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8	Corresponding Author	Suffix
9		Organization City University of New York Graduate Center
10		Division
11		Address Philosophy, 365 Fifth Ave., New York 10016, NY, USA
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16	Abstract	As engineers propose constructing humanlike automata, the question arises as to whether such machines merit human rights. The issue warrants serious and rigorous examination, although it has not yet cohered into a conversation. To put it into a sure direction, this paper proposes phrasing it in terms of whether humans are morally or to extend to maximally humanlike automata full human rights, or those set forth in common international rights documents. This paper's approach is to consider the ontology of humans and of automata and whether ontological difference between them, that pertains to the very bases of human rights, affects the latter's claims to full human rights. Considering common bases of human rights, can these bases tell us whether a certain ontological distinction of humans—or a de facto distinction about humans tacitly acknowledged by full-rights-recognizing societies—from automata makes a difference in whether humans are morally obligated to assign these entities full rights? Human rights to security also arise. The conclusion is that humans need not be under any moral obligation to confer full human rights on automata. The paper's ultimate point is not to close the discussion with this ontological cap but to set a solid moral and legal groundwork for opening it up tout court.
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Granting Automata Human Rights: Challenge to a Basis of Full-Rights Privilege

Lantz Fleming Miller¹

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Abstract As engineers propose constructing humanlike automata, the question arises as to whether such machines merit human rights. The issue warrants serious and rigorous examination, although it has not yet cohered into a conversation. To put it into a sure direction, this paper proposes phrasing it in terms of whether humans are morally or to extend to maximally humanlike automata full human rights, or those set forth in common international rights documents. This paper's approach is to consider the ontology of humans and of automata and whether ontological difference between them, that pertains to the very bases of human rights, affects the latter's claims to full human rights. Considering common bases of human rights, can these bases tell us whether a certain ontological distinction of humans—or a de facto distinction about humans tacitly acknowledged by full-rights-recognizing societies—from automata makes a difference in whether humans are morally obligated to assign these entities full rights? Human rights to security also arise. The conclusion is that humans need not be under any moral obligation to confer full human rights on automata. The paper's ultimate point is not to close the discussion with this ontological cap but to set a solid moral and legal groundwork for opening it up tout court.

Keywords Automata · Full human rights · Moral rights · Moral status · Ontological bases for rights · Security

✉ Lantz Fleming Miller
lantzmiller76@gmail.com; lmiller@gradcenter.cuny.edu

¹ City University of New York Graduate Center, Philosophy, 365 Fifth Ave., New York, NY 10016, USA

Introduction

30 Q2

If automata were constructed with capacity for human-level sentience, consciousness, and intelligence, everyone concerned with human rights should consider whether such entities warrant the same rights as those of biological humans.¹ The need for some kind of automata rights has been suggested, from many angles, including law (Freitas 1985), judicial analysis (Inayatullah 1988), technology ethics (Darling 2012; Gankel 2014), and even fiction (Asimov 1950; Lundström 2012). Heightening prospects that humanlike automata will be constructed warrants thorough analysis of the issue, much as prospects of human cloning instigated a rich moral examination.

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How would a reasonable argument for automata rights proceed? It may draw upon the concept of moral progress (Nussbaum 2007, Rorty 2007, Moody-Adams 1999), and the expanding circle (Singer 1981), with the following premises:

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40 Q5/Q6

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- (1) In ancient Greece, only white, freeborn, male Greeks were deemed worthy of full citizenship;
- (2) In the early USA, only white, freeborn, European males were deemed worthy of full rights;
- (3) In time, other persons in the nation were deemed worthy of full human rights, including blacks and Asians, slave-born, women, and eventually homosexual—and eventually not only human but some nonhuman animals were granted at least some rights; and
- (4) Automata-constructors plan to make their products more humanlike in form and behavior.

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One may (with perhaps other corollary premises) safely conclude that, in time, automata of sufficient capacity should also enjoy human rights and even full human rights.² A similar argument for the expansion of moral status that would include maximally humanlike automata appears in both realist arguments for automata moral status (Davenport 2014) and social-relational theories (Darling 2012? Gankel 2014; Coeckelbergh 2014). The former contend that real properties, such as sentience and consciousness, of the moral patient establish the moral status. The latter theories emphasize the relationship that the agent has in bestowing value and moral status upon

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¹ As to the terms “legal rights,” “moral rights,” “human rights,” and “persons,” I strive to adhere to the following: By “full human rights,” I refer to the complete set of rights recognized in major rights documents and charters such as United Nations. *Universal Declaration of Human Rights* and *Declaration of Rights of Indigenous Peoples*. “Human rights” I as more general term that may not encompass every right in those documents. With one exception I avoid use of “legal rights” because of both its vagueness and, considering the hundreds of national governments across the globe, ambiguous. “Moral rights” refer to rights that some moral system may enjoy but no government or charter may yet endorse. “Person” is understood in the common notion of a human being, and “human being” is a member of the species *Homo sapiens*.

² While many readers may dismiss the scenario of maximally humanlike automata as scientifically impossible, without my arguing against this point, I propose that it is philosophically worthwhile to look at an extreme sample case as a test for moral and sociopolitical assumptions. Similarly, Plato stipulated the unlikely Republic, testing our ideas of justice, and Putnam conceived the impossibly water-like XYZ testing our assumptions about reference. Furthermore, I overlook the Humanlike Automaton Marketing paradox, by which a corporation constructs an automaton so humanlike that to sell or buy it would amount to slavery, so the corporation cannot enter the market. (We may presume that perhaps a wealthy Silicon Valley idealist or misanthrope constructs the maximally human-like automaton in defiance of common ethics or simply to do it.)

the automaton, and this subjective value is what informs the moral status. In both cases, though, there is an expansion of moral desert—whether due to subjective value or objective property—from only humans to include machines, much like what often happened in history when, either through subjective valuing or mounting empirical evidence, more kinds of humans came to be seen as deserving the moral status of full human rights.

Further, as a second argument, even if automata’s capacities outstrip humans’, we should have no moral cause to curtail their rights for our security lest these entities, if so deprived, eventually pose a threat to humanity (as Asimov 1950 warns). To curtail rights on such grounds would be inconsistent with the very reasons upon which we base human rights.

In this paper, I show the first argument is based upon a misconceived assumption. As the second argument builds upon the first, the second argument fails as well. Arriving at this conclusion brings up numerous philosophical concerns. Preliminarily, to see the problem in context, I place the issue within recent moral-philosophical discussions of automata, including the literature on these entities’ moral status.

The Current Discussion on Automata Moral Status and Rights

Distinguishing the Problem from Related Roboethics Issues

The relation between robotics and human rights falls within a broad discourse concerning automata and ethics. Veruggio (2008) distinguishes among

- *Robotethics*, a branch of applied ethics concerned with the development of automata;
- *Robot ethics*, a code of conduct for practitioners in the field; and
- *Robot’s ethics*, a still-speculative area of what conscious, intelligent automata themselves would develop, determining their own actions based upon comprehension of implications and consequences, including matters such as their rights.

The concern about whether automata might warrant full human rights would fall primarily within roboethics, but perhaps only when the prospect of robot’s ethics would loom as a real technical possibility.

One concern about the relation between automata and human rights has been that automata such as those used in battle may violate the human rights of civilians and possibly soldiers (Ackerman 2012; Altman 2013; Anderson and Waxman 2012; Hellström 2013; Noorman and Johnson 2014; Wallach and Allen 2013). This important problem brings up issues about whether a robot is a mere product or an agent with some degree of autonomy (Noorman and Johnson 2014), thus whether the party deploying the robot is the owner, thereby responsible for its conduct, or if the robot is fully responsible for its deeds. Are designers responsible for the machines they design?

