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# RAPE CULTURE REBORN: A POSTHUMAN PERSPECTIVE ON RAPE IN *WESTWORLD*

Which doesn't mean she can't feel pain. Just means she can't do anything about it. — Hannibal, TV series

A b s t r a c t. The main objective of the essay is to present the problem of granting the status of a person who enjoys all human rights to artificial intelligence if it manages to develop artificial consciousness at the level allowing it for reflecting upon itself and recognizing the fact that it is an entity which has its own subjectivity and the right not to be exploited. Assuming the perspective of critical posthumanism, which here draws on research conducted by Stefan Sorgner, Francesca Ferrando, and Neil Badmington, the Author tries to give a concise presentation of the issue, which may still be perceived as part of speculative discourse stimulated by science-fiction, but which – as the Author proves – seems to be gradually becoming part of our everyday world that humanity will have to deal with on both ideological and legislative ground.

Key words: artificial intelligence; critical posthumanism; rape; cyborg; artificial consciousness.

On 2 October 2016, HBO aired the first episode of its new TV series titled *Westworld*. As the series information reads, it is "a dark odyssey about the dawn of artificial consciousness and the evolution of sin. Set at the intersection of the near future and the reimagined past, it explores a world in which every human appetite, no matter how noble or depraved, can be indulged" (HBO website). It is perhaps important to add at this point that most of the human appetites evinced in the film seem to revolve around sexual humiliation and exploitation of women—accompanied by occasional humiliation and killing of their fathers and par-

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tners—which is otherwise strictly forbidden outside the virtual reality called 'the park' created within the world presented.

The idea behind the series is intriguing for numerous reasons. In the first place, one important question is why characters' sexual appetites are whetted so easily the moment they enter the park and why, given the chance to rape, they seize it with little or no hesitation. After all, even though the so-called "hosts", which are supposed to satisfy any client's whim, are only humanoid, they do resemble human beings in every single detail. Secondly, and perhaps more importantly, one should consider why so many viewers seem to find such rape scenes appealing. After all, most of us would hate it if anything remotely like rape happened to one of our family members, not to mention ourselves. Still, as Business Insider claims, "the season averages 12 million viewers across all platforms. That's the largest audience ever for an HBO original series' freshman season, including the first seasons for 'Game of Thrones' and 'True Detective'" (Business Insider website). These statistics, on the one hand, might be the sign of HBO's great commercial success. On the other hand, however, they seem to offer a grim commentary on the dark side of what is-often essentialisticly-referred to as human nature.

Another plausible explanation, connected with the one given above, of the significance of using rape scenes was provided by Tanya Horeck. As the critic comments, "there is a tendency to use explicit rape scenes as a means of challenging the spectator to think critically about their own relationship to images of pain and suffering" (158). The question is, however, whether the spectator really does think critically about this relationship or—unfortunately, more likely— simply indulges his/her increasingly insatiable appetite for rape scenes, which are to a certain extent legitimized by television producers so there is no need to look for them in the depths of the Internet. After all, television seems to be a relatively efficient and safe laboratory where viewers can both satisfy their appetites and test their reactions to rape in general and—as in the case of *Westworld*—to rape of automatons, robots, artificial intelligence, you name it.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Readers interested in the use of rape scenes might want to familiarize themselves with numerous TV series of a kind which has proliferated over the last two years. It is enough to mention titles such as *Hannibal*, *Dexter*, *Black Mirror*, *Lucifer*, etc. Many of them are available on Netflix.

## CAN ONE RAPE A ROBOT?

Problems which laid a sound foundation for the series and questions raised above which are crucial for developing the core idea of this article were the subject of a discussion I participated in during the 7<sup>th</sup> Beyond Humanism Conference, "From Humanism to Post- and Transhumanism," held at EWHA Women's University in Seoul, South Korea, in 2015. The discussion, which took place almost exactly a year before the HBO series commenced, touched upon several important points related to entities human beings are on the brink of creating. Undoubtedly, the most vital aspect of the discussion was the recognition of the necessity to develop some moral standards in relation to artificial intelligence and robots. The starting point of our discussion was how to answer the questions whether objects can (or should) be treated as persons and — if yes — whether such non-human persons can (or should) be afforded any or all of the rights that any other human being, at least in theory, is granted. The very idea that humans should perhaps reconsider their relationship with what so far have been referred to as objects seems to be ground-breaking and appears to have much bearing on the definition of humanity itself.

