

# TECHNOLOGICAL ENHANCEMENT AND HAPPINESS

## A REVIEW OF MORPHOLOGICAL FREEDOM

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"People say, cosmetic surgery  
is frivolous - boobs and noses. But it's so much more than that! The body  
is the conduit for the soul, at least historically speaking. When you change  
what you look like, you change who you are "  
Joe Rosen. *Harper's Magazine*

**ABSTRACT:** Transhumanism is a movement that has become increasingly visible. Whether in the media, through conferences (specialized or informative), articles or interviews, its proposals about human improvement through technological advances, as well as its reliance on science, are attractive promises of happiness to be found in the improvement of our condition and the overcoming of our deficiencies. Morphological freedom is a fundamental concept in Transhumanism, and this article presents a critical approach to two predominant interpretations of this concept that appear in the transhumanist literature.

**KEYWORDS:** Transhumanism, enhancement, morphological freedom, happiness, autonomy.

### INTRODUCTION

The Transhumanism (TH) movement incorporates many perspectives. As many authors have mentioned, these positions are not necessarily in

agreement<sup>1</sup>. In fact, those who subscribe to this movement range from philosophers, artists and writers, to scientists, doctors, geneticists and engineers. Transhumanist ideas have even formed the basis for political agendas in several countries<sup>2</sup>. Despite this diversity of ideas, it is possible to find some common points among them. For example, most proponents share at least two perspectives: (1) What is currently understood as human nature is not a final state or the endpoint of evolution<sup>3</sup>, and (2) Science and technology play a fundamental role in the advancement of humanity<sup>4</sup>. Some of them even believe that current scientific-technological growth will become exponential in the near future<sup>5</sup>(Kurzweil) and that Transhumanism cannot be compared quantitatively or qualitatively with any previous moment in the history of humanity. This perspective allows thinking about the achievement of the key elements of the "Transhumanist Agenda", and can also be used as a justification for the "practical optimism" shared by all of its proponents. As a result, (3) it is inferred that technology and science will contribute to improvement and enhancement of the human condition.

Likewise, most of the proposals derived from the previous positions can be framed in a concrete socio-political context. According to Hughes<sup>6</sup>, TH has been nurtured by and grown as a product of the "white, male, affluent, American Internet culture, and its political perspective has generally been a militant version of the typical libertarianism of that culture."

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<sup>1</sup> A. Diéguez, *Transhumanismo. La búsqueda tecnológica del mejoramiento humano*. Barcelona, Herder, 2017

<sup>2</sup>"In Italy, for example, Giuseppe Vatinno, a politician who defended Transhumanism, was appointed to Parliament in 2012. In Russia, the Party of Longevity, founded in 2012 by Maria Konovalenko and other committed transhumanists, has a significant international presence in social networks and includes as its main objective, as its name indicates, the extension of a happy life by scientific means. There are also a British and a German transhumanist party. The Transhumanist Party of the United States was founded at the end of 2014 (...), and has participated in presidential elections under its own acronym in 2016. It later helped to organize the Global Transhumanist Party, with delegations in more than 20 countries." (Diéguez, 2017, p. 39)

<sup>3</sup>This is a more complex topic than can be discussed here. Human nature, in a non-essentialist sense, has no meaning in the transhumanist discourse. However, there are numerous approaches: from an attempt at elimination, to operational reinterpretations, and even to conceptual abandonment. Likewise, in some philosophical circles focusing on science, reference is made to a modification of that concept based on the introduction of evolutionary theory. (see, for example, Edouard Machery)

<sup>4</sup> This does not mean that progress has been achieved in a linear or homogeneous way.

<sup>5</sup> Referred to as the "Singularity."

<sup>6</sup> J. Hughes, 'The politics of Transhumanism and the techno-millennial imagination', *1626-2030 Zygon*® vol. 47, no. 4, 2012, pp. 757-776

(<http://www.changesurfer.com/Acad/TranshumPolitics.htm>)<sup>7</sup>. Therefore, those who defend transhumanist positions usually support a liberal political system, which they refer to as "democratic liberalism" or "democratic Transhumanism,"<sup>8</sup> which at least in theory, seem to be treated in a similar way. In fact, both positions may be reconciled in what has been called "technoprogressive biopolitics."<sup>9</sup> Both views have a liberal conception of the market and society, with a clear emphasis on individualism and on the capacity of rational agents (within these liberal societies) to make moral decisions when exercising certain classic civil liberties.

