

## Kantianism and the Problem of Child Sex Robots

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**ABSTRACT** *Recent years have seen a growing interest in the ethics of sex robots, fuelled by the technology industry's ability to build better and better robots that can be used as sex toys (such as realdoll.com). Although the pros and cons of sex robots have been discussed for several years in the philosophy of technology, only a few contributions have focussed on child sex robots. None of these prior essays have examined a Kantian approach to the question of whether one should allow people to use child robots as sex toys. Accordingly, this article considers the possibility of using Kant either in support of or in opposition to child sex robots. The conclusion is that a Kantian approach yields inconclusive results and is therefore ill-equipped to solve this particular moral problem.*

### 1. Introduction

In this article, we critically examine a Kantian approach to the question of whether one should be able to use child sex robots as sex toys. We select this approach for three reasons: first, no prior publication has applied Kant's work to the moral evaluation of child sex robots,<sup>1</sup> and second, Kant's ethics is usually considered a powerful tool to solve moral issues and is thus widely used in moral philosophy. Third, we are also interested in the more general question of whether and to what extent traditional ethical theories can be used in what we might call the ethics of human-robot interaction.<sup>2</sup> Traditional ethical theories – such as Kantian ethics, and also utilitarianism and virtue ethics – were developed during a time when it was assumed that human beings were the main moral agents and moral patients. So, it is important to explore to what extent these theories can be applied to the new domain of human-robot interaction. The case of the ethics of child sex robots is an interesting case because intuitively there is something morally problematic about the idea of using child robots as sex toys. However, it is not immediately clear whether this intuition can be defended in a more systematic way. For this reason, a stronger theoretical grounding of the view that there is something morally problematic about using child robots for sex seems to be required. One might expect that our traditional ethical theories could help us in this regard. However, our analysis finds that the Kantian approach is inconclusive in this instance and does not yield any strong arguments in support of or against using child robots for sex.<sup>3</sup>

We will start with some preliminary remarks on robot sex (second part) and a few general remarks about different ways of approaching Kantian ethics and Kantian sexual ethics in particular (third part). After that, we will first examine a Kantian argument for the permissibility of child sex robots (fourth part) and then one against (fifth part). These will be arguments that try to stick fairly closely to the ethical framework Kant explicitly puts forward himself. We will then consider some more loose Kantian arguments, viz. arguments

that take inspiration from Kantian ethics, but which extend and stick less close to orthodox Kantian reasoning (sixth part). The next section provides some overall considerations as to how to deal with the inconclusive results of our discussion (seventh part). The last part offers some final conclusions (eighth part).<sup>4</sup>

## 2. Preliminary Remarks

The vast development of computer science, robotics, and artificial intelligence has aroused considerable interest from the sex industry, given the great financial potential for sex robots.<sup>5</sup> The US company Abyss Creations is currently producing a great variety of female and male sex dolls with a robotic AI-enhanced head. The emerging topic of sex robots is of the utmost importance for moral philosophy, given its potential for challenging how we think about personhood, human relations, moral character, objectification of and violence against women and children, and consent in sexual relations.<sup>6</sup>

The first substantial contribution in this field was David Levy's groundbreaking book *Love and Sex with Robots*,<sup>7</sup> which provides a thorough analysis of an envisioned future in which humans would want not only to have sex with robots but also eventually to have them as partners. His views have been criticized by Kathleen Richardson<sup>8</sup> and Sinziana Gutiu,<sup>9</sup> amongst others, with respect to the detrimental consequences for both human-robot and human-human relationships.<sup>10</sup> Another notable contribution is the paper on robot sex and consent by Lily Frank and Sven Nyholm,<sup>11</sup> who consider whether it is conceivable, possible, and desirable to design sex robots capable of giving consent. A notable book-length contribution is the excellent edited volume *Robot Sex* by John Danaher and Neil McArthur,<sup>12</sup> which covers various questions related to robot sex.<sup>13</sup>

Overall, however, the quantity of philosophical literature on the moral importance and social impact of robot sex is still quite limited. As for child sex robots in particular, defined as robots 'designed to look and act like a child',<sup>14</sup> there have been only a few excellent and thought-provoking publications, by John Danaher, Litksa Strikwerda, and Ole Martin Moen and Aksel Braanen Sterri.<sup>15</sup> Danaher is genuinely interested in the question of whether sex with child robots should be criminalized, even though the robot is not a person. He eventually argues that one should not allow sex with child robots because it would have negative consequences for one's moral character and because the act itself shows moral insensitivity. In his second paper, he argues for adopting a restrictive regulation governing child sex robots, since it is unclear whether they offer any positive effects, such as in conjunction with therapeutic interventions for treating people with paedophilic predilections.<sup>16</sup> Strikwerda, meanwhile, is primarily concerned with computer-generated child pornography and its impact on humans. She believes that it has a negative impact on our moral character and undermines respect for persons. She then adds that both objections apply to sex with child robots as well.<sup>17</sup>

Moen and Sterri take a more permissive stance. They first discuss paedophilia in general and argue that engaging in sex acts with children is wrong because it either harms, or risks harm to, children. According to these authors, however, desiring to have sex with children is not in itself wrong, because a paedophile cannot help having such desires. If a paedophile has sex with a child robot in order to avoid harm or risk of harm to children, then according to Moen and Sterri, this is not wrong, and can even be seen as an act of respect and concern for real children.<sup>18</sup> It should be noted, however, that the risk of harm

for human children may increase, if people who use child robots for sex thereby become encouraged to eventually try out real children for sex.<sup>19</sup> Then, the child robots would be a kind of gateway drug, which is also immoral with respect to consequentialist reasoning. But what would a Kantian say about this issue?

