

Morphological Freedom and the Question of Responsibility and Representation in Transhumanism¹

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On the 14th of December 2015, US Transhumanist Party founder and 2016 presidential candidate, Zoltan Istvan presented the ‘Transhumanist Bill of Rights’ to the Capitol in Washington, the seat of the US Congress (Transhumanist Party 2015, republished as an Appendix). The Bill consists of six articles which range over the movement’s favourite topics, such as life extension and space exploration. It politically channels the metaphysics that informed Norbert Wiener’s original manifesto on cybernetics², which argued that humans, animals and machines could be understood under the same set of dynamic equations which describe self-regulating systems. However, what makes the Transhumanist Bill of Rights distinctive is its explicit commitment – in Article 3 – to *morphological freedom*, the right to be as one wishes as long as it does not interfere with anyone else’s right to act similarly.

For transhumanists, morphological freedom is generally understood as John Locke’s egalitarian liberal conception of the personal agency taken to its logical conclusion, even beyond

¹ I would like to thank Felipe Figueroa Zimmermann for his research assistance concerning brain v. computer energy use

² Wiener, 1948.

what the great late libertarian philosopher Robert Nozick had imagined³. Whereas Nozick presumed that we are free to *do* whatever we want (as long as others' freedom is not restricted in the process), transhumanists presume that we are also free to *be* whoever we want. In the current political scene, this radical sense of 'ontological liberty' has served to make transhumanists natural allies of transgender activists, perhaps most notably the mind uploading advocate, Martine Rothblatt⁴.

Nevertheless, morphological freedom is not quite the incremental extension of Locke's doctrine as its proponents claim. Locke's theory of the person was predicated on the rough natural equality of all members of *Homo sapiens*. By this he did not mean that we are all born with the same capacities, but rather that we are born with a similar distribution of capacities in the sense that we were all by nature equally empowered and equally vulnerable – albeit in different respects, depending on the individual profile. In effect, we need each other equally; a conclusion that reason permits us to draw if we are given the opportunity to think about the matter. Commentators on Locke's political philosophy tend to stress the idealized character of this metaphysical basis for the social contract. However, Locke's assumption about the distribution of human capacities is a rather empirical one – one which transhumanism's doctrine of morphological freedom throws into question.

The counter-transhumanist empirical assumption, which underwrites Locke's liberal basis for the social contract, is that we are deeply finite creatures. By 'deeply finite', I mean that our limits are multiple and ultimately insurmountable. The main limit is, of course, mortality – but there are also limits to our capacities and the way they interact with each other within our bodies, as well as how we then interact with similarly embodied

³ Nozick, 1974.

⁴ Fuller and Lipinska, 2016.

beings. In this context, Locke's famed 'forensic' conception of the person should be understood as the formal locus of decision-making which resolves these tensions by committing to some course of action for which the 'person' may then be held responsible. In this respect, personhood is required to limit both the credit and blame assigned to deeply fallible beings. Prior to Locke, families and corporations (e.g. states, churches, universities, etc.) held personhood – and individuals became persons by virtue of their membership in one of these entities.

Locke's legal modernism lay precisely in his associating personhood with features unique to individuals rather than common to their member groups. This gives 'personhood' a radically different look, something which we too easily take for granted – and could well become lost in the enthusiasm for morphological freedom. Prior to Locke, when either you inherited your personhood (as, say, a noble or a serf) or acquired it through election (as, say, a citizen or a cleric), you were provided with a sphere of freedom and liability which was semi-detached from what you actually did. Thus, a noble and a serf who each committed murder would be typically tried differently, regardless of the physical and psychological similarities of the two crimes. A noble might be dealt with discretely and be allowed to negotiate a settlement for the crime, whereas serfs in general might be rounded up and imprisoned until one of them confessed to the crime.

Habeas corpus, a hallmark principle of modern jurisprudence, presupposes the Lockean idea of the person as individual. Accordingly, your liability for punishment is limited to what you as an individual – regardless of your status – can be alleged to have done based on *prima facie* evidence surrounding the crime. These claims are then tested in a court of law for whether you did indeed commit the crime in question. The presumption is that you are innocent unless proven guilty, but even then your state of mind and other mitigating factors can affect your sentencing. As it turns out, one of Locke's most ardent 19th

century followers on this matter – John Stuart Mill – appears to have provided the first extended philosophical discussions of ‘responsibility’, which up to that point was a largely literary term with no precise legal meaning⁵. Mill’s concern was that people be punished for what they actually did, and not simply suffer ‘guilt by association’, say, by virtue of having been born into a certain class which is seen as prone to criminal behaviour.