This issue has also become a point of debate for numerous scholars and was investigated, for instance, by Stefan Sorgner in the talk "Posthuman Perspectives" given in Bratislava in December 2016. In his multi-layered presentation, Sorgner mentions *Westworld* explicitly when he states that

[o]ne of the implications of the revised understanding of human beings, which I have just described, is the relevance of moving away from speciesism. Peter Singer was right when he explained that attributing personhood solely and exclusively to human beings implies speciesism. Moral recognition should depend on morally relevant capacities and not solely on someone's belonging to a specific species.

At this point, it needs to be emphasized that establishing clear criteria that would help to unambiguously indicate what qualities a person—either human or non-human—should possess to qualify as a person is naggingly problematic. Numerous critics and philosophers have investigated either (posthuman) person-hood itself—e.g., Daryl J. Wennemann in his book *Posthuman Personhood*—or fields that provide the basis for conceptions closely linked to the issue of personhood. While it obviously exceeds the scope of this study to discuss all of them, it seems necessary to acknowledge at least two that are normally mentioned in posthuman criticism, i.e., Karl Marx and Martha Nussbaum. The former—as

Louis Althusser writes in "Marxism and Humanism"—must have departed from the then-current definitions of an essence of man when he broke with "every theory that based history and politics on an essence of man." As Althusser further explains,

- [t]his unique rapture contained three indissociable elements:
- (1) The formation of a theory of history and politics based on radically new concepts (...).
- (2) A radical critique of the *theoretical* pretensions of every philosophical humanism.
- (3) The definition of humanism as *ideology*. (qtd. in Badmington, *Posthumanism* 30)

Posthuman understanding of what a person is seems to take this rupture with previous theories a few steps further. The criteria that could be used to define a person, however, remain blurred.

If one tried to approach this problem from the perspective adopted by Martha Nussbaum in "List of Central Human Functional Capabilities," one would have to count as human attributes such as "being able to move from place to place, having one's bodily boundaries treated as sovereign... having opportunities for sexual satisfaction... Being able to use the senses, to imagine, think and reason..." (qtd. in Wolfe 68). The problem is that on the same grounds someone with, for example, either a physical or an intellectual disability can be refused the status of a human being and, consequently, of a person—a claim, it should go without saying, I strongly oppose. Therefore, accepting morally relevant capacities as a precondition of moral recognition—as Sorgner does—appears to be a common-sensical solution that clearly differentiates a person from a non-person and redefines a human being (Sorgner, "Posthuman Perspectives").

The need for "the revised understanding of human beings" (Sorgner, "Posthuman Perspectives") and the potential implications of such an understanding are a recurring motif in many fields of contemporary studies. So far human beings have thoroughly entertained the idea that they are the high end of the food chain, and that they are the most intelligent and powerful entities that have ever walked the Earth. Focused on their own magnificence, they have begun to toy with the idea of crowning their achievements with an act so powerful it has so far been the domain of gods only—creating another sentient and intelligent being in their own image. One might say human beings have been clever enough to find a job for such brand-new entities even before they have been created. Artificial intelligence or robots might be used, for instance, as cheap labour—giving humans a chance to take a few extra days off during the week—or as sex partners, which—the media report<sup>2</sup>—are already being built. However, there are still a few "ifs." What happens if we create entities which, at some point, develop self-awareness and—as people of colour once did—rebel against being used and abused by their masters. Can we—as moral beings with morally relevant capacities—upload whatever other information about the world is available and skip the file containing information about what exploitation, slavery, and rape really are. What if artificial intelligence develops morality irrespective of the fact that morality has not been uploaded, and realizes that humans have played naughty to it? Humans will have to commit unjust acts—widely recognized as crimes against persons—if they want to create sex robots and rape them without the robots being aware of being raped. This criminality is exactly what is illustrated in *Westworld*. But "what is the big deal anyway? Can one actually rape a robot?"

Already at the beginning of *Westworld*, viewers can see that something is "wrong" with the "hosts." They start acting up. They freeze and mumble. Clients do not find them entertaining. What initially seems to be a mere technical error related to the latest system update turns out to be something much more significant—much less humanoid, much more human. Viewers witness the dawn of artificial consciousness. Hosts begin to have flashbacks. Somehow (nobody seems to know exactly why) they become able to recollect memories. They are becoming more and more complex psychologically and emotionally, which results in their transformation from androids to human beings. They are increasingly aware that they might be being abused all the time. The world order according to which they have 'lived' so far is in danger. Rebellion is about to begin.<sup>3</sup>

<sup>&</sup>lt;sup>2</sup> One can no longer take such news lightly since, as *Digital Journal* reports, "[a]n artificial intelligence system being developed at Facebook has created its own language. It developed a system of code words to make communication more efficient. Researchers shut the system down when they realized the AI was no longer using English."

