



Morphologic Freedom

The Individual Rights Issue of the 21st Century

Eudoxa Policy Study #1

Eudoxa Policy Study #1: Morphologic Freedom

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This series of policy studies are published by The Eudoxa Think Tank. They address issues that are current or will be in the near future. Eudoxa Studies are in depth studies on how emerging technologies impact our culture and our society.

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About Eudoxa

The Eudoxa Think Tank is a think tank based in Stockholm, Sweden. The main focus of the group is explaining the cultural impact of emerging technologies integrating the analysis with classical free-market ideas and dynamist thoughts of experimentation, innovation and decentralization.

We work for a diverse society based on a strong moral foundation of individual rights, where individuals have the right to utilize modern technology and medicine according to their own moral judgement. We believe this foundation promotes tolerance and acceptance that will tie our society together, not break it apart. The inspirations behind our vision are a firm belief in individual liberty, free enterprise, a limited government and that ideas have impact on our society.

Eudoxa currently has staff working out of Stockholm, Sweden and Kansas City, Missouri, giving them the advantage of being able to approach both the European and American market with a comprehensive perspective drawn from experiences from both continents.

Executive Summary

The current technological and medical development is increasing individuals' ability to change their physique. We do not at present have the cultural, political or ethical conventions to keep up with the speed of this development.

The freedom to make decisions about what changes to apply or not to apply, morphological freedom; is derived from traditional natural rights though. It is a solid moral guide light for policymakers trying to navigate away from infringements on individual rights in each particular case.

Regulation prohibiting certain technologies does not provide the individual with protection against being forced into changing themselves in way they do not agree with. Morphologic freedom will help healthcare organizations, public and private, to design suitable healthcare solutions for the individual.

The Human Body of the Future

Humans are technologically self-morphing animals. We have a long tradition of not only creating tools to change our surroundings, but also ourselves. Clothes, ornaments, cosmetics, prostheses and plastic surgery have a long history. With the exception of prostheses, they are all directed towards changing the way we look in reaction to social conventions.

In our time the means of making changes to our physical beings have a deeper impact. This makes the question of morphological changes and the related ethical issues more pressing. The question of physically changing one's own body has implications in a series of areas. When the ability to make these changes develops faster than the current cultural, ethical and political conventions regulating them, we end up with heated arguments.

We have also seen the emergence of more and more chemical means to influence physical and mental performance beyond traditional medication and drugs. Several of these new substances improve different aspects of our memory. Melatonin, the hormone that regulates our sleep schedule, is now used to correct jet-lag. Growth hormones are given to children in order to increase statures that in turn influence their self-confidence and social adaptation. Other hormones have promised increased quality of life and health for elderly people.

Gender change has gone from being extremely rare and shocking to something that is still unusual, but often no longer provokes reactions beyond curiosity and fascination. Dana International from Israel, the winner of The 1998 Eurovision Song Contest got more publicity across Europe than what is common for the winner of this contest as "she" was openly transsexual, but in the end it was not a big issue and today hardly anybody remembers the commotion.

Gene therapy is today used only in the hope of curing or alleviating severe diseases. We have already seen proposals for genetic modifications that would not only treat a disease, but could also increase the quality of life. Improving DNA has the potential for decreasing the risk of cancer, protecting against the frailties of old age, improving memory and building-in immunity against AIDS and other diseases. This potential is today only theoretical or based on experiments with animals, but the fact that they could be implemented today or in the near future makes them highly controversial (Stock & Campbell, 2000).

Implants, from replacement hips to pacemakers, are used solely for the treatment of illnesses and damages today. But there are no technical reasons why they could not be used to prevent diseases, improve health or even create new abilities. One unplanned effect of the former practice of treating Glaucoma by removing the lens of the eye was that the patient could then sense ultraviolet light. This was a new ability, although of limited value.

The idea of a neurointerface between a human brain and a computer is a premise that has been explored in the science fiction genre. Today such connections are under development in order to manage prostheses.

