Intelligent Robots and the Question of their Legal Rights: An Islamic Perspective

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Ismail al-Jazari was a prominent inventor in the Islamic world and is known today as the father of robotics. His *magnum opus*, 'The Book of Knowledge of Ingenious Mechanical Devices,' gathered together instructions for building 100 devices he had designed. He invented a variety of water-rising machines, clocks, and humanoid automata, such as a drink-serving waitress, a hand-washer with flush mechanisms, a peacock fountain with automated servants, and a musical robot band. The latter was an early programmable automaton invented in 1206, making al-Jazari the first person to introduce the concept of programming and automation.

In the modern era, Isaac Asimov, the modern father of robotics, proposed that future machines would help humans. He introduced 'The Three Laws of Robotics' (1942) to outline the interactions between humans, robots, and morality. The First Law states that a robot may not injure a human being or, through inaction, allow a human being to come to harm. The Second Law states that a robot must obey the orders given it by human beings, except where such orders would conflict with the First Law. Finally, the Third Law states that a robot must protect its existence as long as such protection does not conflict with the First or Second Laws.

In the following decade, Joseph Engelberger and George Devol invented the first practical robot for the car manufacturing industry, making them the fathers of industrial robotics. Further developmental work, however, has since led to a transition from industry to service robotics. Today's robots are about more than just having the intelligence to change their algorithm to accomplish a given task; they are also designed to have the intuition to understand and respond to human emotions.

A futuristic robot with the ability to read emotions is now commercially available. A humanoid robot from Japan called Pepper can supposedly read emotion by analysing human facial expressions, body language and voice tones. It was designed to interact with humans, to perceive emotions, and adapt its behaviour to the mood of its interlocutor. It also has the ability to sing, dance, and tell jokes aimed at making people happy. It has the capability to carry out multiple roles, from being a babysitter to manning a store. With an affordable price of just under \$2000, Pepper is currently employed at restaurants, banks and medical facilities across Japan. Pepper is also used as a receptionist at several

offices in the UK to facilitate and attract customers. Many companies are still experimenting with robots like Pepper to see how they might fit with their businesses.

As Pepper continues to work in many companies across Japan and Europe, there are reports emerging related to its performance. Most customers are happy to interact with it, while others are not. In some instances, customers find Pepper unhelpful as the responses they receive from it are considered limited and below their expectations. Some customers even get no response at all, as Pepper's built-in microphones do not efficiently work in noisy ambience. Additionally, some customers are quite suspicious of robots offering food. These issues have resulted in robots like Pepper being removed from some stores. In one instance, Pepper was assaulted by a drunken man in Japan, who did not like the attitude of a human member of staff at the store. According to the *Japan Times*, the damaged Pepper now moves slower due to a damaged internal computer system.

The above incidents have led a robotics ethicist to call for a new type of legal protection that would apply specifically to robots. Robotics academic, Dr Yueh-Hsuan Weng, proposed that humanoid robots should have legal status and be regarded as a 'third existence'. This status is different from normal machines and property, which are regarded as the 'second existence', while also contrasting with the status of humans as the 'first existence'. Weng raises the issue that the current laws "do not help human beings to project their empathy while interacting with humanoid robots." A similar concern was observed by animal rights charity, People for the Ethical Treatment of Animals (PETA), when it received complaints about a video of a Boston Dynamics employee kicking an animal-like robot to demonstrate its self-stabilising ability. The video received an unexpected backlash and raised concerns about robotic ethics. As a result, groups of animal rights activists forced PETA to issue a statement on this incident.

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Currently, intelligent robots face a public acceptance issue, as some people consider them to be job thieves. Making this situation worse are the actions of some irresponsible individuals, who vandalise robots and leave them broken. Scientists and legal rights activists have issued several suggested draft laws to protect these robots, at least as the property of their owners. At the same time, the legal necessity to protect humans from the harmful acts of robots has to be prioritised, as proposed by Asimov in the Law of Robotics. These measures are in line with the objectives of Islamic Law (*maqasid al-shari'ah*), namely to protect human benefits (*masalih*) and welfare. In this case, there are two main essentials

(*daruriyat*) that must be highlighted, namely the protection of life (*hifz al-nafs*) and the protection of wealth or property (*hifz al-mal*).

