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

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Daniel Gervais explores the legal implications of the increasing integration of artificial intelligence (AI) into human bodies and the potential for AI machines to be recognized as legal entities. The paper suggests that as humans become more like machines (cyborgs, cobots) and machines become more like humans (neural networks, robots with biological material), the distinction between the two becomes increasingly blurred.

The paper discusses the concept of cyborgs, defined as humans who have certain physiological processes aided or controlled by mechanical or electronic devices, and how they stand near the middle of an axis between machines and humans. AI technologists are creating neural networks that emulate the structure of the human brain, sometimes even using biological tissue. On the other end of the axis, humans are using AI tools to assist with cognitive tasks and equip humans with AI-powered body parts.

The paper also explores the legal implications of this integration. For instance, a court may need to decide whether a cyborg soldier is human enough to be protected under the law of war (Geneva Convention). The paper suggests that the law should consider the properties of an entity when making such decisions.

The paper provides a strong interdisciplinary discussion of the potential consideration of artificial subjects as natural persons. However, it could benefit from the consideration of several other conceptual avenues. For example, Gervais presents a future where the integration of AI into human bodies is seen as an inevitable development. This perspective, however, could be challenged. There are still technological hurdles for the wetware integration of digital tools in human neural networks, and there has been no proof of actual cognitive enhancing from BCIs. Moreover, there are ethical, societal, and regulatory concerns that might change the course of cyborg future.

Gervais also discusses the concept of 'cyborgisation' by referring to the merging of two sapient 'species' as more AI 'parts' are integrated into human bodies, including our brains, and biological tissue is used to build certain AI machines. This process, according to Gervais, is leading to a situation where humans are becoming more like machines and vice versa. However, the moral and legal effects are emerging in human-AI interaction without any wetware interaction. In fact, they do not necessarily require AI activity to be in any way confused with human activity (e.g. text or visual outputs). Humans spontaneously project trust, emotions, beliefs, and other qualities to AI algorithms while knowing that they are interacting with machines. People have died and their lives have been saved due to interacting with AI. It would be interesting to see

a discussion of human-AI union being explored through the lens of projection rather than physical union. The author argues that the law cannot peer directly into the mind to determine mental states. It must rely on observable elements of evidence and its posture is, therefore, more typically phenomenological, that is, its focus is on how the entity is experienced by (other) humans. Which is in line with the projection type of human-AI interaction, where the crucial effects lie in the evolution and change of human behavior that is affected by the interaction. It is not completely clear to me why the author did not choose to investigate this current status and rather focused on an uncertain future scenario.

In his other work, Gervais acknowledges the need for legal regulation of technology, for example claiming that “kill switches” are a key tool that the law can use to regulate AI machines. Such kill switches would hardly be advocated for persons, or in cases where persons would be impacted by killing off an integral part of them. This perspective raises an interesting question: How would regulation be compatible with personhood? One view is that regulation may be incompatible with personhood. In other words, assigning personhood to AI would mean it can no longer be regulated as a technology. It would be interesting to see Gervais explore the opposite perspective – if he indeed supports it.

Overall, the paper presents insightful discussions on the concept of personhood in the context of AI integration into human bodies. However, without positioning it in the broader context of human-AI interaction it might miss out on important considerations regarding the ethical and societal implications, the compatibility of regulation with personhood, the distinction between AI capabilities and moral projection. These discussions stimulate further reflection and exploration into the complex relationship between technology, personhood, and societal implications.