There is less evidence of agreement when the issue of improvement is addressed. There has been extensive debate for more than two decades about what an improvement is<sup>10</sup>, but no general consensus has been reached, and distinctions are common. For example, Ida<sup>11</sup> distinguishes between natural improvements, such as the way in which our physiques can be improved through rigorous training, and unnatural improvements, that are intended to overcome natural biological limitations of humans through technological intervention.

According to the US President's Council on Bioethics "improvements" should be understood as "the directed use of biotechnological power to alter, by direct intervention not disease processes but the normal "workings" of the human body and psyche, to augment or improve their native capacities and performances"<sup>12</sup>.

The improvement proposed by TH does not stem from or relate to any

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<sup>7</sup> This situation leads Vaccari (2013) to conclude that the most influential political perspective in the TH agenda is neoliberalism. James Steinhoff (opposing Vaccari) believes that there are important connections between Marxism and Transhumanism, especially in terms of the materialism from which both start, as well as the revolutionary positions that both theories assume. Cf. Transhumanism and Marxism: Philosophical Connections *Journal of Evolution and Technology*, vol. 24, no.2, 2014, pp.1-16

<sup>8</sup> Cf. Hughes (2002). The Politics of Transhumanism. <http://www.changesurfer.com/Acad/TranshumPolitics.htm>

<sup>9</sup> Cf. Hughes, J (2009) "TechnoProgressive Biopolitics and Human Enhancement" in *Progress in Bioethics*, ed. Jonathan Moreno and Sam Berger. MIT Press. pp. 163-188.

<sup>10</sup> See Juengst, E. T. (1997). *Can enhancement be distinguished from prevention in genetic medicine?* *The Journal of Medicine and Philosophy*, 22 (2), 125-142

<sup>11</sup> Bostrom & Savelescu. (2011). Human Enhancement. Oxford University Press. pp. 5

<sup>12</sup> President's Council on Bioethics (U.S.), & L. Kass, (2003). *Beyond therapy: Biotechnology and the pursuit of happiness*. Washington, D.C, President's Council on Bioethics, p.33

specific definition of health (improvements are discussed from a non-medical perspective), nor is it based on any therapeutic approach. It may be said that the technological improvement of the human species is considered from two principal points of view:

1. Improvement of an individual human being in a strictly biological sense (which could involve an interaction or interface between a human being and a computer, or even functional improvement of our biological nature)<sup>13</sup>
2. The improvement of humanity<sup>14</sup> as a whole in a global biological sense, giving rise to a new post-human species (with trans-humanity as the state previous to the creation of this new species).

Although human technological improvement (seen from the two major points of view mentioned above) involves many procedures and techniques, as well as highly varied scientific and technological processes, some authors speak of *human enhancement*, which broadly consists of "three techniques for the technical improvement of human beings, namely: genetic (genetic modification); operations (surgery) and implants of all kinds and in all parts of the body and brain (artifacts, neural implants, neuroprostheses (neuroelectronic enhancement), (...) highly complex brain-computer interfaces (...), nanobots, prenatal and perinatal enhancement, etc.); and the results of pharmacological and medical research applied to the improvement of cognitive skills and sensorimotor capacities, and in therapies in cases of psychological and neurodegenerative diseases"<sup>15</sup>.

It is clear that the purpose of all of these procedures and interventions is to improve some aspect of peoples' lives, and it is at precisely this point that morphological freedom (MF) would come into play, since, according to Sandberg, the very possibility of improvement implies the right to change our body.

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<sup>13</sup> Somatic or bodily improvement would be included here, as well as cognitive improvement.

<sup>14</sup> This is what some transhumanists call "Directed Evolution."

