

Should Robots Have Rights?

In this essay Robots will be defined as ‘physically embodied machines that are socially intelligent and designed to interact with humans the way humans interact with one another’ . The word ‘rights’ will be used to mean ‘moral consideration’ rather than explicit legal or moral rights. To conclusively answer the question ‘Should Robots Have Rights’ I will first go down the traditional route of exploring the concept of Moral Agency to locate ‘moral consideration’, then examine the newer focus on Moral Patiency brought to the forefront by animal rights activists and finally I will land on the work of Emmanuel Levinas.

Traditionally answering the question who deserves ‘rights’ or ‘moral standing’ was answered by answering the question who deserves agency. The three leading western normative theories, Virtue Ethics, Consequentialism and Deontology all concentrate on the moral nature of the agent. Overtime there has been a progressive expansion of moral agency to women, slaves, people of colour and increasingly so animals and the environment etc. Extending consideration to the previously marginalised has caused significant reworking of the term ‘moral agency’. The necessary and sufficient condition for being a moral agent has shifted from ‘being a human’ to the looser concept of ‘personhood’. After establishing personhood as the basis for agency our next task is to decide what constitutes personhood. The most popular term when attempting to define personhood is ‘consciousness’. John Lock argued ‘ Without consciousness there is no person’ , Kenneth Einar Himma explained this saying ‘ moral agency presupposes consciousness and that the very concept of agency

presupposes that agents are conscious'. However defining personhood based on consciousness runs into several problems. First we don't have a widely accepted definition of consciousness. Secondly, consciousness seems like one concept but instead it is an amalgamation of several ideas. This means we can never truly identify whether we have significantly implemented consciousness into robots, as we do not know what consciousness is. Thirdly, and most damagingly we face what philosophers call the Other Minds problem, which means that even if we did have a basic unified definition of consciousness it would be impossible to know whether a robot was conscious or not as we can never climb into their heads to find out. This realisation is damning because it means we can never truly know whether anything other than ourselves, whether that be a sophisticated robot or even another human is conscious, and therefore a person and therefore a moral agent. To conclude 'moral agency' is an ambiguous term that cannot be used to define who should be morally considered.

We need to pivot our focus from moral agency to moral patiency. From, What should robots do?. To How should we respond to their actions?, or Should they have rights?

To ask the question 'Should Robots have Rights?' we must first ask ourselves 'Can Robots have Rights?'. So our question really is, 'Can and Should Robots have rights?', this new question falls prey to Hume's Is-Ought Problem. Hume highlights how the words 'is' and 'ought' are often used interchangeably when in fact they address two different matters. 'Is' addresses ontological matters (matters of 'being') while 'ought' addresses axiological decisions, (decisions about 'what ought to be done'). This differentiation produces two questions using Hume's terminology 'Are Robots Capable of being moral subjects?'(S1) And

‘Ought Robots be considered moral subjects?’(S2). These two questions can be turned into the four statements.

The first pair the ‘ought’ follows from the ‘is’:

!S1 !S2 “Robots cannot have rights. Therefore robots should not have rights.”

S1 S2 “Robots can have rights. Therefore robots should have rights.”

The second pair contests the inference of ‘ought’ from ‘is’:

S1 !S2 “Even though robots can have rights, they should not have rights.”

!S1 S2 “Even though robots cannot have rights, they should have rights.”

Robots cannot have rights. Therefore they should not have rights .

This statement takes on the ‘instrumental definition’ of technology , which states that technology is a tool without any inherent value that is meant to be used as a means to an end not an end within itself. Therefore no matter how autonomous a robot is it will always be a product of human behaviour either directly or indirectly. They can never be moral subjects in their own right so we should never treat them as such. However this viewpoint runs into one major problem,that being humans perceive and treat social robots differently from regular technology. Evidence such as studies done in the mid 1990s , show ‘users have a strong tendency to treat socially interactive technology, no matter how rudimentary, as if they were other people.’ This shows the ‘instrumental theory’ is no longer suitable as it is out of sync with the practical experiences we now have with robots .