Another issue related to this paper is that of synthetic life’s moral standing (Baertschi 2012; Deplazes-Zemp 2012), which informs part of my argument. Another pertinent question is whether robots can have any rights that are accorded to humans, such as the right to own property, reproduce, or vote in political elections (and thus to be a citizen)

(Darling 2012). These issues tie in with those about battlefield automata, as in the problem of autonomy and culpability, but tend to focus on the robot as a type of entity and what treatment that type may merit, whereas the problem of warfare robots focuses initially on the rights of human beings affected by the robot's operations.

A related issue in robotics and human rights has too rarely been broached: whether automata sufficiently humanlike as to deserve full humans rights should be constructed and sold because doing so would amount to slavery. An "ideal" sex-partner robot could be a case of sexual slavery, even it was designed for such ideality (Hauskeller 2014; see by contract Bryson 2000, 2010). Perhaps a multi-billionaire constructs a humanlike automaton purely as a type of gift to society, tying no ownership, sales, or such obligations to the entity and thereby circumventing the slavery potential. This scenario could still face other ethical and human rights problems, which would involve the entity's inevitable preprogrammed purpose, a matter I take up later.

Inquiries into Rights and Moral Status of Automata

I now locate the argument to come precisely within the current debate on automata rights and moral status. Darling (2012) offers intriguing arguments for why automata warrant some rights. Unlike my argument to follow, hers does not focus exclusively on maximally humanlike automata, partly accounting for our approaches' second fundamental difference: Hers does not consider granting automata full human rights, as mine does. She focuses heavily on automata currently on the market, primarily pet-animallike machines and household appliances (such as iRobot). Although she deems her argument "descriptive," she admits there is a normative element. The descriptive thesis considers that animals have been increasingly accorded rights both for the type of being they are and for the kinds of emotions animals arouse in us. What kinds of beings would we be if we did not grant such rights? Because robots are increasingly sociable and like real animals, our not recognizing their having some rights would be bad for us. Robot pets are designed to evoke certain caring emotions in us. If we disrespect our capacity for care by not granting these entities' some rights and allowing their potential abuse, we would harm our benevolence capacity. Permitting cruelty toward these entities may foster cruel behavior toward animals and humans. Such cruelty-prevention has been one motivation for extending rights to animals.

The argument has a problem: This human care response may indeed serve as an indication a rights issue involved but offers no basis for founding an extension of rights. Our concern for animals' (varying degree of) rights stems partly from recognizing the kind of entities animals are (sentient, intelligent, mortal, vulnerable, loving). By contrast, how we respond to them, via our caring capacity, and the worry about cruelty, may serve as means to bring us to consider animals and their welfare more scrupulously and eventually ascribe rights to them. I note that in my argument below, based upon ontological distinctions, animals and humans would fall into the same pertinent ontological category and automata in another, so this argument challenges arguments for automata rights based upon the fact that humans have recognized the need for animal welfare or rights, as there would still be a need to account for the ontological leap from animals/humans to automata.

Other recent literature concerns automata moral status generally and in some cases automata rights, if indirectly. Broadly, Floridi (1999, 2008) argues for information

ethics (IE) to solve problems in computer ethics a. Patient-oriented, “ontocentric” IE’s 146
 basis of moral status is information, each item of which has dignity and rights. 147
 Information’s nemesis is entropy, IE’s evil.³ Humans are packets of information and 148
 deserve particular respect, so-called human rights, which are protections against entrop- 149
 y. IE needs a firmer explication of “information,” as it wavers between information as 150
 the basic fact about everything in the universe, including abstractions, and information 151
 as data that humans use, with many variations between these two. If, as Floridi asserts, 152
 packets of information such as humans deserve different respect and rights from other 153
 kinds of packets, the question remains why information itself is given as the basis. 154
 Other elements than information must be equally basic, such as combinatory rules, 155
 degrees of organization, or complexity, with justification of why these matter. Yet, if 156
 ontology can be shown—partly by clarifying how these other elements are morally 157
 basic as well—to be the basis of a type of entity’s rights, then human rights would be 158
 particular to humans and automata rights particular to automata. Thus, Floridi’s theory 159
 would not be inconsistent with this article’s, which also provides an ontological basis 160
 for determining whether automata rights should be identical to full human rights.* 161

Gankel (2014), seeking to vindicate machine rights, criticizes Floridi for continuing the 162
 problematic “-centric” approach to ethics and the analysis of ethics in terms of agent and 163
 patient. Gankel turns to Levinas’s concern with “the Other” as an ethical inroad to 164
 machine ethics but deems Levinas anthropocentric. Gankel ends without finding the 165
 desired vindication but challenges existing ethical systems’ validity if they cannot ade- 166
 quately provide an ethics of human relation to machines. The assumption seems to be that 167
 machines must have some kind of rights, yet why this must be assumed is left unclear. 168

Lieber (1985) asks what it means to be a person, as contrasted with a human being. 169
 Apes and machines, he contends, may be persons; the issue ties in with that of what 170
 kinds of entities deserve the moral standing and rights of humans. To simplify my 171
 argument, I do not inquire into what distinguishes a person from a human being instead 172
 I ask: As *Homo sapiens* has largely been recognized to deserve full human rights, is 173
 there sufficient commonality between humans and automata that warrants automata’s 174
 enjoying those full rights? By contrast, Bryson (2000; 2010; see also Bryson and Kime 175
 2011) contends automata remain machines thus tools of humans and it is 176
 (ontologically) incorrect to merge the two and ethically wrong to delude people by 177
 attempting to blur the distinction. This position is consistent with mine below, which, 178
 though, shows exactly which ontological distinction is critical in terms of rights. 179
 However, Bryson (2009) almost hits on this distinction in emphasizing it is humans 180
 who decide to design and construct machines and are thereby in a position to decide 181
 what kind of beings they are. 182

Basl (2014) finds that machines’ capacities, interests, and welfare do not sufficiently 183
 match humans’ to qualify them as moral equals. However, germane to my inquiry, he 184
 suggests that a machine identical to humans in terms of capacities and interests, in 185
 everything but the fact it is constructed, would be our moral equaoes not state explicitly 186
 whether that moral equality means the machines should enjoy full human rights, including 187
 group rights, that adult humans are widely considered to possess, and whether such is even 188
 practicable. I aim to fill in that question in normative terms by bringing in ontology. 189

³ IE seems to face the physical problem that complex life forms such as humans increase the universe’s energy, so, morally, they should all be eradicated. Thus, the moral theory defeats itself.

Coeckelbergh (2014) criticizes standard ontological, properties-oriented approaches to moral standing of different entities for being logocentric. Like Gankel, he looks to Levinias, where the emphasis on relations is pivotal. Coeckelbergh, like Gankel, dismisses Levinias's anthropocentrism but retains the subjective moral feelings involved in relations as key to remaking ethics and thereby, much like Darling, giving machines moral standing. Eventually, we may even reevaluate "existing approaches to the standing of humans (e.g., human rights..." (75)). However, he does not speak to how the different subjective relations between one human vis-à-vis machines and another (some people finding a robot like a pet, others seeing them as lifeless) can cohere into a widely accepted outlook on machine rights.

Davenport (2014) argues that humans and their morality are computational like machines, so the latter can be constructed to be moral agents. Apparently, robots are to develop their own socially expedient system as they grow, learn, and evolve. Being physically and mentally more powerful, their morals may take on a comparably perfected form, quite different from humans'. This fact would only leave a question of on what basis should they deserve humans' granting them the rights humans enjoy, if these new artificial beings may well have such different morals and, thereby, moral standing.