<sup>15</sup> N. Ursua, 'La "convergencia de tecnologías" (CT) y la "mejora técnica del ser humano": Una visión tecno-futurista' ('Convergence of technologies (CT) and technical improvement of human beings: a techno-futurist vision'). *Thémata. Revista de Filosofía* no. 46, 2012 pp. 76-77

## 1.0 MORPHOLOGICAL FREEDOM

Max More<sup>16</sup> a noted extropian transhumanist<sup>17</sup>, initially defined MF as: " The ability to alter bodily form at will through technologies such as surgery, genetic engineering, nanotechnology, uploading (...)."([Http://www.maxmore.com/selftrns.htm](http://www.maxmore.com/selftrns.htm)). This definition is quite broad, but it is also useful in discussing some elements that remain in even the most refined versions of MF. We may begin with what is clearly shown in this first approach.

MF would imply a rational and free decision, as a result of the exercise of autonomy, related to self-transformation through the use of available technologies, to make change in our bodies, as long as this does not imply modifications that negatively affect their functioning.<sup>18</sup>

Another important aspect of this first definition is that MF implies an ability to do something. Since abilities have a positive connotation (they empower us to do things), it could be said that MF can also be seen as a *value*. This is the *moral dimension* of MF, which is at least partially referred to in article 4 of the Transhumanist Declaration, which states that:

"Transhumanists defend the **moral right** of those who wish to use technology to expand their mental and physical abilities and to improve their control over their own lives. We seek personal growth beyond our current biological limitations."<sup>19</sup>

That is, MF is first of all a moral issue. MF becomes a necessary proto-value for achieving personal growth beyond "our current biological limitations" This being the case, bodily alterations produced through the use of technology become valuable in terms of a certain purpose (which in general, encompasses MF), but not in and of themselves (which would be more specific). These modifications are therefore valuable because they are a logical implication of MF.

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<sup>16</sup> M. More, 'Technological Self-Transformation: Expanding Personal Extropy' *Extropy* #10, vol. 4, no. 2, 1993

<sup>17</sup>Extropianism was the first theoretical branch of Transhumanism. Its source was the 1988 book *The Principles of Extropy*, by Max More.

<sup>18</sup> The latter does not necessarily follow from the concept proposed by More, but from the objectives of Transhumanism, since a modification that "worsens" our condition could not be regarded as something desirable. In fact, Sandberg considers that this is precisely the limit of MF, since all improvements that make body integrity impossible are outside its scope of action.

<sup>19</sup> In this case, the mental-cognitive aspect is also included. The bold text is from the original.

More mentions this clearly: “The virtue of *self-transformation* is a characteristic that reflects and empowers a person’s drive for physical, intellectual, moral, and psychological excellence. A commitment to self-transformation means a refusal to acquiesce in mediocrity, a questioning of limits to one's potential, and a drive to perpetually overcome psychological, social, physiological, genetic, and neurological constraints.”

In a schematic way it could be said that in this first level:

1. MF is considered to be a value, and is therefore valuable.
2. Values are significant insofar as they are framed in a theory that considers them as such.
3. Therefore, morphological freedom is valuable as long as theory X believes that to be true.

The question would be: What is this theory? The answer was already suggested when discussing points in common among the different transhumanists. According to Carrico<sup>20</sup>:

“The politics of morphological freedom is a commitment to the value, standing, and social legibility of the widest possible (and an ever-expanding) variety of desired morphologies and lifeways. More specifically, morphological freedom is an expression of liberal pluralism, secular progressive cosmopolitanism, or (post)humanist multiculturalisms applied to an era disruptive planetary technoscientific change, and especially to the ongoing and palpably upcoming transformation of the understanding of medical practice from one of conventional remedy to one of consensual self-creation, via genetic, prosthetic, and cognitive modification”

The previous quote seems to indicate that the theory which regards MF as a value is that which was previously mentioned as technoprogressive biopolitics (Hughes), given the emphasis on the relationship and interaction between liberal pluralism and prevailing technoscience. In the case of MF, this pluralism coincides very well with the techno-optimism of Transhumanism (TH) since both assume a logic of progress and social development – on the one hand, in terms of “multiculturalist” practices, as well as “progressive secular

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<sup>20</sup> D. Carrico, *The Politics of Morphological Freedom*, 2006  
<http://amormundi.blogspot.co.uk/2006/08/politics-of-morphologicalfreedom.html>

cosmopolitanism”, and on the other, through cumulative (more and more complete) techno-scientific knowledge, evidenced in better instruments, as well as in increasingly efficient techniques and procedures which would translate into more individual well-being and a better quality of life.