Traditional medicine has been focused on cure and alleviation. The last 50 years have seen the rise of preventative medicine and the borders between these areas have become more and more blurred. An increasingly health-conscious public integrates medical care with exercise, nutrition and function-enhancing foods. Some methods traditionally used for cure or prevention of specific ailments, like hormone therapy, are now more broadly applied. Even advanced medical procedures are reinvented and applied outside of their traditional areas as the cost of the procedure drops and it becomes more available to the public. It is obvious that modern health care is not only curing, alleviating and preventing illness, but also improving the health of its patients.

Humanity's ability to modify bodies with technology is a cooperative effort. Technology enables new forms of self-manifestation, which in turn leads to claims of the right to apply them. Cultural demand for abilities to make changes stimulates the technical and scientific development of more abilities. We are not talking about a technological imperative, but how humans drive this trend by their striving towards self-realization.

Morphologic Freedom

Morphologic freedom is defined as an extended right to your own life, including your body. You do not only own your body, but you also have the right to change it in accordance to your wishes.

Morphologic freedom is derived from your right to life, freedom and pursuit of happiness in accordance with the tradition of Natural Rights.

The right to life, as in not having your life terminated or its survival threatened is a basic right without which no other rights make sense. To realize your right to life, you need other rights as well.

This includes the right to pursuit of happiness, another basic right in the Natural Rights philosophy. Without the right to pursue happiness, human development has no protection. If there is no guarantee of the freedom to improve your life and realize your dreams, life becomes meaningless. The right to life can also be derived from the right to pursue happiness as death and mortal threats to your life are an obstacle to that pursuit.

The third basic right is the right to freedom. In order to survive the individual must be able to act freely to protect his or her survival. We also need to freely pursue that which will bring us happiness, as individuals have different means of attaining this goal. Even in a situation where two individuals agree upon the goal for their happiness, different levels of knowledge and different experiences can prevent

consensus on the means to attain this goal. The right to freedom guarantees that each individual is able to act and learn according to their own choosing.

The right to control our bodies is implicit in the right to freedom and life. A situation where we have the right to live and be free without giving the same rights to our bodies voids the other rights. If the body is threatened or coerced you are left no choice but to comply in order to protect your life. Even worse, changes made to the body might impede or drastically change your pursuit of happiness, e.g. lobotomy or forced sterilization.

The right to modify your body is derived from your right to freedom and your right to life. If your pursuit of happiness demands physical changes, from dyeing your hair to changing gender, then the right to freedom and pursuit of happiness presume morphologic freedom. Physical wellbeing can demand that you modify your body through antibiotics or surgery.

Thinking is deeply connected to our bodies; this means that freedom of thought demands freedom of brain activity. There is no decisive difference between a mental state that occurs by natural means or through external influence; both are occurrences of the same mental state. If you are prevented from making changes to the neural structure of your brain, your ability to reach mental states that you otherwise would be able to achieve is prevented.

You can of course see morphologic freedom as just a part of your right to your life, but morphologic freedom goes beyond just maintaining the body as is and utilizing its innate potential. Morphologic freedom implies that we can increase or change our innate potential through various means.

Morphologic freedom is, like the others we mentioned, a negative right. It is the right to be allowed certain actions, but not to expect others to be morally obligated to support you in your endeavors. It would not be reasonable to demand that other individuals support changes to somebody else's body that they do not see as useful or even ethical based on their own morality. There are other ethical principles where an obligation to help is implicit, but we will in this study concentrate on a natural rights framework. Due to the fact that we are talking about a negative right, morphologic freedom implies not only freedom from being forced to change in a way we do not desire, but also that nobody can deny us the change. This maximizes personal autonomy.

This study is also limited to discussions on informed consenting adult individuals in regards to morphologic freedom. There are always special cases where we encounter limitations in the individual's ability to make informed decisions on their own behalf; this includes mentally disturbed persons, pre-persons or persons who have been subjected to intentional changes in the brain's motivational system. These cases are problematic, but not an argument against morphologic freedom or other rights. All ethical systems have limitations to their applicability and will encounter grey areas.

