

Could AI ever deserve legal rights?

Anthony Lim

Revised by Ethan Ha

Since the introduction of ChatGPT in 2022, artificial intelligence has spread across industries, with many companies adopting autonomous systems for a wide range of functions. At present, due to the rapid sophistication of artificial intelligence, they increasingly simulate forms of reasoning, communication, and mimic empathy with others- something that separates humans from other species. As a result, this raises a serious philosophical and legal question: could artificial intelligence become an entity that deserves legal rights?

Legal rights are defined as the privileges a legal system recognizes or protects. They illustrate the things an individual can claim, protect, and demand in society. Unlike natural rights, legal rights can be made, altered, or revoked by individuals or society. (Cornell) Artificial intelligence refers to systems designed to perform tasks associated with human intelligence- problem-solving, pattern recognition, and decision-making being the prime examples. Using algorithms and data, these systems mimic intelligent activities such as learning, thinking, perceiving, and even creativity. (IBM) Although AI may one day challenge current assumptions about moral status, it does not deserve legal rights. It lacks consciousness, self-awareness, and the capacity to suffer.

To determine whether AI could deserve rights, it is first necessary to consider the principles that justify granting rights in the first place. Traditionally, rights were granted on the basis of characteristics such as consciousness, self-awareness, and the capacity to suffer. For example, John Locke linked rights with human rationality, while Jeremy Bentham argued that the capacity to suffer should be the key basis for moral consideration. These ideas have largely influenced the later debates of human and animal rights. Peter Singer expanded this reasoning by arguing that animals, too, deserve moral consideration because they are equally capable of feeling pain and experiencing pleasure. Corporations offer a non-human instance of the concept of “legal personhood,” in which a group of individuals or a body has the right to act within a legal framework, without the basis of a conscious mind. Qualification for having the right in all the above listed instances depends on the basis of the value placed on the possession of a conscious mind and the power to feel and experience suffering.

At present, AI does not deserve any rights because it lacks the fundamental attributes that qualify an entity for moral consideration: consciousness, the ability to experience emotions and suffering, and self-awareness. Unlike humans and animals, AI has no subjective experiences; it uses data and information to produce outputs without any awareness of what it does, yet counterintuitively express their thoughts and produce outputs that mimic human emotions and

awareness. For instance, generative AI systems like ChatGPT focus on developing content, such as text, images, and code, based on patterns obtained from data, and embeddings based on probabilistic calculations or vectorization of data, and remain responsive to a stimulus or an input from the user. In contrast, agentic AI aims to act independently, such as making decisions, planning goals, and performing multi-step actions with minimal human intervention. For example, Google Maps' navigation system helps in developing a system for determining the best route, considering various factors such as traffic, weather, shortcuts, and adapting to unexpected changes in the route taken by the user. Despite gaining independence, AI does not possess either consciousness or self-awareness, again due to the very systemic nature of these stochastic parrots. Thus, AI does not "understand" what it does or how its actions are related to the consequences equal to how humans or animals perceive, and it follows a pattern based on gathered information, unlike humans and animals, who experience subjective, personal experiences and suffer from them. For now, artificial intelligence must remain a tool to make human tasks more fluid and facile, not to be considered as a moral agent that convolutes the governance and legislations surrounding AI rights, particularly in a time of confusion and delay of even immediately-needed AI policies.

Building on the argument that AI does not qualify to receive legal rights, it is still important to recognize a counterperspective that considers the potential evolution of artificial intelligence. While currently AI does not meet the criteria for moral considerations, scholars like Jeremy Bentham argue that moral consideration should derive from the capacity to suffer as reflected in the claim that "The question is not can they reason? Nor can they talk, but can they suffer? Why should the law refuse its protection to any sensitive being?" (Bentham) When considering Bentham's argument that moral consideration depends on the capacity to suffer, if AI were to gain that capacity, possibly through a forcedly coded ability to sense pain or suffer (mechanically, through larger loss functions) alongside further advancement on biological features of the human body (Physical AI / Humanoids), denying its legal rights would be ethically controversial. Furthermore, this raises another critical challenge: it would be impossible to determine whether an artificial system truly experiences suffering, or merely simulates it. This perspective has historically influenced the expansion of animal rights. Under this framework, AI would deserve rights only if it could suffer.

Introducing a historical example, across northern Europe and Canada during the 19th and 20th centuries, practices of beating and killing infant seals were frequent to gather raw materials for oils, clothing, and meat were widely accepted. Although the seals' suffering was real, like many other creatures, they were still seen as little more than tools or resources; Animals were seen as complex machines with bodies but without consciousness, and therefore incapable of genuine pain and suffering, highlighting the harsh reality of sociology that the moral status of an

agent is often not determined by the truth but by the interpretation and subjectivity of the physically and intellectually superior agent (human society / culture). (McKean) As moral understanding developed, such acts of violence are now widely condemned, and in many places, criminalized. Similarly, Philosopher Thomas Metzinger argues that if humans can develop artificial systems capable of suffering, then we have a direct moral obligation to them, and that they should not even be created in the first place. (Metzinger) If we are able to develop AI systems capable of suffering, then we can compare them to the way we have advanced in moral considerations from humans to animals.

