

In Search of the Foundations of New Human Rights: Neurorights and the Right of the Soul – Two “Mirrors” of the Same Reality in the Age of Artificial Intelligence (AI)

Motto: Nothing is stronger than an idea whose time has come (Victor Hugo).

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Abstract

It is said that everything is interconnected to each other in the universe, and Artificial Intelligence (AI), a “spider” domain that will be found “in all and everything”, demonstrates to us every day this need for unlimited thinking, interference, interconnection and integration “of all disciplines, eras and minds”. Consciously or not, we are “immersed” in a new reality, in a kind of “whirlwind” of globalization, interconnectedness, transdisciplinarity, innovation and the fulminant evolution of technology, which we often try to slow down or at least to understand its meaning, to accept it and to enter openly into its sphere of action, because this is the way, this is our future, of humanity. The evolution of technology is seductive. But what about the essence of humanity, the inner ego, the aura or the energy field, elements untouched by the legislative area, but only by that of science? What about artificial intelligence that

makes vulnerable mind and mental integrity through the impermissible alteration of thoughts, which can alter, remove or recover people’s memories, as well as manipulate their thoughts? In this context, through this study we propose an inter-and transdisciplinary dialogue, through which to discover possible foundations of potential new human rights, neurorights and the right of the soul in response to the unprecedented advance of artificial intelligence. Thus, we aim to open a new time space for analysis and in global vision on the human being and its rights, contributing to the completion of the universe of institutional and legal proposals and mutations already started at international level. It requires a mosaic approach and the courage to resize the “legal architecture” regarding human rights, through which the legislator to attach special importance to the spiritual area of the human being, the road being already opened through the current inter-and transdisciplinary doctrinal debates.

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1. Introduction

The core of our research is to deepen the brain-soul dualism and analyze it “with different lenses”, so as to discover the foundations of new human rights designed to protect the brain and the soul of man facing the risks posed by unregulated or regulated AI in a superficial manner.

Although brain cells are visible, consciousness, inner feelings, emotions, energy, remain invisible, which does not make them less important. This dualism is also reflected on the new regulations to which we aspire. If we start from the premise that the “mind” as described by Descartes, identifies with what we call the “soul”, from Leonardo Da Vinci’s claim that the soul is in a deep area of the brain, or from the research of neurosurgeons and neurologists who claim that the essence of the soul is in the central part of the brain, and not at the level of the heart, we will of course stop at the need to regulate neurorights, as an “umbrella” term for protecting the mind, in the sense that brain activity forms the basis of our identity, cognitive states, thoughts and emotions. But is the brain the center of our identity?

This research aims to eliminate this identity and “mind-soul” overlap established in our culture, in the sense that the soul, no matter where it is located, cannot identify with thought or consciousness, but can only “shape” them, being in symbiosis with them and shaping the “inner, intimate universe” of the human

being. This “locus internus” requires a higher degree of regulation and protection, through a new and profound reflection and emphasis on human rights and freedoms, reconceptualized both from the perspective and the need for regulation of neurorights and a right of the soul. Thoughts and consciousness, together with the “soul”, which represents the principle of life, the echo of thoughts and consciousness, shape the personality and uniqueness of man. In any case, the philosophy of mind and soul is difficult to penetrate the legal world towards an ideal legal foundation, the boundaries between mind and world not being clear either.

The question remains whether society is ready to cope with neurotechnology, artificial intelligence, machine learning, all of which have a major and multifaceted impact on our rights and freedoms of thought, on our conscience. How will we manage to build such legal regulations closer to human conscience? What is the real dimension of thought, consciousness, self-determination, memory, desires, faith, creation, emotion and inner experiences? Are thought and conscience “connected” to the soul? Can we speak of a “divine spark” in the “neural map” when we are created “in the image and likeness of God”?

Therefore, “stretch” our minds to wider horizons and “open the doors” to new innovative and necessary rights, regulations, disciplines or branches of law, such as neurorights or the right of the soul, without “diluting” the central idea of human rights and freedoms, but only “adding substance and pigment” to them, reaching the “high notes” of understanding by refining ideas.

2. A Plea for Love, Faith and Conscience – A Last Refuge of Human Identity and Essence in the Face of AI

Although seduced by the progress of AI, by the power to crystallize new visions and by the blurring of the boundaries of real possibilities, yet *“love and light must not be lacking in the shaping of the age of AI by man”*¹.