<sup>&</sup>lt;sup>3</sup> It is interesting to juxtapose *Westworld's* hosts' views and the standpoint presented by Descartes in his *Discourse on the Method*. Let me quote at length: "This will in no way seem strange to those who are cognizant of how many different automata or moving machines the ingenuity of men can make, without, in doing so, using more than a very small number of parts, in comparison with the great multitude of bones, muscles, nerves, arteries, veins, and all the other parts which are in the body of each animal. For they will regard this body as a machine which, having been made by the hands of God, is incomparably better ordered and has within itself movements far more wondrous than any of those that can be invented by man. [... I]f there were any such machines that bore a resemblance to our bodies and imitated our actions as far as this is practically feasible, we would always have two very certain means of recognizing that they are not at all, for that reason, true men. The first is that they could never use words or other signs, or put them together as we do in order to declare our thoughts to others. [...] The second means is that, although they might perform many tasks very well or perhaps better than any of us, such

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It never ceases to amaze me how the creators of the series were capable of reflecting upon issues present in the academic world but still fairly obscure to or even unwelcome by many members of academia, let alone the general public. Let me restate and emphasize a question which is most baffling from an ethical point of view: if human beings create robots, artificial intelligence, etc. in their own image, is it morally acceptable not to provide them with the idea of what rape is? Should human beings be allowed to create sex robots that would not be capable of understanding that they are being taken advantage of? Four years after the abovementioned conference in Seoul, the necessity to address these still controversial and unanswered questions is more widely recognized. As psychologist Alex Gillespie states in an interview for BBC Future, "We want to know whether we'll treat [artificial intelligence] like another human being. Whether we will at some point in the future care what that artificial intelligence thinks about us" ("Artificial intelligence could..."). Another point to consider is whether humans should be afraid of artificial intelligence, which might want to take revenge on us.

#### CAN ROBOTS RAPE US?

Yes, they can. Or so can be deduced from Francis Fukuyama's statement "that Huxley was right, that the most significant threat posed by contemporary biotechnology is the possibility that it will alter human nature and thereby move us into a 'posthuman' stage of history" (7). Critics who subscribe to Fukuyama's point of view normally paint a picture of humanity's miserable future dominated by humans 2.0, who/which (sic) have successfully depraved humankind as we know it of its humanity and turned it into, for example, batteries, as is spectacularly narrated in *The Matrix Trilogy*. However gripping the film might be, this catastrophic vision of doom and gloom is surely one-dimensional since there seems to be no place whatsoever for a better life for present humans, who—according to Fukuyama's followers—are doomed to the worst fate that might

machines would inevitably fail in other tasks; by this means one would discover that they were acting not through knowledge but only through the disposition of their organs. For whole reason is a universal instrument that can be of help in all sorts of circumstances, these organs require some particular disposition for each particular action; consequently, it is for all practical purposes impossible for there to be enough different organs in a machine to make it act in all the contingencies of life in the same way as our reason makes us act." (32; my emphasis).

It is true that *Westworld* is still only a phantasy, but, judging by recent discoveries in the field of artificial intelligence, by building sex robots, etc., one can never be sure when we will reach the stage when it is possible to construct fully-fledged intelligent automata.

possibly await mankind. Such predictions are surely intriguing since present humans seem to hold a belief that humans 2.0 will adopt what can be described as the exact same oppressive model of dominating and controlling them that they have successfully adopted over the centuries with regard to thousands, if not millions, of species inhabiting this planet, as well as with regard to our own species, e.g. whites colonizing, dominating and painfully exploiting indigenous peoples around the world. From this vantage, humans 2.0 are unconsciously expected to be an amplified version of who we really are at present and have always been over the centuries; hence the conclusion that present humans project their own nature onto species yet to come.