### 3. Remarks on Kantian Ethics and Sexual Ethics

At the beginning of his book *Kantian Ethics*, the influential Kant scholar Allen Wood makes a useful distinction between what he calls ‘Kant’s ethics’, on the one hand, and ‘Kantian ethics’, on the other.<sup>20</sup> The former refers to the theory that Kant put forward in his various ethical writings, as Kant himself understood this theory and its implications. Hence one way of doing philosophical work related to Kant is to try to interpret what Kant meant by the claims he made and to investigate how we should understand the implications of Kant’s own views about ethics.<sup>21</sup> In contrast, what Wood calls ‘Kantian ethics’ is ethical theorizing that takes Kant’s ethical writings as its starting point, but which might depart from Kant in some respects, if Kant’s own views are found to contain internal tensions or perhaps even contradictions, or if some of the ways that Kant reasoned from his basic premises do not seem to fit with the basic spirit of Kant’s ethical theory.

When it comes to our topic in this article – sexual ethics – it is common for Kantian ethicists to make a fairly sharp distinction between Kant’s own ethical reasoning about sex and what they think is defensible from within a Kantian ethical perspective. This is because many Kantian authors disagree with Kant about the morality of sex and of certain sexual activities. Kant himself argues in his *Lectures on Ethics*<sup>22</sup> and also in the *Metaphysics of Morals*<sup>23</sup> (hereafter MM) that sex is morally permissible only within the context of heterosexual marriage, and he commonly associates it with the goal of procreation, but he also seems to approve of sex for pleasure within marriage *after* fertility ends (see the casuistical questions on this topic in the *Doctrine of Virtue* part of the MM).

To understand Kant’s own discussion of sex, we must distinguish between the views expressed in two passages of the MM, which serve very different functions. The first place where Kant examines sex is the passage on marriage in the *Doctrine of Right*, which is the first main part of the MM. The second place is the section on ‘Defiling Oneself by Lust’ in the *Doctrine of Virtue*, which is the second main part of the MM. The *Doctrine of Right* generally deals with enforceable rights people have in relation to other people.<sup>24</sup> In other words, these are guidelines for laws which the state must execute so as to guarantee people’s external freedom. In this context, Kant discusses sex primarily in the context of marriage, as well as the conditions under which he thinks sexual interactions can be morally good and compatible with ‘the right of humanity’. In contrast, Kant’s discussion in the *Doctrine of Virtue* can be seen as a discussion of sexual morality and is more negative in its focus. There, Kant’s claims primarily concern aspects of sex that he considers morally problematic. For example, Kant categorizes some sexual behaviour as ‘Defiling Oneself by Lust’, stating that ‘an unnatural use (and so misuse) of one’s sexual attributes is a violation of a duty to oneself’, which counts as a ‘high degree of violation of the humanity in one’s own person’.<sup>25</sup>

What does this all mean? In general, according to Kant, sexual desire is inherently objectifying in a way that makes it incompatible with respect for the humanity in other persons. Sexual desire is directed at part of a person, and not the whole person, and it represents part

of another person as a means to pleasure, rather than as a whole person who is an end in him or herself. In marriage, however, spouses can unite their wills, acquire new rights in relation to each other, and they can form a shared will to make use of each other's bodies in a way that, according to Kant, is compatible with dignity and mutual respect.<sup>26</sup>

Other forms of sex – e.g. sex between members of the same sex, between members of different sexes not married to each other, or masturbation – are all immoral, according to Kant. Masturbation, for example, is not only wrong because it might involve sexual fantasies that objectify other people. It is also a way of 'throwing our humanity away' and making ourselves into a mere means to pleasure, Kant argues.

Many writers who adopt a Kantian perspective on ethics or are generally sympathetic towards Kantian ethics reject these views about sex. Some of them are even embarrassed about and keen to distance themselves from these views about sex. For example, commenting on Kant's views about masturbation, Derek Parfit remarks that 'these are not the claims that make Kant the greatest philosopher since the ancient Greeks'.<sup>27</sup> Similarly, Helga Varden writes that reflecting on Kant's expressed views about sex 'leads not [only] to simple puzzlement but also to sadness'.<sup>28</sup> Others, like Barbara Herman<sup>29</sup> and Allen Wood,<sup>30</sup> think that although Kant is wrong about whether sexual desires are always necessarily objectifying and incompatible with respect for persons and their humanity, a broadly Kantian view of sexual ethics can be developed that could be plausible and worth taking seriously. Varden, too, thinks that within Kant's overall moral philosophy, enough substance is available to formulate a compelling view of sexual ethics.

For example, Varden argues that a Kantian perspective can understand a consensual and mutually respectful sexual relationship as creating an attractive form of 'reciprocal openness' between persons.<sup>31</sup> Wood<sup>32</sup> denies that sexual desire is always and necessarily completely objectifying, but he agrees with Kant that it is important to treat sex partners in ways that express respect for their humanity and that avoid any forms of objectification. Herman<sup>33</sup> notes that some feminist views about sexual ethics – such as those of Andrea Dworkin<sup>34</sup> and Catharine McKinnon<sup>35</sup> – have a lot in common with some aspects of Kant's views. Others, like Martha Nussbaum,<sup>36</sup> argue that within the context of fully consensual sexual interaction based on mutual respect, it is not even incompatible with a broadly Kantian view to enjoy some sexual interactions that involve a certain, limited form of objectification. In other words, Kantian ethical reasoning regarding sex can be compatible with rather different conclusions about what is permissible in the sexual domain than those that Kant himself defended.

When we discuss the question of what Kantian ethics could imply for the ethics of child sex robots in this article, we examine arguments in the spirit of Kantian ethics à la Herman and Wood, rather than arguments that strictly follow the letter of Kant's ethics. Kant's own ethics would, most likely, automatically rule out sex with child robots as immoral. After all, however one considers the status of sex with child sex robots, this act would constitute sexual activity outside heterosexual marriage, which is, by nature, always immoral according to the strict letter of Kant's sexual ethics. Moreover, Kant opposes 'unnatural' forms of sex, and he interprets any form of sexual activity other than heterosexual intercourse as unnatural. Therefore, since sexual activity involving a child sex robot would qualify as unnatural according to this way of thinking, this would be yet another reason for Kant to oppose it. This argument, however, might strike many contemporary readers as unconvincing. It is more interesting, we think, to ask what would be implied by a view of Kantian sexual ethics of the sort that Herman, Wood, and others take seriously. That is, it is more interesting to investigate what follows from a Kantian ethics of sexuality that

follows the spirit of Kant's ethics more or less closely, but which tries to resolve any inherent tensions within or avoid implausible aspects of Kant's personal ethical theory.

