

# Case Study 2

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## 1. Introduction

As an expert in AI technology, I am tasked to write this report and present an ethical overview over the recent situation in our jurisdiction involving new potential providers of sex doll brothels. These might pose a few ethical challenges. This report aims to give town council members the tools and perspective they need to come to a conclusion on what to do about these proposals.

## 2. Ethical Background

I will be looking at this issue with a utilitarian framework in mind, since this is new technology where society does not have established rules, rights or even shared opinions. This requires somehow reducing these new ethical challenges to existing solutions, which is where a utilitarian framework can help, because if this new technology has similar outcomes than questions we have previously discussed as a society, we can then judge the situations accordingly.

There are a few ethical issues at hand on different levels:

1. First up, there is the question of consent. These sex dolls would be able to be programmed in a way where they could allow customers to perform acts on them that are illegal on real beings, like non-consensual or violent acts or acts with children or animals. Changing the physical shape of the dolls would not be too big of a change and definitely within reach, which means that whatever decision is reached should also include these effects in its arguments.
2. Then, there is the question of regulation. Human sex workers in our jurisdiction are regulated quite heavily (e.g. weekly testing for sexually transmitted infections, regular background checks, and paying for their own medical and licensing expenses). These new brothels might not be regulated as strictly, which would be seen as unfair by sex workers.
3. Lastly, there is the question of competition. Sex dolls might become more affordable, private (because they forget everything that happens to them) and more willing (see the first point) than real prostitutes. This would pose additional competition to human prostitutes, which in turn would make them less willing to accept these dolls.

## 3. Facts of the Case

### 3.1. Human sex workers

Human sex workers are under a lot of regulation in our jurisdiction. As mentioned in the prompt:

*Sex workers are licensed to work in legal brothels under strict conditions such as weekly testing for sexually transmitted infections, pass regular background checks, and pay for their own medical and licensing expenses, among others. Failure to meet and maintain these requirements can result in temporary suspension of the worker's license to complete revocation and notification to the national licensing clearinghouse, effectively ending the person's ability to legally work in this field.*

### 3.2. Sex dolls

Sex dolls have become more and more available to customers in recent decades. In the past years, a few brothels offering customers interaction with such dolls have opened [1]. Forbes further writes in an other article:

*A session with one doll is around €120 per hour and the cost of each doll is \$5,500. "They are totally realistic dolls both in their movements and in their "feel," and they will allow you to fulfill all your fantasies without limits," the website promises. "Such sex dolls have already proved a huge hit in Japan and China - especially with husbands working away from home who want to avoid being unfaithful," writes The Local. [2]*

But the development of these dolls has gone further:

*[...] creating dolls programmed to display moods and emotions—and that will be ready this year for about \$15,000. [2]*

Lastly, a look into the future:

*When such sex androids hit the market, many speculate they will revolutionize many other businesses - among them the sex tourism and travel industries. "Sex robots holiday resorts soon will be taking the world," *The Sun* enthused, citing a study by Sydney-based sexologist Michelle Mars. "Markets for particular kinds of experiences or particular 'models' of android will be available at different destinations." [2]*

Such sex dolls might have further impacts:

*And in a world where consent has become an increasingly fraught issue in sex, non-human partners may provide individuals with an alternative: a partner that doesn't judge your desires, has no desires of her own, and will never say no, unless, of course, you say so. [1]*

This comes back to the first ethical challenge listed in chapter 2 of this report. But based on the information above, such dolls are available to purchase to customers, independent of the decision of the council regarding doll brothels. And at least some of the highly motivated customers (like those with sexual tendencies they cannot act out with real humans) will get their hands on one, because it allows them to fulfil desires they cannot otherwise.

### 3.3. Violent or otherwise unaccepted sexual tendencies

Allowing such brothels would provide a somewhat affordable testing ground for people uncertain of whether or not to buy such a doll. So it still is worth it to look into the effects such dolls would have on people with violent or otherwise unaccepted sexual tendencies.

