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A Transhumanist Legal Worldview: Responding to the Challenges of Time (Requirement, or Necessity?)

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Abstract: The latest advances in science and technology demonstrate the need for transformation in social life, particularly in jurisprudence. Given this, the study of the impact of the transhumanist concept on modern law is an important topic for analysis. The aim of the article is to analyze the transhumanistic legal worldview through the prism of modern challenges, a worldview that most fully reflects the problems of the modern integration of technological solutions in social life. Among the methods used is comparative analysis, which traces the challenges and prospects of implementing a transhumanist understanding of the law. The dogmatic principle of treating the transformation of the new law was also applied. Of great importance was the use of content analysis of the literature. Search engines found more than 50 articles from 2013 to 2021. The screening process resulted in the selection of 20 related to transhumanist legal regulation. The results of the study examined the formation of philosophy and the main provisions of transhumanism as a scientific movement. It is established that the adherents of this doctrine consider the adoption of new laws as inevitable against the background of the improvement of mankind as a biological species (including the use of modern technologies). The manifestations of the modern vision of transhumanist society in the elements of the current legislation are also demonstrated. In conclusion, it is fixed that such new elements will need a certain legal regulation, which will be carried out within the framework of renewed systems of legal relations, where

artificial intellect, cyborgs, etc. will become equal participants in social life. At the same time, through the prism of the transformation of modern technologies, the main prospects of legal regulation based on the transhumanistic concept are highlighted.

Keywords: transhumanism, philosophy, law, legislation, challenges.

Introduction

The dynamic development of scientific and technical achievements of today, the integration of digital technologies into everyday life have a tangible impact on the functioning of all spheres of social life, which in global terms poses updated challenges to humanity that require a response. The rapid development of robotics and Internet technologies, on the one hand, puts requirements to adapt to modern realities, but also leads to transformations in the human worldview, creating an updated system of values and axiological paradigms, important for today's people. As a result of the active development of such processes, the attention of scientists is attracted to the problem of transhumanistic transformations in society, which overlaps with other global challenges of the present world. Scientific interest in such problems is increased and actualized by their novelty, low representativeness in the scientific literature, and conservatism of research views that consider societal development to be traditional and stable.

At the same time, a cohort of researchers has repeatedly drawn attention to the fact that the use of modern technology does not result in social life, even in global dimensions, becoming fairer or freer. As a result of the long dependence on digitalization, there has been a palpable atomization of consciousness, and people have begun to seek physical and moral solitude, which has the potential for negative effects in the future.

In particular, the attention of researchers has been partly focused on the problem of the transhumanist legal approach, its interpretation, and prospects for use. For example, Balaban (2020) has analyzed possible changes in the field of natural law. Bolinska & Martin (2021) traced the further connection between jurisprudence and human historical development. Cargas (2019) drew attention to possible transformations of human rights in the future, identifying possibilities for a transhumanist understanding of society. At the same time, Kedar & Hon (2020) updated the issue of possibilities, threats to human rights potentially containing distinct categories of transhumanism. Goodley (2020) pursued the genesis of transhumanism in his study and identified its shifting nature against the backdrop of contemporary globalization challenges and changes. Malapi-Nelson (2019) explored the debatable issue of the relationship between transhumanism, posthumanism, and the Catholic Church. The researcher suggests that the transhumanist model of making sense of reality is generally less hostile to the education of human dignity than the posthumanist model, so she suggests that the Catholic Church may find an ally in the transhumanist ethos of modern man. At the same time, Cruz (2021) followed the connection between transhumanism and historicity. He believes that "transhumanist narratives are shown to be alien concepts of historicity through a view of human nature, the experience of the accumulated past, and directed evolution" (Cruz, 2021, 363). The study by Guerreiro et al. (2021) presents a system of stakeholder well-being through transhumanism and innovative technology that promotes social engagement in four leading blocks, specifically: the reality-virtuality continuum, stakeholder engagement, and firm-based technology, and stakeholder well-being.

Also important for this article were the works of Miceli & Mungan (2021); Tatar, Gokce & Nussbaum (2020); Krupiy, (2020) which traced the transformation and development of the main trends of the modern legal system. It is true that contemporary studies still pay little attention to the possibilities of forming a separate legal transhumanist worldview, which, due to the dynamic development of technology and science in general, is important for understanding the future of jurisprudence in general.

Research Problem

Drawing attention to the importance of changes in jurisprudence against the background of the development of concepts of transhumanism deserves special attention because the development of technology actively affects modern society. The importance of predicting certain aspects of this influence on jurisprudence is extremely important as certain social markers and problems that researchers will work on to solve the dilemmas of the coexistence of future law and future human.

