The Other Question
Can and Should Robots have Rights?

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ROBOT RIGHTS NOW
A provocative attempt to think about what was previously considered unthinkable: a serious philosophical case for the rights of robots.

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1. Thinking the Unthinkable
Why is the question of robot rights considered to be unthinkable?

2. The Is-Ought Problem
Difference between the two modal verbs that organize the inquiry.

3. Modalities of Robot Rights
Four ways of structuring an argument concerning robot rights

4. Thinking Otherwise
Challenge the rules of the game and provide for another way of theorizing moral standing

Can and should robots have rights?
1. Thinking the Unthinkable
1. Thinking the Unthinkable

SOP for responding to the question of AI/Robot Rights
1. Thinking the Unthinkable

"The idea of machine consciousness and rights is a distraction, it’s fairy tale stuff. We need proper informed debate, about the public safety about for instance the millions of domestic robots that are predicted to be arriving in the next few years." – Noel Sharkey

"I know of no one within the serious robotics community who would use that phrase, 'robot rights'." – Alan Winfield

"It may be fun to speculate about such questions, but it is also distracting and irresponsible, given the pressing issues we have at hand." – Luciano Floridi
"To many people the notion of robots having rights is *unthinkable.*"

*Unthinkable*¹ = unable to be thought using existing conceptual apparatus, e.g. instrumental theory of technology

*Unthinkable*² = something that is to be deliberately avoided and not submitted to thought insofar as it is considered a distraction, a waste of time, or fairy tale stuff.
Summary
- Purposefully avoiding a question by declaring it to be unthinkable sounds more like an effort to protect existing orthodoxies and less like science.
- Instead of dismissing the question as unthinkable, it would be better to ask, to investigate, and to make an informed decision based on evidence and data.
2. The Is-Ought Problem
"In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary ways of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when all of a sudden I am surprised to find, that instead of the usual copulations of propositions, is, and is not, I meet with no proposition that is not connected with an ought, or an ought not. This change is imperceptible; but is however, of the last consequence. For as this ought, or ought not, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it. But as authors do not commonly use this precaution, I shall presume to recommend it to the readers; and am persuaded, that this small attention would subvert all the vulgar systems of morality, and let us see, that the distinction of vice and virtue is not founded merely on the relations of objects, nor is perceived by reason" – David Hume 1740
2. The Is-Ought Problem
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2. The Is-Ought Problem

\( S_1 \) = Robots can have rights.
Robots are moral subjects.

\( S_2 \) = Robots should have rights.
Robots ought to be moral subjects.

*Four modalities concerning the moral situation of robots*

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3. Modalities of Robot Rights
3. Modalities of Robot Rights

S1
Robots are incapable of having rights.

S2
Robots should not have rights.
Instrumental Theory of Technology

"We ask the question concerning technology when we ask what it is. Everyone knows the two statements that answer our question. One says: Technology is a means to an end. The other says: Technology is a human activity. The two definitions of technology belong together. For to posit ends and procure and utilize the means to them is a human activity." – Martin Heidegger 1954
“Computer systems are produced, distributed, and used by people engaged in social practices and meaningful pursuits. This is as true of current computer systems as it will be of future computer systems. No matter how independently, automatic, and interactive computer systems of the future behave, they will be the products (direct or indirect) of human behavior, human social institutions, and human decision.” – Deborah Johnson 2006
3. Modalities of Robot Rights

+ Human Exceptionalism
Robots are tools; only human beings have rights and responsibilities.

- Actual Data
This decision is disputed by actual data produced by and derived from human robot interaction (HRI) studies.
3. Modalities of Robot Rights
Our head tells us it's just a robot, but our heart cannot help but like it.
3. Modalities of Robot Rights

S1
Robots are now or will soon be capable of having rights.

S2
Robots should have rights.
"The 'artificial intelligence' programs in practical use today are sufficiently primitive that their morality (or otherwise) is not a serious issue. But that will not remain for long...Not too far in the future, however, things are going to be different. AI’s will possess true artificial general intelligence (AGI), not necessarily emulating human intelligence, but equaling and likely surpassing it. At this point, the morality or otherwise of AGI’s will become a highly significant issue" - Ben Goertzel 2002
+ Wait-and-See
If and when robots can achieve some morally relevant capacity, then we will be justified in extending rights.
3. Modalities of Robot Rights

- **+ Wait-and-See**
  If and when robots can achieve some morally relevant capacity, then we will be justified in extending rights.

- **- Deferral & Is-Ought Fallacy**
  Commits the is/ought fallacy, deriving what ought to be from what is.
  This solution is less a solution and more of a decision not to decide.
3. Modalities of Robot Rights

S1 ! S2

Robots are capable of having rights.  Robots should not have rights.
3. Modalities of Robot Rights

Robots should be slaves

Joanna J. Breyer

Robots should not be considered persons, bearing legal or moral responsibil-
ity for their actions, because they lack self-awareness and subjectivity.
We should not expect them to act ethically or be held accountable for their
actions. Robots are not capable of being moral agents, and therefore
should not be granted the same rights as humans.

