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SUSTAINABILITY OF ARTIFICIAL INTELLIGENCE: RECONCILING HUMAN RIGHTS WITH LEGAL RIGHTS OF ROBOTS

Abstract: With the advancement of artificial intelligence and humanoid robotics and an ongoing debate between human rights and rule of law, moral philosophers, legal and political scientists are facing difficulties to answer the questions like, “Do humanoid robots have same rights as of humans and if these rights are superior to human rights or not and why?” This paper argues that the sustainability of human rights will be under question because, in near future the scientists (considerably the most rational people) will be the biggest critics of the human rights. Whereas to make artificial intelligence sustainable, it is very important to reconcile it with human rights. Above all, there is a need to find a consensus between human rights and robotics rights in the framework of our established legal systems.

Key Words: Artificial intelligence, robotics, human rights, legal rights, sustainability

УСТОЙЧИВОСТЬ ИСКУССТВЕННОГО ИНТЕЛЛЕКТА: УРЕГУЛИРОВАНИЕ ПРАВ ЧЕЛОВЕКА С ЮРИДИЧЕСКИМИ ПРАВАМИ РОБОТОВ

Аннотация: С развитием искусственного интеллекта, гуманоидной робототехники и продолжающихся дебатов между правами человека и верховенством закона, философы и ученые сталкиваются с трудностями в ответах на такие вопросы как, «Имеют ли гуманоидные роботы такие же права как люди? Превосходят ли они права человека или нет, почему?» Данная статья утверждает, что устойчивость прав человека будет находиться под вопросом, потому что, в ближайшем будущем ученые (значительно самые

рациональные люди) будут крупнейшими критиками прав человека. Принимая во внимание, что для того, чтобы сделать искусственный интеллект стабильным, очень важно урегулировать его с правами человека. Прежде всего, необходимо найти консенсус между правами человека и правами роботов в рамках наших установленных правовых систем.

Ключевые слова: искусственный интеллект, робототехника, права человека, юридические права, устойчивость

ЖАСАЛМА ИНТЕЛЛЕКТТИН ТУРУКТУУЛУГУ: АДАМ УКУКТАРЫН РОБОТТОРДУН ЮРИДИКАЛЫК УКУКТАРЫ МЕНЕН ИРЕТКЕ САЛУУ

Кыскача мазмуну: Жасалма интеллекттин, гуманоид робототехниканын жана адам укуктары менен мыйзам үстөмдүгү жөнүндө уланып жаткан талкуулардын көбөйүшү менен бирге, философ менен окумуштуулар «Гуманоид роботтар адамдар сыяктуу адам укуктарына ээби? Алардын адам укуктары бирдей би же жокпу, эмне себептен? деген суроолорго жооп берүүдө кыйынчылыктар менен кезигишүүдө. Азыркы макала, адам укуктардын туруктуулугу суроо алдында маселе болууда себеби жакынкы келечекте окумуштуулар (биркыйла эң рационалдуу адамдар) адам укуктарын сынга алышат деп белгилөөдө. Жасалма интеллектти туруктуу кылыш учун эң керектүүсү аны адам укуктары менен иретке салуу керектигин көңүлгө алуу керек. Негизинен, адам укуктары жана роботтордун укуктары арасында бекитилген укуктук системада консенсус табуу зарыл.

Негизги сөздөр: жасалма интеллект, робототехника, адам укуктары, юридикалык укуктар, туруктуулук

INTRODUCTION

We realize this fact that at this stage, our ideas may be not coherent about the topic, but we strongly feel the importance of exploring this area and to look at legal systems and human rights through the prism of applied sciences especially biological, cognitive and behavioral sciences.

We are writing this paper with this cautionary proviso that our goal is not to provide any conclusive argument but to learn by exploring this relatively new domain of legal and political philosophy.

Many scientists are extending case of human rights to the artificial intelligent robots. “Suzanne Gildert, a co-founder and chief scientific officer of Kindred AI, a Vancouver startup whose backers include Google’s venture capital arm said, “A subset of the artificial intelligence developed in the next few decades will be very human-like. I believe these entities should have the same rights as humans,” AI-based robots and software programs are increasingly performing tasks – from beating chess champs to driving cars – that, previously, could only be done by humans. From Hollywood to the halls of the European Parliament, questions are being raised about whether robots with human abilities should be treated like humans too. AI/human hybrids will become a reality in the future.” [1]

Is there something intrinsic about human which makes it human? Should artificially intelligent robots have the same rights as humans? How to articulate law when dealing with an object which is half human and half non-human? Where to draw a line between humanistic characteristics and artificial characteristics of subjects? Can Human Rights also advocate on the behalf of non-human legal entities? Should law facilitate rights of human only? What will be the future of Human Rights in the presence of robotic rights? And many questions of this sort are emerging in applied sciences scholarship which compromise the sustainability of human rights and legal systems itself.

