



Towards an Eco-Relational Approach: Relational Approaches Must Be Applied in Ethics and Law

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1 Introduction

Relational approaches are gaining more and more importance in philosophy of technology. This brings up the critical question of how they can be implemented in applied ethics, law, and practice. In “Extremely Relational Robots: Implications for Law and Ethics”, Nancy S. Jecker (2024) comments on my article “Not Relational Enough? Towards an Eco-Relational Approach in Robot Ethics” (Puzio, 2024), in which I present a deep relational, “eco-relational approach”. In this reply, I address two of Jecker’s criticisms: in section. 3, I deal with the connection of personhood and human identity with relationality, and in section. 4, I discuss the consequences of relational approaches for practical ethics and law. Unlike Jecker, I am strongly convinced that relational approaches can and should be implemented in applied ethics and law.

2 Personhood and Human Identity in Relationship with the Non-human

In response to my claim that properties and cognitive capabilities, such as knowing, are embodied, Jecker provides compelling examples to support this. I agree with Jecker’s insightful exploration of embodiment (p. 2); intelligence is embodied. Fuchs (2011) demonstrated that our brain works in a relational manner and that perception, movement, conscious experience, and emotions always rely on the interplay of the brain, body, and environment, forming an inseparable unity. Contrary to the currently dominant ideas in the technology discourse of intelligence as disembodied, focused solely on the brain, algorithmic rule-following, and mathematical computing, this

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emphasis on embodiment may be a good corrective, bringing social, emotional, and physical intelligence back to the forefront.

I find it intriguing how Jecker suggests further elaborating on which properties are indeed relational, and to what extent. However, I have reservations about Jecker's recourse to pre-reflexive consciousness, which has already encountered considerable opposition in research (Schutz, 1967; Claassen, 2024). I find this concept problematic because humans have existed in relation to other humans and the co-world from the beginning, making it highly speculative to assume a pre-reflexive consciousness that emerges independently from others (Claassen, 2024; Levinas 1969; Bergen and Verbeek 2021).

Although my article is not about personhood, Jecker's exploration of personhood and human identity provides a good opportunity to further investigate these concepts here. Jecker considers my view of non-humans and humans as co-constitutive as problematic, describing it literally as "a jumble" (p. 3). I argue that just as a human is co-determined by another human, a human is also co-constituted by non-human entities (and vice versa). While Jecker misses the "pure human" (p. 3) in this approach, we must question what such a "pure human" would even look like. We are never "pure humans"; instead, we are raised, shaped, and sustained by other human and non-human entities – we need humans, bacteria, insects, food, plants, and many more to live. Therefore, I reject the notion of a "pure human being" just as I reject the similar idea of a fixed "human nature" (Puzio, 2022).

In my earlier work (Puzio, 2022), I have demonstrated how assumptions of "purity" and "human nature" particularly serve the agendas of both technology critics and enthusiasts (e.g., transhumanists) by allowing them to make unfounded and contradictory claims about what the human being and the future of humanity should look like. Common among these groups is their inability to convincingly define "human nature" or the "pure human", if they attempt to define it at all. Additionally, I refer to Donna Haraway's (2004) concept of the cyborg, which illustrates how the boundary between human, animal, and technology is increasingly blurred, partly due to new technological developments, emphasizing the interconnectedness of these entities. However, the goal is not to dissolve all boundaries and erase all differences. A core aspect of my approach is to highlight the "own way of being" (Mazis, 2008) of both human and non-human entities (referring to Jecker p. 2), and at the same time to acknowledge the complexity of life and identity. Therefore, it's not "a jumble"; it's about "staying with the trouble" (Haraway, 2016).

Jecker indeed sees a connection between my relational approach and the ideas of transhumanism, such as merging with a machine. I contend that while we are fundamentally connected with technology, this is not transhumanism.¹ I do not view the interconnectedness with the non-human as a threat; on the contrary, it helps us counter the radical fear of technology that is predominant in Western society, and the ideas stoked by transhumanism and posthumanism of a superintelligence surpassing us, becoming a powerful entity separate from us. Instead, it offers a corrective vision. In place of fear of the non-human, a deep kinship is emphasized (Haraway, 2004, 2016). It is crucial to investigate the potential harm this mindset can cause, which

¹ For a detailed analysis and critique of transhumanism see Puzio, 2022.

separates humans from the non-human, both in terms of environmental damage and in the technology discourse where technology is exaggeratedly styled as either a savior or an enemy. At the same time, this perspective also acknowledges the fact that technology is not just a tool but changes us, prompting us to question what kind of future we want for humans. What futures for humans (and non-humans) are being engineered and designed?

3 Using Relational Approaches in Applied Ethics and Law: Avoid the Gap!

A central point raised by Jecker concerns the consequences of such an eco-relational approach. Jecker argues that such “relational analyses of persons” should not be practically implemented but should be considered separately from “practical approaches in ethics and law” (p. 4) and that there should be a gap between them (p. 2, 4). There is already a wealth of research in law that has explored the significance of relationships with non-humans, both for animals and technology, for law:

First, there are various approaches that reflect on animals in law. Kurki (2024) argues against the person-thing dichotomy, which is de facto much more layered and complex in law. Kurki demonstrates that the legal status of animals is more than just that of an object, and discusses the autonomy and agency of animals. Bernet Kempers (2021) observes that more and more European jurisdictions are recognizing that the legal status of animals extends beyond that of things, suggesting it is multifaceted, which ultimately leads to a new category alongside thing and person. Bernet Kempers does not see the necessity to establish personhood for animals but to have a third category and a “more-than-human’ legality” (p. 26) (see also Bernet Kempers, 2022). Michel (2023) also observes this development towards a “new legal category” and the reduction of anthropocentrism.

Second, with respect to technology, numerous investigations concerning law can also be observed: Mamak critically builds on Gunkel and Coeckelbergh’s (2010) modestly relational approach (Coeckelbergh & Gunkel, 2014; Coeckelbergh, 2010; Gunkel, 2018), arguing that relationships with robots should be protected by criminal law (Mamak, 2024a, b). Pietrzykowski (2018) states: “Juridical humanism can also be inclusive, that is, not limited solely to the biological criteria of humanness as the basis for granting the status of subject of law.” (p. 102) Pietrzykowski advocates for the category “non-personal subjects of law” for non-humans (p. 103). Van den Hoven van Genderen (2018) views personhood as flexible and believes that under certain conditions AI can achieve personhood. Mocanu (2022) regards personhood as a “cluster concept” (also known as “bundle theory”) and suggests “partial legal capacity” for AI as a solution.

Although none of the approaches has fully implemented a deeper relational approach yet,² they are opening important new paths for both research and practice.

² Most approaches remain anthropocentric, and many of the approaches presented above are based on the attribution of characteristics such as sentience, intelligence, etc. Nevertheless, a movement in law can be observed.

There are also convincing approaches in other practical areas, as seen in Frauenberger's research (2019), which explores what relational approaches mean for Human-Computer Interaction and design. Frauenberger argues that with the design of technology, we are designing "configurations" in which humans and technology are in a relationship and interacting, and we should consider "how to design meaningful relations" (p. 19). Therefore, I argue that no gap should be pursued between these relational approaches and applied ethics and law, but rather that they should be integrated in both.

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