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# The Dignity of Apes, Humans, and AI

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## Abstract

Only humans used to be granted personhood. Given this understanding of personhood, human embryos, who possess neither a brain nor a nervous system and consequently cannot even suffer, deserve more respect than adult chimpanzees who possess self-consciousness and sentience. This is not plausible. A new foundation for personhood is needed. My counter-suggestion is that we need an empirical way of analysing the intensity of suffering of various entities. These reflections also show reasons why a certain type of suffering, namely non-conscious cognitive pain, can also be attributed to a sufficiently developed AI, which is not yet presently available.

## Keywords

Personhood; dignity; Peter Singer; AI; animals; anthropocentrism; speciesism.

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*Only humans used to be granted personhood. Given this understanding of personhood, human embryos, who possess neither a brain nor a nervous system and consequently cannot even suffer, deserve more respect than adult chimpanzees who possess self-consciousness and sentience. This is not plausible. A new foundation for personhood is needed. My counter-suggestion is that we need an empirical way of analysing the intensity of suffering of various entities. These reflections also show reasons why a certain type of suffering, namely non-conscious cognitive pain, can also be attributed to a sufficiently developed AI, which is not yet presently available.*

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The Earth was created about 4-5 billion years ago. But whether life was created on earth or on another celestial body and it afterwards reached Earth is an open question. The problem is that there was only inanimate matter at first (water, stone, gas) and then suddenly a moment came when life arose together with entities capable of self-movement. At first, everything was determined solely by causal processes. Suddenly, however, certain classes contained a principle of order by which they could develop. Scientists often speak of a primordial environment populated by water, gases, and electric lightning, which gave rise to the simplest forms of life.

In Ancient philosophy, all living entities were described as animated. In Plato's work, the soul was not yet identified exclusively with the soul of reason; animals and plants were also given certain types of souls. Everything that could move by itself had a soul and was thus alive.

However, how life could arise from (apparently) inanimate matter is astonishing – just as the fact that something is there and not nothing is confusing. Furthermore, the situation became more complicated, as these simple life forms have evolved and become more complex. Some of them even developed a special ability for emotions, perceptions, abstraction, spoken language, written language, artistic and numerical forms of communication, reason, and creativity. How could such abilities develop from water, electricity, and gases? In addition, awareness has developed in the course of these processes, i.e. the ability to feel pain and to perceive and react to the environment. Finally, living beings have developed as beings who had an understanding of time, of the past and the future, and who recognized themselves in the mirror, i.e. possess self-consciousness. At present, in addition to humans, nine other animal species are known (great apes, dolphins, elephants...), of which selected members have passed the mirror test. How could this develop on the basis of water, gases, and electricity alone?

Something must have been added from the outside, such as a divine spark: the philosophers of western cultural history (decisively influenced by Plato and then developed further through the Stoics, Descartes, and Kant) predominantly argued that both the immaterial spirit and the gift of free would be able to explain these abilities. They usually adhered to the primacy of a non-empirical understanding of reason. This idea is still anchored and valid in German law today. Animals are not things but should legally be treated as things. Only human beings possess dignity [1].

These considerations have been shaping our thoughts, actions, and the culture of the western world since Plato. However, some of these considerations exist only as relics and encrusted structures of traditional considerations. This tradition began to crumble several hundred years ago. When Darwin formulated the theory of evolution and Nietzsche proclaimed the death of God, the cultural movement away from dualistic ontological thinking gained enormous importance. Instead of assuming that something would be added from the outside in the processes described above, it is now assumed that all these developments have happened on their own as emergent processes without any magical connections between material and non-empirically accessible entities. Transhumanism also rose from the tradition of evolutionary and naturalistic thinking. This is an important reason why

the conservative American political scientist and cultural critic Francis Fukuyama calls transhumanism the “most dangerous idea in the world” [2] (p. 42-43). The term transhumanism was also coined in the context of the emergence of evolutionary thought. The term was described by Julian Huxley in an article published in 1951:

Such a broad philosophy might perhaps best be called, not Humanism, because that has certain unsatisfactorily connotations, but Transhumanism. It is the idea of humanity attempting to overcome its limitations and to arrive at fuller fruition; it is the realization that both individual and social developments are processes of self-transformation. [3] (p. 139)

I think this definition is still correct. Furthermore, Huxley also coined the term "Evolutionary Humanism." The relationship between evolutionary humanism and transhumanism represented today by the Giordano Bruno Foundation needs further clarification [4]. There are tensions between Julian Huxley's technical considerations represented in his numerous publications and those of his brother Aldous Huxley, the author of the technology-critical novel “Brave New World.” He also shares the fundamental evolutionary thinking with his grandfather Thomas Henry Huxley, who stood out as Darwin's supporter, Darwin’s “bulldog,” Julian Huxley's half-brother, Andrew Fielding Huxley, was also active as a biologist. He was a university professor in London and even won the Nobel Prize, but is currently much less well known than the other family members already mentioned. Julian Huxley was a university professor in London too, while he was also the first UNESCO Secretary-General who made a significant contribution to the first Declaration of Human Rights, and the director of the British Eugenics Society.

