

## Mind and Metal: Victimless Crimes, Humans and Artificial Intelligence

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Asimov gave us three laws for robots in a science fiction short story in 1942, *Runaround*. These purported to regulate the behavior of robots which could be described as rooted in criminal laws, Good Samaritan laws, contract and property laws.<sup>1</sup> The robopsychologist of other science fiction stories attended to the concerns over robotic behavior. But more than 60 years later, it is becoming increasingly obvious that there is potentially a need for laws for the behavior of humans in their interaction with robotics, artificial intelligence and virtual characters --- not because of concern for the well-being of the robot, but concern for the effects that the interaction will have on humans.

Using the U.S. Supreme Court case, *Ashcroft v. Free Speech Coalition*, 122 S. Ct. 1389 (2002), as a spring board to view how the law regards human interactions with virtual images, this research examines the question of whether our society should regulate behavior that would be otherwise criminal when the action is toward a non-human. If the answer is “yes”, does it rise to the level of being at least a victimless crime, like other constructs in criminal law (prostitution, gambling, etc.)? Arguing against this premise is the reluctance to peer too far into the human mind to find a crime (and for good reason) but does robotics and artificial intelligence present society with an interaction so potentially destructive from others that it warrants regulating?

The answer to this ethical and legal question is considered in context with evidence from other disciplines – psychological studies of human interactions with artificial intelligence and whether it creates inclinations to commit more or greater crimes as a result of the interaction; the statistical measures of time spent on social media and computer interactions and its correlative effects. Other human-AI interactions that may inform this inquiry are also explored such as gaming for modeling military maneuvers, gaming that models virtual murder, rape or other crimes and employment and labor law concerns about human-robotic interactions.

The title, “Mind and Metal” is in honor of Isaac Asimov’s choice of title that was rejected in favor of “I, Robot.”

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<sup>1</sup> (1) A robot may not injure a human being or, through inaction, allow a human being to come to harm; (2) A robot must obey the orders given to it by human beings, except where such orders would conflict with the First Law; and (3) A robot must protect its own existence as long as such protection does not conflict with the First or Second Law.