Here, in an article by the BBC, Dr Graham Hill argues that "viewing pictures of child abuse can directly lead to more abuse" [3]. This can be explained by a paragraph from a report from SMART, an agency of the the US Department of Justice:

*Repeated exposure to sexually violent pornography may contribute to hostility toward women, acceptance of rape myths, decreased empathy and compassion for victims and an increased acceptance of physical violence toward women. Positive reinforcement for the behavior, coupled with thinking errors, increases the likelihood that these beliefs will lead to sexually abusive behaviors. [4]*

This same argument applies to dolls as well. Acceptance, decreased empathy and compassion and positive reinforcement are all things that would be present in interaction with dolls. One might even argue they become stronger since the experience is much more realistic.

## 4. Stakeholders

There are a few stakeholders involved in this situation, each with their own perspective, value and motivation:

- The owners of prospective doll brothels would like to offer their services to the general public. They control how the dolls are programmed and therefore, what acts can and cannot happen in their brothels.
- Human sex workers form an other stakeholder. They may fear for their job based on the additional competition. They may also push for the prospective doll brothels to be regulated as heavily as the established ones are, to create a fair competition.
- Next, customers of either version of brothel. This group can be split into two subgroups
  - "Normal" customers that would perform similar acts with both human and doll prostitutes. For them, they might appreciate the additional privacy and safety from STIs from the dolls, and, if present, a lower cost.
  - Customers who would like to perform acts with the dolls that they cannot perform with humans, because they are illegal or unacceptable, such as violent or non-consensual acts.
- A further stakeholder is potential human victims of the latter kind of customers. They certainly value their own safety and would want the decision that best prevents perpetrators from acting on their instincts.
- The only decision maker in this situation is you, the council members. You have both the right and the duty to decide if these doll brothels should be allowed in our jurisdiction and if yes under what circumstances and regulations. If you were to permit doll brothels, you could also enforce what acts these dolls allow, since they can be programmed to only act in certain ways. I would expect you to value taking a decision that is based on a good understanding of the facts, stakeholders, and ethical challenges. You have the duty to take into consideration the perspective and values of all other stakeholders and need to come to a fair and ethical conclusion.
- This jurisdiction might also have some people that aren't active customers of brothels but might still have an opinion on how the rules regarding them should look like. Such groups might include people who are generally opposed to sex work, interest groups protecting sex workers or groups that generally oppose regulation.
- This report will not consider the dolls themselves as a stakeholder, since, even if they come equipped with an artificial intelligence. This is based on the assumption that they do not have an emotional wellbeing that needs to be

cared for. And while this certainly isn't a finished discussion, it would also go too far to include it in this report.

- Lastly, I, as a report writer, have certain interests. And while I try my best to argue based on my understanding of the facts and an outside look on the situation, my opinions will never fully be removed from my arguments. This means that the decision makers should not base their decision based purely on this report but also take into consideration other opinions.

## 5. Comparative analysis of values, rights, and duties

I will continue this report split into the three levels outlined in chapter 2 of this report: consent, regulation and competition.

For the last, the conflict is pretty obvious: The additional option for customers would reduce the revenue human prostitutes make. This means that they would argue against allowing these new doll brothels. The owners of the new brothels on the other hand would want to make money with a new and innovative business idea. Interest groups that generally oppose regulation would also argue in favour of the doll brothels. Customers might appreciate the additional option, the potential cost reduction the additional competition might have and the additional privacy and safety doll brothels have.

For the second, the conflict lines are drawn pretty similarly. Human prostitutes might feel treated unfairly if the doll brothels are not regulated as strictly as they are. The doll brothel owners on the other hand would argue that such tight regulation is not necessary, since the risk attributed with doll brothels are much lower, both when it comes to STIs (because the dolls can be disinfected between customers) and abuse (since even if a doll gets destroyed, this doesn't have an impact going above a financial cost because no human was harmed). Special interest groups concerned with this topic would argue based on their interest.

The first topic is both the most complex and the least clear of the three. This is because it involves many groups that might have more nuanced and contradictory opinions such as these:

- Human prostitutes might both feel good about doll brothels because it allows violent customers that cannot not act on their impulses to find a different outlet. But they might also be part of the potential victim group and suffer based on the increased acceptance of such acts (see chapter 3.3).

