Cogitatio

COMMENTARY

How to Include Artificial Bodies as Citizens

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Abstract

This essay ponders on the thorny issue of including artificial beings under the category of "citizen." The increasing humanization of the artificial being, it suggests, prevents us from seeing and treating the machine as a being. But if the humanoid robot performs all the functions of a human being, and acquires cultural traits such as emotional intelligence, rational thinking, or altruism, then on what grounds do we deny it the same status as a human person? Conversely, as more and more humans are cyborged, through transplants, implants, and prostheses, resulting in an erasure of their "core" humanity, then what is the difference between such a cyborged human with human rights and an artificial being?

Keywords

artificial beings; citizenship; humanoid robots; moral standing; personhood

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Humanoid robots are now part of healthcare, geriatric care, and childcare. They have been integrated into families in countries like Japan (Robertson, 2018). When the humanoid robot, Sophia, was granted citizenship in 2017 by the Kingdom of Saudi Arabia, it invited the question: Can we include sentient, humanoid robots under the category of "citizens"?

Before we attempt an answer to this question we need to think in terms of how social norms, policies, and institutions (by which I mean state, corporate, technological-industrial, and research institutions) determine the context of the creation, assimilation, and regulation of some technologies rather than others. Ruha Benjamin has termed the "social biases [that] get coded, not only in laws and policies, but in many different objects and tools that we use in everyday life," "discriminatory design" (Benjamin, 2019, p. 5). That is to say, biases and preferences shape the technology that measures, validates, facilitates, or hinders the value of human—or, for that matter, humanoid-android—lives. From facial recognition technology to early crime-prevention technologies and datafication, biases and norms determine any kind of technological

innovation. Safiya Umoja Noble has argued that "digital decisions reinforce oppressive social relationships and enact new modes of racial profiling" and the "people who make these decisions hold all types of values, many of which openly promote racism, sexism, and false notions of meritocracy" (Noble, 2018, pp. 1–2). Whether the human applicant for a job, a credit card, or a loan is deserving of just a machinic evaluation or a human one is built into the algorithm that determines whether the application/applicant meets the qualifying criteria. Such an "algorithmic accountability" embodies the biases of the coders (Broussard, 2018, pp. 43–44).

Robot or bot designs embody a "discriminatory design," because the default option for such bots is white (Poster, 2019). In the words of Neda Atanasoski and Kalindi Vora, "historical forms of domination and power…get built into seemingly non-human objects and the infrastructures that link them, thus sanitizing digital media [and a variety of other] technologies as human-free" (Atanasoski & Vora, 2015, p. 5). The human appearance of the humanoid being, then, is shaped by the desire or fantasy to craft a machine in one's own (human) image. Further, the behaviour of the humanoid robot has to approximate to that of the human.

Yet, it is this approximation of the humanoid to the human that restrains us, I suggest, from opening our arms, metaphorically and literally, to the autonomous machine being employed for care, dangerous tasks or entertainment. That is, the increasing humanization of the robot is itself discriminatory because of a social imaginary that prevents us from treating the machine as a *being*. Its humanity, we remind ourselves, is programmed: it is a non-human object that merely mimics the human. And yet, the non-human is created with the task of providing or performing the hitherto human tasks of domestic work, care, exploration (robots sent in ahead of humans to check the terrain), companionship. In other words, the very design of a humanoid robot is discriminatory because it alerts us to the co-existence in the same "person" (of the robot) of what we traditionally take to be incompatible features: the machine and the human. The human's profile of the robot or artificial being is speciesist: the robot is a different species, although in the posthuman age we know that millions of humans have incorporated, from pacemakers to more advanced technological devices, machines into their organic body. Discriminatory design is the merger of the biotic and the abiotic in the personhood of the artificial being.

Considering the artificial being or robot as a person means embarking on a process of radical social inclusivity—the social now involving, literally, the humanoid robot and, historically, the animal—depends on answers to a series of conflicted and often confounding but interrelated questions. These questions are centered around the moral standing and personhood of humanoid robots for, in the words of Rosi Braidotti, "only ethical and legal issues remain to be solved to grant responsibility to autonomous machines' decision making, while the cognitive capacities are already in place" (Braidotti, 2013, p. 44).

If the robot can undertake tasks such as care, exhibit rational thinking, emotional intelligence, even biases, and generally function as humans do, then on what grounds can we deny them inclusion in the category "citizen"? That is, if their actions are analogous to those of humans, and if such actions by humans would automatically result in an obligation to those who perform those (as in a care relation), then is it not possible to think of a robot performing care relations producing an obligation towards "it"? (LaBossiere, 2017; for "care robot" definitions see Vallor, 2011; van Wynsberghe, 2013). Would it not be, to phrase it differently, discriminatory to say, "despite its appearance, behaviour, skills and functions, we are not obligated to the carer robot"?

If the argument is that robot emotional intelligence is programmed and not "natural" to "it," then this argument is inherently flawed because psychopaths, people with brain injuries and other conditions do not demonstrate the same emotional responses as normative humans do. Conversely, we *acquire* emotional intelligence through cultural training where, for instance, we learn to present specific kinds of appropriate emotional responses to the events and people around us. So, if cultural training induces emotional intelligence in humans, why is the algorithmic and generative emotional intelligence of the artificial being unacceptable?