This position allows seeing MF as a value that is legitimized a priori by the logic of improvement and progress inherent to technology, as well as by the idea that MF is an integral value in cosmopolitan, liberal and pluralistic societies. This is highly important, since if science and technology are valuable in themselves (based on a rather traditional and uncritical view of these concepts), but are also central elements in systems with "liberal democracies", MF would also be a value in itself.

### 1.1 *Morphological Freedom Reloaded*

At least in the most basic sense, these ideas are adopted by authors after More, reformulating them in such a way that now MF is not a purely moral question, but also one of legality; at least, this is what authors such as Savulescu (2011)<sup>21</sup> Bostrom (2011)<sup>22</sup> or Sandberg (2001)<sup>23</sup> propose. As Sandberg says:

“What is morphological freedom? I would view it as an extension of one’s right to one’s body, not just self-ownership but also the right to modify oneself according to one’s desires. Morphological freedom is the right to modify oneself. Morphological freedom can of course be viewed as a subset of the right to one’s body. But it goes beyond the idea of merely passively maintaining the body as it is and exploiting its inherent potential. Instead it affirms that we can extend or change our potential through various means.” (Sandberg in More & More, pp.56-57).

Even if the idea of MF as an ability to do something (autonomy and self-transformation) is maintained, its implications extend beyond the moral level to include the legal level, in such a way that MF as a value is transformed into a

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<sup>21</sup>J. Savulescu & N. Bostrom *Human Enhancement*, Oxford, Oxford University Press, 2011

<sup>22</sup>J. Savulescu & N. Bostrom *Human Enhancement*, Oxford, Oxford University Press, 2011

<sup>23</sup> A. Sandberg, ‘Morphological Freedom – Why we not just want it, but Need it’ *More & More*, *The Transhumanist Reader*. Wiley-Blackwell. UK, 2001

legal capacity.<sup>24</sup> According to this point of view, MF should be considered as a civil right derived from a wider group of legal norms. Transhumanists<sup>25</sup> who adopt this position derive MF from a pre-existing “right”<sup>26</sup>, but extend the initial moral implications of MF to include a eudemonist imperative: *the search for happiness*, a point which will later be discussed in more detail. Secondly, they derive MF from the most classic fundamental rights of liberalism: life, liberty and property. In fact, Sandberg, in a famous lecture given at the University of Oxford, stated that “Morphological freedom as a right can be seen as a consequence of the right to one's body combined with the right to liberty (where the right to one's body follows from the right to one's life).” This “right to the body” should not be understood in the sense of sexual, reproductive or even bodily rights, but rather as a specification of a basic freedom,<sup>27</sup> which is again reduced to a “right” to modify (or not) one's own body. In this new pseudo-legal conception, MF would therefore have a double aspect<sup>28</sup>. One is positive – the right to keep one's body intact or to modify it as one wishes, as long as this does not affect others. This could mean rejecting invasive medical treatment or requesting experimental treatments, if available, for example. The negative side of this same “right” is that a person cannot force any other person to make any kind of modification or improvement, nor can any human being be forced to maintain or preserve his or her body according to cultural, social, religious or other factors, if they want to modify it.

It is clear that rights have a direct relationship to freedoms, so, in what sense is freedom to be understood in this new interpretation? A very old idea from the history of political philosophy arises from Sandberg's quote: freedom

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<sup>24</sup>Legal capacity is the ability that a person has to acquire rights, as well as to contract obligations by him- or herself.

<sup>25</sup> This new stage of LM is interesting, because by proposing it as a right, it is at least theoretically excluded from TH and can now be considered as something important, although outside of this theory.

<sup>26</sup> Some countries expressly recognize the pursuit of happiness as a right, although without necessarily explaining what this search implies, or what its limits might be. See, for example, the Constitutions of the United States and South Korea.

<sup>27</sup> In a very broad sense this could also be seen as an implication of the right to privacy, although it does not seem to be the case for TH.

<sup>28</sup> In this same conference he also said that “Morphological freedom, expressed in the Hohfeldian system, is both a liberty right (the person has a freedom to do certain things with their body) and a claim right (others have a duty to not interfere).”

as the absence of opposition or of external coercion. If MF is phrased in this way, it would be seen as a negative right, which Sandberg<sup>29</sup> affirms when he states that “morphological freedom is like the others, a negative right. It is a right to be able to do certain things, but in itself it does not imply that others are morally obliged to support its exercise.”<sup>30</sup> Following this approach, a qualitative leap occurs in which the mainly moral aspect of MF is removed and the focus shifts to a political and legal level.