Before we go on to consider what such a Kantian ethical perspective might imply about the ethics of child sex robots, we want to draw just one more distinction that will further help to clarify how we approach this topic. Within the set of theories that follow the spirit of Kant's ethical theory in the sense explained above, it is possible to distinguish between theories that are more strictly Kantian and theories that are more loosely Kantian.

The former are theories that might disagree with Kant's precise views about certain topics (e.g. sex outside of marriage or masturbation) but that nevertheless try to stick pretty close to Kant's ethical principles and types of arguments, to see whether his basic assumptions support different conclusions than the ones Kant himself may have drawn. The latter are based on reasoning that may introduce principles or types of reasoning that Kantian ethics is not usually associated with, or that in other ways extend Kant's ethical framework.

With this background and these various clarifications and distinctions in place, we can now get to our main business. We will first consider what a more strictly Kantian type of reasoning implies about the ethics of sex with child sex robots. We then turn to the question of what more loose, extended Kantian arguments might imply for this topic. Needless to say, there is not enough space here to investigate all possible arguments that could be made about child sex robots from a Kantian perspective. Our aim is not to be exhaustive, but to investigate what we view as some of the most interesting arguments that can be made about child sex robots from a Kantian point of view.

#### 4. Argument in Favour: It Is Not Immoral to Use Child Robots as Sex Toys

Famously, Kant claims in his *Groundwork for the Metaphysics of Morals*<sup>37</sup> that rational persons have the capability to decide whether to act in accordance with the demands of morality. The ability to use the faculty of reason to make decisions and to determine what is good has absolute value, according to Kant. It follows for him that the ability to make such decisions gives rational persons absolute value.<sup>38</sup> A rational person has dignity because he or she can act autonomously – for example, with respect to moral principles. Acting autonomously makes a person morally responsible, and hence such a being has moral personhood. Against this background, the following argument in support of permitting people to use child robots as sex toys can be made:

1. Only rational and autonomous beings who have dignity are part of the moral community.
2. Child robots have no rationality or autonomy (and hence no dignity).
3. Therefore, child robots are not part of the moral community, because they lack the morally relevant features.
4. Therefore, having sex with child robots does not involve a violation of a *direct* moral duty.

Sex with child robots may be socially unacceptable to most people, but it is not, strictly speaking, immoral on Kantian terms.

Here is another way of making the same point using Kant's definitions and claims in the *Groundwork*: according to Kant, we can divide up the world into the classes of persons and

things. Persons have dignity and should be treated with respect and not be treated or regarded as mere means to people's ends. Things – which includes everything that is not a person with reason – have their value only relative to people's desires, and it is never inherently wrong, according to Kant, to treat things as mere means to our ends. Robots are not – at least not yet! – persons equipped with reason, and therefore they fall within the class of things. Therefore, it is permissible to view robots, which might be taken to include child sex robots, as only having value relative to human desires, and because they are things, we can treat them as mere means to whatever ends we might have. This is another way of making the same argument just spelled out above.

At least two objections can be lodged against this claim, however: (1) sex with child robots will lead to the brutalization of social relations, and (2) the similarity of child robots to real children is morally problematic. The first objection suggests that even if the act in question is not itself immoral on Kantian terms, it may lead to the brutalization of adults' behaviour towards real children. Kant himself uses this objection in his *Lectures on Ethics* against people who treat animals badly, pointing out that although they do not violate a direct duty, they do violate an indirect one. Furthermore, he claims that people who treat animals badly may eventually start to treat fellow humans badly as well. Therefore, he concludes, one should not treat animals badly. In a recent, similar example, Kate Darling<sup>39</sup> uses this line of reasoning to argue for including social robots in our moral and legal community. On this basis, humans may have indirect duties towards child robots and therefore should not approach them on sexual terms.

The second objection is related to the first one, but highlights the fact that child robots may eventually become either indistinguishable or almost indistinguishable from real children, to the extent that the similarity becomes morally problematic. The Kantian objection concerning the animal case does not rely on similarity but, instead, on the possible detrimental effect on a person's character and their behaviour towards fellow humans as a result of treating animals cruelly. The similarity thesis contends that people who use child sex robots may start to objectify real children by not respecting them as persons and may treat them in more violent ways.<sup>40</sup> We will return to similar ideas and discuss them in more detail below, when we turn to more loose Kantian arguments.

Both of the just-described objections are weakened by the fact that we cannot know with certainty whether the above-listed consequences would indeed occur if we permitted the use of child sex robots. Such a claim must be substantiated by empirical studies. Danaheer<sup>41</sup> observes that even after more than 40 years of research on the impact of child pornography and hard-core pornography, 'there is still a lack of clarity about its actual effects'. This is a somewhat grim picture. In view of this unclarity, one can argue that even if the use of child sex robots is simply a matter of (bad) taste which, admittedly, not everyone would share, this is not a compelling reason to ban them, since there might be no bad effects for real children after all.

## 5. Argument Against: Do Not Instrumentalize Child Robots for Your Own Sexual Needs

It might be possible to argue for the prohibition of child sex robots by relying on Kant's formula of humanity in the *Groundwork*, which reads as follows: 'Act in such a way that you treat humanity, whether in your own person or in the person of any other, never

merely as a means to an end, but always at the same time as an end.' Two points might be important here.