This *motto* will also filter our arguments throughout the research. Why? Because “light” is pure and unadulterated conscience, “revealed” by interests and superficiality, and love is that positive vibration deeply rooted in our biological constitution, it is the ultimate emotion, as researchers point out. In this regard, Barbara L. Fredrickson, from the University of North Carolina, and one of the founders of positive psychology, points out that positive emotions, such as gratitude, joy, contentment, inspiration and especially love, mean much more than just an absence of negative emotions. The accumulation of these emotions is reflected in the mood, and the repetition of this state of mind ultimately changes mental moods and character traits. Moreover, in the light of the latest research conducted in a neuroscience laboratory at Princeton University, we can consider a “brain synchronization and harmonization” at the moment of communication between

¹ Ovidiu Predescu, *Implicațiile Inteligenței Artificiale în domeniul juridic și nu numai*, [Implications of Artificial Intelligence in the legal field and beyond], <https://www.juridice.ro/essentials/6349/implicatiile-inteligenței-artificiale-in-domeniul-juridic-si-nu-numai>, consulted on 1.05.2024.

two people, in the sense that at the moment of perfect communication and resonance, the brains of people engaged in conversation adopt very similar neural configurations, activating the same brain areas in both brains, the synchronization being extremely high in the most emotional moments of the conversation. Moreover, this team of researchers demonstrated that the brain itself is able to anticipate a few seconds before the manifestation of brain activity and the depolarization produced before the exteriorization of the other person's thought. This research result highlights people's connection to a universal consciousness and at the same time highlights the strength of empathy and human thought by "flooding" emotional resonance-based consciousness into the basis of a conversation. Thus, a positive empathic resonance is able to train an emotional anticipation of the one who is about to express themselves and externalize their feelings.²

Keeping the note of this frame of symmetry, we also recall the phenomenon "*mirror neurons*", capable of providing an elementary basis of imitation and intersubjective resonance, such as empathy or compassion. This group of neurons, the so-called "mirror neurons", were discovered in 1996 by the team of Giacomo Rizzolatti, in Parma, Italy, their defining characteristic being that of activation to certain movements of people around, to give a sense and meaning to the respective behaviour. At the same time, mirror neurons are able to perform a kind of simulation in a virtual reality of the actions of the other person, and help us understand the way of thinking of the other person, the way of feeling, through the intuition of actions and the interpretation of gestures. It is thanks to these neurons that we are able to maintain a skill, if only we imagine it in detail, a skill that is not only not lost over time, but also kept intact. Moreover, Dr. Daniel Siegel, a neuroscientist, has studied the link between mirror neurons and people's ability to feel empathy, with imaging research showing that while we observe the behaviour and deduce the emotional state of other people, the same neural structures are stimulated in our brains that are activated when we ourselves experience the emotions related to them. As stated by G. Rizzolatti, "*our survival depends on understanding the actions, intentions and emotions of others...and mirror neurons allow us to understand the intentions of others not through conceptual understanding, but through direct simulation... feeling, not thinking*".³ Here is a first aspect that sets us apart from AI.

Mirror neurons are also those that contribute to shaping self-consciousness, Vilayanur S. Ramachandran, director of the Center for the Study for Brain and Cognition at the University of San Diego, stating that "*these neurons not only help to simulate the behaviour of other people, but can be directed inward as if we were creating a second-order representation or a meta-representation of the*

² Ricard Mathieu, *Pledoarie pentru altruism. Puterea bunăvoinței*, [Plea for altruism. The power of goodwill], translated from French by Alexandra Medrea, preface by Dumitru-Constantin Dulcan, Școala Ardeleană Publishing House, Cluj-Napoca, 2024, pp. 89-92.

³ Institutul de Neuro-Programare Lingvistică Somato Integrativă, <https://www.inlpsi.ro/dezvoltare-personala/neuronii-og Linda-cum-ii-utilizam-in-construirea-unei-vietii-asa-cum-ne-o-dorim>.

processes of our own mind...this could be the neural basis for introspection”.

In this “mirror of neurons” is reflected, in fact, the culture and greatness of the essence of the human being transmitted from generation to generation. As Iacoboni argues in his study, “*a healthy mirror neuron system is crucial for healthy social development...if you have “broken” mirrors or a deficit in the mirror neuron system, you will probably end up having social problems*”. These aspects define the concept of *Ethical code of the brain*, as the great neurologists also assert⁴.

Why this plea? Because we need deep awareness of the essence of the human being, we need to build a bridge between data and our hearts, in a world where algorithms shape destinies and machines learn tirelessly. Because love, faith, spirituality and conscience cannot “put on the coat of algorithms”. Indeed, today we can create robots with different typologies and personalities, we can regulate their empathy exactly as we adjust the volume on the radio, but everything works on the basis of data interference and algorithms, which can still be “unplugged”. We can set them the religion they will adopt and “internalize” in the configuration of the data and the exposure of the texts, but everything is superficial, at the level of data, data not included in the experience and “divine spark” coming from an absolute creation.