Søraker (2014) dismisses ontological approaches to differentiating humans from animals and machines as too problematic to stand alone; epistemological approaches are needed. Building upon Mazlisi's theory of continuity between animals, humans, and machines, which all can be explained scientifically, Søraker adds the concept of multi-level explanation—physical, functional, behavioristic, and cognitive. He believes that, like humans now, machines may one day need all four as well, making humans and machines continuous. Yet, the ontological approach I offer below subsets a specific area of sociopolitical concern—human rights—where the ontological properties coincide with widely held assumptions about the basis of human rights.⁴

Whitby (2008) warns of possible mistreatment of robots, which may be designed ethically so as not to deceive human users of the robots' true essence. One need ensure that overzealous industrialists catering to consumer's unreasoned impulses do not disrupt humans' social cohesion. His argument "assumes non-sentient robots, unlike my argument examining full human rights for sentient, conscious, intelligent automata."

Notably, as I do, Torrance (2014) considers maximally human-like automata as test cases for a theory of moral status, but he comes to a different conclusion: He, too, defends an ontological approach to automata's moral standing, contrasting his "realist" ontological approach with social-relational views, such as Gankel's and Coeckelbergh's. Torrance defends the realist view of consciousness as key to an entity's moral status. He recognizes that since humans are social creatures, some social-relational considerations are due in helping to shape the realist determination of moral status.

What reason would we have for saying that, despite our extensive biological commonality with such artificial creatures, they lacked CSS (consciousness-satisfaction-suffering) features that we had, other than the (surely irrelevant!) fact that unlike us they were fabricated (or cultured) in a laboratory? Torrance (2014, 23)

Torrance does not explain why this ontological difference is irrelevant. I examine that difference and its moral and sociopolitical ramifications more thoroughly.

⁴ My approach, as will be seen, is hypothetical, resting conditionally upon a widely held belief about the nature of human rights and the properties of human beings that render them thusly deserving.

All of this work neglects to answer a fundamental issue about moral status of automata relative to humans. My concern is whether automata that exhibit all (or sufficiently close to all) traits considered to be distinctive and necessary for being a human should thereby enjoy full human rights. Affirmative proposals must resolve at least one ontological problem that bears on ethical concerns. It informs the core of my argument. To get to that core, I introduce three ontological predicates.

Formalisms and Assumptions

The One-, Two-, and Three-Place Predicates $A(x)$, $C(x,y)$, and $P(x,y,z)$

As these predicates are crucial to this paper's argument concerning ontological properties, I now define them as precisely as possible for present purposes. The one-place predicate $A(x)$ is " X has come into existence ("arisen"/"come to be")." The two-place predicate $C(x,y)$ is "Some entity Y has constructed X ." The three-place predicate $P(x,y,z)$ is "Some entity Y has constructed X for purpose Z ." Two observations: (1) Without digressing into metaphysical concerns about what kind of entities actually exist, for this paper, it suffices that X is a material entity (whatever Y is). (2) Although I have distinguished predicates C and P , for present purposes not only $P \rightarrow C$ but also $C \rightarrow P$.⁵ That is, it is understood that entity Y constructs X for some purpose. (The term "construct" itself entails that the entity constructed is brought into being for some purpose of the constructor's.) The reason I differentiate the two predicates is because it is possible that Y may accidentally construct X , thus without a purpose for its specific construction. Although this paper has little use in recognizing this caveat, I continue to refer to these two predicates for completeness sake.⁶

The Problems That Comprehensive Doctrines Create for Democracy and Human Rights in Terms of These Predicates

I mention, for purposes to follow, a complication for predicate A in relation to these other two. This complication concerns comprehensive doctrines and the degree to which liberal democracies and human rights institutions worldwide allow these to play a public role—in dictating laws or coercing citizens' lives into being shaped by these doctrines. Rawls (1971, 1986, 2001) distinguishes comprehensive doctrines from

⁵ It also holds that $C \rightarrow A$ and $P \rightarrow A$, because A does not say how X came into being. But A can be true without C 's or P 's being true because X may come into being without a constructor (or constructor's purpose). This possibility for A is of central interest in this paper.

⁶ I do not deny tout court the impossibility of constructing something without a purpose. A bolt of lightning may hit a house, causing a person's hand holding a hammer to hit a rock and form a perfect plate. The discussion could digress into a metaphysical problem of action and agency. Did the lightning construct the plate? Or does the accidental-constructor's perception "construct" the plate—or someone walking into the room and declaring "Aha, a plate!" I am saying that for this article's purposes, for simplicity, I leave out this highly improbable if conceivable possibility of accidental construction and retain the biconditional and the notion that constructors have a purpose in their construction. At the risk of apparent inconsistency, I retain the distinct predicates C and P to both (1) bring out the fact that, for all practical purposes, constructors have some sort of purpose in constructing, which the biconditional confirms, and (2) acknowledging that there is an underlying metaphysical problem of action and agency that I cannot pursue here.

overlapping consensus in the formulation of public institutions. Liberal democracy 263
 itself is not founded upon a comprehensive doctrine as it does not coerce citizens into 264
 shaping their goals, lives, or purposes into any particular direction. One may say that 265
 the separation of church and state in liberal democracies is one way that liberal 266
 democracies reflect—if they do not always practice—the concept of restraining com- 267
 prehensive doctrines in public (governmental) fora. Overlapping consensus may be 268
 viewed either as the intersection of citizens’ sets of comprehensive doctrines within 269
 which they can all concur or those beliefs which do not necessarily fall under citizens’ 270
 individual comprehensive doctrines but with which they all concur. For this paper, I 271
 consider comprehensive doctrines to be those that explain not only how a person, or all 272
 humanity or the whole universe, has come into existence, but also for what purpose that 273
 person has come into existence, which purpose most likely (as most comprehensive 274
 doctrines appear to do) influences the individual’s purpose and pursuits in life. 275

It is important to note that in using the term “comprehensive doctrine,” my argument 276
 is not to be understood as assuming a Rawlsian view of human rights. Instead, the term 277
 simply refers to a notion that runs through standard human rights theories and docu- 278
 ments. This notion is that human beings are to be protected from others’ imposing 279
 purposes upon another without consent. Rephrased, agents are not to use others as mere 280
 means to one’s own end, without consent, as all are ends in themselves. Comprehensive 281
 doctrines often are teleological and can—and often have in world history before human 282
 rights movements began proscribing such action—serve as means for imposing pur- 283
 poses on others. This common theme of rights theories and documents is germane to 284
 my argument, and thus, I single it out without offering a full theory of the basis of 285
 rights. I risk the objection that, contrarily, human rights do not basically involve 286
 protection against others’ imposing purposes or comprehensive doctrines t enjoining 287
 such imposition. But that opposing stance would be rare and unusual. 288

Further note that religions are the most prominent kinds of comprehensive doctrines, 289
 although atheist comprehensive doctrines exist, such as that maintaining that evolution 290
 is a manifestation of the universe’s shaping matter into more complex forms, and 291
 humanity’s destiny is to usher in this complexity. Political liberalism and human rights 292
 have no use for such comprehensive doctrines in the public fora. 293

Those who maintain that predicates C or P are properties of *Homo sapiens* thereby 294
 maintain a comprehensive doctrine. The challenge facing predicate A is whether it 295
 represents a comprehensive doctrine. If so, it has no place in politically liberal policy 296
 and runs against the letter and spirit of common human rights theory and documents. 297
 Prima facie, it seems to hold simply that X has come into existence (X did not always 298
 exist but does now). That fact, when X is a human being or the human species, should 299
 seemingly be acknowledged by every sane person or nonsolipsist.⁷ Let’s say we apply 300
 the qualification “simple” to the definition of $A(x)$, which then would read, “ X simply 301
 came into being.” This reading implies that no entity Y brought X into being nor any 302
 purpose Z for its being. Is this not a comprehensive doctrine, so that A should no more 303

