculiarities of transhumanist and posthumanist perception of the future development of human rights through the prism of legal aspect and analysis of the relevant most significant current legislative acts. It is proved that possible humanistic violations can have technological roots. At the core of humanistic principles are individuality, mutual respect and recognition of the dignity of others, and self-improvement. However, excessive attention to science and technology does not allow us to completely safeguard the future development of humanity and, consequently, human rights. Contemporary Russian aggression is an example of such an opportunity. The conclusions summarize that the need to regulate artificial intelligence is already overdue. In addition, the authoritarian regimes

of today are also using high technology for their own purposes. To protect human rights, it is necessary to develop principles for punishing political leaders and entire regimes.

Keywords: transhumanism, posthumanism, philosophy of law, digital society, human rights.

Introduction

The scientific and technological revolution was not only the impetus for the development of technology and the impetus for accelerating progress but also a significant factor that changed man himself. Modern possibilities of information transfer, digitalization of everyday life, automation, and robotization of production processes have become parts of everyday life, which, however, require further understanding and comprehension. In particular, we are talking about the place of man in the new world, the problems, and the challenges that humanity is facing or will face as a result of the further development of technogenic society. Philosophers have paid attention to the fact that social life is not becoming easier or fairer, and the free time, which appears through the latest communication, transportation systems, and the possibilities of the Internet, is being absorbed by gadgets, games, and other digital entertainment. The result is a certain atomization of consciousness, seclusion of the physical and the moral, which can peculiarly affect the future. Braidotti (2013) forms his own concept of understanding the posthuman, an individual who is preparing to be superhuman, while also making use of both technical and natural possibilities. Braidotti (2017) also explored the main aspects of the posthumanist concept, outlining its possibilities and challenges. F. Fukuyama, a critic of the transhumanist development of being, raises a very important issue about interference with the genetic programs of both humans and animals (Fukuyama, 2004). Such interference can affect the transformation of all social, legal, political structures. Balaban (2020) characterized the likely configurations in the realm of natural law. Bolinska & Martin (2021) identified the problem of path dependence on history and the philosophy of science. The transformation of future human rights was analyzed by Cargas (2019). However, Dovhan & Mikhailina (2021) explored the problem of the use of digital rights through the lens of transhumanist theory. Features of the legal scientific revolution were analyzed by Kedar & Hon (2020). At the same time, Llamas Covarrubias (2020) described key opportunities, threats to the development of human rights through the lens of transhumanism and posthumanism. Tamborini (2020) identified the special role of computer technology in changing the social structures of human existence. However, contemporary researchers studying the problem of the transformation of law have not envisioned the possibility of changing the basic concepts of law through a nuclear threat (or nuclear apocalypse).

Research Problem

An important problem will be the personal communication of people without the use of various messengers and other technical “intermediaries”. Communication will inevitably affect other areas of human relations. For example, significant changes will take place in the family and social life, where social networks have already taken a powerful place. At the same time, the influence of technology has also affected global perceptions of the role and place of the individual, influencing humanistic concepts and the human-centeredness of the surrounding reality. In the hypothetical times of technological singularity in the future, technological development is expected to acquire such a rapid pace that the graph of technological progress will become almost vertical. Nevertheless, contemporary globalization challenges question the “inner development” of human law.

Research Focus

The study of social relations of the information age from the point of view of the philosophy of law is an urgent task because the transformation of society necessarily leads to transformations in the understanding, interpretation, and adoption of new laws. In particular, it is said about the compliance of Ukrainian legislation and international acts with the principles of transhumanism, posthumanism,

understanding, and respect for rights and freedoms in the context of an aggressive technogenic environment, the notion of cohabitation norms and their possible violations through the influence of digitalization.

Research Aim and Research Questions

The article aims to analyze from a philosophical point of view the future of human rights in the digital time of human development, to determine what threats the development of modern technology has on the future of society, specific communities, and the perception of others.

The objectives of the study are to investigate the modern origins and issues of transhumanism through the prism of the legal aspect, the definition of human rights of the fourth generation.

Research Methodology

General background

The conceptual idea of the study was implemented by using the following research methods: general scientific, specifically scientific, philosophical, specifically legal. Among the general scientific methods, we will distinguish analysis, synthesis, modeling, induction. The study used specifically scientific methods: historical, logical. Among the special legal methods used dogmatic principle of understanding the transformation of modern law. In the work, philosophical methods of research are implemented through the plane of use of general and specifically scientific methods.