This, however, has various implications, since based on our interpretation negative and positive freedom have different political valuations. Negative freedom is promoted mainly in political liberalism and so-called neo-liberalism,<sup>31</sup> where it is intended to reduce state participation to a minimum for primarily economic reasons. Therefore, when considering MF within this political ideology, it could be formulated as follows:

1. (X) wants to undergo a physical change (Y) using technological advances.
2. (X) is free (morphologically) only if there is no (Z) that prevents or interferes with (Y).
3. (Z) is generally interpreted as the State (broadly defined).<sup>32</sup>
4. (X) is free (morphologically) if he or she does (Y) unopposed by (Z).

All of this seems to show that for TH, individual freedoms are more highly valued than social freedoms (at least theoretically), with state intervention reduced to a minimum. The State (Z) would be the primary opponent to full enjoyment of individual freedoms (X); therefore, it cannot prevent or intervene in an individual’s right to modify his or her body (Y) unless it is strictly

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<sup>29</sup> A. Sandberg, ‘Morphological Freedom – Why we not just want it, but Need it’ *More & More*, *The Transhumanist Reader*. Wiley-Blackwell. UK, 2001

<sup>30</sup>It is interesting to note that in this quote, it is stated that nobody is morally obliged to support LM. This seems to be consistent with the substantive approach, since rights, even if someone is not morally in agreement with them, must be accepted and recognized.

<sup>31</sup>Which seems to support Vaccari’s point.

<sup>32</sup> Of course, this will ultimately depend on the type of policy governing TH, although it has been pointed out here that the most often proposed and extensive position is related to political liberalism.

necessary – for example, in the case of causing harm to another human being. “A liberal democracy should normally allow incursions into morphological freedoms only in cases where someone is abusing those freedoms to harm another person”<sup>33</sup>. Similarly, Sorgner (2015) considers that morphological freedom or the right to alter one's own body is an important right in liberal societies. It is interesting that MF is openly equated with the right to alter one's own body, because it brings us, once again, to the discussion of autonomy and self-determination. Bostrom poses an interesting example to show this:

“When making decisions like whether to change careers, end a long-term personal relationship, or have another cream cake, we must at least implicitly ask ourselves questions about how our decision will affect our lives, whether the benefits it brings are of the right sort given our ambitions and goals, and if we can do without the benefits and opportunities that our decision would close off to us.”<sup>34</sup>

MF is another decision in our lives and nobody should stop us from carrying it out. This is so important that attempts to prevent us from doing so would be equivalent to a violation of Human Rights. For example, Bostrom states that “the wisest approaches vis-à-vis these perspectives, argue the transhumanists, embrace technological progress, while strongly defending human rights and individual choice ...”<sup>35</sup>.

If transhumanists defend MF so strongly, it is because “despite our best efforts, we often fail to feel as happy as we would like. Our chronic levels of subjective well-being seem to be largely genetically determined. Life-events have little long-term impact; the crests and troughs of fortune push us up and bring us down, but there is little long-term effect on self-reported well-being. Lasting joy remains elusive except for those of us who are lucky enough to have been born with a temperament that plays in a major key.”<sup>36</sup>

This “lasting happiness” is what human technological improvement seeks. MF therefore plays a fundamental role in allowing us (through body

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<sup>33</sup> N. Bostrom, *In Defense of Posthuman Dignity* <http://www.nickbostrom.com/ethics/dignity.html> 2005b

<sup>34</sup> N. Bostrom & Roache ‘Ethical Issues in Human Enhancement’ *New Waves in Applied Ethics*, Jesper Ryberg, Thomas Petersen & Clark Wolf (eds.) Pelgrave Macmillan, 2008, p.31

<sup>35</sup> N. Bostrom, ‘A history of Transhumanist Thought’ *Journal of Evolution and Technology*. vol. 14, no. 1, 2005, p.203