Granting legal rights to AI would have significant consequences:

1. Legal implications

- This raises complex questions regarding responsibility: If there is harm inflicted by an AI system, it is unclear whether the AI system itself, the developer, or the creator of the AI system should be held accountable. This challenges the current legal framework based on human agency and security.

2. Ethical implications

- The recognition of the rights of AI would minimize the risk of exploiting such future intelligent beings, but it would also lead to the exploitation or overextension of the rights of beings that in perspectives of the skeptics do not actually have moral status, resulting in restrictions on AI usage as tools (which may be interpreted as slavery or exploitation).

3. Social implications

- Extending rights to AI would fundamentally challenge what it means to be human. It would blur the distinction between biological and artificial entities. If one of the only approaches to preserve humanness and our current civilization's dignity is by reinforcing our experience, human pursuit, and consciousness, in such a future where AIs are granted equal titles or characteristics, our survival or value may tap into serious, irreversible risk. In short, we may no longer be able to control and govern the world, and our sovereignty may get couped by AIs.

Altogether, these implications demonstrate that the issue is not only about granting rights to AI but also about the impact of the outcome, which would reshape law, morality, and human identity.

Finally, as emphasized above, AI *likely does not* qualify for legal rights, and *confidently should not* because it lacks the key attributes of consciousness, self-awareness, or the capacity to suffer, while it gaining legal rights would debilitate societal order and human sovereignty in face of the now equally valuable, and equally treated partner of superior intelligence and capability. However, as technology is progressing exponentially, AI has the possibility to possess these attributes in the future, at least partially; hence, the issue is likely to be addressed further. Nevertheless, moral grounds, rather than technological grounds, must be used in awarding rights.

Works Cited

- Martsenko, Nataliia. "Artificial Intelligence and Human Rights: A Scientific Review of Impacts and Interactions." *Studia Prawnoustrojowe*, no. 58, 19 Dec. 2022, <https://doi.org/10.31648/sp.8245>. Accessed 3 Apr. 2026.
- McKean, Cameron Allan. "Can machines suffer?" *aeon*, Aeon Media Group, 11 Dec. 2025, [aeon.co/essays/if-ais-can-feel-pain-what-is-our-responsibility-towards-them](https://www.aeon.co/essays/if-ais-can-feel-pain-what-is-our-responsibility-towards-them). Accessed 3 Apr. 2026.
- Metzinger, Thomas. "Why we should worry about computer suffering." *iai news*, The Institute of Art and Ideas, 2 Mar. 2021, [iai.tv/articles/why-we-should-worry-about-computer-suffering-auid-1761#:~:text=The%20possibility%20and%20promise%20of,be%20able%20to%20consciously%20suffer](https://www.iai.tv/articles/why-we-should-worry-about-computer-suffering-auid-1761#:~:text=The%20possibility%20and%20promise%20of,be%20able%20to%20consciously%20suffer). Accessed 3 Apr. 2026.
- "Q&A: Can understanding sentience in animals improve their welfare?" *World Animal Protection International*, World Animal Protection, 30 Sept. 2024, www.worldanimalprotection.org/latest/blogs/understanding-sentience-qa/. Accessed 3 Apr. 2026.
- "right." *Legal Information Institute*, Cornell Law School, www.law.cornell.edu/wex/right#:~:text=A%20right%20is%20a%20power,the%20right%20thing%20to%20do. Accessed 3 Apr. 2026.
- Rodrigues, Rowena. "Legal and Human Rights Issues of AI: Gaps, Challenges and Vulnerabilities." *Journal of Responsible Technology*, vol. 4, Dec. 2020, p. 100005, <https://doi.org/10.1016/j.jrt.2020.100005>. Accessed 3 Apr. 2026.

Shaelou, Stéphanie Laulhé, and Yulia Razmetaeva. "Challenges to Fundamental Human Rights in the Age of Artificial Intelligence Systems: Shaping the Digital Legal Order While Upholding Rule of Law Principles and European Values." *ERA Forum*, vol. 24, no. 4, Dec. 2023, pp. 567-87, <https://doi.org/10.1007/s12027-023-00777-2>. Accessed 3 Apr. 2026.

Strykler, Cole, and Eda Kavlakoglu. "What is artificial intelligence (AI)?" *IBM*, edited by Cole, [www.ibm.com/think/topics/artificial-intelligence#:~:text=Artificial%20intelligence%20\(AI\)%20is%20a%20technology%20that,detection**%20Analyzing%20transaction%20patterns%20and%20flagging%20anomalies](http://www.ibm.com/think/topics/artificial-intelligence#:~:text=Artificial%20intelligence%20(AI)%20is%20a%20technology%20that,detection**%20Analyzing%20transaction%20patterns%20and%20flagging%20anomalies). Accessed 3 Apr. 2