

Transgender people, transvestites, and transhuman rights: The case of morphological freedom

Pessoas trans, travestis e direitos transumanos: o caso da liberdade morfológica

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ABSTRACT In this essay, we address the interface between gender and law through the social inclusion of transgender and transvestite people and the case of morphological freedom. Our objectives are: i) to present a conceptual map and the struggles that configure the trans issue in the Functionings Approach (PdF); iii) to include the debate in an emerging field of reflection, fostering interest in transhumanist studies, emphasizing morphological freedom as a transhuman right. After presenting some of the main nuances of the trans issue in Brazil, we advocate expanding the list of the so-called moral concernants, offering a more inclusive normative perspective as possible. Based on the adoption of functional systems, we draw attention to the gain of replacing the notion of human rights with that of fundamental rights, presenting the PdF. We conclude by presenting the concept of transhuman rights, which may indicate an expansion of those concerned and the freedoms guaranteed, highlighting morphological freedom, which seems fundamental to us for the exercise of an unavoidable dimension of the existence of transgender and transvestite people.

KEYWORDS Transgender persons. Social inclusion. Freedom.

RESUMO Neste ensaio, aborda-se a interface entre gênero e direito por meio do recorte da inclusão social de pessoas trans e travestis e do caso da liberdade morfológica. Os objetivos são: i) apresentar um mapa conceitual e das lutas que configuram a questão trans no Brasil; ii) destacar a importância de propostas mais inclusivas de direitos, enfatizando a Perspectiva dos Funcionamentos (PdF); iii) inserir o debate em um campo de reflexão emergente, fomentando o interesse pelos estudos transumanistas, enfatizando a liberdade morfológica como um direito transumano. Após a apresentação de algumas das principais nuances da questão trans no Brasil, defende-se a necessidade de que o rol dos chamados concernidos morais seja ampliado, oferecendo uma perspectiva normativa a mais inclusiva possível. Com base na adoção da noção de sistemas funcionais, chama-se a atenção para o ganho de substituir a noção de direitos humanos pela de direitos básicos, apresentando a PdF. Finaliza-se apontando a concepção de direitos transumanos, que pode indicar uma ampliação tanto dos concernidos quanto das liberdades garantidas, destacando a liberdade morfológica, que parece fundamental para o exercício de uma incontornável dimensão da existência das pessoas trans e travestis.

PALAVRAS-CHAVE Pessoas transgênero. Inclusão social. Liberdade.

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Introduction

The socio-political struggles of trans people and transvestites reveal that rights, freedoms, and recognition are not yet enjoyed equally by all human beings and that some specific needs demand certain rights and freedoms for historically victimized and persecuted groups. Although the Universal Declaration of Human Rights (UDHR) is a significant manifesto against discrimination and in favor of equal rights and freedoms, it is partially inclusive because it does not question the ontological aspect of the very definition of humanity and does not confront gender discrimination between humans, restricting itself to the male-female binomial when referring to sex discrimination. The preamble to the UDHR states, for example, that dignity is recognized as inherent ‘in the members of the human family’ and that ‘men and women’ are equal in rights¹. Binarism is, therefore, an unquestionable assumption.

Despite UDHR’s importance, this essay starts from the premise that the normative field must be constantly improved, and we defend the hypothesis that this is possible by expanding rights and freedoms and moral concerns. In other words, by transforming human rights into primary or transhuman rights.

Regarding trans people and transvestites, we underscore the need to expand the scope of rights and freedoms beyond the sex-gender system and the male-female binarism. In other words, by pointing out the normative impediments and social constraints that hinder or deny the recognition of trans people and transvestites as subjects of rights, we indicate some alternatives.

