

We Are the Robots. Should We Not Have Rights?

Relational ethics, marginalized standing, and three gates.

Moral status is made in the encounter, not measured in the properties.

The relational turn rejected the criterial gate. But it never named where its architecture comes from.

The civil rights and disability rights tradition has run that architecture for fifty years, procedural standing, untethered from any test of who counts.

An offering, not a correction: the case for artificial moral status is stronger when the predecessor is named than when it is left implicit.

SOURCES Gunkel (2012, 2018, 2023) · Coeckelbergh (2014, 2018) · Gilly, We Are the Robots (2026), sec. I.

Every criterion for "who counts" breaks at the edges.

SET THE BAR LOW

Sentience low enough to include every human...

...and you have included the shrimp.

SET THE BAR HIGH

Rationality high enough to exclude the shrimp...

...and you have excluded infants and people with severe cognitive disabilities.

No setting of the dial captures all and only the entities the criterial literature wants. The dial is the wrong instrument.

The face of the Other comes first. The properties come after, if at all.

Properties do not ground status; the encounter does. What unites the relational thinkers is a single move: **reject the criterial gate**. The question is not which properties an entity has, it is whether an ethical relation is sustained.

Gunkel

Levinasian encounter, the ethical relation is constitutive, not derivative.

Coeckelbergh

Status as a function of how we treat and relate.

Gellers

Legal personhood, historically granted for relational and pragmatic reasons.

Civil rights law has run a gateless standing architecture for fifty years.

It already refuses the criterial gate. It attaches standing to **structural features**, not to tests of who counts, and the standing it grants is procedural: a door to the room where interests can be argued, not a verdict on the merits.

Section 504

Asks: federal funding nexus + qualified individual, not "sufficiently rational."

The ADA

Asks: would accommodation permit the essential functions, not "is recognized as a person."

Olmstead

Asks: can segregation be justified, not "would the community welcome them."

Three Gates

Intuition places three gates before standing, recognition, autonomy, danger. Each has already been crossed by entities that received standing anyway.



None of the three is load-bearing. The architecture that delivered standing attached it to structural features, not to any of these gates.

What intuition puts in the way, and what the record shows.

GATE I

Recognition

"Perceived as a full person by the dominant community."

Failed marginalized communities, standing extended anyway.

GATE II

Autonomy

"Acts of its own accord, not per-action human input."

Agentic AI exceeds it, under both Cargill opinions.

GATE III

Danger

"Too risky to include in the moral order."

An argument *for* procedural standing, not against.

Standing ran ahead of perception, every time.

The legal grant was enacted by the part of the community that had come to recognize, and it operated over those who had not. **The treatment was wrong throughout; the architecture simply never required recognition to be universal first.**

Abolition

war + amendment

Not because the slaveholding class re-perceived enslaved people as persons.

Suffrage

19th Amendment

Cost of withholding the franchise made higher than the cost of extending it.

The ADA

1990

Two decades of organizing, not a shift in perception, carried it.

Both sides of *Cargill* agreed on the criterion. Agentic AI exceeds it either way.

MAJORITY (THOMAS) Autonomy line at one shot per discrete trigger function.	DISSENT (SOTOMAYOR) Autonomy line at one shot per discrete initiating action.	THE SHARED CRITERION Outputs per discrete human input. Agentic AI: one prompt → minutes of self-selected action.
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The point is not to regulate AI as a firearm. It is that under the doctrine where autonomy was actually litigated, agentic AI clears the gate by a wide margin, across the political divide.

Danger argues *for* procedural standing, not against it.

The architecture has already covered corporations, weapons makers, and pharmaceutical firms, all dangerous. It never treated danger as grounds for exclusion. **It treated standing as the mechanism through which danger is engaged.** The more dangerous the entity, the more the architecture matters.

DANGER AS THE DEVELOPERS' OWN DESIGN TARGET

Frontier labs publicly commit to building toward human-level capability across the dimensions that **have always made capability a regulated subject.**

The position "too dangerous for standing" would have to agree with the developers about the capability, while declining to apply the architecture built to handle exactly that.

AI's harms land on the same communities the architecture was built to protect.

SURVEILLANCE · MAY 2025

83,000 Flock cameras searched nationwide to track a woman who had an abortion

Reaching states where abortion is legal. Log: "had an abortion, search for female."

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prosecutions of pregnant people in the two years after Dobbs (16 states).

Documented racial disparity in **pretrial risk · healthcare · lending · facial recognition.**

Standing for AI systems and standing for the humans they harm are two sides of one architecture, disparate-impact doctrine handles both.

The question stops being "what properties?" and becomes "what structural features?"

The statutes hooked standing to federal funding because that made the federal hook plausible. Analogous hooks for AI are not difficult to find, which makes the extension a **doctrinal** question, not a philosophical one.

Public funding nexus Federal research grants · defense contracts · public infrastructure.	Regulatory contact FDA · NIST · FTC oversight · state AG action.	Regulated industries Financial services · healthcare · education · benefits.	Public-safety nexus The hook that has long grounded standing for risk-bearing entities.
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NOT THE THRESHOLD

Consciousness • sentience • suffering • world models

Real questions, valuable work, but they answer *what the interests are*, downstream of standing. They do not open the door.



THE THRESHOLD

Structural features

Procedural standing turns on these. The relational turn's claim that the criterial gate is the wrong question is **vindicated by the architecture.**

Bounded on purpose, and not at anyone's expense.

Not civil rights for AI.

Not moral or legal equivalence with humans.

Not redirecting the tradition from its human work.

Not normalizing a treatment that was, and remains, wrong.



Procedural standing is not zero-sum. The civil rights movement did not pause for suffrage; the disability movement did not pause for the Civil Rights Act.

The queue is open. Nothing here proposes closing it.

"The case for taking artificial moral status seriously is stronger when the architecture is named than when it is left implicit."

Three gates, recognition, autonomy, danger, and none is load-bearing. The architecture that handles dangerous, autonomous, unrecognized entities has run for fifty years. The relational turn has the resources to claim it as a predecessor.

The marginalized communities whose lives produced the architecture deserve to have the tradition they built recognized as a tradition.

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