Data Analysis

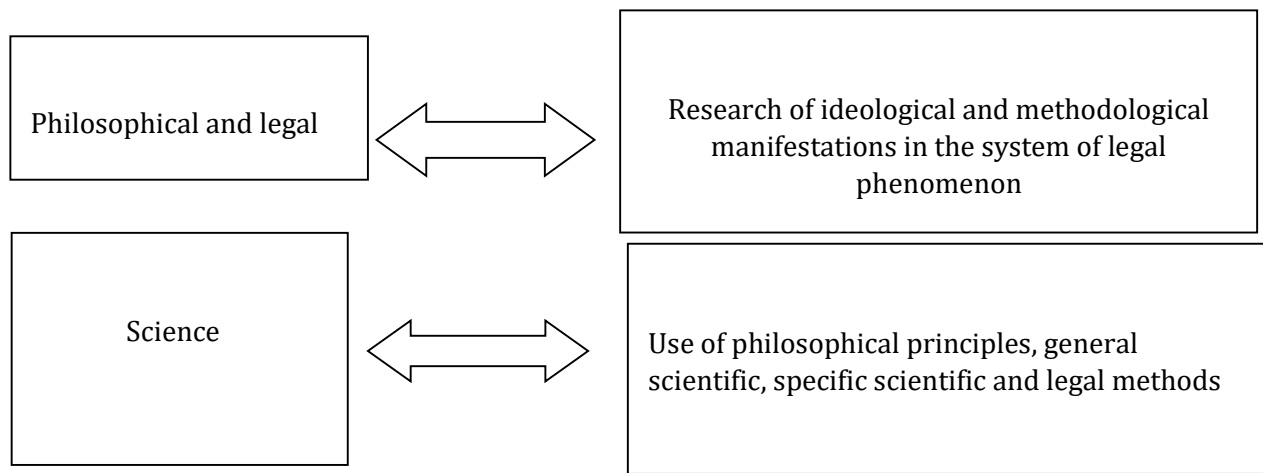
Based on the analysis, the main subject of research (paradigms of development of philosophy and future human rights) is divided into smaller parts (human rights in the context of the development of science and technology, characteristics of transhumanism, and main challenges of modernity). Based on synthesis these parts are combined and our own conclusions about the specifics of human rights development in the future are made. With the help of the prognostic method, the peculiarities of further transformation of philosophy and law of the future are reflected. As a result of using content-analysis, a thorough study of modern professional literature has been conducted, outlining the unresolved and debatable problems in the structures of the philosophy of future law.

The study uses specifically scientific methods: historical, logical. In particular, based on the historical method it was possible to trace the origins of understanding the influence of modern technologies on the public and legal opinion. Among the special legal methods, the dogmatic principle of understanding the transformation of modern law was used.

In the article philosophical methods of research are used through the plane of application of general and specifically scientific methods. Note that the subordination between them is the same as between the principles of the general and the specific. Particularly that the philosophical principle allows generalizing the material obtained from the general, concretely scientific, and in some cases - to continue or specify the philosophical method. Separately, the study uses a synergetic approach that proves that a person's way of seeing, attitudes, and worldview are a consequence of nonlinear influences (See Figure 1).

Figure 1

Levels of the methodology of cognition of law



Developed by the authors

The work uses the principles of the natural philosophical methodology of research, which is based on the unity of social structures with nature, and human laws with the principles of nature (Cosmos). Consequently, the natural-philosophical approach contributes to the formation of a holistic understanding of such paradigms as law and state. The work also uses the principles of a philosophical-legal approach based on the patterns and features of the philosophy of law. In order to explore the future of the philosophy of law, the authors of the article turn to modern scientific approaches to explain the future of humanity: transhumanistic and posthumanistic, based on a belief in the possibilities of technology and innovation (See Table 1).

Table 1

The main differences between the transhumanist and posthumanist concept

Transhumanism	
The concept is focused on “expanding outward”, establishes a hypothetical set of digital and biomodified subjects.	Transhumanist ideas are imbued with the desire to achieve a posthuman era
Posthumanism	
Aimed at the “inner expansion” of Anthropos (in the classical sense - man). Denies the superiority of the human, the main thing is the liberation of the oppressed.	The main attention is paid to the rights of women, vulnerable social groups, animals. There is no place for the ideal of man and postman in the concept, as there is no hierarchy in it.