Here it is worth mentioning that Mill was concerned with more than simply the prospect of the police rounding up people who had nothing to do with a given crime because they were, say, of working class origin. He was equally worried about fellow Victorian ‘do-gooders’ who diagnosed segments of society as ‘potentially criminal’, which was used as a pretext to meddle in their freedom through various medical and psychiatric procedures. Nevertheless, at the time these do-gooders were widely seen as offering a more ‘humanitarian’ alternative to capital punishment or indefinite imprisonment. Of course, *Minority Report*-style anticipatory uses of big data in crime prevention are gradually returning us to this Victorian turn of mind against which Mill railed. In both the historic and the futuristic cases, issues of personal responsibility are less salient because, in the implied utilitarian calculus of the do-gooder, the value of stopping a class of people from possibly doing wrong outweighs the value of catching particular individuals who actually do wrong.

The logic of the utilitarian argument is relatively easy to see once we concede that an individual can be identified in multiple ways, each of which carries its own form of responsibility. Contrary to Locke and Mill, ‘I’ am not simply – or even primarily -- a specific sentient being with a unique personal history which is routinely registered, however imperfectly, in memory and consciousness. I am also a member of various set-theoretic classes of individuals: I belong to the category of male,

⁵ McKeon, 1957.

White, US-born, UK-based, academic, etc. people. A statistical analysis of the correlations of the behaviours of people in these various categories might end up revealing me to be prone to certain offences. In that case, I am held ‘responsible’ for those offences even if I personally never commit one. This sense of ‘group responsibility’ can be extended still wider to include all citizens of a nation-state or all members of tribe. Indeed, Richard McKeon observed that the first generation of philosophical criticism of Mill’s position came from the British Hegelian F.H. Bradley and the French philosophical anthropologist Lucien Lévy-Bruhl, who held that collective identity overrode individual identity in the ascription of responsibility⁶.

The logical extension of this position is to demand, say, complete nuclear disarmament, following humanity’s demonstrated capacity to use nuclear weapons. The idea of universal human complicity in nuclear war, popularized by Jean-Paul Sartre after Hiroshima, involved several strands of reasoning, most notably that both the US and Nazi Germany were trying to develop such weapons (so it is only a contingent fact that the US did it first) and that other nations either supported or remained neutral to these developments. This then provided *prima facie* grounds for humanity’s collective responsibility for Hiroshima and the moral imperative that makes everyone responsible for ensuring that it never happens again. Interestingly, a still more cross-nationally and historically grounded version of the same story might have been told about humanity’s collective responsibility for the atrocities caused by eugenics, which reached their peak in the Nazi concentration camps, but had been a staple of progressive social policy thinking in the early twentieth century⁷. Yet, that narrative never really took off. Instead, particular individuals were held accountable for specific ‘crimes against humanity’, and genetics

⁶ McKeon, 1957.

⁷ Bashford and Levine, 2010.

research itself soon entered a new revolutionary phase with the advent of molecular biology, which has revisited -- in more nuanced terms, to be sure -- the original eugenics agenda, increasingly under the rubric of ‘transhumanism’⁸.

This is not the place to delve deeply into why such a negative sense of collective responsibility has continued to haunt the history of nuclear energy research, but much less so in the case of genetics. One possible explanation is relevant to the idea of morphological freedom – namely, that we have long embraced a *positive* sense of collective responsibility with regard to our genes, which is after all what gave eugenics its progressive image until the rise of Hitler. Once Bismarck invented the German welfare state as an *insurance* system in 1890, he effectively shifted the ontology of state administration from actual individuals to possible individuals. The former are governed by the sum of observed behaviours on a day-to-day basis, the latter by statistical regularities that obtain between salient properties in those behaviours as observed over many generations. ‘65’ as the retirement age exemplifies this shift in mentality, calculated as it was to justify a redistribution of wealth from rich to poor, so as to allow everyone to lead their anticipated few final post-working years in decency. But of course, particular individuals may die before or after age 65, but that age was chosen because deviations from the norm could be accommodated within a tolerable tax regime. That this had been the strategy all along became obvious in the 1970s with what James O’Connor originally dubbed the ‘fiscal crisis of the state’, which rumbles on to this day in the guise of neo-liberalism. The designers of the welfare state had failed to consider that its arrangements might promote successive generations of people whose increased life expectancy is not matched by increased taxability (which is not the same as increased productivity).