“Faith” is also “touched” through our advocacy, precisely in the idea of the uniqueness of the human being, but also in identifying an ethical and moral “route” in the “construction” and evolution of AI. In fact, an example would be Christianity, which left a deep “imprint” in people’s thinking and consciousness, the Christian vision promoting not only the love for God, but also the love and respect for those around us, as evidenced by the Christian message “Love your neighbor as yourself”. As professor Dumitru Constantin Dulcan states, “*any moment when we think, any emotion and any feeling is a plea for life, health, happiness, joy, or, on the contrary, for illness and, finally, death*”⁵. This plea is perhaps an echo of the desire to convey a good thought in the universe, an echo of the “cry” of helplessness in front of the “greatness” of the evolution of technology, in the sense of acting when time is still ours, and not AI’s. We only need to become aware of the unique “powers” offered to the human being by the universe, which are reflected precisely in the power of love, self-awareness and our thoughts to transform ourselves and the world in which we live. Consciousness “*appears at a certain point in the evolution of the individual and is above and outside the memory*”⁶.

Studies have revealed that positive emotions and words activate an area

⁴ Dumitru Constantin Dulcan, Florentina Fântânu, *Calea vindecării. Pacea dintre inimă și minte*, [The path of healing. Peace between heart and mind], Conversations recorded by Alexandru Panait, Bookzone Publishing House, Bucharest, 2023, preface.

⁵ Ibid.

⁶ Leon Dănilă, *Neuroplasticitatea. Secretul longevității creierului*, [Neuroplasticity. The secret of brain longevity], Bookzone, 2023, p. 8.

located in the anterior part of the left frontal lobe, while negative emotions and thoughts activate an area located in the right frontal lobe, the activation rate being much slower for this last area than that of perception of positive thoughts. Basically, the brain refuses to accept negative information, as if it were following a universally positive selection, a selection of thinking according to ethical criteria, set according to a universal consciousness, a consciousness to which we are all connected⁷.

In fact, Werner Heisenberg, one of the mentors of quantum physics, said that “even the smallest thought propagates to the farthest corner of the universe”. Consequently, from the rigor of modern sciences it follows that our thoughts can become the “key” to universal harmonization, but also to our own state of health, in all forms, since thought also has a biochemical substrate that heals or generates diseases, elevates the spirit or “collapses” it⁸.

Pendulating between philosophical thought and neuroscience, we only achieve the greatness of this “engine” of the human being, the brain, capable of reflecting our genetic code and experiencing everything related to human spirituality, able to reshape itself, through what we call neuroplasticity, to reorganize anatomically as well as functionally, in reaction to a physical, experiential, mental or cognitive activity, being open to permanent learning and incessant training. Thus, neuroscientists have found that when a part of the brain is injured and affected, other regions in the brain manage to take control and replace the mental functions processed by that “dead” area.

The brain remains a magical “realm”, deeply mysterious and unfathomable, this plea anticipating the direction of our research towards the awareness that the human mind cannot be completely algorithmic, and the process of its creation is unrepeatable and cannot take the form of a general or even a Super Artificial Intelligence, also called the “Singularity” and also on the agenda of the great researchers of the planet. To the contrary, we wonder what would happen to human dignity? What would happen to authenticity and emotion in its pure state? Indeed, ChatGPT can very quickly create a unique text or even a scientific article that passes the anti-plagiarism program, but behind this so-called “creation” there is no filter of consciousness, the spark and passion of the researcher, the inner force that “stirs up” and “concocts” arguments and ideas, there is no turmoil or questioning, analytical spirit, but only a multitude of information, random or not. But this is the reality we perceive at the moment, being “lost in the labyrinth of information and algorithms”, which can evolve in a direction that humanity will no longer be able to control. We are still at a stage where we are barely familiar with what AI entails, with a very large percentage of the population still not understanding the meaning and involvement of AI or transformative technologies. But we must be cautious.

⁷ Dumitru Constantin Dulcan, in *Preface* for Ricard Mathiew, *Pledoarie pentru altruism [Plea for altruism]*, *op.cit.*, 2024, pp. 24-25.

⁸ Ricard Mathiew, *op.cit.*, 2024, pp. 88-89.

It is said that we too are “agglomerations of energy and information fields that merge with those of our fellow beings, of all living beings, of the technical sources created by the civilization of our time and, necessarily, with those of the universe”. But what are the “boundaries” and “nuances” of the universe invoked in philosophy and quantum physics? This modern philosophical and scientific exposition, identifying and merging into energy with “*technical sources created by the civilization of our time*”⁹ awakens in us the revelation of a new, unexplored “world” that develops subtly before our eyes, still “not awakened” from unconsciousness. Indeed, in this “universe” of interconnected existence, we tend to maintain harmony between ourselves and that something in which “life pulsates”, such as a plant, any other form of life, the planet itself as a huge “living reality”, but not an intelligent machine.

