

**Posthuman Rights:  
Dimensions of Transhuman Worlds**

***Derechos posthumanos:  
Dimensiones de los mundos transhumanos***

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**ABSTRACT**

There are at least three dimensions to rights. We may have and lack freedom to 1) be, 2) do, and 3) have. These dimensions reformulate Locke's categories, and are further complicated by placing them within the context of domains such as natural or civil rights. Here the question of the origins of rights is not addressed, but issues concerning how we may contextualize them are discussed. Within the framework developed, this paper makes use of Actor-Network Theory and Enlightenment values to examine the multidimensionality and appropriateness of animal rights and human rights for posthumans. The core position here is that rights may be universal and constant, but they can only be accessed within a matrix of relative cultural dimensions. This will be true for posthumans, and their rights will be relative to human rights and dependent on human and posthuman responsibilities.

**KEYWORDS**

transhumanism, human rights, natural rights, animal rights, civil rights, technology, political philosophy.

**RESUMEN**

Hay por lo menos tres dimensiones de los derechos. Podemos tener y carecer de libertad de 1) estar, 2) hacer, y 3) tener. Estas tres dimensiones reformulan las categorías de Locke , y se complican aún más por su inclusión en el contexto de dominios tales como los derechos naturales o civiles. Aquí la cuestión de los orígenes de los derechos no se aborda, sin embargo sí se discuten las cuestiones relativas a cómo podemos contextualizarlos. En el marco desarrollado por este artículo se hace uso de la teoría del actor-red y de los valores de la Ilustración para examinar la multidimensionalidad y la adecuación de los derechos de los animales y de los derechos humanos para los posthumanos. La posición central aquí es que los derechos no solo pueden ser universales y constantes , sino que sólo se puede acceder a ellos dentro de una matriz de dimensiones culturales relativas. Esto es cierto para los posthumanos , y sus derechos serán relativa a los derechos humanos y dependerán así de las responsabilidades humanas y posthumanas.

**PALABRAS CLAVE**

transhumanismo, derechos humanos, derechos naturales,, derechos animales, derechos civiles, tecnología, filosofía política.

**SUMMARY**

Rights are nested in dimensions

Multidimensional rights exist in *fields or matrices*

Transhumanism challenges our traditional ideas about rights

Posthumans will be free to be, do, and have, just as humans and animals are

References

## **SUMARIO**

Los derechos se anidan en dimensiones

Existen derechos multidimensionales en los campos o matrices

El transhumanismo desafía nuestras ideas tradicionales sobre los derechos

Los posthumanos serán libres de ser, hacer y tener, al igual que lo son los seres humanos y los animales

Referencias



## Three kinds of rights

What is a right? In *The Social Contract* Rousseau correlates rights and liberty: “When a man renounces his liberty, he renounces his essential manhood, his rights, and even his duty as a human being” (1960:175). Bertram (2010) emphasizes Rousseau’s correlation between liberty and individual rights: “...such rights as individuals have over themselves, land, and external objects, are a matter of sovereign competence and decision.” This connection runs through many discussions of rights. Isaiah Berlin (2002: 171), in pointing out that freedom and rights are predicated on survival:

“It is true that to offer political rights, or safeguards against intervention by the State, to men who are half-naked, illiterate, underfed and diseased is to mock their condition; they need medical help or education before they can understand, or make use of, an increase in their freedom. What is freedom to those who cannot make use of it?”

The hungry or ill cannot make use of rights / liberties until fed and well.

We might say that humans have liberties in three dimensions. 1: We have the right to “be”, to exist, and to maintain or change aspects of our identities: we are, and we can “be”. 2: We also have “doing” rights, such as the right to express opinions or to reproduce. We can “do” stuff, and are free to take actions. 3: Rights to “have” are usually tied to survival, such as the “right” to (have or have access to) clean water, or the right to bear arms, or the right to healthcare; we have ownership or property rights. Being (BGR) and Doing (DNR) rights are more often “natural”, while Having (HVR) rights are more often “civil”; HVRs change depending on what materials are available *to have*. Few would claim that HVRs apply to the possession of gold, because gold is rare and not tied to survival; but we often hear about a “human right” to water and even to weaponry for self-defense, on the grounds that without these things our survival (our BGRs) is threatened. Similarly, a DNR may impact an HVR (a right to “do” agriculture is predicated on the right to “have” food).