By assuming that trans and transvestite identity reveals the fluidity and plurality part of the human condition, we postulate that characteristics of this diversity demand rights and freedoms not provided for under the UDHR, which would be considered if they were grounded on other paradigms, such as the

Functionings Perspective (PdF) – and transhuman rights. We will focus here on morphological freedom, a typical transhumanist right that would meet the needs of some trans people and transvestites to make significant changes to their morphology, when desirable, in order to adapt it to the way they want to express their gender identity socially.

In the first section, we address the conceptual problem surrounding the issue and highlight historical aspects of the consolidation of the transgender and transvestite movement, specifically in the national context. In the second, we highlight the characteristics of a more inclusive theoretical perspective (PdF) and its gains on the normative (moral and political) level. In the third section, we present transhumanism’s prototypical characteristics. In the last section, we will address transhuman rights, emphasizing Article X of the Transhumanist Bill of Rights (TBR), which addresses morphological freedom.

The trans issue in Brazil: basic concepts and social movements

According to Jesus², the term ‘cis’ is a prefix that describes someone who identifies with their birth gender, as opposed to the prefix ‘trans’. When we refer to cis-hetero-discordant people, we underscore the existence of people whose identity is permeated by non-identification with the gender assigned at birth and the destiny and social expectations associated with it. Non-identification (non-conformity) with gender occurs in different ways. However, there is one point of convergence: the questioning of the body as the immediate result of efficient investment in cis-heteronormative gender technologies. In the words of Preciado³⁽²⁶²⁾, binarism that configures men and women would be “efficient, performative, and somatic fictions convinced of their natural reality”.

Non-identification with gender extends to the political sphere of hegemonic binary norms based on heteronormative cisgenderism as the organization of bodies in society. An example of this is the dichotomy of opposing and supposedly complementary pairs. In this case, according to the cis-heteronormative system, men and women would be biologically determined and have mutually exclusive definitions, in which a man would be a person who is not a woman and a woman, and this subject is not a man. Consequently, the desires attributed to these 'two groups' would be necessarily and essentially heteronormative. In other words, men direct their desires towards women, who, in turn, express desires for men.

Jagose⁴ affirms that this occurs because heterosexuality is not located as part of a set of expressions of sexuality, but as "a natural, pure, and unproblematic state"⁴⁽¹⁷⁾. Consequently, cis-heteronormativity establishes a notion of biopolitical normality relating to a supposed human condition and nature. These imbrications have resulted in several challenges for the Lesbian, Gay, Bisexual, Transgender and Transvestite, Intersex and other sexual and gender-dissident (LGBTI+) community. We should clarify that we have opted to use the acronym LGBTI+, understanding that the inclusion of the letter Q (Queer) has been the topic of some deep and inconclusive debates, both due to the presence or absence of a translation of the term and the theoretical discussion that positions queer as a non-identity. In this sense, by assuming the possible limitations of our choice of the acronym LGBTI+, we leave the discussion open without compromising the ideas we have developed in this article.

Below, we highlight the composition of an LGBTI+ historiography as a social movement, especially for trans people and transvestites. According to Green et al.⁵, in their introduction to the book 'History of the LGBT movement in Brazil' [Our free translation from Portuguese], 1978 is a milestone in the history of the LGBTI+ social movement. The authors affirm that

It is clear and well-documented that Brazil had several other previous initiatives of associations, media, and political action by LGBT people (even before the acronym existed). We can say, without any doubt, that the mere public existence of bodies and desires contrary to the standard gender and sexuality norms has always been a significant political act. In this sense, it would be politically unfair and historically mistaken to disregard these precursor initiatives of struggle and resistance by the LGBT community. However, not every form of collective political action is a social movement in a technical sense. Assuming the vast field of political sociology as a reference, we can affirm that a social movement consists of a specific type of collective political action, historically dated, and with a repertoire, resource mobilization, and opportunity structure, with the exact contours of the concept varying depending on the theories and perspectives adopted for the analysis⁵⁽¹¹⁾.

