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In the Face of the Robot

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The main opportunity or challenge that confronts us in the face of the robot is the fact that these artifacts are a curious sort of thing—a kind of anomaly that does not quite fit in the existing social order. On the one hand, they are designed and manufactured technological objects. They are things. And like any of the other things that we encounter and use each and every day, they only have instrumental value. In other words, they are a means to an end. Yet, and on the other hand, these things are not quite like other things. They seem to have social presence, they are able to talk and interact with us, and many are designed to mimic or simulate the capabilities and behaviors that are commonly associated with human or animal intelligence. Robots therefore invite and encourage zoomorphism, anthropomorphism, and even personification.

Consider, for example, what is now a rather common but still surprising social practice. Users of digital voice assistants, like Siri and Alexa, often find themselves saying “thank you” to the artifact. This is both curious and disorienting. We typically do not express gratitude to things. We use our automobile to travel around town without ever feeling the need to say “thank you” to the vehicle. But if we take a taxi or use a ride sharing service, we will—or we think we should—say “thank you” to the operator of the vehicle, whom we recognize as another person. Because digital voice assistants are things that talk like another person, we often (and rather unconsciously) respond to the object as if it were something other than a mere thing, e.g., a kind of someone to whom we feel obliged to say “thank you.”

It is, of course, possible and entirely reasonable to explain and excuse these behaviors as mistakes. But what these “mistakes” reveal and make visible is that the line dividing person from thing is neither fixed nor stable. The boundary separating *who* is a person from *what* is a thing has been flexible, dynamic, and alterable. This is actually a good thing; it is a feature and not a bug. Ethics and law both innovate and advance by critically questioning their own exclusivity and accommodating many previously excluded or marginalized others, recognizing as persons what had previously been considered things.

The question we now face in the face or face plate of the robot is to decide whether these artifacts are and can be treated as things that we (human beings) can use and even abuse as we decide and see fit? Or whether they would, due to their specific social circumstances and interpersonal contexts, require some level of personification and even the extension of some aspects of moral or legal personality? These questions, which have been a staple in science fiction since the moment the robot stepped foot on the stage of history—quite literally in this case, since the word “robot” is initially the product of a 1920 stage play by Czech playwright Karel Čapek—

are no longer a matter of fictional speculation. It is science fact and a very real legal and philosophical dilemma.

Resolving this seems pretty simple. All that would be needed is to assemble the facts and evidence, develop a convincing case, and then decide whether to categorize robots as one or the other. This is not just good reasoning, it's the law. In fact, the binary distinction separating who is a person from what is a thing has been the ruling conceptual opposition in both moral philosophy and jurisprudence for close to 2000 years. When the Roman jurist Gaius (130–180 CE), in a treatise he titled *Institutes*, explained that law involved two kinds of entities, either persons or things, he instituted a fundamental ontological division that has been definitive of Western (but not just Western) moral and legal systems. In the face of others—another human being, a nonhuman animal, a tree, an extraterrestrial, a robot, etc.—the first and perhaps most important question that must be addressed and resolved is “What is it?” Is it another *subject* similar to myself, to whom I would be obligated? Or is it just an *object* that can be taken-up, possessed, and used without any further consideration or concern?

Consequently, all that is needed is to decide whether robots are things or persons. Sounds easy enough. But this is much easier said than done. In fact, robots (along with artificial intelligence systems and other seemingly intelligent artifacts) do not quite fit or easily accommodate either category. Being neither an objectivized instrument that is a means to an end nor another kind of socially significant subject, these other kinds of socially situated others resist and confound efforts at both reification and personification. They therefore frustrate and complicate the prevailing order—the mutually exclusive either/or—that has helped us make sense of ourselves and others by distinguishing who is to be recognized as a legitimate social subject from what remains a mere object or thing.

Ultimately, however, this is not just about technological artifacts. It is about us. It is about the moral and legal ontologies that human beings have fabricated to make sense of all that is. It therefore is about and concerns the fate of a myriad of *others* whom we live alongside and that dwell with us on this exceptional and fragile planet. What is seen reflected in the face or faceplate of the robot is the fact that the existing moral and legal categories—a classification system that has persisted for close to 2000 years—are already broken or at least straining against their own limitations. And what is needed in response is not some forceful reassertion of more of the same but a significantly reformulated moral and legal ontology that can scale to the unique challenges of the 21st century and beyond. Confronting and responding to this will undoubtedly be as terrifying and exhilarating as any of the robot uprisings that have been imagined in science fiction, because getting this right will require nothing less

than a thorough rethinking of everything we thought was right, natural, and beyond question. Fasten your seatbelts; it's going to be quite a ride.