- The same applies for the more general public that wants to reduce sexual violence. Dolls might both offer an outlet for perpetrators and make such acts more acceptable, which in turn might increase the frequency these acts are done to actual human victims.
- People with violent sexual tendencies that cannot suppress them completely might be thankful about the new outlet while people who just about manage to not think about it might feel further tempted by the new option, which might lead them down a path of acceptance where they finally commit these acts on real humans.

Further, the facts just are not clear-cut here. The introduction of such doll brothels might decrease the danger posed by some people while simultaneously increasing the danger from others. Arguing based on the utilitarian framework, the ratio between these might be a fundamental fact that might convince people to decide in one or the other direction.

And lastly, such dolls are already available for purchase for private customers, independent of the availability of brothels. It is unknown how this factors into an already unknown statistic.

## 6. Principles and Virtues

A few different ethical principles can be applied to this situation, given a utilitarian framework.

### 6.1. Least Harm

This principle can be applied to all three levels:

For the last (competition), because allowing or banning doll brothels would harm human prostitutes and doll brothel owners respectively, this levels out meaning neither points to a resolution.

For the second (regulation), a similar point can be made. Prostitutes may feel treated unfairly if they are regulated more strictly while doll brothel owners may feel treated unfairly if they (in their eyes unnecessarily) have to comply with similar regulation.

The first level (consent) is the one where this principle comes in most centrally. As argued above, it is difficult to establish, if allowing these dolls to perform acts that human prostitutes either wouldn't be allowed or willing to perform would

decrease the amount of harm on potential human victims. Based on the facts listed in chapter 3.3., preventing the dolls from performing such acts might reduce the risk in total, even though it harms people who cannot live without acting on their impulses and will therefore pose a danger to victims. But to come to a final and definite conclusion, further research would be necessary.

## 6.2. Beneficence

For the competition level, the only party benefiting from either decision would be customers who would get further options and potentially lower costs associated with more competition. This principle applied to this level would therefore point towards allowing doll brothels.

For the regulation level, this principle cannot be applied since the argument is about treating people unfairly (and therefore inflicting harm, not creating benefits).

For the consent level, this principle is contradictory in summary. This is, because allowing doll brothels with dolls programmed to perform violent or non-consensual acts would alleviate some pressure from people who cannot keep themselves from acting on their impulses but don't want to hurt actual humans. It might also benefit people who just enjoy these kind of acts, on top of it being a pure necessity. Banning these doll brothels might benefit potential perpetrators who would succumb to the additional temptation.

## 6.3. Respect for Autonomy

This principle applied to all levels would lean toward allowing doll brothels, because it allows their owners to decide for themselves and allows potential customers the choice of whether or not they want to interact with such establishments.

The only alternate aspect here would be for the consent level. Allowing the robots to perform all acts might in turn lead to more such acts on real humans (see above). This would then inflict significant harm on the victims. And such experiences can create significant trauma in these victims, which in turn prevents them from living to their fullest.

## 6.4. Justice

This principle applies mostly to the regulation level. Here, even though it might not be seen the same way by everyone, the justice principle suggests that all involved parties should be treated fairly and should take into consideration their different situations and backgrounds. So while the heavy regulation on human sex workers may make it safer and better for them to do their job for all parties involved, dolls are fundamentally different. They can, as an example, be disinfected after each customer, making regular STI tests unnecessary. This principle would therefore point towards creating a unique set of regulations that would make doll brothels as safe as human brothels.

## 7. Alternatives

1. The first solution to this topic would be to straight up **ban all doll brothels**.

This would:

- Harm doll brothel owners, because they would not be allowed to operate.
- Not harm human sex workers, because it would not create additional competition.
- Not benefit "normal" brothel customers, because it removes the additional choice.
- Not benefit people with violent sexual tendencies that cannot contain them, because they would not have a safe outlet.
- Not harm people with violent sexual tendencies that can contain them, because it would not create the additional temptation.
- Not create additional harm for potential victims of people with violent sexual tendencies (as argued above).