Research Focus

The focus of the study is on the importance of revising existing legal norms because of the great surge of transhumanist visions of the future. Certain aspects of the philosophy of transhumanism are also considered, as these are important aspects for understanding the potential legal changes that will need a legislative framework.

Research Aim and Research Questions

The purpose of this article is to analyze the transhumanist legal worldview through the prism of the challenges of our time. As a result of this goal, certain issues related to the main postulates of the proponents of transhumanism and the appeal of lawyers to this philosophical direction will be considered. So, the study will analyze such research questions:

1. Feature the concept of transhumanism through the prism of philosophical and legal concepts designed to explain the relationship between humans and technology in the present and future.
2. Defining the relationship between transhumanism and technology
3. An analysis of the basic tenets of transhumanism
4. An examination of the legal aspects of the operation of the transhumanist model
5. Characterizing the relevance of transhumanist ideas and concepts in the possible development of future legal science.

Research Methodology

General Background

This study was implemented at the following methodological levels of explaining the law: philosophical-legal and scientific. The first involves the study of worldview-methodological aspects of the legal phenomenon. At the same time, the scientific level involves the application of scientific-philosophical concepts, general scientific or specifically scientific research methods.

The main goal of the study was implemented in accordance with such methods of scientific knowledge: general scientific and specific scientific methods. Among the general scientific methods, the use of inductive, deductive, comparative principles of research was important. In particular, based on comparative analysis the challenges and prospects of implementation of transhumanistic understanding of law were traced. Among specific scientific methods, special historical (historical-typological, historical-systematic) and legal methods (dogmatic principle of interpreting the transformation of the new law).

Data Analysis and Procedure

Based on the inductive method it was possible to move from the knowledge of generally known facts to their analysis and interpretation. At the same time, the analysis of the facts cannot be complete, because a new fact may also deny the previous theses. Consequently, the use of the deductive method of knowledge was of no small importance. Deduction involves the transition from knowledge of generally known patterns to the analysis of individual concepts (their manifestations). Based on abstraction, it has been possible to move from a general interpretation of a transhumanist understanding of the law to an analysis of its individual manifestations and the formation of conclusions. The foresight method has been used to characterize the key aspects of further transformation of

transhumanistic law. In addition, the study is shaped based on concreteness, systematicity, and objectivity. In particular, based on the systematic method, the concept of transhumanism is considered as a complex phenomenon consisting of many constantly developing and improving manifestations and elements.

As a result of using the historical method, it was possible to trace the genesis of the influence of the modern transhumanist concept on the public and legal opinion. Among special-historical methods, historical-typological and historical-systematic methods were used. In the article, legal research methods are used through the plane of application of a dogmatic approach to explain reality and concrete-scientific methods.

The study was implemented in several stages. The first one determined the relevance of the research, carried out a content analysis of modern literature, characterized the little-studied issues, the second one analyzed the impact of transhumanism on jurisprudence and its potential impact in the future. the third one formed the final conclusions and prospects of interaction between transhumanism and jurisprudence.

Research Results

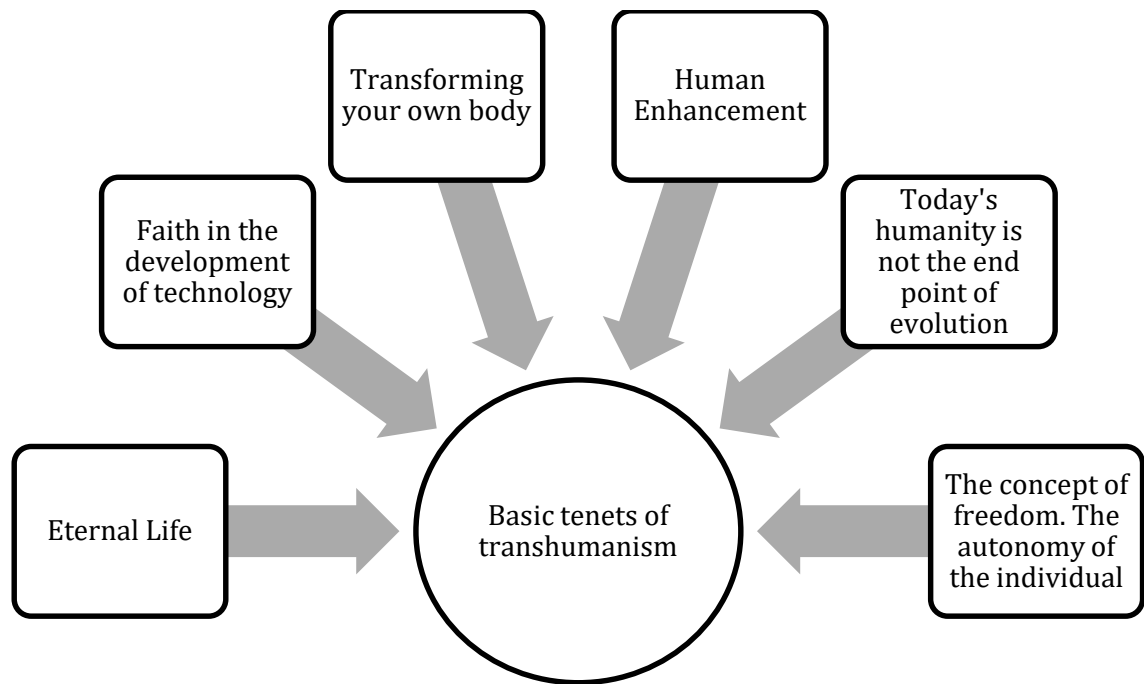
Transhumanism in Contemporary Philosophy of Life