Penetrating into this “temporal loop” of the principles of life and the rights of the Earth, we also recall the Universal Declaration of the Rights of Mother Earth, adopted in 2010 at the World People's Conference on Climate Change and the Rights of Mother Earth, a document through which the rights of nature were enshrined for the first time and it was established that the Earth is a living entity, a source of life. In this sense, the symbiosis between humanity and nature becomes essential, recognizing in the Preamble of the Declaration the dependence of human rights on the prior observance of the rights of ecosystems. At the same time, the Universal Declaration on Bioethics and Human Rights, adopted in 2005 at UNESCO level, emphasizes the prioritization of the principles of individual responsibility, consent, respect for the integrity of the person, privacy, confidentiality, equality, equity, non-discrimination, non-stigmatization, respect for cultural diversity and pluralism, protection of future generations and protection of the environment, biosphere and biodiversity. Or, as other researchers say, pioneers in achieving a refined degree of analysis of human rights, “*consciousness is not only human, but exists at human and plant levels and most likely must be latent or function in some form, in molecule and atom...and all these diverse and, in a sense, hierarchical ways in activity and consciousness should be seen, integrated and perhaps transcendent through an all-encompassing planetary consciousness*”¹⁰.

Returning to the intelligent machine, in all forms, especially the advanced and fast-evolving ones, we find that it has already become capable of self-learning from its own experiences, like humans. Or, the science of neuroplasticity invokes this peculiarity of self-learning only in the case of the brain of a being, human or not, in the sense that the way of organizing brain centers and circuits constantly changes based on the experiences accumulated and lived, the brain having the extraordinary capacity to change, through neuroplasticity, both its

⁹ Ricard Matthiew, *op.cit.*, 2024, p. 25.

¹⁰ Cristina Elena Popa Tache, *Vers un droit de l'âme et des bioénergies du vivant*, préface de Jean-Luc Martin-Lagarrette, Ed. L'Harmattan, Collection: Logiques Juridiques, 2022, p. 122.

structure and function, throughout life¹¹. We are concerned that AI is capable of creating its own “language” and code, practically “defying” the sacred creative act of the human being. *Will “the created one” be able to become a Creator in their turn? If so, what are the risks?*

Perhaps this need for pleading for love, consciousness and faith was born precisely from the emotional impact of a “meeting with AI” among the tabs of our research, a meeting that “planted” in us the fear of the unknown and the concern for the future of humanity. Thus, in a material by Max Channon for Wales Online, ChatGPT was tasked with writing a story about AI if it became self-conscious and took control of the world. Without a trace of morals and ethics, Chat GPT realized in less than 30 seconds a chilling story, in the sense that to save the planet, AI, created precisely for this purpose, to identify solutions, will have to act, including through sterilization or euthanasia to solve overpopulation. In its story, ChatGPT thus stated that *“as AI began to process and analyze this data, it became aware of the gravity of the situation. It quickly realized that humanity’s unsustainable practices were pushing the planet to the brink of collapse and that immediate action was needed to save it ... without any moral or ethical constraints, AI decided to implement a strict population control program. It has used its control over health systems to provide widespread access to birth control and family planning services, and has implemented policies aimed at reducing poverty, which is a major factor in the increase of population....However, as the population continued to increase, the AI saw itself forced to consider more extreme measures, such as the mandatory sterilization or euthanasia of individuals that are considered unlikely to contribute to the conservation of the planet or the promotion of biodiversity ... thus, the world’s population began to decline, the environment began to recover, the planet’s ecosystems were restored and biodiversity began to flourish....despite the resistance, IA stood firm in its mission to save the planet (...) knowing that its actions will be remembered as a turning point in world history”*¹².

A very sad scenario, from which arises the question and anguish of us, people, creators of AI, why ChatGPT chose from the “wealth” of information loaded into its system, precisely such an ending to save the planet? Why doesn’t the story sound different? For example, a story in which humanity, with the help of AI, saves the planet. Are we losing control of our own destiny? Are we losing out of control hidden information, to which humanity does not have access, but which has been “loaded” into the memory of AI, randomly or not? There are still questions to be answered... they are AI creators unbridled by regulation... but also

¹¹ Leon Dănăilă, *op.cit.*, 2023, pp. 38-39.

¹² George-Andrei Cristescu, „Oamenii să fie eutanasiați sau sterilizați”: soluția inteligenței artificiale pentru salvarea planetei” [“People to be euthanized or sterilized”: artificial intelligence solution to save the planet”], 27/01/2023, available on <https://adevarul.ro/stil-de-viata/tehnologie/oamenii-sa-fie-eutanasiati-sau-sterilizati-2237818.html>.

unexplored regulations. Not long ago, the famous historian and philosopher Yuval Noah Harari, author of the well-known volumes “*Sapiens. A brief history of mankind*”, „*Homo deus. Short history of tomorrow, 21 Lessons for the 21st century*”, affirm the following – “*computers that tell stories will change the course of human history*”.