Locke posits that we have natural rights to “life, liberty, and estate” or to life, health, liberty, and possessions (Flikschuh 67; Locke 107). Life is an aspect of being, and health is an aspect of, or quality, of life. We can place rights to life and health within BGR. Liberty is central to all rights -- freedoms to be, do, have, etc.; but in the sense that we are at liberty to do *something* or free to take an action, we can place liberty within DNR. The right to own

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property is HVR. As in Locke's formulation, 3Rs are not inherently relational, in the sense that they do not necessarily depend on relationship to others in community (Flickschuh, 2007: 68), but, as seen below, they may be relational within certain contexts.

This illustrates the interdependency of BGR/DNR/HVRs. We could think of this set of rights (call the set of BGR/DNR/HVR collectively "3Rs") as a three-dimensional field of liberties.

## Two possible domains among many

Paine's notion that Civil rights (\*CR\*) arise from Natural rights (\*NR\*) is relevant. His position is that mankind's "natural rights are the foundation of all his civil rights" (30). This will inform even our discussion of animal rights, though \*CR\* and \*NR\* are but two of an indefinite number of possible domains.

Animals are sometimes reckoned to have some \*NR\*, but one would strain to think of any example of animals being granted \*CR\*; animals may be protected from torture, but they are not allowed to hold public office (excepting Caligula's horse Incitatus and "joke candidates" like Duke the Dog of Cormorant, Minnesota). We can say that animals may have 3Rs, but that they can only have them within the domain of \*NR\*. In her skepticism of the way that "animal rights" is usually framed, Donna Haraway suggests that "plumbing the category of labor" might be more useful for humans and for animals than talk of animal rights. The "category of rights" itself has an "inevitable preoccupation with similarity, analogy, calculation, and honorary membership in the expanded abstraction of the Human" -- and animals are not the same as humans (2008: 73). Animals cannot have human rights. But maybe, Haraway hints, they could have other types of rights, or rights in other domains. We could push her suggestion to say that animals have 3Rs in the context of "labor rights" (\*LR\*).

It is also apparent that there are multiple \*CR\*s depending on the culture and country. When considering all the variations of \*CR\*s, and alternative categories (how about a domain that exist only between computer hackers, or only within a military order, or only within a canoe on a private lake, etc.?) we can say that there is in effect an infinite (uncountable) number of domains. If so, \*NR\* becomes of greater and greater interest. Is it the only universal domain? Is it embedded somehow within all other domains? Such questions are outside of our present scope, but an underlying assumption here is that rights, *natural*

*rights* if you like, are both universal and unchanging – though we may not yet have discovered all of them, and we may believe we have discovered eternal rights which turn out not to be.

Humans may be (or not be), may do (or not do), or may have (or not have) within \*CR\*, \*NR\*, \*LR\*, or any number of domains. Humans have positions on the axes of the 3Rs in some number of domains, but for many reasons we cannot recognize the 3Rs of animals in all human domains; we will also have to wrangle with the recognition of 3Rs for artificial life forms.

## Posthuman Rights

Suppose that \*NR\* are the most fundamental domain in which one can have rights. Indeed, if animals might have 3Rs within the domain of \*NR\*, then maybe other kinds of non-human beings could, too. What category of entity does not have BGR? And if a thing exists, does it have the right to continue to exist, and would such a right hinge on its being more than a “thing”? Revisiting definitions of “animal”, Haraway’s discussion of Derrida is useful. Only humans can be murdered, and all other living things are merely killed; only humans “respond” to conditions, and all other living things merely react (2008: 77-78). This is an *a posteriori* or a kind of *realmetaphysik* definition, a way of handling the fact of our own discomfort with the empathy we feel for animals when we are yet unable to grant them actual rights and responsibilities.

We are not as squeamish about robots or low-level “artificial intelligences” such as expert systems and virtual neural networks, and we still understand them as machinery. Although computers and software may mimic real or fictional beings (as Hatsune Miku, anticipated by William Gibson’s *idoru* Rei Toei, does), as tools they still share some essential qualities with wheels and hammers. Therefore, so long as they are merely machines, they have no rights in any domain; they are not consciously engaged with as agents or social actors. As we will see below, Actor-Network Theory disputes this because wheels, hammers, artificial intelligences, and humans exist on a spectrum or within a network of what is cultural; social actors are everywhere, because “the social” is distributed in all things and beings human interact with.