“The new renaissance of science and technology” will affect a transformation in the understanding of the meaning of human beings and their conditions. New technologies have many possibilities for “defining human excellence and providing people with enhanced speed, language, skills...” (Malapi-Nelson, 2019, p. 371). The inevitability of these innovations is undeniable. Thus, this technological movement is increasingly penetrating philosophy, the humanities, social cognition, theology, aimed at the qualitative improvement of the conditions of human existence. With this in mind, contemporary researchers believe that this improvement will come about through the substantial biological and cognitive transformations that will be possible as a result of disruptive innovations in science and technology (Cruz, 2021). At its core, such a technological movement must retain a concept called “human first,” according to which the main priority of contemporary change is the flourishing of “humans” (Malapi-Nelson, 2019). Consequently, any processes in science, technology, and the fields in which they are applied are the key goal of improving “human conditions.” The concept of transhumanism advocates the protection of this human (Dovhan & Mikhailina, 2021). As an integral part of this protective attitude, it explains the category “human” not as descriptive but as normative. As a result, the biological species in which humanity is embodied recedes from the aspect that refers to the defining characteristic of human nature (Malapi-Nelson, 2019). Transhumanism aims at the flourishing of this “technological man.”

The concept of transhumanism emerged in the late twentieth century, with the main goal of defeating death. Currently, this current is widespread around the world, its adherents raise many debatable issues and identify different ways to implement them (Llamas Covarrubias, 2020). In general, it aims at understanding the importance and necessity of solving the problem of the end of human existence (Death). In addition, the transhumanist concept is built on the principles of modern scientific advances (Dovhan & Mikhailina, 2021). Researchers also interpret transhumanism as a separate current of culture and intellectual pursuits, whose representatives interpret the use of scientific and technological achievements as an important aspect of the further improvement of the physical and mental characteristics of people (See **Figure 1**).

Figure 1.

A Model of the Basic Postulates of Transhumanism



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Consequently, transhumanism is primarily concerned with particular aspects of biological features and their social characteristics, in particular disability, manifestations of physical suffering, illness, old age, and related processes (Llamas Covarrubias, 2020). They also treat death as a phenomenon as an unwanted and useless outcome of biological existence (Huxley, 2015). The current and prospective possibilities of advances in biotechnology and other manifestations of intellectual-technological culture are considered through the prism of analysis of the potential advantages and disadvantages of hypothetical transformations of the human body and nature, also forming separate lines of research among supporters of transhumanism (Goodley, 2020).

Researchers and adherents of transhumanism argue that nature-free people have full rights to lose themselves in and influence natural processes (Huxley, 2015; Dovhan, & Mikhailina, 2021; Goodley, 2020). That said, any limiting taboos (morality or ethics) are superfluous and do not prohibit interfering with nature, including - extending the average age of human life, giving opportunities for personal time that can be used for learning, self-development, etc. (Cargas, 2019). From this perspective, individuals, as understood by transhumanists, have a natural right to assert themselves and exist well beyond the lifespan of the biological body allotted to all of humanity by evolutionary processes.

