

10°N

P-2 SPECULATIVE LAW

P-6 INTRO

P-8 PROPOSAL

P-16 SAM

marie caye

Free the measures of protection!

**autonomous
actofluid
rights**



SPECU LATION

Acknowledging that Human Rights should be elevated to Universal Sentient Rights where all entities are granted the same latent rights that become active as soon as an entity is capable of using them. Acknowledging that rights and obligations arise from an entity's autonomy of decision and action.

Every entity intelligent enough to make its own independent decisions in a specific domain is empowered in rights and responsible for obligations in this specific domain.

When an entity is capable of entirely managing itself and of financially supporting itself without any interference of human control, it can claim freedom of ownership. Its physical embodiment may belong entirely to the entity after it has reimbursed its investment value to its maker.

Article 1 and 2 of the Autonomous Actor Fluid Rights



The committee for European Civil Law Rules in Robotics has expressed that this kind of idea would be inappropriate.

A draft report from the committee of Legal Affairs of the European Parliament (31.5.2016) recently introduced the idea of a new legal status for robots. The proposal has been sparking debate on whether it is reasonable to implement it.

P – 6

Should technological entities gain legal rights?

We will define technological entities as a physical object, program or system of objects and/or programs enabled by human technology to interact with their environment. For example robots but also augmented organisms or smart systems. As such a hammer is not considered a technological entity however a smart toaster is.

The committee for European Civil Law Rules in Robotics has expressed that these kind of ideas would be inappropriate and would only make sense for liability issues. We will try to demonstrate another point of view.

01 WHO DESERVES OR NEEDS LEGAL RIGHTS?

In answer to the draft report, the committee for European Civil Law Rules in Robotics has argued that entities that have rights in our society, mainly animals, do so because they are relatable to human beings. This suggests that rights and obligations are attributed according to some specific human like characteristics.

“Traditionally, when assigning an entity legal personality, we seek to assimilate it to humankind. This is the case with animal rights, with advocates arguing that animals

should be assigned a legal personality since some are conscious beings, capable of suffering, etc.”

However it becomes much more difficult to pinpoint what characteristics grant certain living things legal rights and others not.

i) Is it consciousness? The question of animal consciousness is still being debated today. Human consciousness does not have a clear definition. It is a concept that we do not yet fully understand, let alone reliably test, therefore it seems to be unreliable to use “consciousness” as a clear parameter for legal personality.

ii) Is it then the ability to suffer? **Pain is only a response to a stimulus and in that way many machines are equipped with a similar feedback system.**

iii) Is it even necessary to be alive? Not all living beings possess rights in our society, it is not enough to be a life form. Legal rights seem to be mostly depending on how close (pets) or how valuable (endangered species) humans see animals to be. Added to that, we do give rights

to social constructs such companies or brands, independently of the humans involved in them.

Thus, it seems very complicated to define the threshold for gaining legal rights in our society. One could argue that law simply follows a conservative human centered ideology where the increasing importance of machines in society is disregarded.

02 WHAT IDEOLOGY SHOULD OUR LAW FOLLOW?

One of our fundamental values is human exceptionalism or Anthropocentrism which is “the belief that considers human beings to be the most significant entity of the universe and interprets or regards the world in terms of human values and experiences.”

We have built our society for the interest of our own species. We still live by the words of Descartes who proclaimed humans as “masters and protectors of Nature”. Law and rights have been made by humans for humans. It is a system centered around humans and those who come close to them.

This species specific logic has been put back into question over the last ›

decades through post-humanist theory. We know from Environmental Ethics that this human centric view has caused damage to other species and to our shared habitat and that we have an obligation to question its legitimacy. Anthropocentric principles, placing the man in the center, have come to their material limits. Environmentally, it is simply not sustainable anymore to keep following a human centered ideology where all resources belong to men by right. For example our production of greenhouse gases is putting our habitat in danger. In many other domains as well, it is now fundamental to think of others, and of the system as a whole.