⁸ Fuller and Lipinska, 2014: chap. 3.

My point here is not to debate the fine points of the welfare state's administration, but to observe that its fiscal crisis was brought on by conceptualising the nation-state as a proper population – as opposed to a simple aggregate of individuals who happen to be collocated in a region of space-time. While populations are of course composed of individuals, these individuals are presumed to be governed by the properties that they share with others, which can be in turn correlated in various ways for policy purposes; hence, the great boost to systematic quantitative social science given by the welfare state from its inception. Moreover, individuals inhabiting the welfare state are seen as variable with regard to these properties over their lifetimes and, in the case of class mobility, perhaps even encouraged to change their properties. By configuring people in this way, the welfare state effectively fosters a *pooled* sense of collective identity. Put bluntly, it's not that everyone identifies equally with the whole, but rather that everyone equally identifies with any part of the whole – as, say, the healthy may become sick the rich may become poor, and vice versa, of course. This intuition was famously captured by John Rawls' 'veil of ignorance' as the basis for deciding the principles of the just society⁹: You want a society that is just for all its members even if they don't know their own specific place in it. But of course, one may accept the veil of ignorance without necessarily agreeing with Rawls on the exact principles of justice which follow¹⁰.

Let us take stock. Notwithstanding transhumanism's libertarian rhetoric, the sensibility that informs the value placed on morphological freedom is aligned less with the Lockean sense of individual responsibility than with a more Hegelian sense of collective responsibility. Thus, transhumanists place much greater emphasis on extending human capacities along specific dimensions (e.g. greater longevity, memory storage,

⁹ Rawls, 1972.

¹⁰ Hare, 1973.

computational power, motor skills) than on defining the grounds for saying that such an enhanced individual is ‘the same’ as its unenhanced predecessor. In this respect, morphological freedom is more about your being who you want to be (now) than with your being yourself (over time). Moreover, as we have just seen, morphological freedom’s implied sense of pooled identity fits the ontology of the welfare state. This may help to explain why more politically oriented transhumanists such as Zoltan Istvan have campaigned for a ‘universal basic income’, a rather anti-libertarian idea which nevertheless can be understood as a state-underwritten ‘ground of being’, a guaranteed capital base for the pursuit of morphological freedom. Such a policy would be especially attractive to those who might wish to experiment with alternative modes of being without having to be permanently associated with any of them if they don’t turn out as desired – a bit like how bankruptcy law or debt forgiveness works.

Put in the brutal terms that Marx would have recognized, transhumanism’s principle of morphological freedom amounts to the desire for humans to exist as capital already does. Putting the matter this brutally may help to address a public policy problem that looms on transhumanism’s horizon. Morphological freedom would allow people to exist in radically diverse forms, many of which would have resulted from experimentation or even self-experimentation – and not all of which would have gone to plan (i.e. some of the subjects might regard themselves or be regarded by others as ‘disabled’). Moreover, the openness of transhumanism to xenotransplantation and cyborgization, as well as transhumanism’s presumed continued tolerance of unenhanced humans, raises the question of what would count as a just distribution of resources in a transhumanist society. After all, as originally noted when discussing Locke, the social contract had been predicated on the rough natural equality of individuals, which in effect rendered them equally co-dependent.

In contrast, to take an extreme transhumanist prospect, the resource requirements of a million living humans are much less than those of a million computers simulating a million humans – say, those who have had their brain contents uploaded before suffering a biological death. Brains are simply much more energy efficient than computers if taken on a one-to-one basis¹¹. But of course, a single computer operating with a sufficiently sophisticated programme could simulate many dead humans at a diminishing marginal cost, given the massive similarity in the structure, function and inputs of human brains. As a result, some large number -- say, a thousand -- humans simulated in one computer may end up being cost-competitive with one living human. These thousand simulated humans would be effectively sharing the same body. Indeed, over time problems of individuation may arise as the simulated humans interact with each other and thereby acquire their own versions of each other's memories, perhaps resulting in an emergent hive intelligence, something akin to the 'Borg' in *Star Trek*. In short, a just and efficient society founded on the principle of morphological freedom may have as an unintended consequence a rather variable commitment to the very idea of individuation, the ontological ground of libertarianism. In that case, some people may simply opt for a shared identity of some sort.