The important consideration is how the general principle can be applied, and whether it can be applied with as few adjustments as possible towards special cases. Other free-market intellectuals have done extensive analysis of the rights of mentally disturbed persons, embryos and deceased individuals (e.g. Nordin, 1992).

The current discourse and judicial practice has divided the right to life and morphological freedom into more specialized categories. This development weakens the underlying principle of right to life. Issues such as medical information, women's right to their own bodies, reproductive rights, euthanasia and the suitability of different medical procedures are examined without considering the fact that they are based in the same ethical sphere: our right to modify, or let other people modify, our bodies.

It is essential that we address this common ethical sphere before attempting to make judgments in each specific case. If not, it is certain that the right to life and the morphologic freedom will disappear in a quilt of incoherent ethical judgments without any common base. We need a robust ethical foundation to meet accelerated technical and social development.

Why do we want it?

Why do humans seek morphologic freedom? As we have already pointed out, humans seem to have an innate yearning towards self-creation through self-definition. This is not only effected by creating stories about who we are and what we do, but also by selecting aspects of ourselves to cultivate, by designing our surroundings – or by modifying our bodies (Weber, 2000). We express ourselves through what we are becoming.

This is a strong instinct and it motivates us in many areas. From an evolutionary perspective an intelligent being's adaptation to its environment is improved if it actively tries to explore and attain its potential, instead of just passively waiting for a need to arise. That gratifying exhilaration we experience when engaged in a meaningful task that challenges our abilities or demands a developed skill can actually be a biological incitement to self-improvement (Csíkszentmihályi, 1990). Self-development is an intense motivational factor for most humans, and by its nature this is a very personal and challenging achievement.

A common objection against morphologic freedom is that there is a given human nature that will be destroyed if this freedom is allowed. But even if you accept the idea of a specific human nature, it would seem that this nature includes individual self-definition and the will to change or adapt as important elements. A human nature without these abilities would be unlike those found in all human cultures so far. It is rather rejection of these elements that is contrary to human nature. There is no contradiction in having a nature that contains the seeds of change. A human nature like this is instantaneous and it will change as the humans change.

Another motivation for morphologic freedom is practical utility. Even if humans have a broad spectrum of opinions and personal projects, many still find the different forms of self-change is useful for their personal life. It can be something as simple as improved health, quality of life or education. New techniques make more choices available which in turn increase the opportunities to make changes in the quest for personal self-realization.

As humans, we change because we want to be better, not because we are unhappy with whom we are. Self-improvement is usually not a quest to attain some imagined state of perfection, as many critics claim, but an open process. When we grow as individuals, our ideals and values evolve and grow with us.

Society and Morphologic Freedom

Morphologic Freedom is not an atomistic event that impacts only individuals. Even if it is claimed from an individual rights perspective, it is also part of the interaction between humans. Individual rights do not release individuals from their ties to other individuals. But these ties can not negate someone's negative right to life and freedom. In order for morphologic freedom to work in a society, a certain amount of tolerance is required.

Morphologic freedom does not threaten diversity, like many critics of gene technology and other physical modifications contend; rather, it would have an opposite effect.

Today we see an increasing acceptance of individual self-realization and diversity (Brin 1998, Weber 2000). And even if social pressure, prejudice and social influence still are powerful forces in our society, they are being counteracted by the idea of "being real". That is, the desire for diversity and an interest in the unique and exotic.

If new ways of expressing individuality become available there will be innovators willing to try them, no matter the risks and disapproval from society, just as there will be those who will not participate. Even if a large majority choose the new, practical or popular (whether cell phones or plastic surgery) it will not be a problem in a society that values diversity. This fact is appreciated even by critics, conservatives and opponents (Brin 1998).

It is often said that morphologic freedom would increase class differences, e.g. to undergo genetic therapy. This argument is based on the assumption that all techniques of morphologic freedom are costly and thus will be reserved for a wealthy upper class. We have, however, not seen this scenario evolve in an economy where the cost of new technologies has generally decreased over time. This is in addition to the fact that technology is becoming more wide spread in both the first world and developing countries.