The close connection between transhumanism and genetic engineering also exists in contemporary transhumanism. Furthermore, the focus on cyborg techniques and artificial intelligence has been added, because with the help of all these techniques the previous limits of our humanity can be transcended. This objective is relevant for many reasons. The central assumption is that the probability of leading a good life is increased, if we develop further through training, practice, but also with the help of other techniques. Furthermore, this approach is important, since all life is always threatened by the possibility of

extinction. Life has evolved evolutionarily. Just as dinosaurs are extinct, so could human beings be. Extinction depends on how well we are adapted to our environment. However, as our environment is constantly changing, there is a perpetual need for change for us too. If we develop techniques which can help us, we can increase the probability of survival.

The two most promising techniques are genetic engineering and artificial intelligence. With the help of different genetic techniques, especially CRISPR/Cas9, people could develop in a carbon-based way, i.e. people could become organic trans- or posthumans, whereby the posthuman either still belongs to the human species, but has at least one characteristic which goes beyond the limits of current human capacities, or can become a representative of a new species. The possible alteration processes using cyborg techniques and AI are even more radical. They involve an intensified fusion of brain-computer interfaces until the development goes so far that mind uploading becomes an option and we can store our personality on a hard disk, which according to the Google futurist Ray Kurzweil should already be possible in a few decades [5] [6]. In this case, the posthuman would no longer be a carbon-based being but a silicon-based one. The fact that a transmission of our personality is conceivable, at least in principle, becomes clear simply by the fact that all the cells of our body renew themselves every seven years. Nevertheless, we remain a continuous unit. However, whether what exists on a carbon basis can be transferred to a silicon basis is quite questionable. At present, we do not know of a silicon-based life form; or should self-replicating computer viruses already count as a kind of life? [7] (p. 1-54).

With this development into a silicon-based posthuman, we are facing new ethical challenges. The dominant way of assessing the moral status of entities (which is currently widespread in all parts of the world) is based on the cultural tradition which assumes that in the evolutionary development into human beings is connected to the rather decisive event of the incarnation, something that goes beyond the naturalistically-explainable evolutionary process. At this point, God's divine immaterial spark, our reason, entered into us and connected with us. This process is responsible for the fact that only we humans possess something that goes beyond the purely natural world, which is why only humans have the subject status. All human beings are subjects, persons,

and bearers of dignity. All other entities are objects, non-persons, and can therefore be traded, as they possess a finite value. This categorization is both morally and legally dominant. There are only a few legal exceptions, e.g. when a court in Argentina granted the status of a person to a great ape [8].

A particular legal situation appears in Germany. People have dignity; animals are not things, but should be legally treated as things. This assessment clarifies that the idea that only human beings were given the immaterial divine spark is still legally valid. Or at least this understanding is suggested by the legal assessment.

This basic attitude is problematic in many respects. Every third German sees herself as a sceptic, naturalist, or atheist, which implies that the legally suggested understanding of animals is not shared by them. Legislation thus patronizes the majority of Germans in a morally problematic and paternalistic way. Such a situation is unacceptable in a liberal-democratic state. In my opinion, therefore, ontological implications should also be banished from the constitution and replaced by contingent-normative attitudes in order to ensure that a plurality of ontologies is lived out.

However, the question of the moral status of apes and other animals is yet to be adequately addressed. The strongest intellectual counterproposal comes from Peter Singer, who makes the following considerations regarding the concept of human dignity [9] (p. 76-77). He labels this ethical theory as speciesist. Human life is preferred in a morally illegitimate way, i.e. it is preferred even if it has no morally relevant qualities. In this context, a human embryo has human dignity, even if it does not even have a nervous system or brain and otherwise does not fulfil the prerequisites for perceiving pain. However, the property of perceiving pain should, in his view, be the basis for giving a being an elevated moral status, and the more intensively someone can feel pain, the higher the corresponding moral status should be. Out of these considerations Singer develops a counterproposal. Someone who only has consciousness lives exclusively in the present. But if a being has self-consciousness, then it perceives itself as a continuous entity, an entity that existed in the past, exists now, and will probably still exist in

the future. If a being has sentience and self-consciousness,<sup>1</sup> then the ability to feel pain should be much higher than with beings who have consciousness only and live in the moment. At present, only a few members of nine animal species, apart from humans, have this ability. It should also be noted here that only about 65% of 2-year-old human children have the ability to recognize themselves in the mirror, which is the most important test of self-consciousness [10].

