

The Machine Question: Can Machines Have Rights?

David J. Gunkel – Northern Illinois University USA – dgunkel@niu.edu

Work in the new field of machine morality (Allen & Wallach, 2009), machine ethics (Anderson & Anderson 2011), and roboethics (Lin et al. 2012) generally focuses attention on the decision making capabilities and actions of machines and the consequences of this behavior for human beings and human social institutions. Absent from the current literature, however, is a sustained consideration of the other side of this issue—that is, the question of machine rights. This paper will take up and investigate whether it is possible for a machine (defined broadly and including artifacts like software bots, algorithms, embodied robots, etc.) to have or be ascribed anything like rights, understood as the entitlements or interests of a moral subject that need to be respected and taken into account.

Because there are a number of different and competing methods by which to examine and decide the question of rights, the paper will not supply one definitive answer. Instead it will consider four related aspects that taken together add up to an affirmative response to the question concerning machine rights.

1) *Instrumentalism*

We will begin by examining the structural limitations of the instrumental theory of technology, the standard method for defining artifacts as tools and securing human exceptionalism in matters of moral concern. This part of the paper will examine recent advancements in machine learning and autonomy that have the effect of challenging and even contravening the instrumental view of things.

2) *Moral Personhood*

We will then take-up and investigate the question of moral personhood, one of the most widely recognized criteria for deciding questions of moral agency and the rights of others. In this section of the paper, we demonstrate how the concept "person" not only fails to exclude artificial entities but can be readily accommodated to fit various types of current and future machines.

3) *Animal Rights Philosophy*

In the third section, we will consider possibilities for extending to machines the innovations of animal rights philosophy, a twentieth century development that focused attention on moral patiency instead of agency and, in the process, effectively granted some level of moral standing to previously excluded non-human entities.

4) *Thinking Otherwise*

Finally, we will consider things otherwise, looking in particular at recent developments in moral theory including environmental ethics, information ethics, and social-relational ethics, all of which provide different and innovative ways to think the question of rights that is open to others and other forms of moral subjectivity, including many kinds of artifacts and machines.

In the end, the paper will demonstrate, following a precedent supplied by Tom Regan's (1983) innovative work in animal rights philosophy, not one reason for extending rights to machines but a "cumulative argument" that makes denying the rights of machines something that is both logically inconsistent and morally questionable. In doing so, the paper aims to contribute new insight for the debates concerning the moral and legal situation of increasingly autonomous machines and artifacts.