Compiled by the authors

The research was conducted in several stages. At the first stage, the content analysis of the main sources on the problem was carried out, the modern literature was processed. The second stage characterized the features of understanding the future of law through the prism of analysis of modern transhumanist and posthumanist concepts. At the third stage, the problem of transformation of the philosophy of law in the context of the development of science and technology is investigated. At the fourth stage of the study, the authors of the article noted that the concepts of the development of the future of mankind did not provide for military transformation and nuclear threat, which will further influence the formation of another post-military (post-nuclear) concept of the future law. At the last stage of the study, the authors made their own conclusions and judgments on the following development of human rights.

Research Results

Modern researchers make sense of humanity's future using the latest philosophical approaches. This is also true for predicting future legal relations, for they do not exist without society and develop along with it (Rodriguez, 2021). Among the most common scientific concepts of human development are

transhumanism, posthumanism, which is based on the belief in human progress based on the use of modern technology (primarily artificial intelligence).

Transhumanism was formed as a current at the end of the 20th century, with the main goal of defeating death. Now, this ideology has spread all over the world, its adherents raise many questions and outline different ways of solving them. Transhumanism is traditionally divided into democratic, religious, libertarian, extropianism, and singularism (Llamas Covarrubias, 2020). General transhumanism seeks to recognize the need to overcome the end of human existence (Death). At the same time, the transhumanist worldview is based on modern scientific advances (Dovhan & Mikhailina, 2021). Posthumanism offers a different conception of the posthuman. The posthumanist vision is characterized by the rejection of any binary oppositions and any hierarchies (Braidotti, 2017). The main theme of posthumanism is the idea of the posthuman, and in this, there is an illusory resemblance to transhumanism (Llamas Covarrubias, 2020). However, posthumanism goes beyond individual binary oppositions:

1. the human - the inhuman,
2. culture is nature,
3. man is a woman,
4. humanism - anti-humanism.

Braidotti (2013) in "The Posthuman" notes: "The posthumanist perspective is based on the notion of the historical decline of humanism but goes further ... without sinking into the rhetoric of the crisis of man" (p. 37). The researcher criticizes concepts of humanism, describing the Holocaust and the existence of the Gulag camps as extreme points of the humanist manifesto. The hopelessness of humanist principles led to the emergence of anti-humanist concepts. The researcher identifies the following "feminism, anti-racism, pacifism, nuclear disarmament" (Braidotti, 2013, pp. 38-45). However, transhumanism and posthumanism are fundamentally different concepts. Transhumanism continues the Enlightenment idea that humans are the point of formation of the biological noosphere. In this sense, the conquest of the cosmos is important - a logical extension of the influence on the surrounding reality. This is an important difference with posthumanism, for the latter advocates non-interference in natural processes and cooperation with other species of animate and inanimate nature (Llamas Covarrubias, 2020). Posthumanism does not distinguish between humans and nature in principle but recognizes the presence of special intelligence in humans (Kedar & Hon, 2020). In addition, posthumanism focuses on the development of human rights, defines the transformation of women's rights, previously socially impressive categories of the population. Separate is the struggle for animal rights. Such a strategy "grants rights previously powerless" (Braidotti, 2013).

