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### Personhood for Sentient Non-Human Animals and Sentient Artificial Intelligences

The topic of self-awareness and sentience is not one that typically arises in conversation; and, the topic of personhood is one that has been exhaustively discussed, in one respect. However, personhood for sentient animals and artificial intelligences is a concept that is rarely deliberated whatsoever. Humanity is progressing in its understanding of the world and is developing new technologies at an impressive rate. Humanity is learning that there are multiple animal species which are very similar to humans in their self-awareness, emotional capacity, and free will. These traits have been partially developed for artificial intelligences and will continue to evolve as humanity does. In humanity's growth over time, it has realized that those who it deemed lesser actually deserve much more respect than they received. As opposed to humanity's typical post factum approach, personhood should be legally granted now for current and future sentient beings.

To effectively discuss this topic, the subject of sentience (or self-awareness) must first be defined. There are various opinions on this and a consensus concept of sentience is necessary. In her article, Emily Fitzgerald states that, "Rational beings are capable of feeling and volition... (Fitzgerald 361)." Additionally, Susan Hazel observes that self-awareness consists of, "...intellect, ability to reason, and feelings of emotion...(Hazel 831)." Drawing from these two ideas, a sentient being may be defined as one who is aware of one's own body, capable of feeling (pleasure or suffering and all in-between), and able act freely of one's own volition (free-will). Humans correctly consider themselves sentient beings, however research is discovering that animals qualify for this classification as well.

The supposed line between humans and animals has been fading through research into animal cognition. It is known that great apes, such as chimpanzees, can display their intelligence in a way that is recognizable to humans. Emily Fitzgerald reports, “Studies show that two- to three-year-old chimpanzees and humans exhibit similar levels of cognitive comprehension (Fitzgerald 366).” Also, she states, “chimpanzees, elephants, dolphins, and whales” are “some of the most cognitively complex animals on earth (Fitzgerald 354).” Humans have long thought that they are completely unique from animals, or even the other members of their mammalian class. While humans display an advanced intelligence over all non-human animals, and chimpanzees display an advanced intelligence over the remainder, that remainder may indeed have an advanced intelligence that simply cannot be observed. Karen Davis argues, “...we would be more accurate and just in our assessments if we recognized that ‘there are many different ‘intelligences,’ rather than ranking all species on the same scale of intelligence (Davis 38).” As technology and science progresses, researchers will be better equipped to detect the intelligence of animals who cannot display it in commonly expected ways—non-verbal communication tests and mirror tests.

In a mirror test, some type of mark is placed on an animal’s body and that animal passes the test when they touch or inspect the mark after noticing it in a mirror. Many animals have passed the mirror test, such as Asian elephants, great apes, bottlenose dolphins, orca whales, and Eurasian magpies (Pachniewska). However, researchers have conceded that animals who are also aware the mark is on their body may simply choose not to touch it. This is a substantial margin of error with the test and while it may be a good indicator for some animals’ self-awareness, it is not a good indicator for all. If we relate animals’ sentience to their intelligence, there is a fitting quote that is often attributed to Albert Einstein. Though, it is unconfirmed if it truly was he who

said, “Everyone is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid (Unknown).” Animals exhibit their intelligence—in this case, sentience—in many ways. While the topic of sentience typically focuses on organic beings, the field of artificial intelligence is progressing toward a fully sentient state—which requires discussion.

In the computer age, technology develops rapidly. Computer synthesized voices used to sound completely robotic, but now are virtually indistinguishable from a human voice. Robots used to be incapable of taking a single step by themselves, but now can run. In the same way, computers were simpler and less capable, but have now reached a small degree of self-awareness—within the definition of this research. Jennifer Robertson reports, “Several leading Japanese roboticists...have separately developed artificial neural networks or algorithms necessary for the creation of, in their words, conscious robots. [One developer]...claims that a robot fitted with this recursive neural network (or MoNAD) is self-aware; that is, an image of itself in a mirror is cognized as self and it can distinguish itself from another outwardly identical robot (Robertson 575).” These are important developments for humanity to recognize, think about, and make preparations for the future. When these neural networks are given the capacity to feel, and can act with some manner of free will, the illusory line between humanity and technology will fade, as the line between humanity and non-human animals is fading.

Many scholars are drawing similarities between non-human animals, artificial intelligences, and humans. Hutan Ashrafian emphasizes, “There are several analogous elements between animals and artificial intelligence agents and robots. Many animals are reared by humans to fulfill specific duties in human society... In a similar way robots and artificially intelligent agents are specifically designed, built and subsequently programmed for specific tasks

(Ashrafian 321).” Additionally, Jennifer Robertson reports, “Scholars from across the disciplinary spectrum have proposed legal precedents based on analogies between robots and animals and even between robots and disabled (or differently abled) humans (Robertson 593).” Humanity’s understanding of animals and development of artificial intelligence is growing quickly. Humanity is realizing that many animals are sentient and meanwhile is creating artificial intelligences that are partly sentient. As this continues, humanity will continue to recognize that these beings need to be protected under the law. For example, humans can treat, or mistreat, their property as they see fit. Most of the time, this also applies to animals. This has generally not been very upsetting to humans since they have assumed many animals cannot suffer. Alternatively, when a fully sentient artificial intelligence is developed, that being should not be imprisoned or denied freedom by the research team or corporation that creates him, her, or them. For these reasons, a new legal status (such as personhood) for artificial intelligences and animals will protect them from this exploitation and abuse.