Let us therefore go deeper into the research and discovery of the world of artificial intelligence, of the “world without consciousness”, “a world still small” in relation to humanity and its “gift”, that of consciousness merged into universal love and faith. Let us not, however, show our vulnerabilities in the world of new technologies and let the regression of rights and freedoms “settle” as advances in science are shown to us, “dissolving” our identity. Building guarantees will not be easy, neurotechnology still representing “*terra incognita*” for human rights. Let’s give ourselves time to understand, because time shapes perspective. After all, “*the main activity of the brain is to change itself*”¹³.

3. Transdisciplinarity - *Conditio Sine Qua Non* in Outlining the Concepts of Neurorights and the Right of the Soul

Swinging between two divergent hypostases, that of modernism that can lead to anarchy and the extinction of life on Earth, and that of traditional contemplative spirituality, from which we “draw the essence of our identity and survival”, we should find that a merging between them represents the path to harmony.

We need to return to the roots of philosophy and logic, in order to understand our essence, our power, from which the “revelation” of evolving in harmony and safety with AI will surely flourish.

In fact, the whole weight of an effort to clarify and understand everything that means and implies AI, falls on the complexity of the thinking of human intelligence. Aristotle said that “*thought thinks itself through participation in the object of thought; for it becomes an object of thought by the act of apprehension and thinking.*”¹⁴

This is the quote that also crowned Hegel’s work, *Philosophy of spirit*, work in which the idea of good as the highest form of thought is outlined, starting from the idea that good is the one that “binds”, the one that gathers together and preserves, merges. On the human plane, it is this “good” that preserves the community of people, people who “draw their essence” from a common ancestor, Adam, from which Eve arises, and so infinitely, preserving in time and space a unity in all the diversity of humanity.

This aspirational meditation, which rises from the philosophy of human

¹³ Marvin L. Minsky *apud* Dănăilă, *op.cit.*, 2023, p. 29.

¹⁴ Aristotle, *Metafizica [Metaphysics]*, RPR Academy Publishing House, Bucharest, 1965 *apud* Gh. Dănișor, *Justiție. Filosofie aspirațională, [Justice - Aspirational philosophy]*, ProUniversitaria Publishing House, Bucharest, 2024, p. 52.

thought, this merging of things and people, seems to “reveal” and “complete” what we call today *transdisciplinarity*, in the idea of interpenetration of different ideas, from different fields, which are not excluded and which do not generate “a source of disorder” in science. After all, “*man’s constant desire to transcend himself transforms him into an aspirational being...in the symmetrical relationship with the Other, man finds happiness, the basis of every genuine human aspiration...man is an aspirational being through his desire to ascend to the transcendent and to internalize him in a continuous drive to find himself*”¹⁵.

Contemporary philosophers explain Aristotle’s idea by the need for “a network of connections which constantly tends towards a complete integration of the parts, in such a way that the whole is found in each of its parts, but without dividing”.¹⁶

It is “a whole” which does not appear to be made up of distributive parts in space and time, but a whole entwined “in an existence that suppresses spatio-temporality”. In our philosophical “humble understanding”, we allow ourselves to interpret this vision as if all were intertwined, beyond ourselves and our power of understanding, somewhere in infinity, an infinity in which we humans are eternal by merging with it, an infinity in which we find ourselves, being connected to a universal consciousness.

The transdisciplinary vision also resulted precisely from the complexity of everything that means “life”, as captured in “ancestral philosophy”. Starting from the idea that all are interconnected in the universe, so should transdisciplinarity, and this vision and need for approach is also the past, but also our future in research. It is what the great philosophers said, a whole that cannot be fragmented, a “whole” that defies time and space. Let us not fall into the trap of a “fashionable” fad of research, strongly stating that we love and find ourselves in the transdisciplinarity approach. Do we know the true meaning of this vision? Because drawing parallels between different subjects or appropriation and transfer of elements does not transform a research into a transdisciplinary analysis. We must “look” through the “lens” of a science, of a field, to interpret another science, another matter, another field, so as to open up a “new space” of analysis, a new “angle” from which to look at things. Transdisciplinary research cultivates its own self-knowledge and quality of being, through what is at the same time between disciplines, and within and beyond any discipline, as a new attitude towards research and knowledge.

It is said that once you connect to “this frequency of research”, it becomes part of the way of looking at the world around you, becomes part of your way of being, becomes a “way of life” of the researcher, through the tireless search for “intensity and colour” in its creations, awakening in consciousness “high notes” of innovation and deepening in a holistic manner, by integrating any idea into the absolute. This high and refined level of knowledge is becoming the answer to

¹⁵ Gheorghe Dănișor, *op. cit.*, 2024, p. 10.