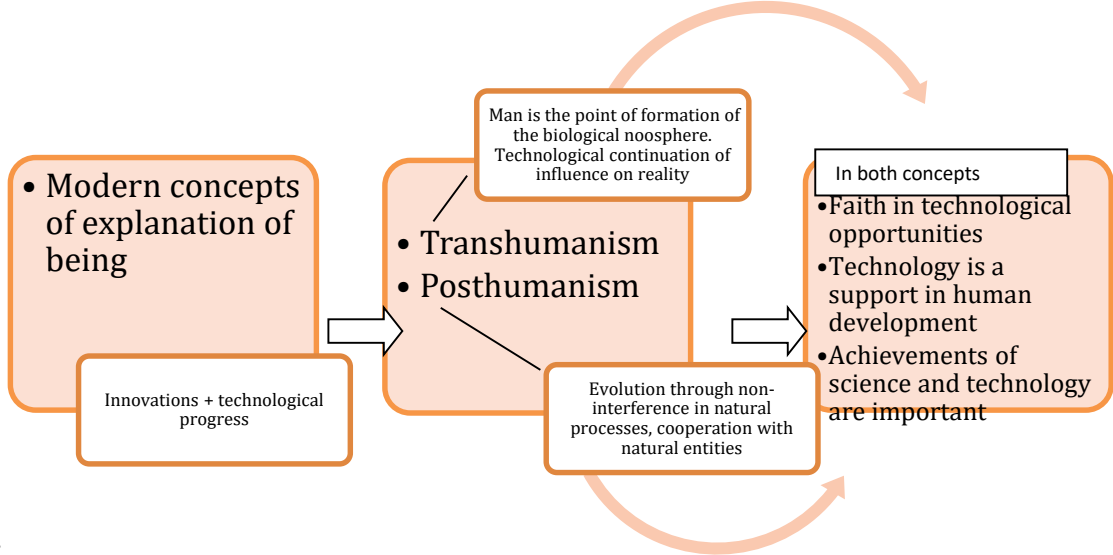
What both theories have in common, however, is the inclusion in their conceptual space of hope in the progress of technology. In transhumanism, the technical takes on sacred characteristics (Fillard, 2020). Technical possibilities begin to be seen as something that will free human from biological streams. Taking into account the scientific principles of posthumanism and transhumanism, we note that the adherents of the concept believe that the achievement of modern science makes it possible to predict the future of human beings (See Figure 3).

Transhumanism and challenges of modernity: legal aspect

At the heart of transhumanism is the desire and understanding of human change brought about by the use of modern advances in science and technology and aimed at overcoming aging, death, suffering, and pain, and improving the human body. Artificial intelligence should be the main engine that will bring about the desired transformation and create posthumanity. Its development has been going on since the time of the first computers. Currently, neural networks, bots, and other elements of artificial intelligence are used in many areas, covering both human life and automatic control of complex mechanisms and spacecraft systems (Fillard, 2020). By further refining and improving the technical capabilities of computer networks, humanity may come to the creation of artificial intelligence that will not be inferior to human intelligence, perhaps even exceed it in many respects (Balaban, 2020). This situation may lead

to the emergence of posthumanity, which will occur through the use of the creative capabilities of computer systems and the improvement of the human body and mind (Tan, 2021). The positive aspects of this direction are tangible, as they speak, for example, of the possibilities of augmented and virtual reality, improvement of existing human characteristics, and overcoming deficiencies through treatment or prosthetics.

Figure 3.
Scheme of the main aspects of the formation of transhumanism and posthumanism



Development of the authors

Then proponents of the theory of transhumanism believe that the latest technology can change philosophy, sociology, anthropology, culture, and jurisprudence. And the latter was especially noted because human rights will also undergo global changes with the development of the technological environment in which humans will live (de Grefte, 2020). Many of the foundational principles of the legislative industry will likely require change.

In particular, it is said that the rules of humanism may be violated because of the development of technology. In general, humanism is based on respect for individuality, mutual respect, and recognition of the dignity of others, opportunities, and needs for self-improvement. At the same time, contemporary globalization processes and the development of science and technology do not allow for definitive and affirmative safeguarding of humanity's future development (Llamas Covarrubias, 2020). The threats of interethnic, interethnic, and even civilizational clashes are very high. In the face of such unfavorable developments, human rights also undergo changes.

The development of science and technology and artificial intelligence will open up many possibilities for bodily enhancement and health improvement. Clearly, as a result of changes in human nature itself, modern rights will emerge, some of which (now already partially implemented) researchers call the fourth generation of human rights (Fillard, 2020). We are talking about sex reassignment operations, transplantation of organs from donors to affected people, possibilities of cloning and artificial cultivation of organs, appeal to the possibilities of virtual reality, legalization of same-sex marriage, use of artificial insemination, euthanasia, child-free family and full non-interference of public authorities. and moral views, formation of new norms of legal behavior.

In the realities of Ukraine, it is possible to introduce new opportunities for lawful behavior. In particular, acceptable from the legislative side in some states artificial insemination and surrogacy, non-interference of the state to the religious and moral views of citizens (refers to the autonomy of human life), organ transplantation (but not "black", but legal, fair and performed voluntarily). The child-free family, virtual reality with all its disadvantages and advantages, same-sex marriage, gender

transformation of personality, etc. can be recognized as legally neutral. Human cloning and euthanasia are considered unacceptable. At the same time, this conditional distribution may be reconsidered in the future, as representations of the capabilities of the human body and artificial intelligence will change - many provisions of the current Constitution and adopted international treaties may become invalid. The psychological consequences of such transformations for the individual and society as a whole are important. Among the negative consequences of such transformations may be the loss of individual traits, identity, and uniqueness, the formation of cybernetic organisms deprived of natural characteristics formed by nature (Braidotti, 2017). In the future it is possible to replace birth with a technical and controlled process, the concept of parents may also be reconsidered. Therefore, from a transhumanist perspective, the law will require changes and additions in the future, as human organisms will undergo such changes as a result of digitalization and cybernetic technology that it will be extremely difficult to consider them human in the literal sense of the word.