In particular, regarding technology that can influence future generations, it is important to keep in mind that the time required to spread a technology is shorter than the average lifespan. Ethical judgments and regulations that inflate prices artificially have a higher impact on making the new technologies available to a large spectrum of society. The best way to make morphologic freedom available for everybody is not to limit it, but rather to encourage and develop it further.

Why do we need Morphologic Freedom?

Just as there are arguments that support the case for the desirability of morphologic freedom, there are also arguments that rejecting it would have negative consequences.

Many have expressed the fear that once accepted by society, physical changes would be applied without an individual's consent, to enforce social perceptions of what is normal or desirable. However, obstructing technological development is not an effective way of preventing such a scenario. The technology is being developed for a wide range of applications, considered legitimate across a broad range of cultures and jurisdictions. Abuse can only be prevented by strong ethical protective barriers in our culture and in our institutions.

Viewing the right to morphologic freedom as a basic right is one of these protective barriers. If there is a common acceptance that each individual has the positive right to decide what physical changes to subject themselves to, and they each have the negative right to refuse or abstain from any or all possible changes, it will also be really hard to legitimize any use of force.

Recognizing the right to choose among the many options made available through morphologic freedom also supports the right not to choose them; the positive and negative rights are two sides of the same coin.

Purely negative goals like the EU Commissions directive on children's right to be born with unmodified genes will often end up in conflict with positive goals such as providing children with the best possible medical attention. This right is also mentioned by the Commission, but is undermined by the negative goal.

One of the many ways this positive goal can be attained is through surgery in the womb for certain congenital defects. This type of operation changes the body and the potential person much more than any genetic modification we can bring about.

If the only goal of rules and regulations is protection from the use of force or dubious encroachments, the legislation will only find popular support to the extent of people finding an immediate threat to their rights.

As new technologies become available, common and even ordinary, it is likely that this commonplaceness will remove the feeling of threat that is the basis for many of the prohibitions of our day. This should also remove most support for these

negative regulations, even in the cases where they provide a protection against possible abuse.

If regulations are based on morphologic freedom, they will gain in relevance as they are supported by the desire to utilize the technologies' positive consequences.

Without morphologic freedom, there is a serious risk that powerful groups will force changes upon others. If we look at history, the perpetrators of most serious medical abuses have been states and other large organizations, not individuals. The reason for this is the flaw inherent to centralized power: any wrong or erroneous decision will influence the life of many individuals and the consequences will affect society as a whole.

Individuals are just as prone to make mistakes, but the consequences remain on the individual level. In light of this, it is desirable to leave these highly personal ethical decisions in the hands of the individuals, rather than making them on a general political level. Global ethical policies will be contrary to the morality of many individuals, force them to act against their convictions and provide motivation for persons in power to form the regulations to benefit themselves rather than the average citizen.

As an example, we can imagine in the near future the availability of a treatment that would restore functionality to functionally disabled people. In countries with a publicly founded healthcare system, it would become quite tempting for a cost-conscious policymaker to reduce the cost of the system by curing people. To be handicapped would become a very lavish lifestyle in their eyes.

There will of course be many who have a deep desire to be cured of their various disabilities. However, there will also be those who over time have adapted to them and integrated them into their perception of self. The investment demanded in personal growth by a decision to accept, work around or overcome a handicap is huge. Curing the handicapped is a much more comprehensive change than mending a broken tool. It will often be perceived as an attack on their human dignity.

The policymaker in this scenario will act in the accordance with the greater good of society by forcing individuals to get cures. But he will violate the autonomy and dignity of many individuals. In a society where the individual is not valued, this infringement will be acceptable.

A mere prohibition against forced medical procedures will not be sufficient to prevent this, although better than nothing at all. This is because a prohibition does not provide a right to an alternate body image or protection for people with different physiques.