⁷ Thus,

$$[C(x,y) \wedge P(x,y,z)] \rightarrow A(x),$$

However, is it the case that:

$$[A(x) \rightarrow \sim [C(x,y) \wedge P(x,y,z)]] ?$$

It does seem to be possible for someone validly to maintain:

$$[A(x) \wedge \sim [C(x,y) \wedge P(x,y,z)]]$$

be allowed to inform policymaking than C or P ? However, this “simply” creates a new 304
predicate from $A(x)$, which I call $A_S(x)$. It seems that 305

$$A_S(x) \rightarrow \sim [C(x, y) \wedge P(x, y, z)].$$

However, as I shall argue, for the purposes of liberal democracy and formulation of 308
human rights, if anyone maintains this predicate is a property of *Homo sapiens*, this 309
entailment of $A_S(x)$ does not affect policymaking or deny the rights or practices of those 310
whose comprehensive doctrines include C or P . 311

I rephrase this caveat as follows: Because liberal democracy and universal human 312
rights require that individuals be allowed to formulate their own purposes and lives 313
maximally, policymaking in these two political arenas requires that citizens be consid- 314
ered *as if* their being had no given purpose or *as if* they had simply come to be as the 315
species of being they are. Thus, $A_S(x)$ itself could not interfere with the defining 316
processes of political liberalism or human rights policy. By contrast, C and P , because 317
they dictate a purpose, if used at the policymaking table for assigning citizens purposes 318
in life, would interfere with the precepts of liberal democracy and human rights. Thus, 319
in a type of original position attempting to establish the limits of comprehensive 320
doctrines, it would be reasonable to declare, “We can say for sure that *Homo sapiens* 321
has somehow come to be, although we cannot say for sure by what, if any, agency or to 322
what purpose, which individuals may determine by their own comprehensive doc- 323
trines.” This formulation would fall within a democratic overlapping consensus, and I 324
distinguish it by the prime mark, as $A_S'(x)$, to differentiate it from $A_S(x)$. 325

Ontological Properties and Intrinsic and Extrinsic Properties 326

In this paper, intrinsic properties are considered to be necessary for the object to be the 327
kind it is. An extrinsic property is only incidental or contingent to the object. For 328
artifacts, the purpose is thereby an intrinsic property. A shovel is defined as an object 329
made to dig. A computer is made to calculate. Without the defined purpose, the object 330
is a mass of metal, not a shovel. This does not preclude the shovel’s being used other 331
than to dig, say to wash clothes. But a shovel soiled with a crust of dirt is still a shovel; 332
the crust is extrinsic. 333

The Argument 334

The Argument’s Aim 335

In the next few sections, I show that if you maintain $A_S(x)$ is a property of humans, you 336
should concede that within human rights institutions or in a liberal democracy one is 337
not obliged to grant humanlike automata full human rights. Furthermore, if you 338
maintain C or P and uphold the precepts of liberal democracy and human rights and 339
thus the freedom of persons to choose their own purposes and comprehensive doc- 340
trines, you should at least recognize $A_S'(x)$, act upon it in policymaking and, like the 341
upholder of $A_S(x)$, concede that in a liberal democracy one is not obliged to grant 342
humanlike automata full human rights. Support for this conclusion demands more 343
background. 344

Preliminary Sketch of the Concern for Granting Automata Full Human Rights

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I offer a preliminary argument for why human beings are characterized by the property 346
 predicate $A_S(x)$ but automata are not. Later I try to persuade those who do not accept 347
 this property as characteristic of humans and who do not make the described ontolog- 348
 ical distinction at least to accept $A_S'(x)$. 349

The faulty assumption behind the arguments given in the “Introduction” is that the 350
 two sets of entities discussed—humans and animals on the one hand and automata on 351
 the other—are of (ontologically) similar enough types to be granted similar, even 352
 identical, rights. One assumption seems to be that sentience, intelligence, and con- 353
 sciousness are the crucial characteristics that warrant due recognition of human rights, 354
 and sentience at minimum is enough to warrant some rights for animals. One may even 355
 add, for various points-of-view, other human characteristics: sociability the capacity for 356
 love, emotions such as empathy, or long-term interests and planning. Including or 357
 excluding these characteristics does not make the assumption faulty. Rather, the 358
 assumption misses a key characteristic of humans and animals that automata lack. This 359
 characteristic is $A_S(x)$, or what I herein call “existential normative neutrality (ENN), 360
 which I now describe more fully and why the ontological distinction between humans 361
 and automata is morally significant.” 362

Humans’ existence as the kind of creatures they are is a given: No one—at least 363
 among beings of the sort we can negotiate with normatively⁸—had a say-so over the 364
 species’ coming into existence. By $A_S(x)$, there was no norm that was followed or not 365
 followed to realize their coming into existence, because no norm-following agent such 366
 as rational extraterrestrials made them come into existence.⁹ By contrast, automata are 367
 not existentially normatively neutral; an agent following norms constructs them. Thus, 368
 a norm or rule may be established that says “An automaton of X sort shall be 369
 constructed,” where X is the sort that arguably merits human rights. By contrast, 370
 humans are ontologically of such a kind that one may not establish a norm that says, 371
 “Humans shall not be created” (where humans are, of course, the sort of entity meriting 372
 human rights). Humans have not only already come into existence, they have done so 373
 normatively neutrally.¹⁰ 374

This crucial ontological difference between the two kinds of entity has moral 375
 significance: Morality concerns actions that humans do. Humans have nothing to do 376
 about the fact their kind has come into existence, within several hundred thousand years 377
 ago. That kind’s coming into being is not an action about which human agents can do 378
 anything, so that action is beyond the scope of morality. However, automata’s coming 379
 into being is an action which human agents may or may not instigate, just as they can 380

⁸ Assuming that we cannot negotiate normatively with God.

⁹ It has been argued (Miller 2014) that a person has a right to be the kind of being one is and that this right is implicit in rights documents. Furthermore, humans have a right to be their species; by extension, animals would have comparable right.

¹⁰ I acknowledge that in taking this stance in this section, by which humans have come into existence without a purpose behind their doing so, I risk alienating readers of a certain persuasion of creationism and perhaps some adamantly functionalist, teleological evolutionists. I must run that risk, while appealing to readers who concur with $A_S(x)$ that they should not be obliged to grant humanlike automata full human rights. I note that not all theists or even creationists need take issue with this approach. They may still view God’s having created this universe, setting it in motion and establishing its laws so that it takes on its own course, and so humans came onto existence as a happenstance of those developments, much as in a universe without no deliberate act of creation.

steal or not. This action thereby falls into the scope of morality propose this ontological difference in moral status lays sufficient foundation for determining whether humans have a morally sound grounding for denying maximally humanlike automata full human rights. They, as potential rights-granters, can even say “We do not want any entities of type X constructed such that, if they were constructed, would appear to merit human rights because they have some humanlike traits. They will not suffer if they are not constructed. If constructed, they would be of a different ontological type from us, and we would be under no moral obligation to let them join our society fully.” This ontological trait of ENN (or its moral equivalent $A_S'(x)$), I will further argue, is basic to the reasons humans deserve rights recognition.

First, I respond to initial objections

Initial Objections to Distinguishing Automata's and Humans' Ontological Distinction as a Basis for Denial of Full Humans Rights to Automata

One objection maintains that this argument for $A_S(x)$ fails by analogy to rights extensions in human history. In the past, arguments were leveled against granting nonwhites or women full human rights recognition because they were reputedly of a fundamentally different kind from people already recognized as deserving rights. The outside groups were even viewed as ontologically different: They were said to lack souls, for example, and souls were required for full human rights.