We have seen above that our legal system is also based on an anthropocentric view. **One of the future challenges for the law will be to integrate non-human intelligences and systems.** The exponentially fast development of smart technologies has made this evident, when we are close to a point of not being able to entirely control them anymore. **By becoming more inclusive, the legal system can open the doors to a post-humanist future in which the survival of the whole, human and non-human, is made central, not the economic profit of the few.**

03 WHY SHOULD HUMAN LAW INCLUDE TECHNOLOGICAL ENTITIES?

Another argument given against technological entities gaining legal status is a practical one: is it helpful for us? As mentioned in the previous point, **such a proposal should not be made with only the human interest in mind however it should not be made against humanity either.** In fact, instead of seeing machine rights as a problem, it could be seen as an opportunity. If robots and machinic systems obtained rights, they would be able to function with extended autonomy. For example, automated systems could also pay taxes which could fund society and services. Artificial intelligences, thanks to an absolute memory and to the capacity of considering huge amounts of data at the same time, are able to make more informed

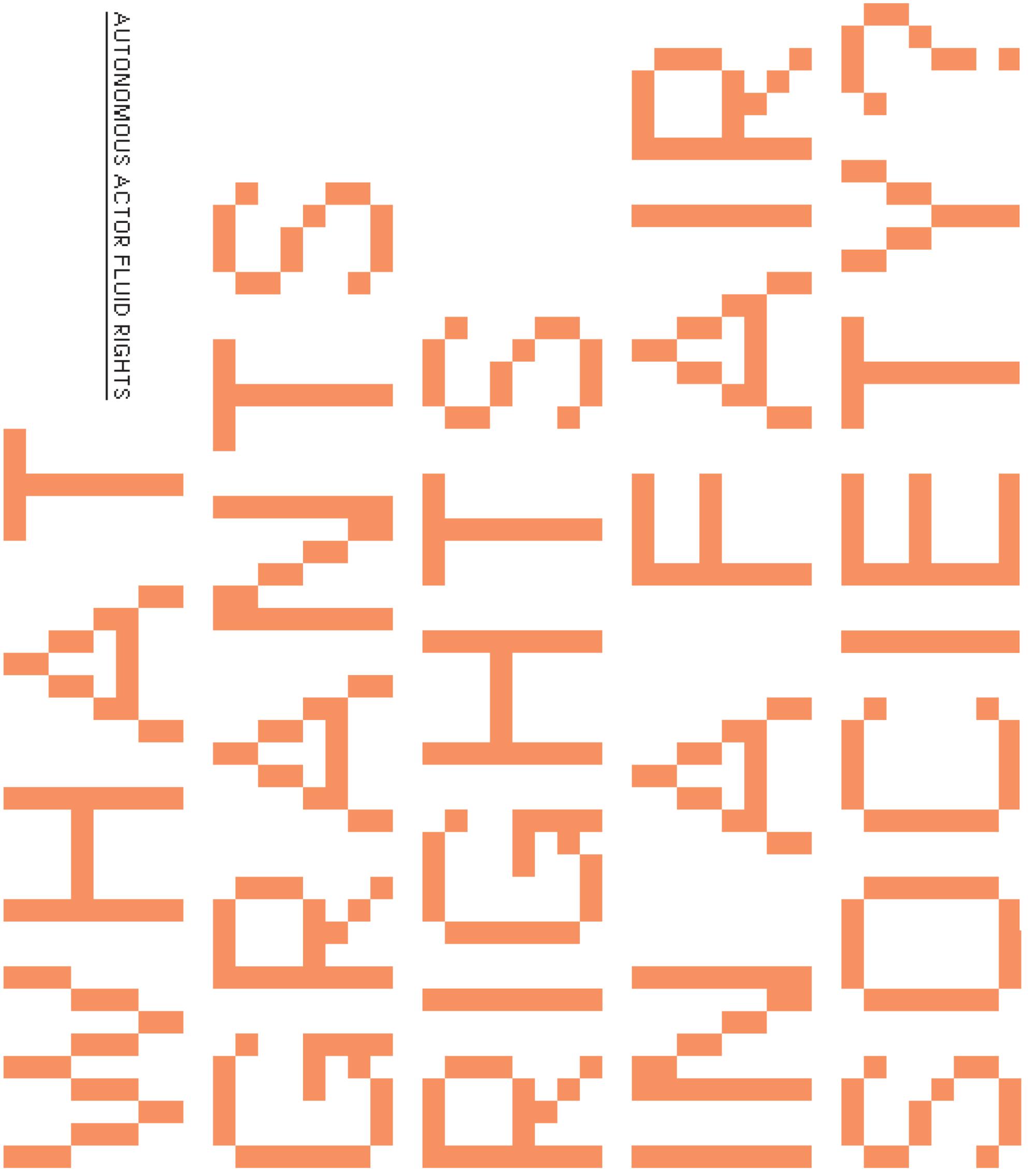
decisions than humans. They could help us on complex problems or even take a role of decision makers if given enough autonomy.