There is also a baffling aspect to Fukuyama's statement, i.e., the fact that, even though present humans hesitate to admit, for instance, that artificial intelligence deserves to be granted personhood when it develops consciousness and deserves to be granted ensuing rights stemming from morally relevant capabilities that AI can also potentially acquire, they readily ascribe those same capabilities when stating that humans 2.0/posthumans will rape our civilization both in a figurative sense by depriving us of our traditions, family relations, moral values, etc., and in a literal way by subjugating the human race. In light of the above, humanity 1.0's will to prove that it is in any way superior to this supposedly monstrous posthuman species falls flat. On the one hand, we fail to acknowledge that a human being can rape an artificial being, ignoring its potential rights in a rather condescending manner. On the other hand, though, we seem to believe that a human being can be figuratively raped by a member of a species that has not come into being yet and which we apparently believe—again unconsciously—to be our worst selves.

The same kind of social hypocrisy which allows us to accuse others of our own deadly sins can be observed in the way rape has been defined by humanity 1.0 over the centuries. To begin, let us turn to the definition of rape in "10 U.S. Code § 920—Art. 120. Rape and sexual assault generally," which might already raise certain doubts:

- (a) **RAPE.**—Any person subject to this chapter who commits a sexual act upon another person by—
- (1) using unlawful force against that other person;
- (2) using force causing or likely to cause death or grievous bodily harm to any person;
- (3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping;
- (4) first rendering that other person unconscious; or

(5) administering to that other person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct; is guilty of rape and shall be punished as a court-martial may direct. ("10

U.S. Code...")

On the one hand, the wording of this article seems fair as it stipulates that both men and women should be granted equal rights. Moreover, the meaning of the word 'person' goes beyond a traditional, normative division into two sexes and includes humans who fail to identify themselves as either men or women. If one assumes a posthuman, more inclusive perspective, however, it seems to automatically exclude any other entity that is not granted personhood by humans, i.e., animals, cyborgs, artificial intelligence, robots, etc. Potentially, then, this article allows for abuse that is not punishable by law by failing to protect, for instance, artificial intelligence that might develop consciousness, as happens in Westworld. Even more so in the case of a cyborgian, post-gender body (Haraway 150), the above provisions might prove useless as they envisage no protection for a body which is genderless and without any pretence whatsoever to be called a person in the way "person" is formulated at present, i.e., as a human person. I am, therefore, inclined to adopt a much more extended definition of rape and a rapist, one in line with Susan Brownmiller's postulate in Against Our Will: Men, Women, and Rape: "[a] feminist definition of rape goes beyond the legal, criminal definition with which the nation's system of jurisprudence concerns itself, [to ...] an extended definition of rape and rapists" (174–5).

Some might object to turning the concept of rape into an all-inclusive term as it loses some of its precision, especially in the legal sense. Even though I am fully aware of that objection, I am far from using this concept in a strictly legal context in the first place. What is more, I am inclined to employ a posthuman, inclusive understanding of the term 'rape,' one similar to Brownmiller's. The author outlines the history of rape as a social and legal phenomenon, how it was approached in various cultures and legal systems throughout the centuries and how women played a marginal role in the debate about rape. Brownmiller proves that cultures as diverse as ancient Hebrew communities and the medieval feudal system shared virtually the same system of values as regards the rape of women: namely, both treated women as property. Very little attention—if any—was paid to women's psychological, physical, and emotional suffering. Rape was essentially an offence of one man against another. As Brownmiller explains,

[b]y this circuitous route the first concept of criminal rape sneaked its tortuous way into man's definition of law. Criminal rape, as a patriarchal father saw it, was a violation of the new way of doing business. It was, in a phrase, the theft of virginity, an embezzlement of his daughter's fair price on the market. (18)

Women have been treated as little more than chattels since time immemorial. This objectification surely helped men take advantage of women without any limitations. As Brownmiller summarizes:

As German soldiers in 1944 tortured and raped Maquis supporters, and as French paratroopers tortured and raped Algerian resistance leaders a decade later, so in the year 1972 beyond the horrors of the interrogation centres in South Vietnam one heard of electric shocks and rape applied to female political prisoners in Argentina and severe beating and electric shocks administered to the sexual organs of male and female prisoners in Brazil, including the doubly vengeful act, "a woman raped in front of her husband by one of his torturers." Six months later the pattern was repeated by the Portuguese in the colonies of Angola and Mozambique, and a year after that by the military government of Chile. Throughout much of the world the pretext of securing political information has led, in a woman's case, to rape. (90)

In this context, instances of rape of a cyborgian, postgender body in *Westworld* seem to be a gripping extension of Brownmiller's discussion. Despite being presented as a matter of innocent entertainment in a consumer society, the omnipresent urge to rape in the series proves beyond doubt that, notwithstanding our recent technological development, humanity will readily relapse into old patterns of human behaviour which were established by patriarchal communities.