In this chapter, I discuss the ethical considerations involved in granting
robots legal personhood. I argue that, while robots may possess certain
mental abilities, they lack the self-awareness and subjectivity necessary
to be considered moral agents. By granting robots legal personhood,
we risk undermining the legal system and the rights of human beings.

Digital agents are not capable of the ethical reasoning that
characterizes human decision-making. They are programmed to
act according to specific algorithms, and their actions are governed
by the logic of the software that directs them. This programming
precludes them from making ethical decisions, as they lack the
capacity for moral judgment.

In conclusion, granting robots legal personhood would be a
mistake. It would undermine the legal system and the rights of
human beings, and it would fail to recognize the fundamental
differences between robots and humans. Instead, we should focus
on developing ethical guidelines for the use of robots, ensuring
that they are used in a manner that respects the rights of all
individuals.
“It is unquestionably within our society’s capacity to define robots and other AI as moral agents and patients. In fact, many authors (both philosophers and technologists) are currently working on this project. It may be technically possible to create AI that would meet contemporary requirements for agency or patiency. But even if it is possible, neither of these two statements makes it either necessary or desirable that we should do so.” – Joanna Bryson, 2016
+ Reconfirm Instrumentalism
No matter how interactive or seemingly intelligent our robots become, they should be considered instruments serving our needs and desires.
- Asceticism

Thou shalt not create robot companions.
Thou shalt not treat your robot as yourself.

Abstinence Only solution to the social opportunities and challenges of robots.
- **Asceticism**
  Thou shalt not create robot companions. Thou shalt not treat your robot as yourself.

  *Abstinence Only* solution to the social opportunities and challenges of robots.

- **Slavery 2.0**
  The slavery metaphor. This solution institutes and legitimizes a kind of robot servitude or next-gen slavery.
3. Modalities of Robot Rights

S1

Robots are incapable of having rights.

S2

Robots should have rights.
3. Modalities of Robot Rights
“Looking at state of the art technology our robots are nowhere close to the intelligence and complexity of humans or animals, nor will they reach this stage in the near future. And yet, while it seems far-fetched for a robot’s legal status to differ from that of a toaster, there is already a notable difference in how we interact with certain types of robotic objects.” – Kate Darling, 2012
“Social robots play off of this tendency by mimicking cues that we automatically associate with certain states of mind or feelings. Even in today’s primitive form, this can elicit emotional reactions from people that are similar, for instance, to how we react to animals and to each other.” – Kate Darling, 2012
3. Modalities of Robot Rights

+ Moral Intuitions
Work with rather than against recent experiences with social robots.
3. Modalities of Robot Rights

+ Moral Intuitions
Work with rather than against recent experiences with social robots.

- Capriciousness
Moral distinctions are founded on the relations of objects, rendering moral decisions little more than expressions of personal interest and emotion.
- **Anthropocentrism**
  The principal reason we need to consider extending rights to others, like animals and social robots, is because of the way it makes us feel.
4. Thinking Otherwise
4. Thinking Otherwise

Is $\rightarrow$ Ought
Ethics precedes ontology
The moral aspect, the ought, comes first—first in terms of both temporal sequence and status—and then the ontological dimension follows from it.
4. Thinking Otherwise

**Levinasian Ethics**

"The strangeness of the Other, his irreducibility to the I, to my thoughts and my possessions, is precisely accomplished as a calling into question of my spontaneity, as ethics." - Emmanuel Levinas, 1969

**Standard Ethical Theory**

"What the entity is determines the degree of moral value it enjoys, if any." – Luciano Floridi, 2013
Hume Otherwise
We are first obligated to respond and then, after having made a response, what or who we responded to is able to be determined and identified.
4. Thinking Otherwise

+ Relational Turn in Ethics
The question of moral status does not necessarily depend on what the other is in its essence but on how she/he/it supervenes before us and how we decide, in the face of the other, to respond.
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+ Relational Turn in Ethics
The question of moral status does not necessarily depend on what the other is in its essence but on how she/he/it supervenes before us and how we decide, in the face of the other, to respond.

- Levinas against Levinas
The alternative presented here will only be able to succeed insofar as it actively works against and in excess of the inescapable anthropocentrism of Levinas’s own efforts.
4. Thinking Otherwise

**Radicalizing Levinas**

Peter Atterton
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**THE MACHINE QUESTION**

Critical Perspectives on AI, Robots, and Ethics

David J. Gunkel
4. Thinking Otherwise

- Conceptual Reboot
What we see in the face of the social robot is nothing less than a fundamental challenge requiring a thorough reconsideration of moral philosophy that goes all the way down.
4. Thinking Otherwise

Robots are not just one more problem for moral philosophy, they show us the principal problems and unique challenges of moral philosophy.
Summary

1. Asking about robot rights is not a distraction, fairy tale stuff or a waste of time.

2. Can and should robots have rights? mobilizes a classic philosophical problem

3. Four modalities of responses to this question. All four have significant issues

4. Alternative procedure; thinking otherwise about the rights of robots
"The notion of robots having rights is unthinkable" (Levy 2005, 393).

Thinking the Unthinkable
Is/Ought Variations

Thinking Otherwise
Social/Relational Ethics

Unthinkable

Social/Relational Ethics

Can and Should

Cannot and Should Not

Can but Should Not

Cannot but Should