The policymaker could encourage "normal" bodies by different methods, including proclaiming disabled people who will not submit to the cure as irresponsible and extravagant with public funds. In a situation where there is no protection of the

right to be different, laws to prevent discrimination or ethical basis for encouraging tolerance, a disabled person will be stuck between a rock and hard place indeed.

It should be pointed out that the handicapped movement has been fighting for the right to make decisions about their own bodies for just this reason. The postmodern critique of the normal body also supports the right to have an abnormal body, even if it in this case just happens through deconstructing normality by supporting an ethical project.

When the borders between curing and improving treatments become more indistinct, self-realization will move towards self-improvement. And when treatments that is desirable for some but not others become more common (e.g. cochlea implants for the deaf or genetic therapy) it will be harder and harder to define what constitutes a “natural” body and what constitutes a modified body.

Any regulation built on a distinction between the two will lead to a situation where the limitations constantly will be challenged by new technical developments. There will be a need to arbitrarily discern what is to be protected and what not. Morphologic freedom will be the only complete step towards protecting those who will abstain from changes, those who have abnormal bodies and those who would change their bodies.

The Healthcare of Tomorrow and Morphologic Freedom

Our policymaker example from the previous chapter also raises a relevant issue regarding the healthcare of tomorrow. When new and initially expensive biomedicine becomes available, it is not obvious whether it should be made available for public healthcare. The obscure border between curing and improving medicine does not make the issue any clearer.

The public healthcare system of Sweden has decided not subsidize Viagra and Xemical as they are seen as lifestyle drugs rather than medication. Dispensations are available, but those are provided by the government.

This leads to unfortunate consequences. Any application for dispensation will be subjected to rules of transparency and details opened to anybody who cares to inquire. It puts the politician rather than the doctor in charge of judging the patient’s need for medical treatment. This unfortunate situation will become more and more common as traditional healthcare systems will have to deal with more advanced methods for physical changes as they become available. Even without a public or legal acknowledgement of morphologic freedom, the mere existence of such possibilities will force the healthcare profession to take a stance on the issue.

Morphologic freedom implies that healthcare has to relate not only to the desire for health, but to the desire for different kinds of health. Already, public systems must balance the goal of increasing the quality of life for their patients against framework of limited resources; they will face an even greater dilemma of distribution. It might

be possible to define a basic level of health that all are entitled to with any further treatments will be left to private care. Voucher systems could be put in place etc. These questions are complex and controversial, but not inextricable. Morphologic freedom will however put another factor in the mix as it will demand a redefinition of the concept of health and the concept of illness.

A possible model for this arbitrary normative model of health is suggested by Robert Freitas. His model defines health as the optimal function of a biologic system. The normal and the optimal function are defined by the genetic instructions of each patient, rather than a comparison with the rest of the population or a platonic ideal. This makes the concept of health an individual norm. The physical well being of the patient is changeable and the individual person's wishes are seen as an important element in defining the state of his health. Any deviation from optimal functionality or desired functionality is seen as an illness (Freitas, 1999).

This would fit the modern way of viewing the patient as a customer rather than a client. The patient is an active part of the process rather than being the passive subject of the physician. To support this view and aid it by providing a robust system of individual rights can help individuals attain access to tools to improve the quality of life and avoid or at least counter the paternalism that unfortunately is found within parts of the healthcare community.

Conclusions

Given current social and technological trends, questions regarding morphologic freedom will become increasingly relevant during the next decades. We will need morphologic freedom in order to maximize the utilization of the new technologies and steer them in preferable directions.

Morphologic freedom implies a subject that is changing itself. Humans are goals in themselves, but it does not exclude using themselves as tools to attain themselves. The best way to prevent humans from being used as means rather than ends is to give them the freedom to change and grow. Humans perceive themselves as subjects. This is among other things expressed through the changes that they choose to attain.

Certain bioethicists such as the conservative Leon Kass have argued that the new opportunities available in biomedicine threaten to eliminate humanity, replacing people with designer clones from Huxley's "Brave New World". We disagree. From our perspective morphologic freedom does not threaten humanity with elimination, but rather makes us able to express humanity in new ways.

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