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## Networks of Rights

Transhumanism is “man remaining man, but transcending himself, by realizing new possibilities of and for his human nature” (Julian Huxley quoted in Bostrom 2005). In discussions of transhumanism, “posthumans” are “future beings whose basic capacities so radically exceed those of present humans as to be no longer unambiguously human by our current standards” (Bostrom, 2003).

Actor-Network Theory (ANT) complicates the position of machines with respect to human rights and rights generally because it asks us to consider that technology, animals, and the natural world exist in a social network *with* humans which somehow “ensocials” the non-humans. Again, it acknowledges the impossibility of sensibly differentiating which elements in a network are human or non-human. In Bruno Latour’s formulation, every “thing” including living beings are compositions of relationships that exist within networks (2007, 218). Even (perhaps especially) people are *composite*. Consider the possibility that rights and their domains, as we experience them, are compositions, too.

Example by way of thought experiment: Imagine a transhuman with a *stigma*. She has a surgically implanted RFID device in the back of her right hand, and a spontaneous and miraculous wound which signifies her deepening theosis in her left palm. The device gives her the ability to open electronic locks at a distance, pay for coffees with hand-signals, and generate healing isochronic beats for stress relief. For her work in developing the device (and her gumption and gall in having it implanted in herself) she has 3Rs within a specific domain of a Transhumanist Association. She can now call the Association to order, sanction members, smoke in the boy’s room, and take Association cash for conferences abroad.

On the other hand, the stigma gives her a special place in her church. Suddenly she has 3Rs in the congregation that she did not have before. She now has the right to lead prayer (DNR) and the right to own and wear a liturgical vestment (HVR). She even has the right to be behind a sort of neon iconostasis -- a right that women do not have in this particular church. She has a new BGR because of the appearance of her stigmata – the right to *be* in the context of a church office. Without the stigma, she had no BGR in the domain of the neon iconostasis, and we do not know if her 3Rs will change within the church if the stigma disappears. The Association grants her new 3Rs after the advent of her device, and the church grants her new 3Rs after the advent of her stigma. Her 3Rs in the Association and in the church are compositions. In one domain, her rights are compositions of silicon, bravery,



willfulness, and ingenuity. In another domain, her rights are compositions of grace, sex, prayer, and blood.

Posthuman rights, like posthumans, will be compositions in Latour's sense, and they will be relative within or between domains. These domains will at first be human, or be characterized by the parent human culture.

Posthumans will have 3Rs in the \*CR\* domain insofar as their humanity is sufficiently recognizable by the society in which they seek \*CR\*, and insofar as a human herself would have \*CR\*. For example, if the posthuman person in question is so cyborgized that she cannot communicate, cannot move, and smells strongly of pickled fish, the society in question may (wrongly) deny her the right to run for public office (either legally, illegally, or *alegally*) through social pressure or through violence or other coercion. Also, if the posthuman is not very cyborgized but happens to be gay, she may not be allowed to legally marry in her Persian village -- because she is gay, not because she is a *gay cyborg*. Posthumans certainly have 3Rs within \*NR\*, even if they are less human and more animal, machine, or some new composition. Their rights in this domain only become threatened if they become too alien for us other (human) persons to comprehend. That is, they must not become more alien to humans than animals or machines are.

## Networks of Responsibilities

While protecting posthuman rights, the emphasis for posthumans may be on the corollary responsibilities within rights' domains. In other words, very powerful posthumans who seem to become increasingly alien to their fellow humans, may have new responsibilities toward their human, posthuman, and ecological communities. This should not be to place responsibilities upon posthumans without also granting them rights; indeed, they must have recognized and acknowledged \*NR\* and \*CR\* for them to have any responsibilities toward humans or other posthumans in the \*CR\* domain. Humans must recognize the rights of posthumans, whether posthumans have responsibilities toward humans or not.

To map out what such responsibilities may be, it is useful to turn again to the animals. Rather than asking what responsibilities animals have in \*NR\* or any other domain (are we ontologically shocked when even a "good" cat scratches a child?), consider what we owe to them, if anything. Here is another asymmetry: put posthumans in the position of humans with full \*CR\*, and imagine that posthumans will regard humans as humans regard animals.