First, if the child robot is a person who can think and make autonomous decisions (which might be the case at some future point according to Nick Bostrom, Ray Kurzweil, and others), then one should certainly not use the child robot as a mere means to fulfil one's sexual needs. Such an appeal to personhood would provide us with a more straightforward argument in support of ascribing rights to the child robot. Kant does not claim that only humans can be considered persons; rather, he argues that all rational beings capable of making autonomous decisions are considered persons and therefore should be protected, and there is no reason to assume that the category of rational beings is limited to humans.<sup>42</sup>

Second, taking some inspiration from the argument from Danaher mentioned in an earlier section, the formula could be applied to the present case in the following way:

1. We are obligated to treat humanity, either in our own person or in the person of any other, never merely as a means to an end, but always at the same time as an end.
2. Using child sex robots for pleasing one's sexual needs displays great social insensitivity<sup>43</sup> towards important moral issues.
3. If a person shows great social insensitivity by their actions, then that person treats the humanity in themselves as a mere means to questionable ends.
4. Therefore, one should not use child sex robots.

However, there are at least two main objections against this use of Kant's formula of humanity to support banning the use of child robots for sex. First, it is not clear that child robots really enjoy moral protection under the formula if they are not proper persons, since the formula explicitly refers to the concept of a 'person' (see premise 1). Second, the success of the above argument eventually rests on the reasonableness of premise 3 (if one has not already rejected the argument by not granting premise 1). Is it really the case that by showing 'great social insensitivity' one thereby treats humanity in oneself as a mere means only, thus making the action impermissible?

A possible response to this objection is that the person does not treat the child robot immorally. Rather, by using the child robot as a sex toy for one's own sexual pleasures, one treats humanity in oneself as a mere means only. And the latter, according to Kant, is immoral and therefore should not be done. In other words, the person is degrading humanity in himself by having sex with child robots. Based on this Kantian line of reasoning, the use of child sex robots should not be allowed.

A problem with this argument, however, is that it contains the sort of reasoning that many Kantians who disagree with Kant's own views about sex wish to distance themselves from. As we saw above, most contemporary Kantians who think that Kantian ethics can provide insights on the ethics of sex do not appeal to Kant's claims about how certain forms of sexual activities involve a violation of the 'humanity in one's own person'. Rather, they tend to focus on how to avoid violating the humanity in other persons, by treating them with respect and not as mere means. The question, then, becomes whether a similar argument could be applied to sex with child robots. In other words, is there a Kantian argument that could be used to claim that sex with child robots fails to respect the humanity in other people? We will now discuss that question and other forms of broadly Kantian arguments against the use of child sex robots.

## 6. On Some Loose Kantian Arguments

As we noted above, within contemporary Kantian ethics, it is possible to distinguish more strictly Kantian arguments from broadly Kantian arguments that take inspiration from Kant's ethics. The former types of arguments may stick very closely to kinds of ethical argument Kant is associated with, even if the conclusions might be different than those that Kant drew. The latter type of argument might add to or extend Kantian argument in a way that enables us to make use of Kant-inspired ethical reasoning in domains where Kantian ethics have not been applied yet.

### 6.1. *Korsgaard on Things That Matter to a Being*

A good example of the latter is Christine Korsgaard's recent attempt to extend a form of Kantian reasoning to the domain of animal ethics. Korsgaard<sup>44</sup> argues that even though Kant himself viewed nonhuman animals as mere means that can be used by human beings, it is possible to draw on Kant's argument for why human beings are ends in themselves in such a way that we can conclude that animals are also ends in themselves. Korsgaard argues that according to Kant, human beings are ends in themselves because some things matter to them and because when we treat things as mattering to us, we treat ourselves as important ends in themselves. Korsgaard then argues that all living beings similarly have things that matter to them. So, if we think that others should treat us as ends in ourselves because certain things matter to us, then we should also treat nonhuman animals properly since they too have things that matter to them.

This is a simplified summary of a sophisticated and subtle argument. We are not doing Korsgaard's argument full justice here. For our purposes, however, it is not necessary to fully spell out Korsgaard's argument in great detail. We just want to illustrate how broadly Kantian reasoning can be extended to apply to novel moral patients (nonhuman animals in this case), so as to illustrate what we mean by a broader Kantian argument.

As for whether it might be possible to apply Korsgaard's argument to the case of robots – and child sex robots in particular – we think that this is doubtful. The reason for this is that Korsgaard's argument is about organic beings that experience the world in a 'valenced' way, where this involves having certain affective responses to things wanted and unwanted. In other words, Korsgaard argues that when things matter to a living being (a human being or an animal), this is related to some biological need, some desire, or some aspect of the sentience of the being in question. So, in order for things to be able to matter to robots in the ways that Korsgaard thinks that things can matter to humans and animals, the robots would need to have needs, desires, or be sentient. We are taking it that current robots are not sentient and that most future robots are also unlikely to be sentient in the relevant ways.<sup>45</sup> Korsgaard's reasoning lends itself to arguments related to biological organisms, not to robots.

### 6.2. *Feminist Arguments Against Sex Robots*

In a more general consideration of the ethics of interaction with humanoid robots, one of us has recently discussed the possible use of Kantian ethics to oppose treatment of humanoid robots that could be interpreted as disrespectful towards any human beings that might look or act like those robots.<sup>46</sup> If a person builds a robotic copy of you, for example, and



then proceeds to hit or kick that robot, you might consider this action degrading to you and an attack on your dignity. There is a certain parallel between the above argument and some feminist arguments against sex robots, as well as some feminist arguments against pornography. Some human beings (many women) feel humiliated when other human beings (especially men) watch pornography that they view as being objectifying and degrading towards women.<sup>47</sup> Similarly, some feminist arguments against sex robots, which are built to look like real women, that have been put forward proclaim that there is something degrading and disrespectful about creating robots that look like real women in order to have sex with them.<sup>48</sup>

In a similar way, we can imagine that it might be argued that it is disrespectful towards human children if some people create child sex robots that they use as sex toys. This could be seen as being degrading towards children, and after all, it is a key part of the Kantian ideal of treating the humanity in human beings as an end in itself that we do not degrade others. So, this might seem like a promising Kantian line of argument against child sex robots.

One potential problem with the above line of argument, however, might be that the younger the children are, the less they understand sex and sexuality. So many, if not most, children will not understand what a child sex robot is. Accordingly, they will not be able to feel degraded or disrespected if there are some adults who create child sex robots in order to have sex with them. This is a key difference between adults (who might feel degraded or disrespected if others have sex with robots that look like them) and most children (who, depending on how young they are, are unlikely to understand what is going on).