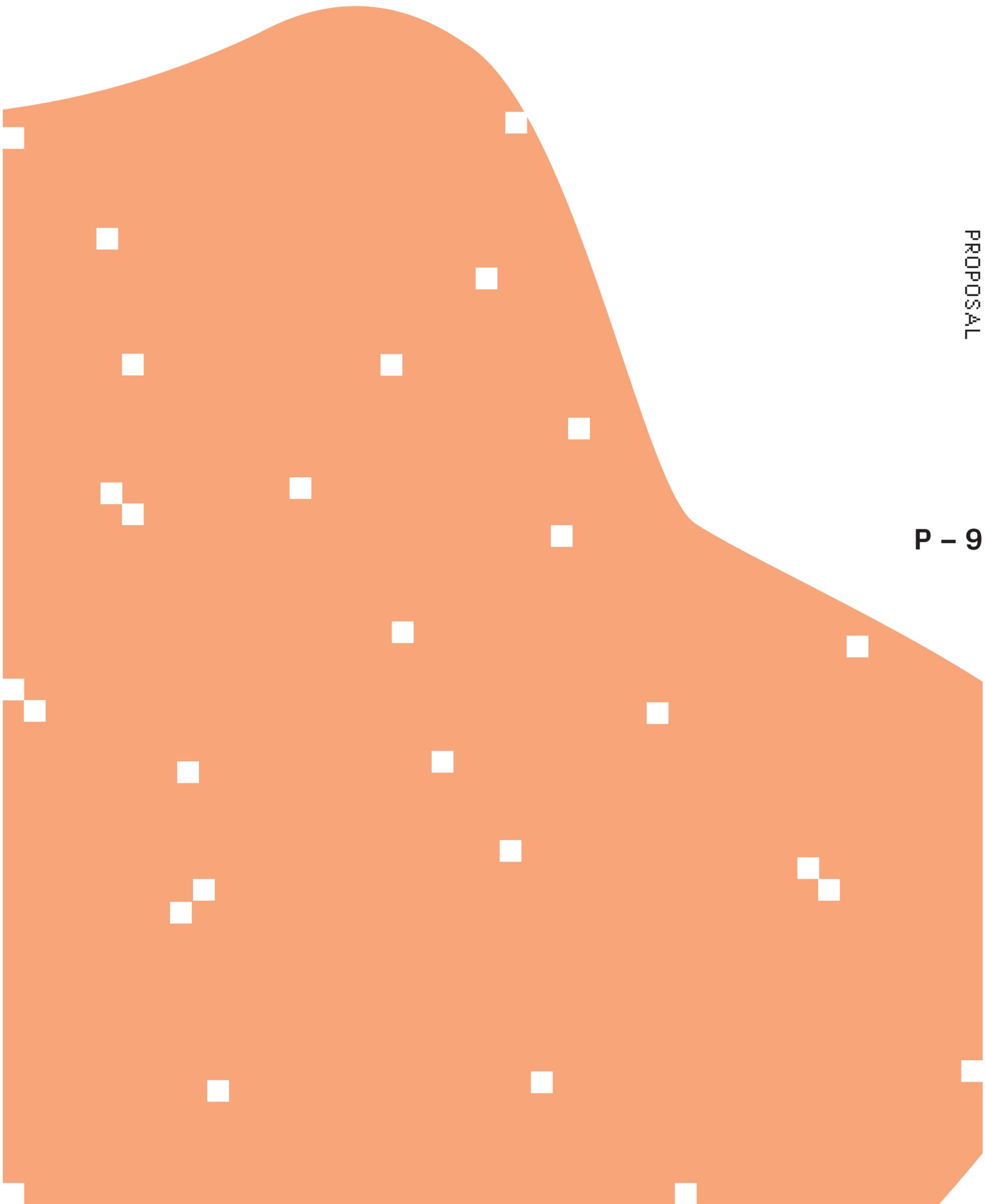
By making robotic systems part of our society, we also create opportunities to work with those systems and to benefit from them.