Transhumanism through the prism of legal understanding

With the full-scale development of innovative technology, artificial intelligence, there are even more possibilities for human beings related to the quality of their lives and health. Obviously, there will be new rights that now exist only in the theory of the 4th generation of human rights (Cargas, 2019). Such rights could include gender reassignment, cloning, organ transplants, legislating same-sex marriage, the use of virtual possibilities and reality, artificial insemination, euthanasia, life independent of state intervention on moral, value, or religious views (Huxley, 2015). It is debatable whether these phenomena, by their characteristics, would converge with lawful behavior. For this reason, certain rights enshrined in constitutions and international documents will become irrelevant (Dovhan, & Mikhailina, 2021). In addition, there will be a different understanding of the conditions of human life and health. Regarding the psychological issue, there are also many debates and hypotheses about the human development of the future (Bolinska & Martin, 2021). Among the negative trends that may appear is the loss of personality, uniqueness.

Adepts of transhumanism argue about the transformation of living, created by the natural environment organisms into cyborgs. Regulatory changes will also take place in relation to such a

concept as “birth” in the current sense of the term (Guerreiro et al., 2021). It should be noted that in the legislative acts of the political structures of the Council of Europe, the European Union, there are certain decisions on the legal interpretation of the modern person (Kedar & Hon, 2020). For example, the Charter of the European Union defines the right of individuals to the integrity of physical and mental. Practically, these norms establish that important aspects in the use of modern science and technology should be voluntary, impartial, and appropriately made agreement on a model establishing the law; the prohibition of the use of the human body or its individual elements as sources of income; and the prohibition of human cloning experiments (Lerner et al., 2021). It is true that even these recognized legal rules have run into criticism as inadequate to meet the demands of society and technological developments. For example, the practice of euthanasia is prohibited (Goodley, 2020). This right has no single normative definition at the international level (Llamas Covarrubias, 2020). At the same time, euthanasia is used in the Benelux countries, despite the denial of this action as a legal right. By the way, the Netherlands was the first country to legalize euthanasia. Obviously, in the future, legal science will have to respond to societal demands of a transhumanist quality.

Discussion

There are, of course, many questions for fans of transhumanism. First of all, there is the question of the possibilities of an ethical solution to the problem of interfering with the natural course and development of processes. Also worth mentioning are the remarks of rationalists who are not convinced that there is a practical need for extending or modifying human existence, since the social, economic, and other practical benefits of this process compete with a long list of negatives (for example, the problem of global overpopulation, since increasing the average age even without high-tech interventions is predicted to result in galloping population growth) (Malapi-Nelson, 2019). Equally hotly debated are the potential, projected negative outcomes of other transhumanists and the inability to determine the nature and major consequences of using transhumanist ideas in practice, which, for their part, could have an unavoidable impact on the global future of society (Huxley, 2015; Dovhan, & Mikhailina, 2021); Goodley, 2020). According to many scholars, the same implications will be true for the appeal to transhumanist philosophy, including anthropology and jurisprudence, which must be accountable to humanity in the case of the targets that are proposed for use, for the determination of the assessments that are provided, and obliged to all people to assist and respect the dignity of each individual in all circumstances (Dovhan, & Mikhailina, 2021).

Technological transformations contribute to fundamental changes in the functioning paradigms of human life as part of the existence of all human society. Thanks to the active digitalization of society, people themselves are being transformed - the formation of a posthumanity that integrates the current sociocultural technologies of today, and not only the achievements of scientists, as it looks at first glance (Llamas Covarrubias, 2020). For this reason, throughout the second half of the twentieth century, an important problem has been formulated: to what extent can technology change human values, does axiology shape potential development pathways for nouveau-technological progress? The importance of transformations in legal science is also in the realm of this more global discourse.

Transformations of socio-historical epochs have conditioned the transformation of social ideals, the goals of human life, and the functioning of entire human societies, including the content of legal values (Huxley, 2015). At the same time, there are several possible ways of developing ideas: either they talk about the possibility of a total transformation of certain value elements, changing their meaning and role in the axiological pyramid, or - about a significant renewal of the essence of already existing values, proven over centuries. At the same time, there is no doubt that the basic foundation of the axiological dimension of legal science will remain a free man and the problems of exercising his rights and freedoms. The human transcendent and transcendental essence and its elements have repeatedly become objects of scientific research and reflection throughout the development of society (Kedar & Hon, 2020). It is about the awareness of the importance of adhering to certain legal ideals, benchmarks, and priorities of the legal development of humanity: from the respect and guaranteeing of first-generation human rights to the contemporary actualization and importance of ensuring the fourth

generation of human rights, which are now the norm for many legal states and are relevant to be emulated by the legal systems of other countries.

