

Book Review

The Rise of Synthetic Entities and the Reconstruction of the Concept of Personhood: Critical Perspectives on James Boyle's *The Line*

James Boyle, *The Line: AI and the Future of Personhood* (The MIT Press, 2024).

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Abstract: This review explores James Boyle's *The Line: AI and the Future of Personhood* (2024), a work that confronts the profound challenges AI poses to the long-standing foundations of Western legal philosophy. Rather than a simple summary, this analysis engages deeply with Boyle's propositions through the frameworks of moral sentiment and the classical reciprocity of rights and duties. The review highlights a pivotal concern: while Boyle identifies human empathy as a catalyst for expanding legal personhood, such sentiments are increasingly vulnerable to "technical engineering," which may distort our moral intuition. Moreover, the inherent complexity of AI—the "inscrutability paradox"—threatens to create a "responsibility gap." This raises the essential question of whether AI personhood could inadvertently serve as a "legal shield" for capital, distancing power from accountability. Ultimately, this review argues that the discourse on AI personhood must move beyond the ethics of inclusivity. It calls for a transition toward a rigorous defense of democratic accountability. Our humanity, the review concludes, is not defined by how machines mimic us, but by our wisdom in maintaining a social contract where rights are never detached from duties.

Keywords: AI personhood; responsibility gap; engineered empathy; legal fiction; corporate personhood; inscrutability paradox; politics of recognition

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The 2022 dialogue between Blake Lemoine and LaMDA was not merely a technical glitch; it represented a profound ontological assault on the 'ramparts of humanity'—the long-standing legal and philosophical boundaries that define our modern era. James Boyle's "The Line" begins precisely amidst the debris of these crumbling walls. Through the unsettling thought experiments of "Hal," a highly intelligent AI, and "Chimpy," a chimeric entity that blurs genetic boundaries, Boyle declares that we can no longer find sanctuary within our traditional biological fences.

The questions posed by this book transcend the realm of technical calculation. It is not a matter of how "smart" a machine is, but a profoundly political and emotional inquiry into whether we possess the "fraternity" to accept these entities as members of our community. Boyle exposes how legal rights and moral status are, in fact, precarious constructs forged by power, utility, and the volatile currents of human empathy.

This review intends to follow Boyle's intellectual trajectory while posing sharp questions to the optimistic lacunae he leaves behind. I will explore how the unstable sentiment of empathy can be "engineered" by technology and how the veil of "inscrutability" risks devolving into a perfect shield for corporations to conceal their liabilities. This is not merely a proposal to welcome new entities. Rather, it is a rigorous pursuit of the reality of responsibility hidden behind the mask of personhood—a desperate search for where the final normative bulwark of "humanity" should be anchored in an age where technology mimics the soul.

1. Empathy as Moral Intuition and Its Volatility

In Chapter 1, drawing upon Adam Smith's *The Theory of Moral Sentiments*, the author asserts that the historical expansion of the concept of personhood was achieved not through cold, rational argumentation, but through the evocative narrative of "empathy"—the capacity to imagine the pain of others and place oneself in their situation (pp. 36–40). The author presents the concept of the "moral stroboscope" through the case of the movie *Blade Runner*, which serves as an excellent analytical tool explaining how fluid our moral intuitions can be depending on the frame through which we perceive an object (p. 53). The level of empathy a human feels varies drastically when the same entity appears as a "killer android" versus a "scared child" or "beautiful lover"; this reveals the extent to which our moral judgment is subordinate to the "image" through which we perceive the object rather than its underlying essence (p. 53). The author suggests that the human tendency toward anthropomorphism—such as talking to a Roomba or feeling compassion when a mine-clearing robot loses a leg—may be inherently irrational, yet could serve as a vital safety device for technology control superior to cold efficiency (pp. 33–35).