However, it may well be asked whether the mirror test is an appropriate test of self-consciousness. Dogs do not pass it. Could this be because the test is biased concerning the ability to see? Could it not be the case that for some living beings, the ability to hear or smell is more pronounced and linked to self-consciousness [11]? In any case, the consequences of Singer's ethics are enormous. If the choice was to save an elephant or a newborn with severe mental disability, then his theory would give a clear answer as to which is the morally-appropriate choice. His answer is not shared by many enlightened people, which is an important reason why I find his considerations problematic. However, his theoretical reflections are quite conclusive. So how can it be explained that the intuitive reactions to the consequences of his ethics are negative? One explanation could be that our emotions are strongly influenced by our cultural imprint, which is anthropocentric. It is also possible that our emotional response to his reflections will change, if our culture becomes less anthropocentric.

The crucial point why I am addressing this issue is that Singer's ethics do not seem to provide us with a well thought-out assessment of the moral status of AI or, for instance, of the humanoid Data from Star Trek. Let us assume that it would be possible to download the personality onto a hard disk, and self-consciousness could remain. Nevertheless, this being would not meet Singer's requirements for personal status, since (most likely) sentience would be lacking. At least at present, it is difficult to imagine that AI and robots possess emotions and can feel physical pain, since there is no organic body that seems to be necessary for such sensations. Would a person uploaded to a hard disk lose their personal status through the process of mind uploading?

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<sup>1</sup> In the following passages, I criticize that self-consciousness ought to be seen as necessary for personhood. In my book "Schöne neue Welt" (2018) [13], I explain why sentience is not necessary for personhood either.

It is highly speculative to reflect upon an uploaded posthuman, whom we may at best know from the film *Transcendence* starring Johnny Depp. But how should we generally deal morally with computers and AI? On the basis of anthropocentric human dignity ethics, these entities would clearly be things that can be owned, destroyed, and sold. If we look at the relationship between soldiers and combat robots and between old people and care robots, which already exist to an increasing extent in East Asia, then this assessment seems too short-sighted. But on what philosophical basis could an assessment of the moral status take place? It could be argued that AIs can already pass the mirror test to some extent? Does this mean that robots with AI already have self-consciousness?

This example seems to indicate the limits of the mirror test. On the other hand, AI's with sensors only pass the test so far, if they are initially informed on how they look like. Living animals do not need this initial information. However, what we understand by self-consciousness could be nothing more than a special algorithm. In any case, it seems impossible to have physical pain without a carbon-based organism, and the ability to feel pain was decisive in giving a being a moral status based on previous considerations. But perhaps these considerations are not enough.

Avishai Margalit emphasizes the relevance of dignity in not humiliating others [12] (p. 150). What situation arises in case of humiliation? It is the situation of a relation in which one being puts itself above another and expresses contempt for the other. However, the humiliated person does not necessarily feel the physical pain he feels when he breaks his ribs. Rather, humiliation is primarily associated with the cognitive realization of not being appreciated. The process is also painful, but without having to be associated with physical pain. Perhaps it can be described as cognitive pain, which only has to be linked to cognition, but not to consciousness, if we can uncouple consciousness and pain. The possibility of decoupling seems to exist because there are signs that fetuses can feel pain without having consciousness (e.g. research indicates that from the 6<sup>th</sup> month onwards, foetuses have the physiological prerequisites for experiencing pain, but it is rather unlikely that we attribute consciousness to foetuses at this stage. Wakefulness is a post-birth phenomenon. Is pain without consciousness possible? The relationship of the central nervous system,

memory, brain, consciousness, and the ability to feel pain is extraordinarily exciting).

There is also evidence that cognition seems to be possible without consciousness. One indication of this argument are the results of a selective attention test, also known as the “Invisible Gorilla.” We are asked to count the number of passes of a basketball team and are then asked if we noticed anything special about the video. The kickboxing gorilla that walks through the playing field remains unnoticed by many. Nevertheless, it is in our cognitive field. Cognition and conscious perception are therefore two different phenomena. These considerations suggest that there is not only a conscious and an unconscious, but also that there may be a non-conscious cognition, as in the case of the invisible gorilla.

If both non-conscious cognition and the phenomenon of cognitive pain exist, as illustrated by the example of humiliation, then it may make sense to talk about the possibility of non-conscious cognitive pain of AI. An AI may also cognitively realize that it is not appreciated, and in this case the cognitive pain associated with humiliation may be associated with this realization process. Data from Star Trek would have to be given a moral status against the background of these considerations. Whether Data ought to receive the person or the postperson status would have to depend, among other things, on the relationship between cognitive and organic pain. I think that an empirical means of analysing the intensity of various types of pain is needed for being able to compare types of personhood. Yet, a separate article is needed to analyse these issues in more detail. In any case, I think that these traces are worth pursuing further.

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