The Brazilian Homosexual Movement (MHB) was born in 1978 through the organization of the monthly newspaper 'Lampião da Esquina' and the formalization of 'Somos: Grupo de Afirmação Homossexual' in São Paulo. The authors explain the late birth of these movements in Brazil as one of many consequences of the military dictatorship repression, which delayed the inspiration of 1968 and caused the spirit of counterculture to erupt in different Latin American countries⁵, which does not mean, however, that there were no LGBTI+ confrontations by cis-hetero-dissident people in Brazil before this period, nor do we intend to defend a kind of genealogy of the LGBTI+ movement in Brazil. After all, as Colling⁶ rightly points out, the transsexual and transvestite movement, even before queer studies landed in Brazil, was already developing sharp criticisms of heteronormativity and cisgenderism, thus showing moments of clashes and reconciliations between the homosexual movement and the transsexual and transvestite movement in the country.

In the 1960s, for example, as Carvalho and Carrara⁷ point out, the terminology used to refer to the LGBTI+ community was still based on heterosexual and binary norms, in which femininity was associated with inferiority: ‘third sex’, ‘faggot’, ‘macho man’, ‘rhoney’, ‘gay’, and the use of the term ‘transvestite’ anticipated by the masculine pronoun⁷. The hierarchization between the sex-gender system, which already assigned the feminine a place of inferiority, meant that some homosexual men ended up seeking to dissociate themselves from what was socially established as feminine. The result of this effort to determine the separation between homosexuality and femininity and, more specifically, the distancing between homosexuality and transsexuality was consolidated, according to Carvalho and Carrara⁶, in the struggle for and choice of the term ‘sexual orientation’ in the 1988 Constitution. Thus, as the authors state,

[...] By pleading for the inclusion of the term ‘sexual orientation’ as an individual right and guarantee related to homosexual identity, we seek to formalize that the ‘difference’ in the homosexual experience is solely related to desiring someone of the ‘same-sex’ and not to desiring ‘to be of the opposite sex’⁷⁽³²³⁾.

This was a milestone not only for the separation between the desire for another body and the desire to be who one is but especially between the homosexual and the transvestite⁷. The authors point out that this separation did not solely and exclusively attempt to understand the dynamics and specificities of each group and identity, but above all, the aspiration of gay men to distance themselves from the social reputation associated with transvestites. This is how Carvalho and Carrara⁷ understand that the identity and political category of transvestite is more modern than that of homosexual and that the debate on the differentiation between transvestite and transsexual dates back even further to the late 1990s and early 2000s.

This initial mapping allows us to identify some common bases for the LGBTI+ population’s agenda of struggle, the sexist roots of transphobic violence⁸, the forms, and types of violence against people who do not conform to cisnormative gender norms, particularly the trans and transvestite population⁸⁻¹¹.

Concerning the social organization of trans people and transvestites in Brazil, Carvalho and Carrara⁷ point to two models: the first, actions linked to the homosexual movement; the second, associated with self-organization in the face of police violence. The former has historically been associated with the fight against AIDS (together with gay men), and the latter with confronting violence against sex workers in prostitution places.

Today, according to Carvalho and Carrara⁷, although the flags raised and the demands of the trans and transvestite movement have expanded, the issue of violence remains a crucial point for this population. After all, verbal, social, and lethal violence is still a reality in the lives of these people.

According to the National Association of Transvestites and Transsexuals (ANTRA), the life expectancy of a transvestite or trans person in Brazil is 35 years, while the average for the Brazilian population is 76 years¹². The most recent dossier on murders and violence against trans people, published on January 29, 2022¹², has revealed that the average number of murders of trans people and transvestites in Brazil is 123.8 per year, and São Paulo, Bahia, and Rio de Janeiro were the three states with the highest incidence of cases in 2021. The dossier produced by Antra also reveals the age profile of trans people and transvestites victimized in recent years: 5% of the victims were 13-17; 53% were 18-29; 28% were 30-39; 10% were 40-49; 3% were 50-59; and 1% were 60-69¹². These data show that victims’ average age is 29.3 years¹².