It is noteworthy that the Islamic concept of ownership and accountability should come first if the intelligent robot is to be regarded as an object under human possession and responsibility. Generally, ownership means a conventional relationship between an individual or group and an object, which entails the legitimate right to its possession by the owner. Safeguarding property means protection of ownership and property from damage, harm, theft, exploitation, or injustice. It means property laws protect any property, including robots, that are owned by a human. The creation of 'robot rights' in this case is favourable as it will protect robots from harm. At the same time, it will also promote the protection of human property (*hifz al-mal*) from the actions of irresponsible persons or groups of people.

On the other hand, the person or group who is in charge of the activity of a robot is obliged to bear responsibility for it in case of violation. The second caliph, Umar al-Khattab, emphasised the important concept of owner accountability in the case of a slave who stole some food but was not directly punished. Instead, Umar took his master to task for failing to provide enough to satisfy his needs. Consequently, his master had to pay double the amount stolen as a punishment (Muwatta' of Imam Malik, Book 36, Hadith 38). This story showed fair and good judgement by the ruler or government, which emphasises the accountability of the owner for what they own.

There is also a great lesson to be learnt from a historical event mentioned in the Qur'an, related to the destruction of property during the time of Prophet Sulaiman. There was an occasion when sheep owned by certain individuals were destroying crops belonging to another group of people. Prophet Sulaiman ruled that the owner of the sheep be obliged to pay compensation in kind until the field was restored to its former state (Anbiya 21:28). At the same time, he also took into account the loss of benefits while waiting for the field to be restored. Therefore, he ruled that the owners of the field be compensated in the form of sheep and their by-products (such as milk) up to the equivalent of the produce of the field. A similar approach might be applied to robots in case of violation; in order to protect human life and property from the loss caused by a robot, the owner of a robot must take full responsibility to pay compensation, if applicable. If the recovery or return process takes some time, then additional compensation must be included to cover the loss of benefits during that period.

More specifically, the criterion of bearing rights and duties in Islamic law is known as *ahliyyah*, and is borne by any human who can understand the meaning of responsibility. According to Muslim jurists, *ahliyyah* begins when a foetus possesses life. Nevertheless, an unborn foetus has deficient legal capacity

(*ahliyyah al-wujub*), in that he or she can receive a right but cannot bear an obligation. An unborn foetus, for example, receives an inheritance. It thus appears that life is the criterion of *ahliyyah*. When this test is applied, a robot does not possess *ahliyyah*. But, since robots can act in a manner that may bring either benefit or loss, like animals, the most one can say legally is that they equate to an animal. Liability for loss is therefore ascribed to the owner or manufacturer of the robot. However, this may still be subject to further developments in technology – hence a tentative opinion.

The issue of legal rights involving both humans and robots is not limited to the examples mentioned above. We need more suggestions and appropriate approaches that favour both humans and intelligent robots, to ensure suitable legal rights that could harmonise their interaction. The concept of ownership, accountability, protection of life (*hifz al-nafs*) and protection of property (*hifz al-mal*) may provide important values and guidelines in the development of a legal rights framework. However, the construction of this framework is not only limited to the above concepts, but is also open to other beneficial concepts that could further strengthen it. Also, there are other issues related to other types of legal rights that need equal attention. Among the issues are: robot copyrights for the art they produce, the rights of owners to the art of their robots, the citizenship rights of a robot, the right to make a robot a sexual partner, and other legal issues involving robots in the human world. More research is necessary as technology is rapidly evolving. A *maqasid* discourse should move forward so that it can address these issues in the future.

Notes

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