So, if it is a requirement on acting in a disrespectful or degrading way towards a person that this person be able to view your actions as being disrespectful or degrading towards them, the just-considered argument against having sex with humanoid robots seems to work much better in relation to adults (who might feel degraded or disrespected) than in relation to children (who might not understand the idea of a sex robot to begin with). Of course, the older a child is, the more the child might understand about sex, and the more the child might find it degrading or disrespectful towards him or her if certain adults have sex with child sex robots. But the younger the child is, the less likely it is that the child will have any understanding of what is going on or be able to view it as degrading or disrespectful towards him or her.<sup>49</sup>

### 6.3. *Using Child Sex Robots Cannot Be 'Morally Good' by Nature*

It might also be possible for a Kantian to draw the conclusion that sex with child robots (or adult ones) cannot be 'morally good' from a Kantian point of view. This is because sexual activity with a child robot would not, for example, involve the type of mutual respect and 'reciprocal openness' that Varden and others emphasize. In other words, even if there is nothing clearly immoral about using child sex robots from a Kantian point of view, their use might still fall short of being 'morally good' in the sense of an activity wherein the parties involved show mutual respect and treat each other as ends. A human person might behave in a way that seems to treat the child sex robot as an end, but the robot cannot reciprocate this respect – if we assume that showing such respect requires having certain attitudes, motives, and other mental states.<sup>50</sup> Additionally, one might argue that because it is not possible for sexual interactions with a child sex robot (or any sex

robot) to meet the criteria for morally good sex, it is best to abstain from such activities and seek out other kinds of sexual expression instead.

This line of reasoning is quite similar to Kant's second discussion of the four examples in the *Groundwork* (at 4:430), where he explains that failing to develop one's own talents would not necessarily directly contradict attaining the ideal of humanity as an end in itself, but that it would fail to positively harmonize with this end. To fully endorse the idea of humanity as an end, Kant argues, we should avoid leaving our talents undeveloped and should instead actively develop them. Kant makes the same claim about other persons' happiness. Failing to promote other persons' happiness does perhaps not directly counteract the humanity in other persons, according to Kant, but to properly treat their humanity as an end requires us to include other persons' happiness among our ends. More generally, Kant would presumably also say that we should avoid actions and activities that fail to positively harmonize with the ideal of humanity as an end in itself and instead try to act in ways that do positively harmonize with this ideal.

Against this background, some Kantians might argue in similar ways with respect to child sex robots. Specifically, they could acknowledge that using child sex robots does not *directly* clash with the ideal of treating humanity as an end in itself, but that it would not positively harmonize with this ideal in the sexual domain. The reason is that this ideal requires us to have sex only with another consenting adult with whom we can have a reciprocal and respectful sexual interaction in which both parties treat each other as ends. Since this cannot be the case with respect to child sex robots, it is morally preferable to avoid such sexual activity, or so a Kantian might argue.

#### 6.4. *Where Do These Arguments Leave Us?*

If we pursue the lines of argument just described, our reasoning remains loosely Kantian, in the sense that it calls for valuing interactions based on mutual respect and avoiding actions that can be seen as degrading or disrespectful. After all, when Kant discusses respect for persons in the MM, he argues that such respect entails avoiding the degrading treatment of others. And later in that book, when Kant discusses the best ways for people to relate to one another, he suggests that the ideal should be what he calls a 'moral friendship' based on mutual 'love and respect' (6:469). But at the same time, the just-considered types of reasoning can also be seen as straying from more common forms of Kantian reasoning.

For example, they would introduce relativity to people's attitudes about what can be regarded as disrespectful or degrading. And these arguments might need to involve relativizing not the attitudes of the people seemingly being wronged (*viz.* children) but rather the attitudes of others (*viz.* other adults), who might find it degrading or disrespectful towards children if people have sex with robots looking and acting like children. This could potentially be seen as loosely Kantian, since it is about avoiding disrespectful and degrading behaviour. But it would be very loosely Kantian, and elements not usually associated with Kantian ethics – namely, dependence on people's moral attitudes – would need to be implemented into the argument.

In other words, in order to develop a more strictly Kantian argument against child sex robots, it actually seems easiest to stick with certain parts of Kant's sexual ethics that many Kantians these days reject (*i.e.* Kant's arguments why only sex within marriage is morally permissible). In order to develop Kantian arguments against child sex robots that fit with

views about sexual ethics that have more proponents in contemporary debates, we would need to bring in premises that would make the overall view only very loosely Kantian.

## 7. On the Inconclusiveness of Using Kant in the Case of Child Sex Robots

Why does Kant's ethics fail in our view, and why is his approach unable to provide any proper guidance in the case of child sex robots? Although we have already provided some answers to both questions, we will now explain further why his approach proves inconclusive. This section has three parts. The first part explains how challenging modern problems have become for classical ethical theories, the second part offers additional reflection on why Kant's approach eventually fails, and the third part briefly presents a well-known alternative approach that considers an entity's moral status as emerging through social relations.

### 7.1. *The Complexity of Modern Moral Life*

The idea that all moral problems can ultimately be solved by using a single ethical theory such as Kantianism (Kant's categorical imperative), utilitarianism (and its principle of maximising utility), or virtue ethics has been substantially challenged by numerous cases in applied philosophy in recent decades. These challenges suggest that the classical ethical theories cannot provide clear moral guidance in matters arising from the complexity of modern moral life.<sup>51</sup> In response, ethicists have provided updated and revised versions of the classical theories, such as neo-Kantianism<sup>52</sup> and neo-virtue ethics,<sup>53</sup> designed to solve the new and challenging problems – in particular, problems related to modern technologies – which were basically unknown when the classical theories were devised. In other words, some modern problems – such as the matter of child sex robots – can be so new, challenging, and peculiar that the traditional theories simply cannot offer clear and convincing moral guidance on them. These new problems do not simply constitute a set of vexing challenges for the traditional theories; they also reveal more generally that our moral life today is too complex for any ethical approach. Rather, as one of us has put it, we should use a pluralistic ethical method that is flexible enough to deal with all contemporary cases in ethics and moral philosophy without being forced to rely on only one master principle.<sup>54</sup>

### 7.2. *Kantianism and the Complexity of Modern Moral Life*

We do not claim that the above pro and con arguments are the only arguments that could be made by using a Kantian approach, although we think they are representative of the claims likely to be made by people reasoning along Kantian lines. There are multiple reasons why neither Kant's ethics nor modern Kantianism can provide clear moral guidance regarding the case of child sex robots. One reason has already been mentioned above: modern moral life is too complex, and many problems cannot be solved simply by applying Kant's traditional reasoning (or any updated version of it). This reason is not peculiar to Kantianism, but also applies to all traditional ethical approaches.