Among the cases of violence mapped in the latest dossier produced by Antra¹², we highlight episodes of medical negligence, which highlight the constant threat to the sexual and

reproductive rights of trans people and transvestites. This dossier mentions the relevance of thinking about building public health policies that consider, for example, that menstrual poverty affects not only cisgender women but also trans men, intersex people, and non-binary people with a uterus. The dossier points to the need to think about health and rights policies that promote the freedom of the trans and transvestite population.

Consequently, there is an urgent need to establish measures that legitimize the claim for transcorporalities¹³ of people who want to use hormones and undergo surgical body changes or modifications, minimizing the harmful effects of cisnormativity against trans bodies and lives. By way of observation, we are not saying that every trans and transvestite person wants to undergo procedures like these. However, we are pointing to the need for a platform that thinks of transcorporalities as the axis of public policies geared to the demands of the social movement made up of trans and transvestite people.

In this respect, we should underscore the role of Brazilian transvestites in the ‘body culture’, defined by Jesus¹⁴⁽³⁹⁰⁾ as being “based on spoken language, constituting ‘oralitura’, or voice-body-language-in-motion”. For Jesus, it is precisely the different ways in which access to formal education is prevented that force “the community to protect itself and transmit its knowledge outside the methods available to more privileged social groups”¹³⁽³⁹⁰⁾. The author states that this knowledge has been neglected and ‘abused’ by other groups, essentially motivated by two factors: transphobia and cissexism. It is, therefore, urgent to address the issue of the rights of trans people and transvestites, without reproducing the same silence that fosters all kinds of exclusion of this group.

In light of these brief observations, we aim to show that the trans and transvestite agendas at once crack the gender technologies that form the sex-gender binary regulation, which aims to establish an immediate connection

between these two ‘pairs’ to the point of becoming a ‘c-system’¹⁵ and call into question the belief in the existence of an innate human nature that can inscribe an essentially biological destiny on a body.

Given the points made so far, we will draw on theoretical matrices that offer disruptive paths that allow us to dismantle the sex-gender system and its cisheteronormative tentacles and build a solid ground for claiming rights for trans people and transvestites.

Fundamental rights: expanding moral concerns from a functional perspective

A recurring problem in philosophy has been the possibility of attributing rights to individuals who, for several reasons, do not fit the profile of potential members of an ideal contractual situation. In other words, we attribute rights to individuals who endorse a specific social pact that guarantees the proper functioning of society’s basic structure. This attitude, however, excludes a large part of the individuals we consider belonging to our moral community and before whom we recognize the duty to guarantee minimum conditions for satisfying their fundamental needs and some level of fulfillment.

In order to support our moral conviction that such individuals matter and, therefore, to justify the attribution of fundamental rights to them, PdF¹⁶⁻¹⁸ has sought to provide a new interpretative matrix of the scope of morality and, more specifically, of the so-called morally concerned, that is, those to whom we attribute moral rights. By replacing the focus on understanding moral subjects as moral agents – free and rational individuals equipped with moral deliberation – with an expanded understanding of individuals as functional systems, the PdF now includes human beings, non-human animals, the environment, and many inanimate

objects in the scope of morality, some of which are characterized as coupled systems.

Individuals understood as functional systems cannot be identified based on a fixed physical/biological nature. A functional system has a fluid structure that can transform its material constitution, including or excluding specific structures throughout its existence to promote its primary functions best. The question of each individual's identity must now be answered by reference to a network of processes involving the 'performance' of different functions, some of which are realized by artifacts or other functional systems located outside the biological bodily boundaries of what we conventionally understand as humans. How our most complex cognitive activities use artifacts such as books, notebooks, computers, and calculators to achieve their goals satisfactorily illustrates how cognition incorporates elements external to the brain into brain functions. This conviction has been widely explored based on the concept of the extended mind.