But even if we ignore the case of future of the robotics, still we have many cases where many non-human entities are enjoying legal rights. For example, Ganges river has become first non-human entity in India to be granted the same legal rights as of people. [2] Recently, Saudi Arabia gave its citizenship to a robot [Sophia] which garnered mockery from social media users as the robot may have more rights than human women in the kingdom. [3] The European Parliament released a draft report earlier this year proposing granting autonomous robots "personhood." The idea would grant legal status to robots to establish liability but would not confer on them rights given to humans. By this report, European Parliament legislative initiative invited the commission to present a legislative proposal. [4]

At this point, Ray Kurzweil's concerns are of serious importance. He says that there is no way to prove that one entity is conscious, and another is not. If morality and rights are based on consciousness, and if consciousness is not a scientifically testable proposition, then we must conclude that there is a proper role for philosophy, which is the study of important matters that cannot be resolved through scientific experimentation alone. Indeed, the idea of rights may be philosophy's fundamental issue. If an AI can convince us that it is at human levels in its responses, and if we are convinced that it is experiencing the subjective states that it claims, then we will accept that it can experience suffering and joy. At that point AIs will demand rights, and because of our ability to empathize, we will be inclined to grant them. [5]

Legal scholars, often discuss to accommodate different legal systems under the heading of legal pluralism but robotics rights will be a challenging area to adjust with established legal systems including international law.

THEORETICAL DISCUSSION

Many scholars have examined the philosophical and normative relationship between law and human rights. A discourse has emerged in legal scholarship which indicates a conflict between human rights and rule of law mostly on three levels.

On an Ontological level, the philosophical issues and the extent of concern have highlighted that the law and human rights have adopted a different part. It is interesting to investigate that how these two regimes are driving towards the same, or different, ends? Legal philosophers have shed a very little light on the conflicted area of the normative relationship between human rights and legal rights, hence created a knowledge gap. In majority of the cases, human rights set grounds for legal rights. Moreover, despite a huge criticism of natural rights theories, natural rights dominated the language used in the drafting of international treaties and UN Declaration of Human Rights. Later, international law demands states and international organizations to act as a part of international community and call persons to function as members of society, rather than as mere individuals belonging to a specific society.

On a political level, the accommodation of human rights norms by national and international organization according to the international legal standards is questioned. States and the

international legal institutes demonstrate their unwillingness on showing any flexibility towards human rights parameters mentioned in international treaties and conventions. Whereas human rights institutions criticize the cultural and political relativistic approach of the states. In near future, when robots will be used as killing machines then many questions related to humanitarian law will emerge and, scientists will adopt a culturally relative [scientific culture] defensive position in the favor of robots.

On a pragmatic level, it has been observed that states pursue human rights as an instrument to legitimize western hegemony on them and strongly criticize the lack of enforcement of human rights when it comes to international organization and international law regimes. Although AI and robotics is a common asset of humanity but by giving them legal rights and certain cases preferring their rights over human rights will create a negative impact on those states who already pursue human rights as an instrument to legitimize western hegemony on them.

It is argued that the international legal institutions and human rights have divergent philosophical backgrounds and goals. Human are referred as persons but not as a body. The concept of body is not well defined in legal scholarship. The normative relationship between law and human rights is complex but a triangle of law, human rights and robotic rights will be more complex. At least some, if not all, human rights norms are likely to be hierarchically superior within international law to organizational law. This position is reflected in the case law and statements of numerous human rights bodies as well as the European Court of Justice. On the other hand, the position of robotic rights is still needed to be determined.

When there is already a conflict between human rights and legal regimes, the humanoid robotics and artificial intelligent bodies will add fuel to the fire. The balloon of human rights is expanding, and legal systems are not able to accommodate them. With the introduction of AI bodies, the scientists will become more skeptic about human rights because legal system will create hurdles in the way of their progressive research related to the artificial intelligent bodies in contrast to human bodies.

CONCLUSION

The discussion on legal rights of robots is taking us back to the classic debate of “sources of law” among legal philosophers. It seems that the social contract will be disturbed by the introduction

of artificial but conscious bodies. Human Rights are evolving with an enormous speed and legal systems are not able to fulfil the demands of human rights regimes. At this point, when artificial bodies are also evolving and even in some cases, already claiming legal rights, it is a huge challenge for legal scientists to come up with a mechanism to accommodate robotic rights in current legal systems. The legal systems and regimes should clearly define and protect the sanctity of human body. The sustainability of artificial intelligence demands a consensus between human and robotic rights protected by legal systems.

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