

Future Rights of Personhood

Nan Nelson, Economic Transformation Signals Team

One of our Envision colleagues has been examining signals related to “humanization of animals” and the future of meat consumption. I’m sure you’ve observed some of these signals yourself, especially related to pets: people saying their pets are their children; pets having social media profiles; celebrating pet birthdays; saying pets have “crossed the rainbow bridge” to an afterlife of some kind. A generation ago, none of these things happened.

That got me interested in a bigger picture. I think it’s part of a very long-range trend—expanding the concept of personhood—that stretches back to ancient times and is likely to continue into the future. The concept of personhood is important because “persons” have rights. Let’s look at the arc of change that got us here, where change is taking place today, where we are likely headed in the future, and what the implications might be for food, medicine, computing (AI) and the law.

Historical personhood

Before the twentieth century, personhood was limited for many classes of people, and legal concepts defined degrees of personhood and the rights of each. Through the centuries, attitudes changed. Slaves, serfs indigenous people and women were gradually emancipated. In the 1800s the first laws were enacted to prevent cruelty to and neglect of children. Other new laws punished killing or causing suffering of animals for entertainment, or due to intentional neglect, effect giving them some limited rights of personhood. It’s hard for us to imagine a time not so long ago when people enjoyed watching cock fighting or bear baiting in which a chained bear was mauled by dogs. And yet, bullfighting, even to the death of the bull, is still legal in some countries.

Personhood Today

Scientists are observing that animals have many more capabilities than we ever thought—some that were once believed to be reserved to humans. Observations of apes, cetaceans, birds and even octopi include: tool making and using; language; cultural transmission; self-awareness and recognition of others; problem-solving; creativity; and possibly even future awareness and the ability to plan. (Still unobserved is the capacity for “reflective self-examination” and wanting to be different.)

Because many of these abilities are not shown by our own young children and some disabled persons, those thinking about legal personhood are careful to say that these are inherent capacities and need not be functionally exhibited by a given person in order for them to have personhood rights. We might decide that, like them, animals should have a type of protected personhood until they can give informed consent.

Animal personhood is a growing concept. In 1992 the Swiss constitution adopted the concept that animals are “beings” and not “things.” Germany, New Zealand, India and Argentina legally recognize the concept of “non-human personhood.” If you’d like to pause here and consider a few interesting examples, take a look at these videos: [Watch a crow solve an intricate puzzle](#); [see an elephant demonstrate self-awareness](#).

The Future of Personhood

In the past, we have often bred animals for intelligence and temperament to make them useful to us as partners—in search, war, transportation, hunting, and as disability aides—not just as sources of food,

clothing, organs, etc. Genetic engineering will accelerate our ability to give animals increasingly human abilities. It's only a matter of time until most people will agree that animals merit expanded personhood rights.

Another category of beings is rapidly entering the conversation about personhood: artificial intelligences (AI). These are entities that will exist digitally, created by human engineers to emulate human personality, intellect and emotion. Some of them will reside solely online, dispersed in “the cloud” of shared computing. Others will exist entirely or partially within mechanical or biological constructs that might resemble humans to some degree. AIs are rapidly acquiring many of the capabilities of animals that make us regard them as non-human persons.

Other categories of beings that will enter the personhood conversation include: modified humans (those with such extreme physical or mental enhancements that they may no longer seem human—think gills, or direct neural links to computers, etc.); aliens, of course, if they ever find us; and posthumous digital copies of humans. What rights will they have?

Yet another category of person has already emerged, the “environmental legal person” in which personhood rights are afforded to an environmental feature like a mountain or river, so that it can receive legal guardianship and other protections usually given to vulnerable humans. It has mainly been used in areas where indigenous people have existing cultural traditions that regard such features as animate entities.

It's no surprise that science fiction has a lot to say about the future of personhood. Take a look at the *Uplift* stories by David Brin in which humans genetically engineer other species to become our “wise partners.” Check out Nobel prize winner Kazuo Ishiguro’s sad and wonderful take on our treatment and disposal of artificial intelligence from the point of view of the AI, called *Klara and the Sun*.

Implications

If the rights of personhood in some form, however limited, continue to expand—as they have for centuries—we might see a time in the not-too-distant future when it will be illegal to:

- kill animals for food, leather, biological products, organs etc.
- imprison (zoo, farm) or use (experiment, testing, train) animals without due process
- genetically engineer entirely new types of animals or animals with traits that make them too human-like
- teach language to animals – or illegal to learn animal languages
- construct AIs above certain limits on their abilities or intelligence
- construct AIs without legal procedures to decommission or dispose of them

And many more restrictions! What do you see coming?