From the viewpoint of morality and law, understanding the individual and the morally concerned offered by the PdF broadens the scope of morality. It justifies the necessary attribution of fundamental rights to individuals hitherto left on the sidelines. Dias¹⁸ argues that one of the main advantages of this perspective is that it removes the stigma that many individuals carry of being deviant, deformed, or 'people with disabilities', widely characterized as needing a so-called artificial or mechanical complement to perform their essential functions or incorporating elements deviant from hegemonic standards into their identity. We should stress here that all human beings have coupled systems. Trans people, transvestites, individuals with ambiguous genitalia, and patterns of physical or behavioral conformation commonly interpreted as deviating from their genetic conformation are just unique individuals like everyone else.

While philosophical theories – classical or contemporary – are dedicated to seeking

a redefinition of the meaning of freedom to better apply it to the material conditions of the existence of oppressed individuals, the PdF renounces the concept of freedom. It focuses its moral approach on its workings. Dias¹⁶⁽²¹⁾ says that we allow ourselves to "identify an attribute common to all beings part of our ideal moral community" by giving up the special place given to freedom in the philosophical tradition. Thus, although this is the differentiating component of the PdF when compared to other theoretical currents, such as transhumanism, we will verify the points of convergence that unravel how violence against trans people and transvestites prevents them from developing their functioning and enjoying a dignified and fair life. In other words, we are looking for elements that allow us to defend the conditions of possibility for morphological self-determination.

Next, we will present some prototypical characteristics of transhumanism, highlighting the features that reveal its focus on expanding rights as a basis for exercising freedom over the body, which is one of our essay's objectives.

Transhumanism: A brief presentation

The so-called transhumanist thought, although in its modern version, it is almost centuries old, has been developing, diversifying, and spreading across the globe more intensely since the 1990s¹⁹. What we can call contemporary transhumanism benefits from the vast scientific and technological advances, vastly expanding the scope for elucidations and projections (from the minimally realistic to the absolutely fictional) around the applications of new technologies (or emerging/converging technologies) beyond the frontier of health promotion. Arousing sometimes diametrically opposed reactions, transhumanism is the subject of great controversy and polemic, but also of significant simplification since its most apparent or media-revealed 'face' is usually

associated with futuristic billionaires, whose mercantile objectives and systematically frustrated ‘prophecies’ ‘trigger an alert’ on the expectation that technoscience can improve human life and promote humanity. In other words, as it is generally presented, transhumanism appears as the object of unfounded bioconservative detractions on the one hand, and hasty adherence on the other, including in the academic environment.

Given the limitations of this article, but above all its focus, it would be beyond our scope to present a detailed description or a detailed critical analysis of contemporary transhumanism and the academic debate surrounding it. Nevertheless, such essential tasks have already been carefully and thoughtfully conducted, without unfounded accusations or passionate defenses, by foreign and Brazilian authors²⁰⁻²⁵. Such reliable and accessible references can shed light on a debate whose longevity and complexity could not be adequately covered in this article.

Our synthetic approach to transhumanism will be based on Vilaça and Araujo²⁶. We aim to highlight only the general features of transhumanism, based on a reference author in the debate – Nick Bostrom – and a consensus document signed by some of the most essential transhumanist thinkers, namely the Transhumanist Declaration. Transhumanism is a

[...] a way of thinking about the future based on the premise that the current form of the human species does not represent the end of our development but an initial phase²⁷⁽⁴⁾.

It is an intellectual and cultural movement that claims it is possible and desirable to improve the human condition through widely available technologies. As a field of study, it is characterized by an interdisciplinary approach. In this field, the ramifications, promises, and dangers of technologies that, in theory, will allow us to overcome fundamental human limitations are analyzed, and approaches that cover the ethical, social, and

strategic issues involved are performed from different perspectives^{26,27}.

