Self-Driving Cars and the Future of Automotive Laws

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What is consciousness? Sure, it is a concept that most have heard of, and a field of study that several members of society have spent their lives pursuing. But even with the majority being aware of the general idea behind the idea of consciousness, we as a society have yet to pin down a quantifiable definition for what constitutes as inhabiting it. This conundrum is becoming more and more of an issue as advances in technology and research in the field of artificial intelligence continue. Society is quickly approaching a point where we must consider the ramifications of accepting that a machine that Man has created is capable of consciousness, and adjust our societal structure accordingly. In the case of self-driving cars in particular, we must decide on how to appropriately adjust our legal processes to accommodate for a vehicle with some level of consciousness. I poset that if self-driving cars are created with (or develop on their own) a level of intelligence deemed worthy of some level of consciousness approaching that of a driving human, than they should be held to the same legal constraints as humans on the roadway.

The idea of a machine inhabiting the ideas of consciousness have long been an area of controversy. Benjamin Soskis, an American religious history graduate student at Columbia University, points out in his article "Man and the Machines" this very topic. In his article, he outlines the issues that are brought up by our lack of a full understanding of what consciousness is, as well as what that could mean from a legal standpoint when machines get to the point where they can believably convince us that "they are conscious, that they have their own agenda worthy of our respect." [1] He goes on to explain that our acceptance of machines as having consciousness rely heavily on the physicality of those machines and how we interact with them in the world, whether it be an internet chat-bot or an anthropomorphic robot teddy bear.

This brings us to the self-driving car. Cars have become a machine that has permeated through nearly all of human society, and have become a necessity for human life. Self-driving cars are also starting to enter the mainstream automotive industry, and with them come legal considerations that have previously not been considered. For example, Christian Wüst's article "A Promising Future for Self-Driving Cars" details that the UN had a treaty in place stating that "Every moving vehicle or combination of vehicles shall have a driver." [2] However, with the advent of self-driving cars certain areas of the world are already starting to adjust that treaty to take into account the changing landscape of the automotive world. The next logical step past mear acceptance of self-driving cars is to question what further legal changes should be made if self-driving cars advance to a level of consciousness equal to that of an average human driver.

If self-driving cars are developed with the sense to "think" on their own, develop their own ideas on the actions that they perform, and adjust their actions according to those ideas, they should be held to the same standards as any human driver who does the same thing when driving. If these hypothetical cars were to be the cause of an accident on a roadway, the oness should fall on the car itself rather than the driver/passenger. Of course, to allow this society must accept the autonomy of self-driving cars not only as vehicles, but as entities with the same mental capacity when driving as the average human does. We are not at that point yet in society, but as self-driving cars become more and more advanced to the point where they avoid mistakes past the current benchmark of 80,000 Km and beyond [2], these questions of legal blame should shift away from the passive passenger and on to the machine doing all of the thinking.

References

[1] Benjamin Soskis, “Man and the Machines”, Legal Affairs, January/February 2005.

[2] Christian Wüst, “A Promising Future for Self-Driving Cars”, Spiegel Online, February 1, 2013.