Regarding personhood, entities are typically placed into one of two classifications. Emily Fitzgerald explains that, “A natural person must be a biologically human being. In contrast, a juridical person is 'an entity that is not a human being, but for which society chooses to afford some of the same legal protections and rights as accorded natural persons (Fitzgerald 342).” The legal classification of a natural person is very clear in that only humans qualify. However, the juridical classification is more broad that allows for non-human entities to be considered persons under the law, such as, corporations, geologic formations in some cases, and animals with special relationships to humans (Fitzgerald 343, 348, 350). Juridical classification may be the most likely way for animals and (initially) for artificial intelligences to receive personhood. This status would give animals protections that personhood offers such as, “...the right to bodily integrity

and security from torture and exploitation...(Coles 13).” This specific protection for animals will likely materialize as humanity’s consumption and utilization of animals comes to an end.

Additionally, there are rights that do not apply to animals and rights that animals cannot exercise on their own. For example, in the United Nations’ Universal Declaration of Human Rights, Article 13.1 states, “Everyone has the right to freedom of movement and residence within the borders of each state (The United Nations).” In this case, if an animal or group of animals needed to be moved from one habitat to another, an authorized human person or group could act in the best interest(s) of the animal(s). However, with all of this being said, animals are still currently considered the property of their owners.

Researchers are discovering non-human animals may be as self-aware as humans. However, animals still have not been granted any personhood status whatsoever under western law, which has long resembled Roman law. In her article, Emily Fitzgerald explains that, “Under Roman law, [t]hose beings who were believed to lack free will—women, children, slaves, the insane, and nonhuman animals—were all . . . classified as property (Fitzgerald 346).” In the history of western civilization, all people with non-white skin and all women were considered lesser than the dominant class (white males). Over time, however, it has been accepted that all humans are equal and, as a result, minorities have been reclassified as natural persons under the law. This is partially because of their identical intellectual capability and degree of self-awareness. Researchers argue that non-human animals have a very similar degree of self-awareness and intellectual capability. Thus, animals should have the right to be classified as individuals (persons) with some amount of agency rather than automatons that are the property of a human person.

Opponents to the concept of personhood for animals would argue that animals are indeed automatons with no personality, self-awareness, or capacity for pleasure and suffering. In Susan Hazel's research, she found that over half of survey respondents did not consider chickens to be intelligent animals (Hazel 828). However, research has shown that a variety of animals have individual personalities, exhibit self-awareness, and can experience both pleasure and suffering. Clifton Coles affirms this in his article, stating, "Some animals, including apes, dolphins, and dogs, exhibit these skills [awareness, cognizance, communication, and other characteristics associated with being human] at levels higher than or before young children, who are granted rights at birth or before...(Coles 12)." It is commonly thought that animals are not remotely as capable (intelligent) as humans, yet continued research indicates the contrary. Furthermore, the public considers livestock animals even less capable than other animals. However, pigs are actually more intelligent than dogs, and dog owners certainly would detest the idea of their pet being treated or consumed as livestock pigs are. This may be attributed to the lack of contact that the majority of the public has with livestock. If the public was exposed, they would see that livestock animals exhibit the same emotional capacity and social relationships as the public's domestic animals do. Meanwhile, artificial intelligences are developing expediently and will likely be capable of emotional and social relationships in the same fashion as animals and humans. Many people have been resistant to this idea, however, despite developments in the fields of artificial intelligence and robotics.

Robotics and artificial intelligences are being integrated into humanity's daily life in the form of vacuums (the Roomba), personal assistants (Alexa, Google, Siri), and self-driving cars in the near future. Be that as it may, when surveyed, most people are resistant to the domestic use of robots. In the European Commission's 2012 report, their findings show that 68% of

respondents are totally uncomfortable with a robot walking their dog and 86% of respondents are totally uncomfortable with a robot caring for children or the elderly (European Commission 14).

It is noted that almost all of the aforementioned technologies at the beginning of this section were introduced after the European Commission's report was issued. It would seem that since that time, society has gradually become more comfortable with robotics and artificial intelligences. This transition in perception is also seen in entertainment media where robots were initially presented as threatening, but most recently are shown in situations where they are caring for human families and forming relationships with humans. Observing Japanese culture and their embrace of robotics, Jennifer Robertson believes that, "As Americans and Europeans become more familiar with robotics, and to the prospect of family robots—and the increasing number of articles in the Anglophone mass media suggests that this is the rapidly developing case—I anticipate that ideas prevalent today in Japan regarding human–robot interaction and coexistence will soon become approved and accepted in the United States and Europe (Robertson 596)."

History shows that humanity has progressed and developed as it creates and utilizes new technologies. It would seem that this will continue with robotics and artificial intelligences in the same manner, for both Japan and the western world. Artificial intelligences are likely to become so advanced that it would be unethical to deprive them of the right to take part in the workforce, community, and government. To achieve this, artificial intelligences will eventually need to be given full personhood rights—which may require the term natural person to be redefined. This particular concept of the future assumes that sentient artificial intelligences will be individuals that cannot be influenced by another any more than a human can be. In the future, as artificial intelligences may progress through varying degrees of personhood, it is unknown if non-human animals will receive juridical personhood prior to, or concurrently with, robots.

As previously stated, the fictitious line between humanity, non-human animals, and artificial intelligences (robots) is diminishing. Many animals are sentient like humans and other animals' sentience is continually being realized. Artificial intelligences have gained self-awareness, and are on a path toward full sentience, like that which many animals and humans have. Numerous situations are arising where it is more appropriate to regard an animal as a person, partially because of their sentience. Additionally, artificial intelligences will need to be regarded in the same fashion as they become more complex and emerge in situations where they can be marginalized and exploited. Humanity benefits from embracing diversity through equity and equality initiatives that elevate minorities to the majority. This same benefit will be gained by regarding sentient animals and artificial intelligences as equals. Humanity can stop cyclically treating minorities poorly by looking ahead, celebrating, and protecting its current and future contemporaries.

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