

# Review of: "[Essay] Not Quite Like Us? — Can Cyborgs and Intelligent Machines Be Natural Persons as a Matter of Law?"

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Potential competing interests: No potential competing interests to declare.

This Reviewer is an engineer, University Emeritus Professor of Bioengineering and Robotics., involved on design and implementation of social humanoids.

My knowledge of Court law rules and practices is almost non existent. I have made explicit my lack of knowledge above since the paper of Prof. Gervais is posing the following question: “ ( how ) to situate the difference in law between human and machine in a way that a Court of law could operationalize”. In trying to find an answer the Author in this Essay recurs to a very broad arsenal of disciplines, ranging from philosophy of mind, moral philosophy, linguistics and neuroscience, with excursions in psychology, AI and robotics. The Author propose a possible answer as follows ( in a paper of 19 pages and 61 question marks): “sapience seems more apt then sentience to capture the properties and type of behavior that may allow machines someday to claim the legal status (although not necessarily as natural person) ”. Most of reasoning contained in this Essay is around the best substantive attribute that a machine should possess to elevate its status to a human-like entity. Sapience, sentience, intelligence, intentionality, language, autonomy, morality, presence, wakefulness, awareness, consciousness.....are all sustantives which may grant someday machines the right to claim legal status. The Author asserts that Sapience may be the most appropriate.

This Reviewer is in substantial disagreement with several aspects and, more important, with the adopted criteria and methodology. All along the Essay I found an underlined sort of cartesian dualism with little, if any, consideration to mind-body problem. Almost all main arguments are referring to “ res cogitans”. In addition the term “ brain ” is used instead of the more appropriate “ nervous system” which pervades all body. I consider head transplant as a future possibility but brain transplant impossible.

In addition, navigating through taxonomic, semantic and linguistic traps is not a safe road to properly respond to the original question.

This Reviewer would like to suggest to examine loose dycotomies such as:

Bodied-disembodied AI

Organic-inorganic constituent

Living-inert entities

Born-built

Human-like-Alien mind

Humanoid-theriomorphic embodiment

It is useful to remind that Western culture, in the past, has been quite illiberal and reluctant to grant natural personhood even to certain classes of human beings. In 1783 a British Court of law examined the case of the slave trade ship *Zens* where the issue was if slaves have to be considered humans or cargo. The case of South American natives whose human status was only given in 1537 by Pope Paul III with the Bull “*Sublimis Deus*”.

Many more examples can be found, even in no so distant time. In these extreme examples, conferring personhood is a matter of power, not of definitions.

Along this line, if superhuman disembodied AI necessarily endowed with an alien mind and / or powerful robots will ever be developed, humanity will possibly end in slavery or genocide. If artificial intelligent machines will not reach such stage of development they will remain, for the bad and for the good, extraordinary commodities, appliances and weapons.

A humanoid robot might eventually become sapient; will it acquire emotions, feelings and consciousness?

Will ethical considerations prevent such kind of developments?

Difficult to say, will humanity sit and see?

To conclude I ask myself a question: what will happen in a Court of law to a sapient, autonomous, legged dishwashing machine?