Prototypically, transhumanists do not adopt unrestricted, naïve, or uncritical technological optimism. As a rule, they claim a non-conservative critical perspective on technological potentials, recognizing and seriously worrying about the potential risks that uncontrolled or unregulated development would generate without discarding – quite the contrary, they emphasize – its possible benefits²⁸.

Transhumanism is seen as an extension of humanism. However, on the other hand, it is an overcoming of it. Transhumanists recognize the value of humans but argue that they can (or should) be improved in several aspects or dimensions individually and collectively²⁷. In other words, the humanist horizon would be broadened by the transhumanist perspective since the application of rational/technological means on humans would exceed the boundaries established until then (medical/therapeutic, for example), reaching the level of altering the human organism profoundly and extensively – either by direct interventions on it, or indirectly – to transform/improve. Below, we will highlight some topics from the latest version of the Transhumanist Bill of Rights that we feel are most relevant to our purposes:

2. We believe that humanity’s potential has not yet been realized. Some possible scenarios can lead to wonderful and extremely valuable improved human conditions.
6. Policymaking must be guided by a responsible and inclusive moral vision, taking opportunities and risks seriously, respecting individual autonomy and rights, and showing solidarity and concern for the interests and dignity of all people around the globe. We must also consider our moral responsibilities towards future generations.
7. We defend the well-being of all sentience, including humans, non-human animals, and any future artificial intellects, modified life forms, or

other intelligence to which technological and scientific advancement may give rise.

8. We are in favor of allowing individuals broad personal choice over how they empower their lives, which includes the use of techniques that can be developed to assist memory, concentration, and mental energy; life extension therapies; reproductive choice technologies; cryogenic procedures; and many other possible human modifications and enhancement technologies²⁹.

We have also highlighted the values that would guide transhumanism, selecting those most directly related to our focus:

- Core value: having the opportunity to explore the transhuman and posthuman realms.
- Fundamental conditions: global security; technological progress; broad access.
- Derived values: defense of the idea that human nature can be modified (rejection of arrogance); guarantee of individual choice about the use of enhancement technologies (morphological freedom); peace, international cooperation, and anti-proliferation of weapons of mass destruction; investment in improving understanding, encouraging public debate, critical thinking, 'open-mindedness', scientific research, and frank discussion about the future; expansion of individual, collective, and artificial intelligence; [...]; defense of diversity (species, races, religious beliefs, and lifestyles); care for the well-being of all forms of sentient life; commitment to saving and prolonging lives²⁷⁽¹³⁾.

In short, transhumanism is characterized – accused and defended – by believing in the technological potential for the rational improvement of human life based on evolutionary assumptions about so-called human nature. In other words, against a traditional, fixist, and sometimes sacred notion of human nature, transhumanists understand that the

artificialized human condition has great beneficial potential without disregarding the fact that this depends on controlling its harmful potential, both on empirical (the safety and efficacy of the interventions) and normative (ethical, social and political) levels.

As we can see above, although transhumanism is obviously criticizable, many of its criticisms are absolutely unfounded if you consider its most relevant and prominent academic version²⁴. By way of illustration, contrary to what some bioconservatives claim, transhumanists are not naive and uncritical technophiles/technocrats, individualists, and hardened mercantilists, oblivious to local and global social concerns. Perhaps, as Vilaça²⁴ argues, one of the significant challenges for transhumanism is how to make all the reasonably projected benefits of technological progress viable in societies that clearly lack the primary conditions and derived values mentioned above. Thus, the transhumanist utopia can be more plausibly criticized for its practical viability (facticity) than for its principles, foundations, and objectives (validity).

Having made this summary presentation, which introduces the reader to some of transhumanism's fundamental features, the following section will present transhuman rights, their expanded nature, and their relevance to a demand that characterizes part of the LGBTI+ population, namely the claim for a significant change in their morphology, when desirable, which imposes interventions on their physical integrity to adapt it to how a given person self-identifies in sexual or gender terms.