<sup>36</sup> N. Bostrom, ‘Transhumanist values’. *Review of Contemporary Philosophy*, Vol. 4, May. 2005c, p.5

modifications, at first) to control those random “valleys of fortune.” In fact, following the argument developed by Vaccari<sup>37</sup>, it would seem that this position, together with previous perspectives on MF (its moral nature), stem from an ideological program with a specific political agenda. In this case, MF would be a concrete aspect of the capacity to act in an individual and selfish way that is supported by the right to a personal search for happiness within the market logic of a liberal State. But at this point we again come to a point that does not by itself serve as a sufficient basis for regarding MF as a right. Even if a “(...)central right for any humanistic view of human rights is the right to seek happiness (...) From the right to seek happiness and the right to life the right of freedom can be derived. If we seek to survive, we must be able to act freely in our own interest.”<sup>38</sup>

In the first place, it is not at all clear that this position is correct. To the contrary, as social beings, our happiness cannot be achieved from a strictly individual or personal point of view, at least on the understanding that TH is part of the material conditions of well-being generated by technology, which implies a complex range of social interactions. But even if this were not the case, the subjective, ambiguous and polysemous concept of individual happiness would prevent the creation of minimum conditions for the exercise of freedom, at least if it is not contextualized within a specific framework, which again could only make sense from a broader social perspective. This is the situation that transhumanists seem to want to avoid when proposing MF as a right (sometimes even as a Human Right), although in our opinion it has not been successful. In this second stage, MF is still based on a pseudo-legal imperative, which as has been seen is confusing and unconvincing.

TH is based on a series of theoretical assumptions that in many cases simplistically equate human reality with a series of concepts such as autonomy or rationality. This could mean that some concepts which are important for ethical assessments (such as dignity) remain at the mercy of imprecise criteria

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<sup>37</sup> A. Vaccari, ‘La idea más peligrosa del mundo: Hacia una crítica de la antropología transhumanista’ (‘The most dangerous idea in the world: towards a critique of transhumanist anthropology’). *Tecnología y Sociedad*. vol.1, no. 2, 2013, pp. 39-59.

<sup>38</sup> A. Sandberg, ‘Morphological Freedom – Why we not just want it, but Need it’ *More & More*, *The Transhumanist Reader*. Wiley-Blackwell. UK, 2001, p.56

(i.e., happiness), thus impeding important anthropological or bioethical discussions. Autonomy and happiness are aspects of being human that must be considered in a comprehensive way to make sense, but taken by themselves do not capture the integrality of human beings – the relationships between the cognitive, social and physical-corporal aspects of their lives. In this sense, no element outweighs another, but must be considered together with the others. However, the transhumanist position does not sufficiently justify its arguments, nor does it develop a solid rationale to explain why the concepts of autonomy and self-transformation should be more valuable than any other values (even within the techno-scientific framework).

On the other hand, if MF is considered as a right (second stage), it is evident that it originates in an individualism that is not very sensitive to the needs of others, forgetting that human beings (even in their personal decisions) belong to more extensive moral and legal communities in which social decisions are not simply the sum of their parts, but involve more complex considerations than a focus on isolated criteria such as autonomy or personal happiness can accommodate.

However, still today the moral acceptance of human improvement and optimization continues to be sought, but now this occurs from a perspective of market freedoms which do not emphasize human improvement or optimization through improvement of working or social conditions. Optimization of health systems or social guarantees is not seen as important; to the contrary, freedom understood as self-realization or individual self-determination overlooks the fact that rights only have meaning in relation to duties, which only have meaning in a wider legal context.

To begin the discussion of MF as a “right”, it is necessary to keep in mind a classic debate that TH does not emphasize: either 1. The validity of a right lies in an ethical value (i.e., happiness) previous to any legal precept; or 2. It comes – or should come – from the legal system, which would have to recognize MF by protecting the desired purpose autonomously. The mentioned dilemma is important because depending on the position assumed, MF can be interpreted in different ways. Especially, based on the first position (which would imply that the rights are inherent to human nature and preceding any established legal system). If this is the position that nurtures the framework of TH, it would not

only imply an internal contradiction in MF as a concept but in the entire TH movement. In some cases, the idea of seeing MF as a Human Right only makes sense within TH, if the rationale is iusnaturalist<sup>39</sup> or ethical-axiological (which is often a moderate version of natural law), given that there would be something “human” (no matter what it was) in an essential sense that justifies freedoms. This idea is highly controversial because, if there is something prior to the law, it would be starting from a rationalist iusnaturalism perspective that is in conflict with the elementary postulates of TH, especially in terms of human nature. If this were the case (and in fact it seems that it is), it would imply that Transhumanism is actually quite conservative, at least as far as MF is concerned.