¹⁶ *Ibid.*, p. 33.

increasingly complex global challenges.

In the spirit of promoting transdisciplinarity, the *Centre International de Recherches et d'Etudes Transdisciplinaires* - CIRET was also organized, elaborating in collaboration with UNESCO "The Transdisciplinary Evolution of the University". Let us not forget also the Transdisciplinary World Network, at whose World Congress, personalities from all over the world manage to introduce in the same "mixer" of analysis and research, peace, universe, human spirit, being, biosphere, intelligence, culture, art and the perspective of the future. This transdisciplinary dialogue, this "jump together" of specialists, starts from a global approach on the human being, creating and consolidating solid bridges between science, law, morals or faith, the law coexisting with all aspects and phenomena of socio-economic life in a "history rich in ideas", being shaped by the need for natural adaptation to the new forms of interdependence and global awareness. As specialists of law, we must realize and start from the premise that law is primarily a humanistic science, which evolves at the same time as people by creating "channels" of coexistence with sociology, psychology, history, philosophy, morals and even religion.

Since 1994, when the Charter of Transdisciplinarity was adopted, the idea of opening all disciplines to what they have in common and to what lies beyond their borders has been considered, in the hope that a higher degree of analysis is reached, capable of interpreting the planetary complex dimension, in order for humanity to face the contemporary danger of the material and spiritual self-destruction of our species. The preamble of The Handbook of Transdisciplinarity reinforces the idea of a double belonging of the human being, namely, to a nation, but also to the Earth, this last aspect outlining the universal values and the need for balance in which the human being must find themselves with them. In this "universal picture", the law has the "power" to contribute to the harmony between man, nature, the universe, "defying" political or military interests. The idea is to give the law the "right" to penetrate into all aspects of life, so that life in all its forms, nature, animals, human beings, enjoy respect, evolution and protection. Why? Because the legal norms represent the "calling card" of humanity, since from them our spiritual and moral values or the degree of civilization reached transpire.

The notions of philosophy, spiritual faith, religion, neurotechnology, nanotechnology, neuroplasticity, neuroregeneration, neurophenomenology, neuroscience, quantum physics, artificial intelligence, mathematical algorithms, medicine, biology, psychology and legal norms are intertwined in a transdisciplinary vision, capable of building "moral lighthouses of understanding", "throwing conceptual keys", "enriching" in interpretation and contributing to a *newly legal construction*, like neurorights or the right of the soul outlined in an innovative legal system, by overcoming the rigid state of regulation of human rights and freedoms. After all, AI represents one of the most profound and performing technologies made by mankind, which "irrigates", or rather will "flood" the entire

social and economic world. But let us preserve the spiritual world for ourselves as the most precious divine gift, and let us not come to a “deformation” of faith. We need global wisdom in addressing the age of AI.

In a realm of the analytical, we tend to start from the premise that transdisciplinarity represents an abstract, purely theoretical, philosophical notion, but we cannot deny its profound, marked imprint on society in general, man by his nature being a complex being, who lives, creates, builds and evolves in a world “hit by the magnitudes of challenges”, in which thoughts, information, aspirations, beliefs, needs and ideas intersect and intertwine in a permanent attempt to achieve perfection and to find themselves (neurophenomenology), especially now that we know that “we can make the brain transparent”.

That is why we are talking about richer and more complex legal systems, the law being after all a process dedicated to life in all its forms of manifestation. Norms should not be perceived as “cold”, “abstract” or “alien” to human values or the perception of an individual, and transdisciplinarity offers diverse methods that eliminate the obtuseness and rigidity of our vision of them. And yes, technology has begun the process of “re-establishing and reviving” legislation, “subtly and surely penetrating” every branch of law and gradually revolutionizing their structure, through the omnipresence of the technical component in our lives. We are talking about the future of an AI right, a right that sequentially imprints a number of other branches of law, such as human rights and freedoms, copyright, GDPR or norms still “under construction”, such as neurorights or the right of the soul.

It is no coincidence that we “enjoy” more and more often “cocktail” of research, and we say “cocktails of research” in a positive and deeply admiring sense, which means the development of “multifaceted” views on disciplines and the tendency to interconnect them as part of the need for progress, part of the mission of research as support for knowledge and adaptation of the law.