Transhuman rights: emphasizing morphological freedom

In the previous sections, we saw that not being considered by normative apparatuses can expose specific groups to more violence, which is reinforced or perpetuated due to

what we can call a ‘culture’ of excluding some beings/functional systems, which licenses or mitigates, on a socio-cultural level, several oppressions. Also, partly in the specific case of human beings, an essentialist, fixed, or binary conception can cause significant damage to a population that does not fit into what is supposed to be human nature.

Although this criticism alone may not be enough to break a historical cycle of exclusion, violence, and oppression in modern, liberal societies, this would be an essential step for non-conforming gender identities to claim rights. In other words, being included as a holder of fundamental rights or as a moral concern, regardless of physical or biological characteristics that supposedly predominate among so-called human beings, is an essential step towards promoting their protection and guaranteeing that primary basic needs are met.

In this sense, to reinforce and conclude our approach, we draw attention to transhuman rights, and, more specifically, we focus on fundamental transhumanist freedom: ‘morphological freedom’.

From the outset, we emphasize a fundamental difference between the UDHR and the Transhumanist Bill of Rights (TBR). While the UDHR is restricted to protecting the dignity and rights of a specific species (or family) and conceives of it as binary (man and woman), in the TBR, the ‘subjects of rights’ are ‘sentient entities’³⁰. Article I states that:

[...] All sentient entities are hereby entitled to pursue any and all rights within this document to the degree that they deem desirable – including not at all. All sentient entities are entitled, to the extent of their individual decisions, to all the rights and freedoms set forth in this TRANSHUMANIST BILL OF RIGHTS, without distinction of any kind, such as race, color, sex, gender, language, religion, political or other opinion, national, social, or planetary origin, property, birth (including manner of birth), biological or non-biological origins, or other status³⁰.

Having highlighted the more inclusive content of the TBR, we will focus on morphological freedom, which is set out in Article X, which states that

Sentient entities agree to uphold morphological freedom—the right to do with one’s physical attributes or intelligence whatever one wants so long as it does not harm others³⁰.

Sandberg³¹⁽⁵⁾ affirms that morphological freedom is “[...] an extension of one’s right to one’s body, not only to self-ownership but also to the right to modify oneself according to one’s desires”. In other words, physical integrity and the possibility of altering it per one’s desires, needs, or purposes would be rights.

In Sandberg’s³¹ view, this freedom is included in a list of other fundamental human rights, such as life, liberty, property, the use of one’s body, and the pursuit of happiness. By emphasizing that it is not atomic but that it relates to several other rights and duties and is dependent on human interactions so that it would not exempt humans from their mutual obligations, Sandberg³¹⁽⁵⁷⁾ states that “as a negative right, morphological freedom implies that no one can force us to change in a way we do not want or prevent us from changing. This maximizes personal autonomy”, protecting us from what he calls ‘coercive biomedicine’.

According to Sandberg³²,

Morphological freedom as a right can be seen as a consequence of the right to the body combined with the right to freedom (where the right to the body stems from the right to life). In order to flourish as human beings, we need others to respect our bodies and our freedom of action. In a biotechnologically advanced society, some of these actions will involve modifying our bodies; therefore, the most fundamental rights involve morphological freedom.

Morphological freedom is also something intrinsically linked to personality, says the author. In other words, “it cannot be taken

away from a person without removing an essential aspect of what it means to be a person³². Aligned with our objective in this article, Sandberg argues that, as biological beings, we are altered by our deliberate personal actions.

Many of these actions, he says, are deeply linked to our identity and self-definition. Among the examples he cites is precisely what the author calls 'changing appearance and gender reassignment'. So, as a right of freedom and a right of claim, morphological freedom, that is, someone's freedom to do certain things with their body and the guarantee that others do not interfere with this, is, in our opinion, a type of freedom without which trans people would be unable to flourish in absolutely fundamental, unavoidable aspects of their identity and personality.