If, on the other hand, we recognize that it is the legal system that recognizes the individual’s autonomy, as it also seems that at times transhumanists do, our assessment would be different. In Law, private autonomy is a power of creation, modification or extinction of legal relationships as long as there is nothing that expressly prohibits something. This will is exercised through the constitution or not of legal relationships, that is, through legal acts or agreements that imply limitations on rights by definition. Therefore, when a right is regulated, duties and obligations are imposed in the private sphere. MF follows the this approach, but ignores the social obligations derived from it, since it only seeks the freedom to modify one’s body as long as there is no state regulation that prevents an individual from doing so.<sup>40</sup> Theoretically, this also applies at an individual level, although it has social implications which are not considered by the transhumanist theory, since it is precisely this social distinction that would give rise to its regulation as a right. Therefore, MF is framed in a broader context in which this point is usually ignored, and in this context the State has a fundamental role. It seems that the proposal of MF does not consider the importance of legal aspects, while never questioning the

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<sup>39</sup> It is precisely for this reason that the concept of human nature, in a non-essentialist sense, is meaningless in transhumanist discourse.

<sup>40</sup> In fact, in many democratically-oriented legal systems there are already general norms or principles which imply this idea, which means that in the case of this specific issue, MF would not be proposing new principles.

importance of social conditions for individual improvement, or the obligations that the State has to its citizens. From this point of view, MF can limit certain discretionary decisions that should be considered in certain specific cases, especially political-social decisions. By itself, autonomy (and its subsequent transformation into a legal capacity) is not a sound criterion for moral decisions, but must be accompanied by a series of other considerations which may vary depending on the context. However, TH (or at least many thinkers who defend this position) does not take into account this relationship or context (i.e., how can the boundary between public and non-public events be established?). As a negative freedom (the second version of MF), the only fundamental implication of MF would be a pseudo-right to self-realization (self-creation) or self-determination (individual, in this case), but the exercise of these rights can only take place within the framework of civil and political guarantees granted by the State. However, TH openly omits a consideration of how we interact with other human beings in our societies.

In this line, MF and in general all civil rights (for TH) find support in the concept of pursuing happiness. Long ago, Aristotle mentioned that happiness was not something that could be sought directly, in the same way that we set goals for the new year. TH seems to associate technological improvement with subjective happiness (positional advantages), which is highly doubtful. In fact, there are not many objective tests that support the view that the search for lasting happiness can be assisted by technology. For example, Japan and South Korea (which have clearly declared the pursuit of happiness as a constitutional right<sup>41</sup>) have both experienced high levels of technological progress, but report the highest suicide rates in the world, while the United States occupies first place in the world in terms of shootings and deaths caused by this kind of crime. Although a direct correlation between these examples cannot be demonstrated, they are interesting models that help us to visualize and reflect on certain aspects of happiness and technology. Although there does not seem

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<sup>41</sup> The fact that these countries state this idea in one way or another in their constitutions does not seem to indicate that they are more advanced than other countries. In fact, according to the UN Global Happiness Index (2018), Japan and South Korea are ranked 54th and 57th respectively. Clearly, the criteria used in the creation of this index are questionable, but it does give us a general idea of levels of happiness.

to be a consistent relationship between technological development and intrinsic happiness, nobody can deny that science and technology often help to improve life and the quality of life much easier for us.

## CONCLUSIONS

Technology and scientific development undoubtedly make great contributions to our quality of life and provide us with many benefits. However, TH does not consider the social aspects of technology, and presents a biased view of human technological improvement. In the best of cases, MF would imply the exercise of many other rights that already exist, making it useful only in a theoretical sense, with limited practical benefits. The search for perpetual happiness is the story of a love that has failed before it starts, as captured masterfully by Aldous Huxley in his book *Brave New World*. Technology and science must be strongly embraced, supported and promoted, but without falling into reductionism or paths that seek homogenization, bearing in mind that human beings, even in their individuality, are social beings.

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