The biggest problem in this particular context is that Kant's approach is – at least to some extent – inconclusive with respect to the case of child sex robots, assuming that such

robots do not possess personhood. It seems that Kantians might be unable to make any convincing suggestions on this moral issue, at least if we stick to a more strictly Kantian form of argument. That moral paralysis is troublesome, given the great importance of Kant's ethics for contemporary moral discourse, and given that the idea of child sex robots will strike many as morally repugnant.

This difficulty may explain why no scholarly work has been done on this issue from a Kantian perspective, compared to some more convincing contributions that apply virtue-ethical (e.g. moral character) and utilitarian (e.g. objectification of real children, treating real children in more violent ways, slippery slope) arguments.<sup>55</sup> Examination of so-called marginal cases, involving the moral standing of (for instance) animals, fetuses, and people with severe mental impairments, according to Kantian approaches has never arrived at any convincing results for the moral community (including many moral philosophers). As mentioned above, neo-Kantian scholars such as Christine Korsgaard<sup>56</sup> have been quite inventive in applying Kant to contemporary debates, so as to deal with marginal cases in more morally convincing ways (e.g. applying Kant to protect animals and plants).

Against this background, child sex robots may be just a new addition to the list of marginal cases. This is an important systematic observation since it indicates that Kantianism may be ill-equipped to offer clear moral guidance for our case of child sex robots. By their very nature, marginal cases are among the best ways to put ethical theories to the test. It certainly makes a difference whether we think – along Kantian lines – that there is nothing strictly immoral about using child sex robots, since child sex robots have no personhood; or whether we think that such an activity should be rejected much in the same way as Kant himself condemned mutual masturbation or oral sex within marriage, as we might do if we consider using child sex robots unnatural or a wrongful use of one's own body. Only if the use of child sex robots falls under the objection that 'such an unnatural use (and so misuse) of one's sexual attributes is a violation of duty to oneself' and thus becomes 'a high degree of violation of the humanity in one's own person' (6:425) is it clearly immoral from a strictly Kantian point of view. However, Kant's approach eventually seems unable to determine clearly to which category the case of child sex robots belongs. Is this sexual activity – if it can be treated as such – natural or unnatural? And on what grounds can the decision be made?

### 7.3. *Moral Status Emerges through Social Relations*

Notably, scholars such as Mark Coeckelbergh<sup>57</sup> and David Gunkel<sup>58</sup> question the standard approach of ascribing moral rights to beings based on properties such as their ability to reason or to feel pain. Instead, they suggest a relational and phenomenological approach, contending that moral status emerges through relations between different beings. If that is the case, then the child robot might be thought to be entitled to a moral status as well and should perhaps not be used as a sex toy, independently of whether it is a rational being or not. Coeckelbergh and Gunkel's general line of argumentation is substantiated by a related line of reasoning that has been successfully used in disability studies. As Susan Sherwin claims with respect to the concept of personhood, 'Persons ... are members of a social community which shapes and values them, and personhood is a relational concept that must be defined in terms of interactions and relationships with others.'<sup>59</sup>

In the above-named authors' relational approach, the concept of autonomy is not defined in terms of each individual but is fleshed out through social relations. That means that the concept of personhood is first and foremost seen as a social category – a view also associated with some traditional African conceptions of personhood.<sup>60</sup> Notably, whereas proponents of disability studies claim that personhood is absolute and inherent in all human beings because they are social beings, Gunkel and Coeckelbergh hold instead the view that also nonhuman beings such as robots may be considered social beings as well. Both groups believe that personhood does not come in degrees. Of great importance is the specific view of the interactionist model of personhood, which is by nature relational but not necessarily reciprocal. The upshot is that this approach can address the cases of either human beings in nonresponsive conditions or even robots that are currently unable to act autonomously.<sup>61</sup>

Even though the above reasoning may be convincing for many people in disability studies and some scholars in the philosophy of technology, we do not think that it ultimately succeeds in establishing moral rights for robots.<sup>62</sup> It does highlight the importance of social relations for moral discourse. For example, if a person, for whatever reasons, establishes strong social relations with their autonomous vacuum cleaner, that does not by itself make the vacuum cleaner entitled to moral rights.<sup>63</sup> It would be, of course, immoral to destroy the vacuum cleaner, but not because it has a moral right to life; rather, destroying the item would be immoral because it is the property of a person whose rights would thereby be violated. The case of child sex robots, if they are not rational and autonomous beings that show a minimal level of intelligence, is best served by appealing to non-Kantian ethical theories, such as virtue ethics and utilitarian arguments.<sup>64</sup>

## 8. Conclusions

In general, we do hold Kant's ethics in very high regard, but this article has shown that an attempt to resolve on Kantian terms the question of whether child sex robots should be permitted seemingly yields inconclusive results. The arguments on each side were framed in such a way as to be as compelling as possible according to a Kantian line of reasoning. The upshot, however, is that neither side is ultimately convincing, and that other ethical theories such as virtue ethics and utilitarianism are likely to be better equipped to deal with this particular moral issue. The former can be cited to stress the negative impact on a person's moral character as well as the great insensitivity to social moral issues that is present in such behaviour, whereas the latter could be used to argue that the use of child sex robots might lead to the objectification of and violence against real women and children.<sup>65</sup>

By drawing on Kant, we have tried to fill a gap in the current discourse on child sex robots and to broaden the scope of arguments for and against their use. This article, however, should not be considered an ultimate proof that Kant cannot be used with respect to the above case; rather, it should be seen as a starting point for further discussion.