As a caveat, reinforcing something we have already highlighted above – namely that all freedom has limits, must be limited, including in the face of other freedoms, and is not exercised abstractly in a social and cultural vacuum – Sandberg³² indicates six limits to morphological freedom: safety; technological and biological limits; our will to change our identity; misuse (production of harm); self-experimentation ethics; and the rights of people with disabilities.

Complementing the caveat, although morphological freedom has, in fact, been occurring for a long time in several domains, for several reasons and in the name of multiple purposes, and is being radically expanded with new technologies and their uses, we would like to point out that, aligned with Vilaça and Dias³³, not every biotransformation is (or will be) a bio-improvement. It will contribute to the flourishing of the modified person in a more or less tense relationship with the experienced context.

In other words, to be an improvement, a change has to implement a value or set of values endorsed by the changed individual, which involves preferences, desires, and expectations regarding the good life, which can

vary immensely from individual to individual, especially in societies where so-called ethical pluralism prevails. According to the authors,

[...] Although changes can be associated with improvements, and vice versa, the *adjustment direction*, in our understanding, will always be 'changes → values'. We choose the changes that fit our values. In other words, from a previous 'list' of values, subjects 'go out into the world', selecting which changes can promote them. Biotransformations would be ways humans could adjust to a conception of good living, thus promoting bioimprovement.

Considering biotransformation as a complex decision-making process based on value judgments, we should [...] point out that, in practice, individuals can vary both regarding what they value and what they can decide to do³³⁽⁷⁷⁾.

As the changed individual is part of a context and, in part, is constituted by it, such changes, even if they fully meet their demands, may generate more or less resistance from other individuals, a relatively unpredictable and changeable effect that they will have to address somehow. Resistance to change can deteriorate, diminish, or even disappear over time due to several changes, specifically axiological changes. Thus, technological progress can expand freedoms, enabling changes affecting an individual and ultimately generating broad social changes. We can discuss the issue more realistically at the intersection between technologies, individual demands, and contextual conditions.

Finally, without disregarding the limits of morphological freedom, to fulfill our objective in this article, we believe its relevance in a broader set of freedoms is clear. Morphological freedom, whose legitimacy would not depend on medical-therapeutic authorization (therefore, it would not be necessary to identify an abnormality/pathology in order to allow an intervention), would at the same time work against coercive and domineering methods

resulting from the authoritarian implementation of human enhancement technologies and guarantee everyone the right to, if they wish, to partially, specifically/extensively alter their body, giving it the appropriate or necessary shape for someone to be or become whom they want to be, and thereby achieve a plan for a good life that is compatible with other plans for a good life ('as long as it does not harm others', as stated above).

Final considerations

Within the limits of this text and moving towards its conclusion, in summary, we reaffirm the moral need for the rules that regulate societies and the existence of the beings that are part of them to be constantly improved, which, as a rule, includes expanded rights. This need should not occur without frequent and necessary listening to social groups and their stories, highlighting that the records of their journeys, according to Jesus¹⁴, do not always traverse writing. Therefore, an understanding of morphological freedom should also involve the oral reading of trans and transvestite bodies in motion.

The inclusion of the right to modify one's body, which is fundamental for some trans people and transvestites, does not imply any damage to the right to preserve physical integrity, as the '*oralitura*' (voice-body-language-in-motion) of transcorporalities informs us. In other words, morphological freedom would express an expansion of the list of rights, would not lead to a conflict of norms, and would, thus, include specific functions that require legal recognition.

The TBR, which deserves more analytical attention than we have been able to give it here, seems to be more appropriate than the UDHR when it comes to bodily self-determination, as it recognizes, protects, and repairs a previously neglected group, postulating the right to gender identity, which in some cases involves morphological change to enable self-identification and self-realization.

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