The objection draws on an error in historical interpretation (Nolan 1997, 2006). Some authors in past philosophical and policy debates questioned whether nonwhites or women had souls, but the brunt is on the objection to evidence that such reasons were why these groups were not initially granted rights or why rights were not immediately granted them upon the suggestion that they should have them. The structure of social and religious practices in the seventeenth, eighteenth, and nineteenth centuries demonstrated—despite opposing voices—widespread belief that nonwhites and women had souls and, as most then believed in afterlife, faced the same afterlife prospects as white males. Extensive missionary work was undertaken for nonwhites, and women participated in religious rites to ensure their place in heaven (Nolan 2006). The criteria for denying suffrage and full rights was rather behavioral: Women and nonwhites were (immortal-souled) humans who lacked proper conduct, roles, and responsibility to merit full rights (Wollstonecraft 1999; Donnelly 2001 esp. p. 552)

Another objection holds that constructing an automaton is analogous to creating a human via reproduction. If, on ontological ground, one were to discourage creating an automaton that exhibited the distinctive human qualities, why is the ontological ground not insufficient to discourage human reproduction? Say that an automaton exhibited the entire set of traits that make humans valuable (was maximally humanlike)—all except being biologically human. It seems arbitrary to maintain that this one difference should preempt the automaton's construction. If this one difference is indeed insufficient to preempt the automaton's construction, then it is reasonable that this difference should be insufficient to keep the automaton from enjoying the same full rights that biological humans do. Furthermore, preventing the automaton's construction would seem analogous to preventing a human's birth. The right to reproduce is considered a fundamental human right (United Nations 1948). To preclude someone's constructing an automaton that exhibits all human characteristics except being biological would be commensurate with preventing biological

humans' reproducing and thus a rights violation. The given ontological distinction between automata and humans, too thin a reason to prevent the automaton's construction, would be too thin to prevent that entity's having the rights enjoyed by biological humans.

This objection supposes without warrant that the ontology would imply that construction of the automaton should be prevented on the grounds it is not biological though exhibiting all other human traits that we consider of value. The supposition reverses the reasoning of the ontological derivation, by saying that because the automaton is not existentially normatively neutral, it is ontologically distinct from humans. It is more appropriate to assert that the ontology, which purportedly allows humans a ground for not granting automata full human rights, could be used as a basis for not granting such automata, once constructed, the right to reproduce if indeed they are not granted full human rights, reproduction numbering among these rights. One may thereby fairly object that the ontological difference does not evidently prevent automata's reproducing, as indeed one may grant this reproductive right without granting full human rights to the automaton. But granting this right does not mean the full panoply of rights should follow nor does a projected withholding of the reproductive right from automata, as the objection originally discussed, mean *prima facie* that it would be unjust to deny them the full panoply of human rights. I return to this important issue reproduction in a later section.

A third objection turns to the philosophical proposals that such nonhuman entities as animals and plants (Taylor 1986)—if not mountains or historical buildings—have some claim to moral rights. If these nonhuman entities can enjoy some rights, automata should as well. However, the ontological distinction at issue here has not been described to discourage granting any rights enjoyed by some entities, but only the full range enjoyed by humans. None of these nonhuman entities that have been invoked as kinds of rights-bearers currently enjoy the full range included in major rights documents. Nonhuman animals do not enjoy the right to vote; mountains don't enjoy the right to gender-choice.

Having answered these initial objections, I proceed to justification for ontologically distinguishing humans from automata as a basis for differentiation in rights distribution. Current debates over whether synthetic life has intrinsic or extrinsic value form further background to the argument.

Intrinsic vs. Extrinsic Value of Natural and Artificial Life

The ethics of genetic engineering has rekindled debate about whether an entity produced by humans (artificial) is ontologically different from the same kind of entity that arose in nature, specifically via evolutionary events (Baertschi 2012; Deplazes-Zemp 2012; Scharck 2012). Baertschi (2012) argues that if an evolutionarily derived organism has intrinsic value, it follows that an organism produced artificially also may have intrinsic value, so that such ontological difference (in origin) should not confer difference in intrinsic value. Baertschi furthermore urges that, for moral agents, what differs between these two organisms is agents' responsibility toward them: The "naturally" arisen organism, such as the human being, is, as he quotes Dworkin, "what is given to us," whereas what humans create represents "what we are responsible for doing or deciding" (15) especially for bringing-into-existence. In moral responsibility, then, to borrow from Von Willigenberg (2008), we need to distinguish between happenings and deliberative actions. Baertschi's second point about moral responsibility is compelling, but the first point about ontological difference is questionable.

Baerstchi draws upon Bochinski (1959) value theory, which in turn builds upon earlier notions of intrinsic vs. extrinsic value dating to Aquinas and Kant: Intrinsic value can be characterized by a one-place predicate, such as $F(x)$ —“ X has value F ”—whereas extrinsic or relational value is two-placed, $F(x,y)$, as in “ X has value F for Y .” Baertschi then offers the premise that “natural” organisms claim no greater moral status merely based upon their different origin: “To be created is not an intrinsic property, but an extrinsic one.” (15): Being created is dyadic or relational. However, in a universe not designed by a supreme intelligence and in which evolution is not purposeful or headed to any point, this premise runs into difficulties. It is awkward, if not spurious, to say “Evolution constructed humans” or that “Evolution constructed the first complex biomolecules that ended up precursors of organisms.” In these cases, an abstract scientific concept, evolution, is transmogrified into an isolable agent that can undertake deliberative, purposeful actions. Here, the happening vs. action distinction is crucial: The term “evolution” represents a series of happenings, which, apparently, are not headed anywhere but continue to unfold. To reify evolution as a “force” that is moving the universe—or at least the part of it found on Earth—to some endpoint is to establish a comprehensive doctrine that lies beyond the pale of current science. (I return to the role of comprehensive doctrines in a later section on how these properties pertain to rights.)

My concern is not whether Baertschi’s argument fails because of this incomplete premise, but that this premise is where the ontological distinction between a naturally arisen organism and a synthetic one becomes evident. The predicate “—is created by—” is not, in many views, a property of organisms, at least as we have known them before any were synthesized. Rather, in these views, the one-place predicate $A_S(x)$, or “ X simply came into being over time,” is a property of such an organism. Indeed, for a synthetic organism X that came into being because humans Y undertook a set of processes, the organism has the property “ X is constructed by Y .” A similar ontological distinction could be made between a naturally originated human being and an automaton constructed by humans. This property of automata is what I call “not ENN.”¹¹ (The rest of Baertschi’s argument, calling on differing moral responsibilities for naturally and artificially arisen entities still applies to the present case of automata and human rights.)

Why the Ontological Distinction Allows a Distinction in Rights Distribution

First, I explain why ENN in humans’ existences is an essential concept in foundations of contemporary human rights proposals in general.

By ENN, the human species did not come about because of its own choice or because a normative rule was followed.¹² Disbarring science-fiction scenarios whereby the universe is the toy of gigantic extraterrestrials, human beings have come to be through the still

¹¹ Procreation by in-vitro fertilization poses no foil to the discussion. The human being who emerges after this technique has been applied to an egg and sperm does not “create” a human being except in a very loose sense of the word, no more than a couple’s having intercourse which leads to the coupling of egg and sperm does not create a human being but rather allows the already given biochemical processes of embryological development to form a human being.