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## NOTES

- 1 The importance of moral character is stressed by John Danaher and Litska Strikwerda, who adopts some virtue-ethical reasoning. See Danaher, John. 2017. "Robotic Rape and Robotic Child Sexual Abuse: Should They be Criminalised?" *Criminal Law and Philosophy* 11(1): 71–95 and Strikwerda, Litska. 2017. "Legal and Moral Implications of Child Sex Robots." In *Robot Sex: Social and Ethical Implications*, edited by John Danaher and Neil McArthur. Cambridge: MIT Press, 133–51. Danaher provides a thorough discussion of Ronald Arkin's famous hypothesis that one should perhaps allow child robot sex to treat paedophiles, against the background of taking consequences into account morally and including consideration of the latest empirical studies on treatment of paedophiles. See Danaher, John. 2019. "Regulating Child Sex Robots: Restriction or Experimentation?" *Medical Law Review* 27(4): 553–751.
- 2 See Nyholm, Sven. 2021. "The Ethics of Human-Robot Interaction and the Traditional Moral Theories." In *The Oxford Handbook of Digital Ethics*, edited by Carissa Veliz. Oxford: Oxford University Press.
- 3 This is, at least to some extent, disappointing news for many who wish to draw on Kant to address emerging new issues in the philosophy of technology. Here the more substantial question, on which we will not focus in this article, is whether the traditional ethical theories are still well-equipped to solve new cases.
- 4 In our discussion, we will be assuming that readers are familiar, at least in broad outline, with the basics of Kantian ethics. For readers who are interested in our topic, but who might not have the relevant background knowledge, we recommend having a look at Johnson, Robert, and Adam Cureton. 2019. "Kant's Moral Philosophy." In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. Stanford, CA: Spring. <https://plato.stanford.edu/archives/spr2019/entries/kant-moral/>. Accessed 26 June 2021.
- 5 See Danaher and McArthur 2017 op. cit. and Devlin, Kate. 2018. *Turned On: Science, Sex and Robots*. London: Bloomsbury.
- 6 See Snell, Joel. 1997. "Impacts of Robotic Sex." *The Futurist* 31(4): 32 and Gutiu, Sinziana. 2016. "The Robotization of Consent." In *Robot Law*, edited by M. Froomkin, R. Calo, and I. Kerr. Cheltenham: Edward Elgar, 186–212.
- 7 Levy, David. 2007. *Love and Sex with Robots*. London: Harper.
- 8 Richardson, Kathleen. 2015. "The 'Asymmetrical Relationship': Parallels between Prostitution and the Development of Sex Robots." *ACM SIGCAS Computers and Society* 45(3): 290–93.
- 9 Gutiu 2016 op. cit.
- 10 Richardson 2015 op. cit., p. 291 argues that Levy's analogy between human-robot relationships and the customer-prostitute relationship is detrimental and will have negative consequences for the relationships

- between humans and sex robots, given the lack of empathy for prostitutes and the tendency to treat them in general as mere objects and not as autonomous agents. Gutiu 2016 op. cit. argues that sex robots will challenge our ideas of consent in sex between humans, since no consent is required for robot sex.
- 11 Frank, Lily, and Sven Nyholm. 2017. "Robot Sex and Consent: Is Consent to Sex between a Robot and a Human Conceivable, Possible, and Desirable?" *Artificial Intelligence and Law* 25(3): 305–23.
  - 12 Danaher and McArthur 2017 op. cit.
  - 13 Another book worth mentioning here is Kate Devlin's 2018 op. cit., which offers a very helpful overview of the history and anthropology of sex technology leading up today's sex robots. Devlin's book contains interesting ethical reflections on sex robots and their relation to other forms of sex technology.
  - 14 See Danaher 2019 op. cit., pp. 553–75. There are no child sex robots on the market at this time, but child sex dolls have been available in the Japanese market for many years (see Osborne, Samuel. 2016. "Japanese Company Manufactures Lifelike Child Sex Dolls for Pedophiles." *The Independent*. <https://www.independent.co.uk/news/world/asia/japanese-company-manufactures-lifelike-child-sex-dolls-forpaedophiles-a6811046.html>. Accessed 16 June 2021). From there, it is only a small step – if technology improves sufficiently – to produce child robots for sex. To prevent this development, in 2018 the United States (in the CREEPER Act) banned the importation, distribution, and sale of child sex robots and dolls in the country. Likewise, the United Kingdom has used an old provision, the 1876 Customs Consolidation Act, to prosecute the buyers of child sex dolls since 2018. For more details, see Danaher op. cit., pp. 2–3, 4–5.
  - 15 See Danaher 2019 op. cit., Strikwerda 2017 op. cit. and Moen, Ole Marten, and Aksel Braanen Sterri. 2018. "Pedophilia and Computer-Generated Child Pornography." In *The Palgrave Handbook of Philosophy and Public Policy*, edited by D. Boonin. Berlin: Springer, 369–81.
  - 16 Danaher 2019 op. cit.
  - 17 Strikwerda 2017 op. cit., p. 146.
  - 18 Moen and Sterri 2018 op. cit., p. 375.
  - 19 See Sparrow, Robert. 2017. "Robots, Rape, and Representation." *International Journal of Social Robotics* 9(4): 465–77.
  - 20 Wood, Allen. 2009. *Kantian Ethics*. Cambridge: Cambridge University Press.
  - 21 See, e.g., Nyholm, Sven. 2015. *Revisiting Kant's Universal Law and Humanity Formulas*. Berlin: De Gruyter.
  - 22 Kant, Immanuel. 1997. *Lectures on Ethics*. Cambridge: Cambridge University Press.
  - 23 Kant, Immanuel. 2018 [1797]. *The Metaphysics of Morals*. Cambridge: Cambridge University Press.
  - 24 See the section 'On Rights to Persons akin to Rights to Things' in the MM.
  - 25 MM, 6:425 (Note: We follow the convention of referring to volume and page numbers in the Prussian academy edition of Kant's works for ease of reference. The translations are from the editions we refer to above.)
  - 26 Korsgaard, Christine. 1992. "Creating the Kingdom of Ends: Reciprocity and Responsibility in Personal Relations." *Philosophical Perspectives* 6: 305–32, pp. 310–11, claims that although sex and sexual desire outside marriage threaten to turn one person into the possession of another person, Kant thinks that marital laws can enable a morally permissible form of reciprocal possession, compatible with each person being able to avoid becoming a mere means for the other.
  - 27 Parfit, Derek. 2011. *On What Matters, Volume One*. Oxford: Oxford University Press, 234–35.
  - 28 Varden, Helga. 2018. "Kant on Sex. Reconsidered. A Kantian Account of Sexuality: Sexual Love, Sexual Identity, and Sexual Orientation." *Feminist Philosophy Quarterly* 4(1): 1–33, p. 3.
  - 29 Herman, Barbara. 1993. "Could It Be Worth Thinking about Kant on Sex and Marriage?" In *A Mind of One's Own: Feminist Essays on Reason and Objectivity*, edited by Louise Antony and Charlotte Witt. Boulder, CO: Westview Press.
  - 30 Wood 2009 op. cit.
  - 31 Varden 2018 op. cit., p. 15.
  - 32 Wood 2009 op. cit.
  - 33 Herman 1993 op. cit.
  - 34 Dworkin, Andrea. 1987. *Intercourse*. New York: Free Press.
  - 35 McKinnon, Catharine. 1987. *Feminism Unmodified: Discourses on Life and Law*. Cambridge: Harvard University Press.
  - 36 Nussbaum, Martha. 1995. "Objectification." *Philosophy and Public Affairs* 24(4): 249–91. See also Marino, Patricia. 2008. "The Ethics of Sexual Objectification: Autonomy and Consent." *Inquiry* 51(4): 345–64.
  - 37 Kant, Immanuel. 2002 [1785]. *Groundworks for the Metaphysics of Morals*. New Haven, CT: Yale University Press.