Finally, all of this raises interesting problems relating to political representation in a morphologically free society: Who speaks for the Borg – and perhaps even how does it speak? Here I am tempted to take seriously the music industry distinction between *downloading* and *streaming*: In the future, humans may be seen as existing in one of two forms: either downloaded into enhanced biological bodies or streamed from advanced computers. On the one hand, as advances in genomics make 'genetic information' increasingly literal, birth may come to be seen as the 'download moment'. On the other hand, 'human streaming' may take the form of holographic projections drawn

¹¹ Nagarajan and Stevens, 2008.

from a computer's library of programmes and memory bases, whenever and wherever. In the UK official popular music charts, 100 streams = 1 download in terms of representing the relative standing of particular songs. Translated into the context of a transhumanist polity, it would mean that the price of maximum morphological freedom (i.e. existing as a stream) is the need for collectivization in order for their interests to be heard in matters relating to the well-being of the society that houses both them and the traditionally embodied (i.e. existing as a download) humans. To be sure, this political resolution covers only a very simple and extreme transhumanist polity.

If morphological freedom were to take full hold of our political imagination, then we would need to bring not only cyborg humans but also 'uplifted' animals into the discussion. 'Uplifting', a term coined by the US science fiction writer David Brin in the 1980s for an extension of the idea of 'animal rights' from simply protecting otherwise endangered species to outright empowering them so that they can deal with humans as 'equals' in how humans normally understand the term, which includes engaging in political and economic relations¹². Fuller sketches the terms on which such a polity might be formed¹³. Many of the resource requirement issues highlighted above would now be multiplied for such differently constituted beings, each entitled to realize their full potential without interfering with the ability of others to do likewise. Questions surrounding the production, distribution and consumption of energy in a sustainable ecology would be raised to a whole new level. One consequence may be that part of 'living efficiently' comes to mean is dying plus the opportunity to be resurrected in some other medium.

¹² See also Donaldson and Kymlicka, 2010.

¹³ Fuller, 2015.

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Appendix: Transhumanist Bill of Rights

Presented to the United States Capitol on December 14, 2015
by Zoltan Istvan, founder and US Presidential candidate of the
Transhumanist Party

Preamble: Whereas science and technology are now radically changing human beings and may also create future forms of advanced sapient and sentient life, transhumanists establish this TRANSHUMANIST BILL OF RIGHTS to help guide and enact sensible policies in the pursuit of life, liberty, security of person, and happiness.

Article 1. Human beings, sentient artificial intelligences, cyborgs, and other advanced sapient life forms are entitled to universal rights of ending involuntary suffering, making personhood improvements, and achieving an indefinite lifespan via science and technology.

Article 2. Under penalty of law, no cultural, ethnic, or religious perspectives influencing government policy can impede life extension science, the health of the public, or the possible maximum amount of life hours citizens possess.

Article 3. Human beings, sentient artificial intelligences, cyborgs, and other advanced sapient life forms agree to

uphold morphological freedom—the right to do with one’s physical attributes or intelligence (dead, alive, conscious, or unconscious) whatever one wants so long as it doesn’t hurt anyone else.

Article 4. Human beings, sentient artificial intelligences, cyborgs, and other advanced sapient life forms will take every reasonable precaution to prevent existential risk, including those of rogue artificial intelligence, asteroids, plagues, weapons of mass destruction, bioterrorism, war, and global warming, among others.

Article 5. All nations and their governments will take all reasonable measures to embrace and fund space travel, not only for the spirit of adventure and to gain knowledge by exploring the universe, but as an ultimate safeguard to its citizens and transhumanity should planet Earth become uninhabitable or be destroyed.

Article 6. Involuntary aging shall be classified as a disease. All nations and their governments will actively seek to dramatically extend the lives and improve the health of its citizens by offering them scientific and medical technologies to overcome involuntary aging.