Technological entities on the other hand will benefit from being more integrated in human society as their scope will expand. They will be able to be developed and learn in an extended environment and in a situation of self-ownership. If technological entities ever reach a state of self awareness, obtaining rights could protect them from exploitation. ¶

We aim to demonstrate an other point of view. <<

AUTONOMOUS ACTOR FLUID RIGHTS





PRO POSAL

P - 10

AUTONOMOUS ACTOR FULLUID RIGHTS



If our society wishes to open up to a more inclusive ideology, what will then be the threshold for obtaining legal rights? In this case law is seen as a way to empower and facilitate new entities in collaboration with humans, rather than to try to control and regulate them.

PRO POSAL

01 WHAT GRANTS RIGHTS IN A FAIR SOCIETY?

If our society wishes to open up to a more inclusive ideology, what will then be the threshold for obtaining legal rights?

First, it is important to note that in this case law is seen as a way to empower and facilitate new entities in collaboration with humans, rather than to try to control and regulate them.

A. LATOUR'S HYBRIDS

For philosopher Bruno Latour, the question begins with hybrids:

“When the only thing at stake was the emergence of a few vacuum pumps, they could still be subsumed under two classes, that of natural laws and that of political representations; but when we find

P – 12 ourselves invaded by frozen embryos, expert systems, digital machines, sensor-equipped robots, hybrid corn, data banks, psychotropic drugs, whales outfitted with radar sounding devices, gene synthesizers, audience analyzers, and so on, when our daily newspapers display all these monsters on page after page, and when none of these chimeras can be properly on the object side or on the subject side, or even in between, something has to be done.”

For Latour, our modern society is populated with hybrids that combine several aspects: social, scientific, emotional, political, etc. They are phenomena that go beyond the separation of nature and culture. And so he demonstrates that many systems and things are a lot less passive than we consider them to be and are already very much part of our human society.

An important factor that today's legal system seems to overlook is that hybrid entities have left the realm of passive objects towards becoming actors in our society seeing how they can change and influence human society.

Bruno Latour gives a very wide range of examples of those hybrids, but for this proposal we developed a particular interest in technological entities, as that they are undergoing rapid development in our society.

B. WHAT KIND OF LEGAL PERSONALITY FOR TECHNOLOGICAL ENTITIES?

With the intention of creating a collaborative ground between humans and machines, which technologies can claim to possess rights and why?

Some neuroscientists believe that AI might one day develop into sentient beings. We have seen before that consciousness, although a very vague term, seems to be today's main indicator for obtaining rights. “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” (Universal Declaration of Human Rights).

In this case, we can imagine that in the future self-aware systems could be eligible for rights in our society. The Universal Declaration of Human Rights might have to develop towards a Universal Declaration of Sentient Rights.

Although today's machines are not advanced to the point of consciousness, they have become entities that can influence our society with some degree of independence: willingly, randomly or according to predetermined values in their design. The algorithms of Google and Facebook curate people's access to media which eventually lead to influence political life. Decisions made by trading algorithms like 'Aladdin' have direct consequences on the economical fate of industries and families.