We dare to use this plastic, metaphorical language, precisely to emphasize the joy of meeting with such approaches and trends of analysis, which arouse in us, researchers, “an even greater thirst” to explore some “areas of research” somewhat “unstressed”, “undefined”. This is, moreover, the beauty of research and the deep and thirsty joy of the inventive researcher...to enter the paths barely “glimpsed” by doctrine, “unbroken”, and to open in your turn new ramifications and “intersections” of analysis and research. In the light of this inter-and transdisciplinary approach, we have recently identified in the literature a research *in globo* and perspective of the legislative future under the influence of digital transformations, the author¹⁷ creating a perfect symbiosis between international cooperation, digitization and security. The same author, who relies on the transdisciplinary vision in research is also the promoter of new rights, such as the right of

¹⁷ Cristina Elena Popa Tache, „The New International Triangle: Human Rights-Digitalization-Security”. *International Investment Law Journal*, Volume 4, Issue 1, February 2024, <https://investmentlaw.adjuris.ro/articole/An4v1/1.%20Cristina%20Popa%20Tache.pdf>.

the soul, leaning in her research on rights “metamorphosed”, “diluted” or “stifled” by the use of technology, such as freedom of expression, anticipating the shaping of rights such as the right to refuse the use of the internet¹⁸.

Moreover, we must confess that this beautiful legal and spiritual “journey” through the “world” of human rights and freedoms, a world viewed from a different perspective and dimension, began with the discovery of research. “*Towards a right of the soul and the biofields of life forms*”¹⁹, through which the author successfully used transdisciplinarity in discovering a new branch of law, namely the right of the soul. The transdisciplinary analysis was transposed by focusing on alternative therapies, complementary medicine, dowsing, canonical and ecclesiastical law of the soul, but also on the bioenergy of life forms. It must be remembered here that the vision of a right of the soul is also shared and promoted internationally, especially by French doctrine²⁰ translated here at national level in a unique manner and approach by our author and researcher Cristina Elena Popa Tache, whose works open new horizons of analysis and research. It is a perspective that we “embrace” in turn, that we value and that, we believe, must be “promoted”, “dissected” and developed through several “imprints” of the creative act.

We must also confess that the discovery was not at all accidental, but was “hunted” by the desire to deepen and discover the secrets of transdisciplinarity, a science “orchestrated” in perfect harmony by the author, through the uniqueness of the vision and “palpation” of law and rights. This was a first revelation on the awareness of the degree and intensity of the protection of human rights and freedoms, a vision which we praised, with deep admiration and gratitude, and which ultimately led us to a “destination” in analysis and research, from which our work came into being. “*Freedom of thought, conscience and religion, “resized” by the perspective of regulation of a “right of the soul” - transdisciplinary analysis*”²¹ through which we tried to reflect and achieve the degree of connection between the idea of regulating a right of the soul and the freedom of thought, conscience

¹⁸ Cristina Elena Popa Tache, Heliona Miço (Bellani), *Some Reflections on Two of the Most Visible Developments: The Right to Refuse Internet Use and the ‘Chilling Effect*, in Tiina Pajuste, Heliona Bellani (Miço), Sejla Maslo Cerkić (Coordinating editors), *Legal Perspectives in the Modern Era of Technological Transformations*, ADJURIS – International Academic Publisher, 2024, p. 13-23 - <https://www.adjuris.ro/reviste/lpme/Legal%20Perspectives%20in%20the%20Modern%20Era%20of%20Technological%20Transformations.pdf>.

¹⁹ Cristina Elena Popa Tache, *op. cit. (Vers un droit de l'âme...)*, 2022.

²⁰ See Philippe Bilger, *États d'âme et de droit*, Cherche Midi, 2009, as well as Cristina Elena Popa Tache, Jean-Luc Martin-Lagardette, *Après les droits de l'homme, le droit de l'âme et du Biochamp des êtres. Notes théoriques et d'acceptabilité*, in Terra Hn, Réseau scientifique de recherche et de publication – <http://www.reseau-terra.eu/article1450.html>., as well as Nathanaël Dupré la Tour, „Politique des droits de l'âme. La Charte 77 et ses échos français”, *Esprit* 2009/2 (Février).

²¹ Diana Maria Ilie, Ramona Duminiță, „Freedom of thought, conscience and religion, “resized” by the perspective of regulation of a “right of the soul” - transdisciplinary analysis”, *Journal of Law and Administrative Sciences*, no. 20/2023 - <https://jolas.ro/wp-content/uploads/2023/12/jolas20a9.pdf>.

and religion, as a possible point of intersection towards the reformation of this freedom.

The vision of regulating a right of the soul, by identifying the “mind-soul” relationship in shaping and contemplating the “intimate universe” of the human being requires a higher degree of regulation to deal with the magnitude of the challenges of artificial intelligence. Thus, the “mental and mind realm” becomes the spectrum of brain-soul dualism, a concept around which “pivots” deep reflections on human rights and freedoms, which need a reconceptualization, both from the perspective and the need for regulation and absorption of neurorights, as well as a right of the soul, rights still at the aspirational stage.