If the humanoid robot acquires its skills and cultivates its potentialities within the human social order, would "it" not be on par with the human? With AI, they learn to traverse human dynamics, as science fiction and dystopian novels such as Ian McEwan's *Machines Like Me* (2019) and Kazuo Ishiguro's *Klara and the Sun* (2021) portray. Humans reach and fulfil their potential within a socius and set of relationships. Our identities emerge from these sets of relations, which include care, nurture, support. Robots introduced as carers, companions, and even as servitors integrate into households, families, and the general social order. In such a context, would the artificial body not be entitled to the same status as a human? If, human rights laws apply to all human persons and prohibit slavery, then is not the servitude of beings created as humanoids and undertaking servitor work for humans covered by the ambit of such laws (Nayar, 2023)?

If the human's social dynamics already involve the non-human, such as pets, seeing-eye dogs, comfort creatures, and others, the animal is seen as a "member" of the human family although, at times, the creature behaves like a *creature* (Fudge, 2002). Just as a human's location within social categories—class, race, ethnicity, gender, work/profession—determines how we evaluate her/his worth, it is the robot's insertion into the social order (family robot, carer robot, military robot) that determines its worth for humans and whether we accept or discriminate against them. Further, if humans are accepted based on their cultural markers—religion, ethnicity, language—then this applies to robots as well.

As we expand to include service robots, care robots, and social robots (companion robots) in the socius, would they not be, like pets or seeing-eye dogs, a part of the dynamic? If the humanoid robots are designed to "provid[e] a sense of companionship and intimacy similar to the intimacy provided by companion animals," then how are they categorically different from the animal? (DeFalco, 2023, pp. 31–32). Is "real" care the province solely of the creaturely and not of the artificial, DeFalco queries?

If human dynamics, especially of care and affect, are premised upon the "more immediate connection at the heart of cultural imaginaries of affection," as Puig de la Bellacasa puts it (2017, p. 103), then is the creaturely touch and connection so radically distinct from the equally *touchable* connection offered by care robots? Further, if *human* sociality, especially in the elderly, the chronically ill, the socially inept, hinges on the carer robot's companionship—the human–non-human dynamics—then on what grounds do we discriminate against the robot by excluding it from the status of "persons"?

If the human's evolution has been, as commentators (Braidotti, 2013) suggest, a *co*-evolution with both technology and the non-human, then should kinship not be seen as more-than and other-than-human as well? The domesticated animal was a part of human evolutionary and civilizational history, and while it was not "family" it was a sort of kin. Conversely, some classes of humans—slaves, for example—were never seen as either kin or family, while horses, dogs, and others were treated like members of the family. So now when we have the non-human-but-humanoid robot as a part of the clan, socius, and household, why would "it" not be kin? Why should we assume that kinship is always *only* human?

If human rights are directed at the human being entitled to fulfill her potential and aspirations, and we now have humanoid robots whose potential is designed and directed at serving the human, then would it be ethical to curb "its" potential? That is, if we have created robots programmed to serve humanity, does it not follow that we should ensure conditions in which "it" fulfills the potential it was made for/with (Petersen, 2007)?

If the evolution of the human is increasingly through techno-pharmacological innovation and intervention, then most humans are already cyborgs and posthuman. With medical and cognitive bioenhancement we see extended health spans and more immunological traits. We also see signs of moral bioenhancement that can not only erase "deviant" tendencies but actually amplify the more socially acceptable and valued qualities like altruism (Buchanan, 2011). In these contexts, as we cyborgise or posthumanize large sections of humanity, where do we draw the line of the humanity of the cyborg itself?

If the human aim is to become, collectively, less vulnerable to danger (including disease, injury, and mortality, especially in the transhumanism propounded by Nick Bostrom and others), then this same cyborgization will produce the enhanced-and-less-vulnerable as compared to the non-enhanced human persons. This means new classes of vulnerable humans will emerge. In such a context, is the vulnerability of the humanoid robot to danger any different from the vulnerability of the non-enhanced human, for we recognize that vulnerability is not exclusive to the human (Coeckelbergh, 2011; Leido & Rueda, 2021).

If the human is marked by empathy, then we need to distinguish between an embodied affective empathy and cognitive empathic ability. The question, as Stefan Herbrechter enunciates it, is "whether a robot (or software, or smart environments, AI, etc.) *understand* [sic] empathy, whether they can *know* what humans *feel* (which would of course make them virtually human" (Herbrechter, 2022, p. 186, emphasis in original). If humanoid robots possess the latter—the ability to understand and eventually mimic human empathy even if empathy is not an embodied state in "it," then how/why would we see them as less than human?

If the dignity of the human person—enshrined in the Universal Declaration of Human Rights—inheres in her ability to exercise her rationality and the autonomy to make choices (Mendz & Cook, 2021), then is it possible to deny this dignity to humanoid robots, who approximate to the human in several ways and differ from it in several, who are able to do the same?

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