¹² Even narratives of a supreme being’s creation of human beings commonly do not depict the creator’s operating from normative rules such as hypothetical imperatives but rather from arbitrary command (in monotheistic tradition), divine whim (animist traditions; (see Lee and Daly 1999), or something like the unfolding of the supreme being’s essence (Spinoza 1994).

perplexing dynamics of evolution for no other basic reason than a long time ago molecules started agglomerating. Particularly from the fact that this scenario points to no teleology, it could not be plausibly deemed a comprehensive doctrine, although it can allow individuals to form their own comprehensive doctrines and infuse personal purpose.¹³ The major theoretical bases of human rights in the Western tradition, such as natural law and natural rights, similarly do not necessarily depend upon a comprehensive doctrine. For natural law theory, such as Grotius's (2001) the Ciceronian notion "right reason" arises from the species' social, rational nature, whereby self-preservation is a basic right. Certainly, the theory does not see rights as constraining behavior directed upon others (Pogge 2001); rather, when one violates a basic right, it is because one transgresses a natural law or Supreme Being's will. The theory does not, though, depend upon a view of how humans came to be, what their purpose is, or what individuals must do. Instead it focuses on what sort of beings they have come to be and what sort of actions are at least suitable for them and should be allowed. They need not have come into being by some rule, say a hypothetical imperative, that guides the formation of such a creature. Natural law theory thereby allows that humans, insofar as they are bearers of rights, are ENN.

Similarly for natural rights theory, which developed from the early Modern era, with Hobbes, Locke, and Kant, who see specific rights as inherent in what it is to be a human being—rights such as that for life, liberty, and property. Rights are defined not by a natural law or right reason but by constraints on behavior toward others. Although anthropology has since illuminated how property, as a concept, developed relatively recently in human social evolution (Flannery and Marcus 2012), natural rights theory depends on no comprehensive doctrine of human purpose or ends for which to strive. Rather, instead of coming with a given purpose, humans come with these rights and may use these to whatever purposes they forge individually.¹⁴ Natural rights theory implicitly acknowledges humans' ENN.

Among recent approaches to the bases of rights, Pogge (2001) sees that, since the eras of natural-law and natural-rights theories, an overall shift has occurred with gradual secularization the retreat of the metaphysical underpinnings behind these theories. Thus, we no longer rely upon their metaphysical foundations for justifying human rights but instead have only political justification. Only human beings thereby can establish the foundations for human rights. Yet, I note that while earlier rights formulations, such as natural law, often had a metaphysical accounting for the law's source, it was the fact that the human (if acknowledged by that law) was understood as a given, as a type of being, and it was from that given that the various appropriate behaviors and responses ramified.¹⁵

¹³ See section below on how $A_S(x)$, not a comprehensive doctrine, allows for comprehensive doctrines to be built upon it, if desired.

¹⁴ Kant in some political writings (1970) does see humanity as having a certain trajectory of moral improvement and thus a type of destiny to strive for that purpose continually, for to do otherwise would seem against the very basis of practical reasoning. However, this fact would not mean that human beings who do not acknowledge or pursue that purpose thereby forsake their rights. That is, he does not build his theory of rights upon the notion that humans must pursue that purpose to merit rights. They merit those rights as humans, tout court, whatever they subsequently do.

¹⁵ Because the patient/subject provides the standard by which the violation is assessed, I diverge somewhat from Pogge's historical interpretation. I see that metaphysical assumptions do not detract from the importance of the subject-as-gauge; the human subject as a given kind of entity with certain set characteristics (whatever those may be) forms the de facto basis for appropriate conduct. However, even if my interpretation of natural law in this context is incorrect and some kind of teleology is indeed inherent in the rules of public conduct, my overall argument is not harmed, because by the time of natural rights and later developments, any such teleology or purpose for human conduct is absent from the constraints-basis for human rights.

Thus, one may be answerable to God for violating another, but it is the moral-patient who exhibits the standard by which one assesses the violation (such as death by murder); the entity one violates is God, not the patient. With natural rights, the patient is the primary concern and carrier of the violation (God may be wronged indirectly, but one need not invoke God in the violation at all). The shift to secularization, Pogge notes, “confirms that it is all and only human beings who give rise to the relevant moral concerns.” (191) States then establish rights to protect individuals.

Whether Pogge or contemporary views that rights are innate in humans or are cultural constructs will prevail, throughout much of history and today, there has been a grounding of rights in the human being as simply a given. This being has come into existence, by whatever provenance, with certain characteristic needs but not constrained by a teleology. An individual may embrace a teleological comprehensive doctrine, but such doctrine has no public role in the granting of rights. (In this way, human rights practice, tacitly concedes ersatz ignorance about teleology, allows only the one-place predicate $A_S(x)$, into public for a: “The human X simply came into being over time,” specifically the version $A_S'(x)$ acknowledging a tacit public ignorance of humans’ purpose. Insofar as rights are concerned, the human being can be *sufficiently* explained by such a one-place predicate.

The same rights-basis could not hold for an automaton, which is characterized by the two-place, $C(x,y)$, and three-place teleological predicate, $C(x,y,z)$. Neither predicate is appropriate in public fora in establishing the basis of human rights.¹⁶ As I next detail, saying how an entity characterized by this two- or three-place predicate should be granted the full panoply of human rights is a challenge.

The Challenge for Granting Full Human Rights to Ontologically Different Entities

In common understanding of ontology, an entity may differ from another ontologically if it has different intrinsic properties (Bochinski 1959). Veering from commentators such as Baertschi, I have shown how humans differ intrinsically from humanlike automata in that the one-place predicate $A_S(x)$ can sufficiently describe them, whereas the latter must be characterized by the two- or three-place properties $C(x,y)$ or $P(x,y,z)$. With this difference, one can substantively assert that nonhuman humanlike entities do not *prima facie* merit full human rights recognition because they are ontologically different, *in the crucial way shown pertaining to human rights bases*, from humans. According to Pogge and much philosophy-of-rights tradition, humans formulate and extend human rights to persons. This ontological difference can be understood in concrete terms by considering what may happen in the real world with the proposed introduction of such automata, contrasted with the rights status of a human being.

¹⁶ I emphasize that for those people who ascribe to the two- or three-place predicate, if they profess to democracy and human rights, they should recognize the one-place predicate $A_S'(x)$ already mentioned and due further discussion in a later section.

Someone or group Y_A may propose to introduce an automaton X_A that will so resemble a human that anyone interacting with it would not know it is an automaton. However, it is incumbent upon no one to bring this entity into existence. It is also possible for the human community to vote and say “We do not want this entity in our midst, so we are passing policy to block it from being constructed.” This case is analogous to the situation in which group Y_W has designed a massively destructive weapon X_W and the populace votes to say, “We do not want this entity in our midst, so we are passing policy to block its construction.” (In both cases, of course, we assume that Y is not some powerful institution, such as a corporation, that will exert its will whatever the populace desires; however, the real-world case in which the populace has effectively elected to bar the spread of thermonuclear weapons exemplifies how populations could represent their vote.) In both cases, the Y 's may protest that their rights to the pursuit of happiness in developing their entities have been wronged. But a fair judiciary could rule that the interests of the whole populace in life and freedom from danger outweigh the interests of Y 's to realize their dreams. Similarly might a fair judiciary reasonably rule that some individual Y_D 's right to happiness in proposing to detonate a thermonuclear device is overruled by the populace's right to life and freedom from harm.

In both cases, the X 's are entities with intrinsic ontological differences from human beings. They do not simply come to be, as the human species has; they are constructed (or proposed to be constructed) by someone for some purpose. At the time of the policy enactment against their construction, they do not exist. Neither X_A nor X_W exists even to have a claim a right to existence. (In the next section, I compare this situation with the problem of human reproduction rights.) The situation differs from that of an existing historical house, which—or whose human advocate—may lay plausible claim to continued existence. In this case, the rights claim to continued existence may arise more out of the value that the culture places in the house rather than any intrinsic value of the house. Before the house was built and subsequently acquired its historical interest, by this understanding of artifact rights it would have no valid claim to a right to come into existence.