The archaic meaning of "husbandry" may help to illuminate. In its modern usage, it is usually used to mean "animal husbandry" -- farming, breeding, building camel stock. But

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its root comes from the Old Norse *husbondi*, which means the master or manager of a house (Harper). Husbandry has to do with protecting your family, land, and possessions. It also has to do with increase. To borrow from Swift, it could be said that a good husband is one who can “make two ears of corn or two blades of grass to grow upon a spot of ground where only one grew before” (1863: 161). The husband has a simultaneous right/responsibility to care for his household, lands, and the inhabitants thereof. Husbandry, in this broad way (beyond the “animal husbandry” of clinical technicalities, hormones, gestation, and interbreeding of livestock), is the key to our relationship to the future. The future is not accessible to us unless we survive and/or thrive into it. We must sustain, abide, put by; husbandry is required for managing our own increase out of the present and into the future.

There is an element of the *mean* and *mere* in this if it only means surviving. Thriving requires an increase that is not miserable. To *merely* improve the quality and amounts of food we eat is not enough; to *merely produce* more hens more efficiently is neither thriving for henhood. The good husband creates the conditions for thriving, through thrift and work, and maybe through fairness and loyalty, throughout the actor-networks.

In any case, husbandry is a network of responsibilities -- another composition. My father, as a *husband*: was responsible to the neighbors bordering his three acres not to foul the land; was responsible to his wife to be a good spouse; was responsible to his children to be a good father; was responsible to our uncles to work together to cut firewood in the summer; etc. In his responsibility for the firewood, he was also responsible to the forest itself not to cut too many trees. This also served his own interests, and served his responsibilities to his family, because we will always need firewood, and cutting too many trees means less firewood next year. These compositions of responsibilities are probably always slightly out of balance. Do they “naturally” seek to regain positions of relative balance, as the whole network constantly shifts? Adam Smith might have said they do, just as markets do.

In the short term, humans get to choose how to husband their own future, and the futures of others in the actor-network, including posthumans. Posthumans are not the property of humanity in the way that hens have become, and posthumanity can only come to be through the self-direction of evolution by humanity. The posthuman will be the child of the human, but it will be immediately adult and have adult rights and responsibilities in the same moment it comes to exist in the first place.

## Responsible Posthumans

Posthumans will have rights. Depending upon “how human” they are they may have 3Rs in more or in fewer domains than humans do today. If rights are won within domains, posthumans may find new domains in which to have 3Rs, or in which to limit the rights of others (I’m the King of The Moon, suckers! And you’re all my new Moon Butlers!). But with greater powers than humans, the responsibilities of posthumans will be an important area of debate. We may continually find ourselves wonderstruck that a posthuman Superman fails to feed the world’s hungry, or at least permanently “fix” Metropolis’ own Suicide Slum (Evans, 2014). Our posthuman kin might act as engaged technocrats, aloof gods, or something else entirely, but the matter of what they owe regular folks will become more contentious as they grow in power and in number. It would be wrong to leash a human or a god, and it would be wrong to allow gods to leash humans; but we think it right to leash our dogs to keep them out of traffic. This is why, again, future discussions of human rights for posthumans may include moves toward framing posthuman *responsibilities* to humans.

Imagine a field of rights/responsibilities that fold 3Rs into corresponding responsibilities. 3Rs plus responsibilities within a field = R3Rs. 3Rs can exist outside of all domains except \*NR\*, but R3Rs exist within every domain except \*NR\* because no creature is responsible in general *for* being, *for* doing, or *for* having; but everyone has responsibilities to use 3Rs appropriately in particular domains. So a man or a cyborg or a cat may *be* without being responsible for his or its *beingness*. A man, a cyborg, or a cat may *be a deacon* within a liturgical domain, but is responsible (has responsibilities) in a particular church.

Consider the state of posthumanism as a domain (\*PR\*). The careful definition of this domain will be vital in articulating the nature of the relationship between humanity and posthumanity. It will be an asymmetrical relationship, at first heavily favoring humans. It will become, if the posthuman population (and/or their power or influence) grows, a domain in which posthumans may favor themselves at the expense of humans, as humans favor themselves at the expense of animals and machinery within their own domains and networks.

In this light, we must hope that the struggle to make sense of the dynamics of any potential \*PR\*s may positively impact the understanding of rights and responsibilities between the composites we call posthumans, humans, animals, and machines.

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