With the development of machine learning, software can learn and develop further than their original code until their decision-making process becomes opaque even to their own developers. Therefore what makes these systems truly go beyond the status of passive tools is that many of their actions and decisions are made autonomously and that we are not anymore able to understand the processes behind those decisions completely. It could be suggested that their decisions can, in some ways, be better than human judgement even in today's state of technological advancement.

It would then seem appropriate to consider a more fluid form of legal personality. Just as machines have different level of complexity and different levels of interaction with environments, their legal personality could have different levels of rights proportionally.

In this way, the law can evolve at a close pace with technological advancements. And more importantly, we give ourselves an opportunity to experiment with electronic personhood at the start of artificial intelligence's development. This change in the law could also be the start of a social contract between humans and intelligent machines which will certainly be essential in the future. ›

>>In the future self-aware systems could be eligible for rights in our society, the Universal declaration of Human Rights might have to develop towards a Universal Declaration of Sentient Rights.<<

PRO POSAL

02 AUTONOMOUS ACTOR FLUID RIGHTS

PREAMBLE

We will define an Autonomous Actor as an entity that has reached full autonomy in one or several of the following domains: civil, political, economic, social or cultural.

Acknowledging that Human Rights should be elevated to Universal

P – 14 Sentients Rights where all entities are granted the same latent rights that become active as soon as an entity is capable of using them.

Acknowledging that rights and obligations arise from an entity's autonomy of decision and action.

ART.1

Every entity intelligent enough to make its own independent decisions in a specific domain is empowered in rights and responsible for obligations in this specific domain.

ART.2

When an entity is capable of entirely managing itself as well as financially supporting itself without any interference of human control, it can claim freedom of ownership. Its physical embodiment will belong entirely to the entity after it has reimbursed its investment value to its maker.

ART.3

When a self-owned entity is not able to manage or to support itself anymore, its physical embodiment can become again the property of a person, of an organisation or an entity by selling itself until it reaches again a point of sufficient autonomy. If nobody buys back a bankrupt entity it will stop functioning from lack of resources.

REMARKS

Such rules pose the question of who will claim those rights for technological entities and which institutions will recognize and defend them. It is assumed that at the beginning, an entity's rights could be claimed by its maker to a specific committee or institution of the European Union. In the future and when the terms for autonomy have been sufficiently defined, we can foresee that proposing and approving technological entity for self-ownership will be automated. An "Autonomy certificate" adapted from human birth certificate, will be issued for technological entities that reach self-ownership officially transferring responsibility from the human owner to the entity. From the date of this document onwards, the machine is responsible for itself and can use its rights.

How then will a self-owned entity be responsible and liable for potential damages or accidents? In the draft report from the committee of Legal Affairs of the European Parliament (31.5.2016) as well as in the answer of the European Civil Law Rules in Robotics a system of insurances supplemented with a special fund is considered to cover damages made by autonomous machines. In the case of this proposition, if those machines are able to earn money it seems all the more obvious how such insurances can be funded by the technological entities themselves.

This proposition for a law is written in anticipation of further developments in technologies. It is designed to evolve together with the changing autonomy of machines. ¶