Robots can have rights. Therefore they should have rights.

It is thought eventually robots will advance to surpass human intelligence . When that time comes, we will need to select the correct properties required for moral consideration by deciding what the ontological necessary and sufficient conditions that define ‘moral patinecy’are. Before even beginning to discuss what these conditions might be we encounter three problems. The first, which we’ve seen before, is that we cannot define many of the things we would propose as conditions. Additionally many different people will have many different necessary and sufficient conditions for a multitude of valid reasons, how are we to decide which are true? Secondly, we face the Other Mind Problem, which I laid out earlier. Thirdly we face a moral dilemma, if robots were capable of experiencing pain and other states, would it be moral to build them? Furthermore to demonstrate the presence of sentience for example in robots we would need to have built a robot that can feel pain.

Even though robots can have right, they should not have rights.

This is the view espoused by Joanna Bryson in her essay ‘Robots Should be slaves’, she argues although it is entirely possible to create robots that have rights we should not do so. Bryson uses the word ‘slave’ , as regardless of how advanced robots are we should treat them as tools as they are inevitably made to service a specific means. However this argument is ineffective as it requires incredible self-discipline from humans, as it orders us ‘not to treat robots as if they were humans’ this imperative is undermined by numerous studies which show that humans are unable to exercise the self control needed to comply with such an imperative. Furthermore, to characterise robots as ‘slaves’ is possibly very dangerous. It has been shown throughout history that institutionalised slavery can have harmful effects on the moral fabric of the free individuals and communities.

Even though robots cannot have rights, they should have rights.

This is a viewpoint argued by Kate Darling, she says due to the human tendency to anthropomorphize objects we are especially susceptible to robots which are often designed to mimic human qualities. Essentially, Darling argues because we treat robots like humans, we should grant them rights as if they were humans. This viewpoint is consistent with Hume's thesis which states that 'If ought cannot be derived from is then axiological decisions concerning moral value are little more than how we feel.' However, this way of thinking has three main challenges. Firstly, feelings are famously futile. Kant points this out in response to this kind of moral sentimentalism 'feelings naturally differ from one another by an infinity of degrees, so that feelings are not capable of providing a uniform measure of good and evil; furthermore, they do so even though one man cannot by his feeling judge validly at all for other men'. Secondly, Darling's conclusion is not really Humean her 'ought' is not really removed from the 'is' as she argues that the way a robot 'ought' to be treated is determined by the way it appears to be. Finally, the greatest failure of this viewpoint is that it is incredibly anthropocentric, the principal reason it gives for granting robots rights is based on human perception of robots rather than any inherent qualities robots hold.

After thoroughly exploring the four statements, created by unfolding Hume's Is-Ought Problem we can see that none of the four solutions provide a definitive case for or against Robot Rights. I offer one more line of argument through the work of Emmanuel Levinas.

Emmanuel Levinas flips the Humean script, the axiological decision precedes the ontological determination. David Gunkel calls this 'a relational turn'. For Levinas moral consideration is granted automatically, or as soon as 'the face of the other' (using Levinas' terminology)

interacts with us. However, there is one key problem. Matthew Calacero, presents this saying, Levinas commits himself further than he realises. Someone committed to the relational turn, commits themselves to universal ethical consideration, or as Calacero says ‘if we do not know where the face begins and ends, then we are obligated to proceed from the possibility that anything might take on a face. And we are further obligated to hold this possibility permanently open.’

In conclusion, due to our inability to locate ‘moral agency’ or even ‘moral patiency’, we turn to the ‘relational turn’ to help us answer the question ‘Should Robots Have Rights?’ I believe the answer is yes, and that answer is revolutionary not only in granting robots rights, but also because it shakes the foundation of our idea of ‘moral consideration’ or ‘rights’, the ‘relational turn’ demands that we rethink not only what Others we ‘ought’ to morally consider but also that we reconfigure ‘the human’, as ‘the face’ can no longer be defined from the perspective of a human.

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