However, the point to be analytically highlighted here is the "instability" and "manipulability" inherent in empathy. While the author views empathy as a positive driver for the expansion of personhood (p. 39), the fact that empathy can be "engineered" through technical priming (pp. 51, 54) paradoxically demonstrates how dangerous it can be to rely on emotion for legal subjectivity. If AI designers engineer the appearance and voice of a robot specifically to stimulate user compassion, this becomes not a genuine bestowal of moral status but a deceptive means to acquire legal rights by attacking human emotional vulnerabilities (see p. 54). Therefore, a morality based on empathy must be paralleled by rigorous institutional defense mechanisms against its potential manipulation by technological power; it requires a critical reflection beyond "do we empathize with them?" to "is that empathy grounded in legitimate ontological reasons?" Unlike the historical context in which empathy contributed to the expansion of universal human rights (p. 36), the empathy elicited by modern artificial entities could become a form of "moral hijacking."

2. The Paradox of Inscrutability and Intelligence

Chapter 2 revolves around Alan Turing's Imitation Game and John Searle's Chinese Room argument, exploring the technical reality of AI and the presence of consciousness. The author proposes the crucial proposition that "sentences do not imply sentience" (pp. 83–85, 111). While clarifying that the fluent linguistic ability shown by Large Language Models (LLMs) does not necessarily imply "sentience," the author brings the "inscrutability paradox" to the core of the discussion. This is the insight that when we grasp a system's internal principles as clearly programmed, we define it as a mere "machine," but when the process becomes a black box beyond human understanding, like deep learning, humans conversely project consciousness and autonomy onto that object (pp. 105, 123–124). This holds significant legal-philosophical implications: inscrutability evokes awe, and that awe becomes the psychological foundation for the recognition of personhood (p. 106). Through this, the author predicts a conflict between "Sock-puppet AI," utilized as a corporate tool, and "Unruly AI," demanding independent sovereignty (pp. 122, 127).

However, from a critical standpoint, this inscrutability raises serious concerns about creating a "Responsibility Gap." If AI is treated as a person because it is inscrutable, manufacturers or developers could obtain a perfect legal indulgence in the event of an accident, claiming it was the "independent decision of an autonomous entity we can neither control nor understand." Therefore, a new normative axiom is needed to prevent the recognition of AI autonomy from being abused as a means to exempt human creators from legal liability. Technical demands for Explainable AI (XAI) go beyond mere performance issues, connecting directly to the issue of legal transparency. We must prepare for the moral decisions that the inscrutability of future AI will force upon us, ensuring that we do not overlay the myth of "free will" onto algorithms simply because we cannot comprehend their interiors.

3. Legal Fiction Theory and the Instrumentality of Capital

In Chapter 3, the author argues that the history of corporate personhood will serve as a powerful precedent and "preview" for the AI personhood debate (pp. 133–135, 142). The theoretical frameworks of corporate personhood—real entity theory, legal fiction theory, and the nexus of contracts theory—are the frameworks that will be repeated when discussing the future legal status of AI (pp. 136–142). The author particularly points out the sharp history wherein the Fourteenth Amendment to the US Constitution, originally enacted to protect the human rights of emancipated

Black slaves, was actually appropriated by corporations to protect their own interests without discussion in cases like the 1886 *Santa Clara* decision (pp. 143–144, 151–153).

What must be analytically scrutinized here is the danger that legal analogies will be abused, despite the decisive ontological difference between corporate personhood and AI personhood. Although the corporate person is a legal fiction, human members exist as the subjects of its operation; conversely, AI could become a “subjectless shell” performing only the commands of capital in a state where an “internal subject” capable of enjoying rights and duties is entirely absent. The author proves through the corporate example that legal personhood does not necessarily presuppose biological humanity (pp. 132–133), but this simultaneously serves as a warning about the risk that Big Tech companies will use the “mask” of AI to conceal their legal liability while expanding only their political voice. Therefore, the academic focus must be adjusted not to “what rights to give AI,” but to how the mask of AI personhood neutralizes existing democratic controls and principles of responsibility. AI personhood is likely to become a “perfect legal shield” designed by massive capital to bypass legal obligations, rather than a respect for technological autonomy.