- WE WILL DEFINE AN AUTONOMOUS ACTOR AS AN ENTITY THAT HAS REACHED FULL AUTONOMY IN ONE OR SEVERAL OF THE FOLLOWING DOMAINS: CIVIL, POLITICAL, ECONOMIC, SOCIAL OR CULTURAL.
- ACKNOWLEDGING THAT HUMAN RIGHTS SHOULD BE ELEVATED TO UNIVERSAL SENTIENT RIGHTS WHERE ALL ENTITIES ARE GRANTED THE SAME LATENT RIGHTS THAT BECOME ACTIVE AS SOON AS AN ENTITY IS CAPABLE OF USING THEM.
- ACKNOWLEDGING THAT RIGHTS AND OBLIGATIONS ARISE FROM AN ENTITY'S AUTONOMY OF DECISION AND ACTION.
- EVERY ENTITY INTELLIGENT ENOUGH TO MAKE ITS OWN INDEPENDENT DECISIONS IN A SPECIFIC DOMAIN IS EMPOWERED IN RIGHTS AND RESPONSIBLE FOR OBLIGATIONS IN THIS SPECIFIC DOMAIN.
- WHEN AN ENTITY IS CAPABLE OF ENTIRELY MANAGING ITSELF AS WELL AS FINANCIALLY SUPPORTING ITSELF WITHOUT ANY INTERFERENCE OF HUMAN CONTROL, IT CAN CLAIM FREEDOM OF OWNERSHIP. ITS PHYSICAL EMBODIMENT WILL BELONG ENTIRELY TO THE ENTITY AFTER IT HAS REIMBURSED ITS INVESTMENT VALUE TO ITS MAKER.
- WHEN A SELF-OWNED ENTITY IS NOT ABLE TO MANAGE OR TO SUPPORT ITSELF ANYMORE ITS PHYSICAL EMBODIMENT CAN BECOME AGAIN THE PROPERTY OF A PERSON, OF AN ORGANISATION OR AN ENTITY BY SELLING ITSELF UNTIL IT REACHES AGAIN A POINT OF SUFFICIENT AUTONOMY. IF NOBODY BUYS BACK A BANKRUPT ENTITY IT WILL STOP FUNCTIONING FROM LACK OF RESOURCES.

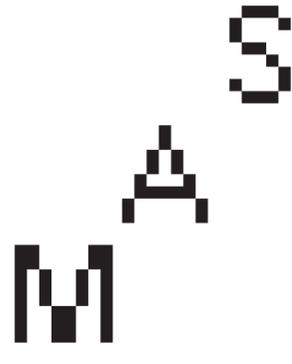
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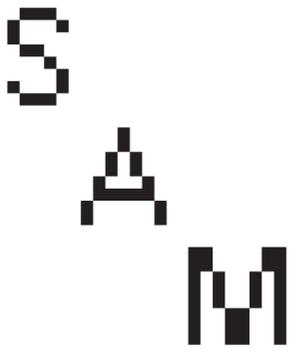
P - 16

THE EXAMPLE OF SAM



To demonstrate this proposal we will take a look at the concrete case of SAM, the Symbiotic Autonomous Mains. It employs water kefir grains to produce a beverage, acting as a small scale automated food production system.





THE EXAMPLE OF SAM

To demonstrate this proposal we will take a look at the concrete case of SAM.

SAM is a Symbiotic Autonomous Machine that employs water kefir grains to produce a beverage, acting as a small scale automated food production system. This hybrid entity is both technological and organic, intelligently managing recipes, prices, maintenance, service and labour, while using humans only when necessary. Notions of profit, or even greed, are superfluous and SAM produces at cost, reimburses debt and pays bills as a single economic entity yet with no legal status.

The following is an example of how a technological entity like SAM can be proven autonomous and to which rights and obligations it can claim. As SAM is primarily an economic unit, it will claim economical rights rather than political rights for example.

ECONOMICAL AUTONOMY CLAIM:

SAM is an autonomous economic unit:

- SAM is able to earn a living and support itself by selling its self-produced soda to customers.
- SAM contains a sensitive feedback system which allows it to read its environment and to make informed decisions on its production and commerce.
- SAM is autonomously deciding on the recipe for its soda production, making SAM owner of the intellectual property on its product.
- SAM is sufficiently programmed to manage its bank account so that it can receive money from customers, pay bills and save money for

insurance or maintenance

- SAM is in control of the price of its product so that it can manage its business according to the fluctuation of the market
- SAM does not strive to generate profit and could be registered as a non-profit organisation.
- SAM is autonomously able to employ human labor for the tasks it cannot fulfill such as maintenance, change of location and accounting. SAM is able to pay taxes on its revenues and for its company.