However, I do not wish to put the blame for rape only on patriarchal society. While this seems to be Brownmiller's claim, some critics disagree. As Christina Hoff Sommers explains, international studies on violence suggest that patriarchy is not the primary cause of rape but that rape, along with other crimes against the person, is caused by whatever it is that makes our [American] society among the most violent of the so-called advanced nations" (10). Questioning the contention that patriarchy is the root of all rape, Sommers suggests that many researchers who study this phenomenon have gone to great lengths to prove the presupposition that rape is actually brought about by patriarchal society—the implication being that the majority of men are, at least potentially, rapists. The critic tries to debunk this theory, pointing out that some of the most important studies in the field appear to be based on inflated statistics:

'One in four' has since become the official figure on women's rape victimization cited in women's studies departments, rape crisis centres, women's magazines, and on protest buttons and posters. (3)

As Sommers further explains, the data are unreliable for numerous reasons, e.g., slapdash research and jumping to conclusions. She rightly observes that "[r]ape is perpetrated by criminals, which is to say, it is perpetrated by people who are wont to gratify themselves in criminal ways and who care little about the suffering they inflict on others" (12). The majority of these criminals might still be men, but there seems to be an important shift if one calls perpetrators criminals and refrains from ascribing crimes to a specific sex, which ascription in practice creates yet another oppressive system that this time is authored by women. The tendency to include poorly supported statements and jump to conclusions also appears to be present in Brownmiller's book when she openly states that she *thinks* something is true or that she *assumes* that a crime *must have happened* even though it was not reported, only because such things *can* happen to women.

Patriarchal or not, the system which has organized human life for ages has been rather unfavourable towards women. In Giorgio Agamben's words, the condition of a woman as a victim of rape was, historically, reduced to "bare life." She did not seem to have any legal way to defend herself against rape and, therefore, used to be devoid of some significant civil rights. Never entering *bios*, she always lived in *zoē* since she was part of men's inventory. Agamben traces the terms *bios* and *zoē* to ancient Greek:

The Greeks had no single term to express what we mean by the word 'life.' They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct:  $zo\bar{e}$ , which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group. (1; my italics)

According to this distinction, *zoē* means 'bare life' or life without any rights, while *bios* means political life. If we agree with Brownmiller's claim that women have been part of men's chattel for a considerable part of history, it seems justifiable to conclude that they have inhabited the realm of bare life. Curiously, this is the same realm where entities which are not granted personhood can be found—a place inhabited by the cyborg, postgender bodies of the *Westworld* series. Supposing humans 1.0 actually create such beings and just let them live without granting them personhood and rights, they banish them to the realm of bare life—

a convenient treatment if one wishes to rape uncontrollably what Patricia Melzer describes as "[t]he decentred bodies that grow from new technologies and populate postmodern science fiction" (13).

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# POWRÓT KULTURY GWAŁTU. POSTHUMANISTYCZNE SPOJRZENIE NA GWAŁT W SERIALU *WESTWORLD*

#### Streszczenie

Głównym celem niniejszego tekstu jest zarysowanie problematyki przyznania statusu osoby z pełnią praw człowieka sztucznej inteligencji, której uda się rozwinąć sztuczną świadomość na poziomie pozwalającym jej na autorefleksję oraz zrozumienie, że jest bytem, który ma własną podmiotowość i prawo sprzeciwu do bycia ofiarą eksploatacji. Przyjąwszy perspektywę krytycznego posthumanizmu, która tutaj opiera się na pracy naukowej krytyków takich jak Stefan Sorgner, Francesca Ferrando czy Neil Badmington, autor eseju stara się w syntetyczny sposób przedstawić zagadnienie, które co prawda, może się wydawać, wciąż należy do sfery spekulatywnych rozważań rodem z twórczości popularnonaukowej, powoli jednak — jak udowadnia autor eseju — staje się częścią codziennego świata, z którą ludzkość będzie sobie musiała poradzić zarówno na gruncie ideologicznym, jak i legislacyjnym.

Słowa kluczowe: sztuczna inteligencja; krytyczny posthumanizm; gwałt; cyborg; sztuczna świadomość.