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 thought-provoking essay has surely made for a stimulating read, no doubt adding to the existing literature on the topic of the law's treatment of what the author terms 'AI machines'. In what follows, this reviewer lists a few suggestions for its improvement. Detailed comments and suggestions can be found in the attached document, for ease of implementation.

Firstly, it bears mentioning that several terminological clarifications would benefit the essay's overall contribution to the thorny debate being tackled in this reviewer's opinion. The choice of terms like 'sapience', to give just one example, albeit the most salient in this case, is far from anodyne in the context at hand. If anything, it is central to tackling the issues identified and has the potential to illuminate the terms of the comparison proposed in the title between 'us' and 'cyborgs' or 'intelligent machines'. That potential would be reached and fulfilled to a higher degree if the term was explained and situated in the essay.

Another related suggestion concerns exercising greater care in using terms like 'emulate' to describe the capabilities of what the author terms 'AI machines'. In fact, a short explanation that the term indicates an aspiration, rather than a state of fact, as well as an explanation of why that specific term was chosen to refer to these entities would also benefit the reader of this essay, as would links with concept like 'imitation' and the existing research and literature.

In general, a certain amount of care with the forms of expression, the logical connectors in phrases, as well as spelling in a few isolated instances, would greatly improve, in this reviewer's opinion, the quality of the argumentation, as well as the overall experience of the reader.

A similar observation concerns the rather abundant use of rhetorical questions and 'what ifs', which ends up having the opposite effect to the one intended after a while. While it does convey the confusion engendered by these uncanny entities in the legal domain, it does little to illuminate the way forward, instead creating an impression, at least as far as this reviewer is concerned, of overwhelming complexity of the implications. A slight revision of these would go a long way, where the criterion for cutting back can perhaps be asking how each rhetorical question contributes towards better understanding the identified issues.

Substance-wise, a general comment relates to the fact that the essay takes a quite standard way of looking at the 'matter of law' at hand. It looks at legal precedent and existing literature (although this reviewer has reservations as to the

author's reading of said literature and its conclusions), uses legal analogy, but does not really leave the confines of existing methods, even if it does engage in great detail with other disciplines. What seems to be missing after the incursions in neuroscience, linguistics and philosophy, is an actionable approach in the law based on conceptual 'transplants' from these disciplines. The author does announce a legally applicable test inspired by the lessons from these disciplines in the beginning of the essay. However, it is far from clear in its application, if indeed it could be used as a test by judges and other legal professionals.

The question that the essay chooses to answer and identifies as 'much more controversial', namely 'what is it that, as a matter of law, differentiates human beings from "intelligent" machines' ? As a jurist, this reviewer already feels ready to answer this question. As of now, their legal status is what differentiates them. The first are persons in the law, the others' legal status is unclear, or controversial, although upcoming legislation - in the EU at least - points to the fact that at least what is termed as "AI systems" will be considered products for the purposes of the internal market, and thus their legal status will be that of things. Therefore, perhaps some additional explanation as to the salience of this question or its understanding by the author could indeed make it clearer to the reader why it is indeed a question worth pondering after all, as well as how the rest of the essay is geared towards answering it.

It is this reviewer's worry that the very ambitious scope of the essay might at times obscure the arguments and train of thought concerning the matter at hand. While interdisciplinarity is indeed a powerful tool, its use, especially in such a complex topic, is far from straightforward. Mindful to these difficulties, the essay does indeed give the occasion to ponder some topical, very difficult questions and, while this reviewer would dispute the choice of question that the author makes as the most controversial for the issue at hand, what remains true is that this is a valuable contribution to existing debates.