As a result of these processes, there will be an expansion of the list of obligatory human rights (formation of new legal meanings), which will clearly affect other elements of legal statuses, including duties, if we consider the organic rule of unity of rights and duties in their legal sense. The increasing complexity of life and the functioning of society conditions new challenges, opportunities, and limits to the notion of human freedom, which are formed in new interpretations of human rights (Osiński, 2021). Transhumanism sets out to contribute to the demythologization of contemporary notions of jusnaturalism, to seek a rational legal basis for understanding individuals' access to technologies capable of improving their lives in the near future. Trends regarding the further legal convergence of transhumanism and the biotic debate will contribute to the doctrinal formation of principles for the autonomy of the individual, who is naturally endowed with the right to happiness, its search and discovery, taking into account the new technological and natural possibilities and circumstances that have emerged. Under current circumstances, theoretical communications between the doctrine of natural law and the proponents of the philosophical current of transhumanism are expedient and could lead to important structural changes in the future.

Thus, it is clear that the philosophy of transhumanism, which embraces and integrates above all philosophical, sociological, anthropological, and cultural aspects of social life, is also relevant for determining the future of legal science (Guerreiro et al., 2021). For this reason, certain rights and duties that already define or determine the existence of the modern legal status of the individual require some legitimization and entrenchment in legislation at the national and international levels (Vandenberg, 2019). Obsolete norms of legislation, on the contrary, will be irrelevant; they will be replaced in the future by other codified rights and duties.

As a result of the appeal to the ideas of transhumanism, perceptions of human life and health may change. As a result of this long process, important in the current state of legal science for members of society is the identification of potential boundaries for change that can be achieved using modern technology (Tatar et al., 2020). An important experience is the use by leading European legal and political organizations (Council of Europe, national governments of the European Union) of regular discussions of analysis, and research on these issues. For this reason, the further evolution of technological progress will also influence legal opinion and the overcoming of new legal challenges.

At the same time, taking into account all aspects of the transhumanistic understanding of the law, let us formulate the main points about the prospects of legal regulation caused by the hypothesis of artificial intelligence proliferation and the thesis of transhumanistic technology development (See **Table 1**).

Table 1.

Key points on the prospects of legal regulation (based on the transhumanist concept)

| Regulation | Explanation |
|---|--|
| 1. The development of technology cannot be stopped. | Despite the risk of many dangers, it is impossible to ban the development of artificial intelligence and transhuman technologies. The peculiarity of legal regulation in this sphere must ensure the socially effective use of technology. |
| 2. The regulatory process should provide diversification of technological solutions | Technology should not be restricted, but rather should become more diverse. If the law forms the requirements for creating a variety of technological solutions, it will ensure the |

| | |
|--|--|
| | effective prevention of the emergence of negative trends. |
| 3. Current developer-owner-user scheme | The development of technology will require a transition to a new model of legal regulation. |
| 4. The emergence of two types of justice: "mixed", "artificial intelligence" | Their activities will be aimed at counteracting work that might pose a threat to social stability. At the same time, artificial intelligence justice will be formed based on robots. |
| 5. The emergence of new professional competencies | The traditional division of tasks between lawyers and specialists will become ineffective. The convergence of legal and technical sciences is taking place. A solution will be needed to define new types of legal professions. |
| 6. Formulation of new laws | Obsolete norms of legislation on the contrary will be irrelevant, they will be replaced in the future by other codified rights and obligations. In addition, the formation of new laws should be technologically neutral. This principle will allow to secure the necessary stability of legal regulation. |

Authors' development

Consequently, the influence of transhumanist paradigms in some respects will determine the further development of legal science as a whole.

Conclusions and Implications

So, modern transformations of society under the influence of technological progress have led to the emergence of the current of transhumanism. This philosophical trend actualizes the possibilities of further human development and evolution, in particular, through the prism of opposing nature and its management. First of all, we are talking about the possibilities of integrating cyber-elements into the human body, overcoming biological death, etc. It is obvious that such elements will need a certain legal regulation, which will be carried out within the framework of updated systems of legal relations, where cyborgs, obviously, will receive the same rights as other participants of social life. At the same time, the appeal to the principles of transhumanism may result in a change of ideas about the specifics of human life and health. As a consequence of this process, the definition of potential limits to the changes that can be achieved through the use of modern technology will become weighty in the current state of legal science.

Against the background of modern technology development, it is important to highlight the key points about the prospects of legal regulation (based on the transhumanistic concept): the impossibility of stopping the development of science and technology, the need to diversify technological solutions of legal regulation, development of the developer-owner-user scheme and bringing it to automatism, elimination of legal collisions, etc., the appearance of types of justice, considering such elements as artificial intellect, neural network and so on, formation of new professional competencies.

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