2. Alternatively, the council may approve doll brothels, but **ban all acts illegal with humans**. This would:

- Benefit doll brothel owners, because they can now earn money.
- Harm human sex workers because of the additional competition reducing their revenue.
- Benefit "normal" brothel customers because it allows more choice with all the pros mentioned before.
- Have the same effect on customers with violent sexual tendencies as the first solution.
- Have the same effect on potential victims as the first solution.

3. And lastly, the council may **allow doll brothels without limits**. This would:

- Benefit doll brothel owners like in option 2, however the addition of the absence of restrictions might both create more (and more enthusiastic) customers but also put them in a position where they might get attacked by other parties. It is therefore not clear if option 2 or 3 would be more beneficial for doll brothel owners.
- Harm human sex workers because of the additional competition. They may also be further harmed because they tend to also belong to the group of potential victims of people with violent sexual tendencies.
- Have no additional effects compared to option 2 for "normal" brothel customers.
- Have the inverse effects on people with violent sexual tendencies as option 1 and 2.
- Inflict additional harm on potential victims of such people (as argued above).

When weighing all these options, option 2 seems the most appropriate of the above. It would create the least harm while at the same time creating the most benefit, just as the utilitarian framework demands. Details of such a decision might include:

- Doll brothels are allowed.
- They are regulated to a point where they are considered safe (mandated disinfection of dolls between customers etc.) and where the effort the owner has to go through has a similar cost/benefit ratio compared to human sex workers.
- They cannot perform acts that are not allowed with humans. Brothel owners are responsible to make sure this is the case. Additional checks by third parties or regulatory agencies should also be done.

Additionally, related to this specific topic, the council should also think about what further steps could be taken to reduce the harm inflicted by their decision, payed for by the beneficiaries, to make the situation more fair, while keeping the benefit/harm ratio the same. Such steps could include expanded help for people with violent sexual tendencies.

## 8. Reflection and Conclusion

Reflecting on this situation, there are a few things that initially contributed to these ethical challenges:

- Sex work is among the oldest professions we know of. And about as long as it has existed, societies have fought about how whether or not they should exist and how they should be regulated. But this argument goes even deeper: Sexuality and how we deal with it in general has proven very divisive. So it is no surprise that new developments in how sexuality can be lived would question our rules regarding it.
  - The ongoing battles about how to regulate this proves that there really isn't an alternative to this. The only thing that could have been done to reduce the severity of the current ethical challenge in regards to this would have been to write regulation in a way that not only applies to humans. Because the developments that made these possible are so recent in nature however, I am unsure if this is a feasible demand to pose to regulators.
- Recent developments in both production capabilities for physical products (like plastics that feel very similar to human skin) and artificial intelligence have made such products possible. How we do or do not choose to regulate these has an influence on ethical challenges that originate from them.
  - Here, we enter a discussion about whether or not it is a good idea to allow the development of AI that becomes more and more human-like. Sex dolls are only one of many ethical challenges that these developments pose and going into them would go beyond the scope of this report. Suffice to say, there are arguments on both sides of the isle and society seems to agree on a middle way, where such developments are permissible, at least in certain circumstances. These societal discussions are however also generally significantly outpaced by the development of such products, with regulation limping even further behind. I am unsure, if there would have been a way to prevent the present ethical challenge based on regulation of AI in general, not because it would not have been possible at all, but more because society did not have the time to agree on something.
- The combination of the two made it possible for companies to develop sex dolls. The existence and permissibility of those only made it possible for entrepreneurs to set up brothels based on that.
  - This follows the last point and the same argument applies here as well: Society could have prevented the current situation by agreeing on a set of rules and enforcing them in the form of regulation preemptively, when it comes to realistic sex dolls specifically.

## 9. References

- [1] Susannah Breslin. France's First Sex Doll Brothel Opens For Business In Paris. *Forbes*. Retrieved November 18, 2022 from <https://www.forbes.com/sites/susannahbreslin/2018/01/30/paris-sex-doll-brothel-france/>
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