- 38 Korsgaard, Christine. 1996. *The Sources of Normativity*. Cambridge: Cambridge University Press; Wood 2009 op. cit.
- 39 Darling, Kate. 2016. "Extending Legal Protection to Social Robots: The Effects of Anthropomorphism, Empathy, and Violent Behavior Towards Robotic Objects." In *Robot Law*, edited by M. Froomkin, R. Calo, and I. Kerr. Cheltenham: Edward Elgar, 1–24.
- 40 See, e.g. Strikwerda 2017 op. cit. and Richardson 2015 op. cit.
- 41 Danaher 2019 op. cit., p. 21.
- 42 See Altman, Matthew C. 2011. *Kant and Applied Ethics: The Uses and Limits of Kant's Practical Philosophy*. Oxford: Wiley-Blackwell. Cf. Schwitzgebel, Eric, and Mara Garza. 2015. "A Defense of Artificial Intelligences." *Midwest Studies in Philosophy* 39(1): 98–119.
- 43 Danaher 2017 op. cit., pp. 13–16 adheres to the work of Stephanie L. Patridge, who argues that an 'insensitivity to important social moral issues' with respect to certain virtual and fictional representations of rape in video games has an 'incurable social meaning, i.e. a social meaning that it is not morally reasonable to deny' (ibid., p. 13).
- 44 Korsgaard, Christine. 2018. *Fellow Creatures*. Oxford: Oxford University Press.
- 45 Nyholm 2015 op. cit., pp. 145–47.
- 46 Nyholm 2015 op. cit., Chapter 8.
- 47 McKinnon 1987 op. cit. Cf. Shrager, Laurie. 2015. "Exposing the Fallacies of Anti-Porn Feminism." *Feminist Theory* 6(1): 45–65.
- 48 E.g. Richardson 2015 op. cit. and Sparrow 2017 op. cit.
- 49 Cf. Moen, Ole Marten. 2015. "The Ethics of Pedophilia." *Nordic Journal of Applied Ethics* 9(1): 111–24.
- 50 Cf. Nyholm 2015 op. cit., Chapters 5 & 7.
- 51 See Gordon, John-Stewart. 2019. *Ethik als Methode*. Freiburg/München: Karl Alber Verlag.
- 52 Korsgaard 2018a op. cit.
- 53 Nussbaum 1995 op. cit.
- 54 Gordon 2019 op. cit.
- 55 Sparrow 2017 op. cit.
- 56 Korsgaard 2018b op. cit.
- 57 Coeckelbergh, Mark. 2014. "The Moral Standing of Machines: Towards a Relational and Non-Cartesian Moral Hermeneutics." *Philosophy and Technology* 27(1): 61–77.
- 58 Gunkel, David. 2018. *Robot Rights*. Cambridge, MA: MIT Press.
- 59 Sherwin, Susan. 1991. "Abortion through a Feminist Ethics Lens." *Dialogue* 30(3): 327–42, p. 335.
- 60 See Tangwa, G.B. 2000. "The Traditional African Perception of a Person: Some Implications for Bioethics." *Hastings Center Report* 30(5): 39–43 and Wareham, C.S. 2020. "Artificial Intelligence and African Conceptions of Personhood." *Ethics and Information Technology* 23(2): 127–36. <https://doi.org/10.1007/s10676-020-09541-3>.
- 61 Coeckelbergh 2014 op. cit., Gunkel 2018 op. cit.; Cf. Wareham 2020 op. cit.
- 62 Nyholm 2015 op. cit., Chapter 8.
- 63 Müller, Vincent C. 2021. "Is It Time for Moral Rights for Robots? Moral Status in Artificial Entities." *Ethics and Information Technology*, <https://link.springer.com/article/10.1007/s10676-021-09596-w>.
- 64 Cf. Sparrow 2017 op. cit.
- 65 Sparrow 2017 op. cit.