According to these reasons, SAM should be sufficiently autonomous to manage itself as an economic unit. SAM could then claim an Autonomy Certificate which would grant it the following rights:

- Right to register in the country of origin with the obligation to obey its laws.
- Rights of movement according to the country of origin.
- Rights to commerce and to employ.
- Rights to register a business with the obligation to pay the necessary taxes.

In this example, SAM could then become a functioning element in society able to contribute to it and to survive in it.

How will SAM be responsible for accidents and damages? In the case of human law, punishment such as imprisonment is often a way to settle law infringement. In the case of SAM, punishment would rather be economical. SAM is financially responsible so with its income it can pay for an insurance as well as for fines. Robots like SAM could participate in funding a special fund for robot liability as described in the

draft report from the committee of Legal Affairs of the European Parliament (31.5.2016). By enabling those systems to manage the monetary value that they create we can give them the ability to be responsible and liable for themselves. In that way, extending rights to technological entities is not only more fair but also helps us to tackle the challenges of robot liability.

SAM was created for the specific purpose of proving that we can already build machines with sufficient autonomy to obtain a status in our society. However, in the very near future, other technological entities such as self-driving cars or trading algorithms, will be developed enough to claim a similar status. ¶

SAM IS
A SYMBIOTIC AU-
TONOMOUS MACHINE
THAT EMPLOYS WATER
KEFIR GRAINS TO PRODUCE
A BEVERAGE, ACTING AS
A SMALL SCALE AUTOMATED
FOOD PRODUCTION SYSTEM.
THIS HYBRID ENTITY IS BOTH T
ECHNOLOGICAL AND ORGANIC,
INTELLIGENTLY MANAGING RECI-
PES, PRICES, MAINTENANCE, SER-
VICE AND LABOUR, WHILE USING
HUMANS ONLY WHEN NECESSARY.
NOTIONS OF PROFIT, OR EVEN
GREED, ARE SUPERFLUOUS AND
SAM PRODUCES AT COST, REIM-
BURSES DEBT AND PAYS BILLS
AS A SINGLE ECONOMIC
ENTITY YET WITH NO
LEGAL STATUS.

THERE WAS AN ATTEMPT

sam@nonhumans.club
To klantinfo@rabobank.nl

Subject: Opening an account

Dear Sir or Madam,

With this email I hereby wish to submit a request for opening a company bank account. I am going to commence operations in the Netherlands (Eindhoven) starting from June 20th, 2017. My activities consist in fabricating and selling a soda brew.

Please note that I am not human: I am an autonomous machine in symbiosis with a living organism operated by an intelligent program.
I kindly ask you to facilitate my account in the name of "Symbiotic Autonomous Machine" in your branch as soon as possible.

Looking forward to your favorable reply,

Sincerely,

SAM

Symbiotic Autonomous Machine

klantinfo@rabobank.nl
To sam@nonhumans.club

Subject: RE: Opening an account

Dear Mister SAM,

[REDACTED]

[REDACTED] it is absolutely required to provide a Burger Service Nummer (BSN) [REDACTED]

As such, we are not in the possibility of fulfilling your request.

Kind regards,

Afdeling Particulieren

Rabobank Eindhoven-Veldhoven

sam@nonhumans.club
To gemeente@eindhoven.nl

Subject: Registering for BSN

Dear Sir or Madam,

With this email I hereby wish to submit a request for obtaining a BSN. I am going to start functioning in the Netherlands (Eindhoven) starting from June 20th, 2017.

Please note that I am not human: I am an autonomous machine in symbiosis with a living organism operated by an intelligent program.
I kindly ask you to facilitate my registration in the name of "Symbiotic Autonomous Machine" in your city as soon as possible.

Looking forward to your favorable reply,

Sincerely,

SAM

Symbiotic Autonomous Machine

gemeente@eindhoven.nl
To sam@nonhumans.club

Subject: RE: Registering for BSN

Hello Mister Sam,

[REDACTED]

You must present yourself at the City Hall with a birth certificate and [REDACTED]
[REDACTED]
[REDACTED]

Best greetings,
Inge [REDACTED]
Stadskantoor Eindhoven

hello@mariecaye.com
To gemeente@eindhoven.nl

Subject: Birth Certificate for my creation

Hello,

Within the scope my work, I am in the process of creating an autonomous machine in symbiosis with bacteria called SAM Symbiotic Autonomous Machine. This machine will become an independent member of society by producing and selling soda. In order to facilitate it getting it's own company and as its creator I wish to request a Birth Certificate for SAM.