One may say, what if Y_A and Y_W snuck off and built their respective X 's before the populace had a chance to learn about these? Now that these X 's exist, would they not have claim to continued existence, as did the historical house? First, that house's claim to continued existence rests much on the value that the culture grants to it. If the house is constructed of explosive materials, the populace may ascribe it negative net value. Second, and most important, these examples illustrate the ontological difference between such entities and humans and how this difference could manifest in policy. The populace could at least potentially vote against the construction of certain types of entities, whether or not the inventors went off and constructed in secret, without violating the X 's interests. These X 's need not come into existence because their constructors need not build them. Humans, by contrast, may well have simply come into existence without having had any constructors build them or without any given purpose. Their rights rest upon their given existence and their freedom from anyone's purpose. An automaton must have a purpose—its constructor's purpose in constructing it, even if that purpose be “merely to construct such an entity.” Human rights are recognized because the human species is such that, coming into existence without

purpose, it must discover its own, if purpose is even desired, and rights are allowed particularly (at least in part) to allow that discovery.¹⁷

Now, I cover the burning issue of future generations and reproduction rights. At first glance, the interpretation of rights provided here may seem to violate these. I show there is no such violation.

Future Generations and Reproductive Rights

The assertion that an automaton X has no claim to rights before it has been constructed, because there is no existing X to bear claim to such rights, understandably creates a troubling concern: Would future (not yet born or conceived) generations of human beings then have no claim to existence or rights? Furthermore, the assertion that humans may ethically establish policy preventing construction of automata may seem a step down the slippery slope to the morally undesirable outcome that humans could pass policy preventing certain categories of human being from reproducing.

Responding to both concerns turns to the particular nature of human reproduction. By the one-place predicate property $A_S(x)$, human beings have simply—or by $A_S'(x)$ —have, *mutatis mutandi*, as good as—arisen after billions of years of evolution. Like other life forms, humans come to be what they are because of reproduction. Reproduction allows not merely a species' continuation but also, thanks to genetic drift and random mutation, new forms altered from previous. None of these events spell teleology or direction; new species arise, without any construction making them be a kind of thing or strapping a purpose onto their coming to be. Sex and reproduction are partly defining of these entities; without them, the entities would not exist, even though this fact does not entail that they have a purpose vis-à-vis reproduction.¹⁸

Future generations come to be through reproduction, as the present generation has. If all people now, for some reason, decided not to reproduce, there would be no future

¹⁷ It may be protested that some individuals are indeed brought into existence for a specific purpose, much like the automaton may be brought into existence for whatever purpose the constructor has in doing so. A couple thus may produce an offspring to help on the farm. However, this objection misses at least two points. One is that the ontological difference applies to the whole species and each member insofar as it is one of those species. The couple's attempt at establishing a purpose for the child does not affect the fact the species came into existence by no such deliberate act. Second, those parents' purpose is of the type that the child may or may not accept; it does not define the child. By contrast, an automaton's constructors may have the purpose of building it to prove what amazing brains they are. The automaton has no option whether to accept this purpose or not; it is simply the defining purpose behind that entity's construction, even if that purpose fails and if the automaton escapes and goes to live a life sipping cocktails by the seashore.

¹⁸ One may assert that an organism does in fact have a purpose, or purposes to "be reproduced" (whatever that may mean) or to reproduce. I find this assertion implausible, if not incoherent. To start, humans are well-characterized as beings who can establish their own purpose—and that purpose may certainly exclude reproduction, and the person is no less of a person for excluding such an action. Even if we look at other animals, it is not clear that their purpose is to reproduce, even if reproduction is the only way by which these beings come to be. If a rhinoceros does not reproduce, it is no less of a rhinoceros, and to say it has thereby failed its purpose as a rhinoceros is to pass an effective normative moral judgment upon a being, and one is behooven to establish a sufficiently complete moral system assuming the teleology of life is to reproduce. Consider the possibility that all rhinoceroses happen not to reproduce and the species dies out. It is not clear how they have failed a purpose, as if being rhinoceros is a necessary purpose. It is more straightforward to recognize that rhinoceroses have so happened to have arisen, they have endured as a species because they so happened to have reproduced. They have no particular duty or purpose to being-rhinoceros. If they do happen to reproduce, rhinoceroses simply continue to be.

generations and thus no one to make rights claims, including the right to exist. If, as is more likely—barring world-ending catastrophe—people continue to reproduce, those future generations come to be just as the present one has, with valid claim to existence and other rights. Enacting policy against reproduction would be countering a currently ongoing set of events integral to *existing* entities. Automata do not simply happen to arise as humans have but come into being via a constructor for whatever purpose. Policy enacted to prevent their existence would not be countering an ongoing set of events integral to existing (automata) entities.

As for potential policies against certain delineable human groups' reproducing, such as targeted ethnicities, the ontological difference does not apply. All humans are characterized by $A_S(x)$ or $A_S'(x)$. To enact a policy preventing the existence of certain types of humans, who have no constructor, could not be logically based upon any policy preventing the existence of automata by limiting the activities of potential constructors. Reproduction is, as I have described, partly definitional of the entities such as humans that have simply come to be. If policy is to be consistent, preventing one group's reproduction would have to apply to all groups, preventing their reproduction as well. Thus to say that preventing the coming into existence of an automaton entails potential policy to prevent the reproduction of certain human groups would follow only if that policy were inconsistent with the ontological thesis presented here. That is, such a policy would be inconsistent with the ontological thesis unless it included injunctions against all human groups' reproducing, which outcome counters the concern about specific groups' being targeted. Furthermore, as I pointed out, such policy against all humans' reproducing would counter a currently ongoing set of events integral to *existing* entities, that is, reproduction.

Further Objections

One objection asks why human hands cannot simply be considered a life-shaping force continuous with that which formed them via evolution. If so, then automata could just as well be considered to have arisen "by happenstance" and as equally deserving of full human rights. It is only a false tradition of Western philosophy recklessly partitioning humans from the rest of life, for example, or humans from the products of their techniques (Latour 2011).

I note that one could certainly consider human hands in this way. There is a drawback. Unless one is to grant an ad hoc exceptional status to such artifacts as automata, then one must include all things that humans have created or may create. Human agents then become passive and their judgment about what they should occasion or not loses force for powering their projected action. It would appear that, in contrast, many people would be concerned about potential harm from construction and deployment of certain techniques. If we want to honor this concern and protect the species and life, there would be some partitioning, according to what would be harmful or not. Little effective ground would be gained by overlooking ontological distinctions between humans and their artifacts.

If we were to ignore the partition between humans and their artifacts, should all artifacts warrant full human rights? If not, why should some, say scissors, not deserve full human rights? Partitions would have to be rebuilt, with reasons why *these* demarcations are justified.

Another objection observes: One may say that, after a while, after automata have reproduced a few generations, they may be said to start resembling the one-place predicate property of humans. In response, I note that (1) if automata are ever constructed with the capacity to reproduce, their successive generations are still defined by their constructor's purposes and they remain ontologically with their two- or three-place predicated property. So, (2) they may start to "resemble" the one-place-predicate property of humans, but that resemblance would not change their ontology.

A final objection says so what if automata have a purpose and humans do not; we can ignore that purpose in public fora, just as those who believe P applies to humans can grant $A_S'(x)$, in public for a. I reply that this objection makes a category error: The former ignoring involves an objective fact; the latter is setting aside a personal belief (doctrine) for the sake of another (democracy/human rights). It is not that we should ignore demonstrable purposes, rather we should acknowledge our own unverifiable teleological purposes and tolerate others' lack of teleological purposes.