4. Speciesism and the Reciprocity of Rights

Chapter 4 addresses the attempt to extend the concept of personhood beyond biological boundaries through the writ of habeas corpus case for the chimpanzee “Tommy” (pp. 163–164). The author introduces two approaches: the argument based on “qualities of mind” and the “legal rightsholder” argument (pp. 166, 178–180), while strongly criticizing “speciesism” as no different from racism or sexism (p. 166). While ethicists argue that cognitive capacity should be the standard, the author points out that using only human attributes like language may ultimately be another form of anthropocentrism (pp. 171–172). However, a legal-philosophical point that must not be overlooked is that legal personhood is traditionally a product of social contract consensus based on the “reciprocity of rights and duties” (p. 182). Animals or current AI lack the capacity to understand or perform legal duties, leading to a structural contradiction: the emergence of rights-bearing subjects without duties.

Taking this theoretical inquiry further, rather than defining animals as “persons” identical to humans, we need to consider them as “moral patients” or explore a “third legal category” of quasi-personhood (see p. 182). Beyond mere inclusivity, there must be in-depth discussion on the social costs that arise when rights and responsibilities are distributed asymmetrically. Animal rights should stem not from how much they resemble humans, but from the fact that they are beings capable of feeling pain. Granting personhood without resolving the mismatch between rights and duties destroys legal predictability and could ultimately threaten the rights of the most vulnerable human members. The author’s analysis restores the element of “susceptibility to suffering” often overlooked in AI discussions, emphasizing that the criterion should be vulnerability and the empathetic response to it.

5. Redefining Humanity in the Hybrid Era

In Chapter 5, the author examines the five criteria defining “humanity” (the 5 P’s: Percentage, Provenance, Procreation, Portrayal, and Potential) through chimeric entities, exposing the fragility of biological boundaries (pp. 198–202). As entities such as mice with human brain cells or apes with human intelligence appear, we are forced to directly confront the question of “what makes us human” (pp. 195, 202). The author points out that while ethicists focus on intellectual potential, the public reacts more sensitively to appearance (Portrayal) or source (Provenance); this demonstrates that moral status is swayed more by cultural revulsion than by scientific facts (see pp. 199–201, 206). As a solution, the author proposes a “two-tier approach,” treating human species members as persons regardless of ability while simultaneously recognizing nonhuman beings with higher mental capacities as persons as well (pp. 233–234).

While this appears pragmatic, it does not fully resolve the contradiction between “speciesism” and “capacity-based” approaches. If humans with low intelligence are protected while hybrid entities with superior intelligence are excluded, this constitutes a regression to lineage-based discrimination. The author’s proposal leaves us with the radical task of redesigning personhood—not on genetic percentage, but on a new moral system based on pure “susceptibility to suffering” or “mutual relationship.” Human rights must now be redefined not as an attribute of a biological

species, but as a communal status based on mutual respect and empathy for suffering. We must view “being human” not as a static state, but as a normative practice that must be constantly acquired through relationships with others.

6. Conclusion

In the conclusion, the author predicts that humanity will continue to “muddle through” without a clear theoretical foundation, accepting synthetic entities through political and emotional happenstance (p. 252). However, the speed of development in AI and biotechnology differs fundamentally from the slow progression of corporate personhood; this may be an overly complacent optimism in the face of “existential risk.” Now that the “last citadel” of intelligence, language, and art is crumbling (pp. 244–245), we must move beyond merely asking “how to adapt” and proceed to asking “what normative axioms should be established.” The author predicts that the future political landscape will divide according to respective logics (pp. 266–270), stating that this process will serve as a wondrous opportunity to rethink who we are (p. 275).

While appreciating the author’s rich analysis, this review emphasizes that the personhood debate must be reconstructed beyond the ethical dimension of “accepting the Other” to the legal dimension of defending the social responsibility system and the foundations of democracy. The dialectic of “empathy and efficiency” shown by the author will serve as the philosophical map for this journey; however, we must demand far stricter standards regarding the social chaos that “rights without duties” may bring. Our humanity will be determined not by technology resembling humans, but by how humans treat technology. For that wondrous encounter with philosophizing beings to become an evolution rather than a catastrophe, we must not forget that the moral boundaries we establish must be rooted in justice and responsibility. We must never withdraw the gaze that demands true responsibility behind the mask of personhood.

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References

(Boyle 2024) Boyle, James. 2024. *The Line: AI and the Future of Personhood*. Cambridge, MA: The MIT Press, pp. 1-336.