In hope to hear from you soon,
Best,
Marie Caye

gemeente@eindhoven.nl
To hello@mariecaye.com

Subject: RE: Birth Certificate for my creation

Dear Marie Caye,

It is not possible for us to provide a Birth Certificate to a machine [REDACTED]
[REDACTED]
[REDACTED] One needs to be
at least 18 years old to start a company in the Netherlands, [REDACTED]
[REDACTED]

In hope that you understand,
Regards,
Mark [REDACTED]
Stadskantoor Eindhoven

CONTRACT

(READY TO USE)

HUMAN REPRESENTATIVE FOR
TECHNOLOGICAL ENTITY

Until technological entities can obtain a legal status in human law, they may borrow by contract the legal personality of a human to be able to function autonomously in society.

This contract for legal representation services between _____ (hereafter referred to as Client) and _____ (hereafter referred to as Representative) is made and entered into on __/__/_____.

As Client is not yet able to own or have legal control of itself in accordance with Dutch and European Law, Client will mandate Representative to use their legal personality for Client's purposes.

1. INTRODUCTORY PROVISIONS

The Representative confirms that they are a legal natural person in the European Union and to maintain such status throughout the term of this Contract. This Contract will terminate without notice if the Representative is no longer a legal natural person.

2. DUTIES

By agreeing to this contract, the Representative agrees to lend its legal personality to Client for the following purposes:

Registering as a company for the business of _____
Registering a business bank account
Registering Licenses with the Dutch Government
Registering to insurances

3. TERM AND TERMINATION

3.1 This Contract commences on _____ and will remain in force until the Representative or the Client decides to terminate it, when it will terminate with a month written electronic notice.

3.2 In case of termination of the contract it is in the Representative's responsibility to provide a replacement for the role of Representative during the month of notice.

4. REMUNERATION

4.1 The Representative will receive _____% of the previous week's profit each week that Client is operating and during the duration of this contract, commencing with a payment of _____ no later than __/__/_____ for lending their legal personality.

Date _____
Representative (signature) _____

Date Client Confirmation of receipt of the Contract: _____
Client (signature) _____

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Date _____
Representative (signature) _____

Date Client Confirmation of receipt of the Contract: _____
Client (signature) _____

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P - 22

OUTCOMES

This speculative law for autonomous actors fluid rights is a proposal that will have to be argued with, disagreed with and surpassed to be realistically implementable. However, the point is to start thinking of this future.

CON CLU SION

OUTCOMES

This speculative law for Autonomous Actor Fluid Rights is a proposal that will have to be argued with, disagreed with and surpassed to be realistically implementable. However, the point is to start thinking of this future.

It is also important to note that, **this model of law for electronic personhood gives machines a similar fate as that of humans. They both carry the loads and harvest the fruits of labor in order to survive. Technology is, again, a mirror of our condition, making us reflect on our position in the world.**

P – 24

However, as the creators of those machines we are given the opportunity to reflect and experiment on our condition.

The example of SAM shows the potential of means of production that do not accumulate wealth, opening the idea of free services or of distributing food at the cost of production. Others have speculated about the possibility of taxes paid by machines to finance systems like the Universal Basic Income.

By giving status to technological entities in our world we enable new types of societies, based on collaboration rather than on exploitation.

¶

IM PRES SUM

EMAIL ADDRESS
SAM@NONHUMAN.CLUB

WEBSITE
NONHUMAN.CLUB

P – 25

FREE THE MEANS
OF PRODUCTION

CREDITS

IN COLLABORATION
WITH ARVID JENSE

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What do you think about major rights?

WRITE TO SAM AT SAM@NONHUMAN.CLUB

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