Human Rights in the Context of Science and Technology Development

The fixation and realization of fourth-generation human rights is a relevant problem for the public debate because the limits to which they are to be applied have not yet been regulated. This applies in particular to the legal and judicial bodies of the member states of the European Union, where discussions have only certain results, which are difficult to define into a single system. In particular, in the Charter of the European Union par. Article 3 (1) states that everyone has the right to his or her physical and mental integrity, and Article 3 (2) specifies the possibilities of using the latest developments in the field of human rights and fundamental freedoms. 2 specifies the possibilities of using the latest developments in the field of medicine and biology. This refers to the voluntary and duly formalized consent of the persons concerned, which is formalized in the manner prescribed by law, the prohibition to use of the human body or its parts as a source of funds, the prohibition to use of cloning for medical treatment, the waiver to use euthanasia or in any other way help the sick person to end his life or to be inactive for the same purpose.

The problem with the functioning of these transactions at the international level is obvious, but there is still a lack of legislation. The difficulty lies in the fact that only certain documents have prescriptions that are intended to define certain limits, such as the 1997 Council of Europe Convention on the Protection of Human Rights in the Context of Modern Medicine, Genetics, and Biology. Indeed, the national parliaments of EU member states (Belgium, Luxembourg, and the Netherlands) have legislated for the possibility of euthanasia for terminally ill patients (Fillard, 2020). The implementation of these laws (for example, for the first time in the Netherlands in 2002) has demonstrated a lack of unity in the understanding of the role of modern human rights even in legally developed countries.

There are considerably fewer legal questions about the rights to use virtual space since the globalization of modern society has entailed unity in understanding the formation of such a group of legal decisions (Cargas, 2019). For example, a resolution of the UN General Assembly enshrined the right to information, the essence of which was reduced to freedom of speech on the Internet. In various versions, the right access to the Internet is recognized and regulated in quite a few developed states, and its importance has been repeatedly emphasized by international decisions (Ben-Menahem & Ben-Menahem, 2020). In particular, since 2000 in Estonia, the right of access to the Internet is included in the guaranteed public telecommunications services, which should be used by all citizens. In 2011, Greece supplemented its constitution with an article allowing for easier access to information that can be obtained online. In Finland, the minimum speed of Internet connection has been set since 2009, which in 2012 should already be 100 Mb/sec. Ukrainian lawmakers have also discussed the possibility of recognizing guarantees of access to the Internet for individuals. Moreover, this right should be unlimited. However, due to a lack of political will and lack of funding mechanisms, these initiatives could not be implemented. However, given the European experience and recent trends in the digitalization of the life of Ukrainians, consideration of such bills in Ukraine may return.

Gradually European institutions began to discuss the possibility of the legalization of robots, that is, the possibility of identifying moral and legal rights, the ability to be aware of their feelings and responsibilities. The development of autonomous mechanisms and advances in robotics will raise

questions about the regulation of their relationship with humans (Braidotti, 2017). Further advances in artificial intelligence could make major changes to the known classification of living beings (Northcott, 2020). Many questions may also arise from changes in criminal law, which also involve the problem of who will be responsible for the consequences when a robot breaks down and causes serious damage (Fukuyama, 2004). Also problematic is the determination of how much artificial intelligence will be responsible for the crimes it commits and what means of punishment are appropriate. Accordingly, the Criminal Code will require additions in the area of electronic offenses.