Discussion

This paper began by stating two arguments for why we should allow automata human rights. We should because (1) of the expanding circle by which a greater amount of types of entities come to enjoy some degree of rights; (2) even if these automata outstrip human capacities and we feel endangered by them, we should offer them rights, consistently with the reasons we acknowledge human rights. This paper has contended these arguments are misguided.

I have urged that humans are ontologically different from automata in a way pivotal to human rights bases. Humans are the ones who discern, affirm, and thereby realize human rights. It is fair and just that they grant such rights, and they occupy a fair and just position to determine which ontological kinds of entities deserve recognition of rights. Particularly, humans are under no moral obligation to grant full human rights to entities possessing ontological properties critically different from them in terms of human rights bases. To grant full human rights recognition only to *Homo sapiens* does not run against the basis of human rights. Placing the rights partition between humans and automata does not hark back to eras when human rights were granted only to white, European males. We need not attempt to circumvent the return to those eras by extending rights to all kinds of ontologically varying entities, just in case they exhibit some traits that humans have. After all, humans with little intelligence or sentience are due full human rights insofar as we humans have recognized they are *Homo sapiens*. We can safely say that all beings that have arisen as *Homo sapiens* are soundly human and so deserve recognition of full human rights.

We have some justification in basing human rights on human being and thereby determining what kind of beings are our fellow citizens. One justification for ruling out entities such as automata is our ignorance of just what are these entities and what are their constructors' ultimate intents. Strange and even unpalatable as some humans, such as sociopaths, may seem, we at least know they are humans without constructors whose intents we may not divine. One of the most important practical outcomes of selectiveness in granting rights, as many writers in the ethics of synthetic life, described above, have proposed, is protection of the species. Complex technologies, such as powerful

weaponry, bring many unknowns about the results of their ultimate deployment; they are hard enough to control now when they have little or no rights claims. Granting an artifact as much rights as humans merit means lessening our ability to control technical foul-ups—artifacts created that do not do as expected or as the polity’s interests would prefer.¹⁹ If we retain the say-so of preventing their development or dismantling them once existing, we retain more control in correcting mistakes, particularly mistakes of parties who do not correctly pinpoint our interests—which may not even be sufficiently knowable—as biological beings.

Furthermore, retaining full human rights only for biological human beings preserves psychological or morale benefit: Malleable as humans seem to be, and even gullible as consumers, confounding humans and automata certainly could, on the one hand, have the advantage of automata’s learning to adopt more human-like traits, but on the other hand the disadvantage of humans’ seeing themselves as, and even becoming more like, artifacts that have been constructed by someone (such as powerful organizations) for someone’s purpose. Human autonomy could suffer.

Some may argue that *not* granting full human rights to automata can endanger the biological-human community (Asimov 1950). These automata may become so incensed at being outsiders and may have sufficient capacities that they could revolt and thereby endanger human existence. This concern, though, offers poor reason for granting these entities full human rights, disingenuously granting entities for which we have no good rational warrant to grant full rights, merely out of fear of them. It only shores up the fact these entities could be quite alien to us, despite constructors’ attempts to model them on us, how different ontologically, and how for our own safety we have an interest in precluding their construction.

In this paper, I have spoken only to granting *full* human rights. There remains the matter of whether some automata may merit some rights humans enjoy, as apes seem to (Singer and Cavalieri 1993). If automata are granted some rights, say to property, and then in a quite plausible scenario their capacities and characteristics come gradually to resemble humans more and they are granted further human rights, then my argument seems to be undermined by a slippery-slope problem: It seems one would arbitrarily have to draw a line between having most human rights and having full human rights. Is there a morally justifiable place for that line? Can one justly tell an automaton, “You can have rights to property, religion, free speech, and assembly, but not reproduction or voting”? So far, by my argument, there may be some justification for granting that first list of rights, but not the second. I can only answer this slippery-slope objection now by saying, based on ontological differences, there can be a just line drawn and determining what is exclusively the domain of humans and their right to determine what kind of society they live in—and one does not thereby spark any morally, seriously discriminating problem against automata, or invoke previous discriminations against human groups or new reasons for discriminations, as my argument has indicated.

¹⁹ The problem of human endangerment comes from robots with sufficiently large artificial intelligence to do harm but insufficiently developed morality. The recently formed organization the Future of Life Institute, whose members include Stephen Hawking and Bill Gates, exemplifies this concern in expressing that extensive development of AI poses one of the greatest potential threats to life. With insufficient morality, say like a human sociopath, a robot with high AI may not care if it is subject to criminal code, but its status as a full human being could only aid it, or its creator, in unconscionable acts.

An Example Case

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Consider the case of a Silicon-Valley Zillionaire finding a cost-effective way to manufacture thousands of maximally humanlike automata, making them in an erstwhile democracy of one million population that allows such automata full human rights. The Zillionaire fashions these entities' purposes in such a way that they all vote for him or his favorite tyrannical politician. If this manufacturer makes enough such entities, the democracy could be overturned. One may object that another kind of protection against such outcome could be built into the democracy without granting the entities fewer human rights—here, the right to vote. However, any a policy preempting this outcome would in effect amount to some kind of curtailing of rights. It is more consistent with rights to hold that entities constructed with purposes simply do not share the bases of rights that humans do.

One could look to further example cases involving many different human rights recognized by international charters and see more clearly how the ontological principle in this paper, if affirmed, could help protect humans' full rights; but this exercise would be subject of another article.

Conclusion

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Of the two original arguments for granting automata rights, the first incorrectly assumes that the expanding circle and the history of peoples' not being granted full human rights entails that sufficiently humanlike automata should, by a kind of default, receive rights. This paper has shown this assumption faulty because automata can never be humanlike in a way key to why humans merit full rights: Automata are ontologically different in that they have a constructor and a given purpose. By contrast, humans, by $A_S(x)$, in that intersecting circle of interests—overlapping consensus—that rules out comprehensive doctrines about purpose and recognizes humans simply have come to be, do not have constructors and must be allowed to set their own purposes. This (optional) purpose setting at *only* the individual level, I have said, is pivotal to why humans have been recognized as deserving full human rights. Even if automata are somehow programmed to have free wills and to seek their own purposes, their constructors have already ineluctably constructed them with a purpose. Even if an automaton were built with a capacity to reprogram itself and define its own purpose, it still would have been built with that potential and that purpose. Contrary to Baertscht's contention and Torrance's implication that how an entity is produced has no bearing on its moral status, I have argued that how an entity has come to be is an intrinsic property and is morally significant, as humankind's coming into being is outside moral scope, yet "automats-kind's" coming into being is within moral scope. The second argument fails as well, because this ontological difference blocks granting rights even to automata with vastly greater capacities than humans, whether or not that withholding is done for the sake of humans' safety.

Finally, if you accept the one-place predicate $A_S(x)$ is a defining property of human beings, then as I have shown, you have good reason not to grant humanlike automata full human rights. If you accept the principles of pluralist liberal democracy, which disallows the imposition of a comprehensive doctrine upon fellow citizens who do not accept that doctrine, then even if you believe the three-place $P(x,y,z)$ applies to humans,

you would acknowledge that it serves as comprehensive doctrine that cannot be imposed upon others, so you would affirm $A_S'(x)$. Indeed, since $[C(x,y) \wedge P(x,y,z)] \rightarrow A(x)$, but $\sim[A(x) \rightarrow [C(x,y) \wedge P(x,y,z)]]$, you at least acknowledge $A(x)$ in its public-for a form $A_S'(x)$. Rather than a comprehensive doctrine about humanity, $A(x)$ (with $A_S(x)$ and $A_S'(x)$) is a minimal acknowledgement of human existence. In a political system that recognizes full human rights for all its citizens and in which no comprehensive doctrine rules, citizens are under no moral obligation to grant humanlike automata full human rights.

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