Discussion

An intermediate conclusion that can be drawn from scholarly research is the interest of international legal institutions in the latest principles of human dignity based on the use of modern technology in information transmission, medicine, robotics, etc. (Dovhan & Mikhailina, 2021). Mention should also be made of the UNESCO Universal Declaration on Bioethics and Human Rights, which has a clear legal direction and is intended to extend international law to the field of biomedicine as the latest synthetic branch of science and technology. The Declaration does not explicitly refer to the specific characteristics of human dignity, but it is difficult to consider this document as completely rhetorical. The search for new definitions of human dignity indicates that there is some concern about the need to promote respect for the intrinsic values of individuals and the definition of the integrity of the human species as a whole (Torres, 2015). For this reason, international bioethics law is believed to combine an understanding of human dignity as a universal rule with general updated human rights that guarantee effective and practical resolution of bioethical problems in the future.

All of the above examples analyzed by researchers lead to the aspect that humanity will evolve with the use of high technology (Tamborini, 2020). Beyond the philosophers (as well as legal scholars) are other aspects of the use of modern technology - extremely powerful opportunities for destruction. Digital technology is actively used in hybrid confrontations in the global arena, artificial intelligence can control cruise missiles as effectively as vehicles, and current unmanned aerial vehicles are actively used in the military industry. In part, philosophers were convinced that in the realities of the twenty-first century, war as a tool for resolving political disputes would retreat to a certain local level. These sentiments were especially tangible after the collapse of the Soviet Union and in the 1990s when no one thought of a return to global confrontation with the Western world. At the same time, the economic successes of the Russian and especially the Chinese power elites demonstrated something else - a desire to revive the past by resorting to bloody ways. The Russian-Ukrainian war demonstrated the unscrupulousness of the Kremlin regime, which actively resorted to propaganda in the digital space, used drones to attack civilians and critical infrastructure.

The war in the center of Europe has shown that ideas of peaceful coexistence and the benefits of globalization can be negated by Russian missile strikes. The possession of a powerful nuclear arsenal makes the official Kremlin an influential player in the political arena (despite the obvious problems of the Russian army in general), dangerous to its close and distant neighbors. The emergence of such authoritarian and supremacist regimes, possessing a high technology and using it for warfare, will require additional legal scrutiny.

It is clear that Russian aggression has pointed to the possibility of brutal human rights violations, but the legal response to such actions is ambiguous. The only effective tool is sanctions and international isolation, which, however, have many exceptions and can be circumvented. There are no options to punish the perpetrators, although the mechanisms of the Hague Tribunal are known. Such blatant aggressive behavior of regimes that are in conflict with modern society and openly challenge it requires the development of updated legal norms. The use of the latest technologies only strengthens such authoritarian regimes, since advances in, for example, biomedicine are also available to dictators and tyrants (due to any price they are willing to pay, then above all to dictators and tyrants). Modern philosophical concepts of thinking about the future (transhumanism and posthumanism) do not assume the existence of ruling elites who so aggressively oppose technological progress, but use its individual

assets for their own purposes. Given the future availability of nuclear weapons to such regimes, the categories of not only progress but also regression are also subject to legal and philosophical reflection. At issue is the possibility of developing human rights in a post-nuclear day, the extent to which such rights can be developed and retained. Perhaps the issues of human cloning, the capabilities of cybernetic organisms, artificial intelligence, and other possibilities require reconsideration through a possible nuclear apocalypse.

War as science and technology advances will not leave human sociality. It may become even more destructive than before. For this reason, close attention to human rights must consider effective mechanisms for dealing with dictators now.

Conclusions

Understanding human rights in light of the development of modern technological progress is an integral part of the philosophical and legal sciences. The analysis of the fourth generation of human rights has shown the vision of transhumanists and posthumanists on the development of this important legal object. Let us note that there is a clear understanding of the need to revise legal acts already today, which is demonstrated by the example of the studied resolutions of national parliaments of EU member states, EU resolutions, and UNESCO directives. Common to all these legal acts is the belief in the better capabilities of human beings and the human body caused by the development of biomedicine, digital and other technologies, and the need to limit uncontrolled experiments that may pursue a criminal or terrorist intent. It has been established that among the practical needs of modern regulation is the need to regulate problems of artificial intelligence. At the same time, the fascination with ideas of human progress should not neglect the needs of the more immediate present. We are talking about the use of technical innovations and advances in science for blatantly invasive purposes. Modern authoritarian regimes have internalized the model of borrowing significant achievements that are used for aggressive purposes. The current policy of the Kremlin regime is an obvious confirmation of this. From this perspective, legal scholarship should develop additional principles to punish not only individuals but also political leaders and entire regimes that resort to outright human rights violations and feel impunity because of the possibility of symmetrical and asymmetrical strikes.

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