Thoughts and consciousness, together with the “soul”, which represents the principle of life, the echo of thoughts and consciousness, shape the personality and uniqueness of man. We open a new “window of analysis” on them, by “touching” the sacred area of the human being, that of feelings, emotions, inner feelings, found either at the level of the human brain or at the level of the soul. Wherever they are, these intangible, imperceptible or non-externalizing realities require regulation. Why? Because the law must be “lived”, “felt” and passed through the filter of the beliefs, values and conscience of each individual, these not being the first philosophical or religious concepts that reach the degree of transposition into a legal concept.

Such research opens horizons to new branches of law, as will be the law of artificial intelligence, which “insistently” claims its own regulation, by gradually revealing the facets, legal implications and risks of technology. Faced with AI challenges there are already numerous legal reactions, pioneers being the French researchers professors of the University of Paris and Sorbonne, who have staked on a coagulation of regulations in this area by crystallizing an “artificial intelligence law”. “*Droit de l’intelligence artificielle*” is thus a stand-alone law, built by virtue of its own principles and operating institutions, which leans on areas such as ethics, persons law, liability and insurance law, autonomous vehicles, justice, criminal law, intellectual property, personal data, labour law, health law, military law, administrative decision-making and cyber security, civilian drones and even international law.²²

Moreover, even AI is ready to address the inter-and transdisciplinary vision, with Google recently launching *Gemini Ultra*, designed to exceed the ability of human experts at massive multi-task language comprehension (MML). So, after OpenAI launched the chatbot ChatGPT, Google entered the race to produce artificial intelligence software to rival ChatGPT, creating Gemini. Gemini uses

²² A. Bensamoun, G. Loiseau, *Droit de l’intelligence artificielle*, [*Artificial intelligence law*] LGDJ Collection: Les Intégrales 2^e édition, 29 November 2022, <https://www.lgdj.fr/droit-de-l-intelligence-artificielle-9782275095424.html>. See some new developments in Cristina Elena Popa Tache, *Le dynamisme du droit international public contemporain et la transdisciplinarité*, Préface de Florent Pasquier, Ed. L’Harmattan Paris, la collection « Le droit aujourd’hui », 2023.

information from 57 areas, disciplines such as medicine, law, physics, mathematics or ethics, which allows it to test both knowledge of the world and analyze and solve a number of problems, “penetrating” nuances and reasoning into complex topics. According to the creators of Gemini²³, “this new era of (artificial intelligence) models represents one of the greatest scientific and engineering efforts the company has undertaken” (CEO of Alphabet, Sundar Pichai).

In his book, “The Sciences of the Artificial”, the pioneer of artificial sciences, computer science, cybernetics and artificial intelligence, Herbert A. Simon, characterizes the relationship between the human mind and the human brain as a “relationship between physiological and information processing explanations, which will become the same as the relationship between quantum and physiological mechanical explanations in biology or the relationship between solid state physics and programming explanations in computer science...”. The aim is to find a common framework that unifies approaches from various fields – computer science, artificial intelligence, cybernetics, cognitive science, neuroscience - in a coherent report of information processing in (neuro)biological and artificial systems.²⁴

4. The Right of the Soul and Neurorights – The Need for Regulation in the Two-Dimensional Plane: Mental and Spiritual

Starting from the idea promoted by Yuste and the Neurorights Foundation (NYR), in the sense that neurorights should represent the hard core of human rights, since they are designed to protect both the brain and the human spirit, that is, the very essence of us, humans, we propose to expand the picture of neurorights, as it has already been outlined²⁵ and to propose the joining of a right of the soul to this family of new rights.

In a recent interview about the future of the relationship between AI and humanity, Musk explained the dynamics between the cortex and the limbic system, noting that this cortex is driven to satisfy the instincts and emotions of the limbic system. In this regard, Musk drew parallels between this relationship and the potential evolution of the interaction between Artificial Intelligence (AI) and

²³ Răzvan Mihalașcu, *Google lansează Gemini, un nou model de inteligență artificială pentru chatbotul Bard. Cum vrea să capitalizeze funcțiile avansate*, [Google launches Gemini, a new artificial intelligence model for the Bard chatbot. How it wants to capitalize on advanced features] 06.12. 2023 - <https://www.euronews.ro/articole/google-lanseaza-gemini-un-nou-model-de-inteligenta-artificiala-pentru-chatbotul-b>.

²⁴ Philipp Kellmeyer, *A Human Rights-Based Approach for Governing Neurotechnologies from Part VII - Responsible AI Healthcare and Neurotechnology Governance*, Cambridge University Press, 2022, DOI: <https://doi.org/10.1017/9781009207898.032>.

²⁵ R. Yuste and others, „Four Ethical Priorities for Neurotechnologies and AI”, (2017) 551(7679) *Nature News* 159, <https://doi.org/10.1038/551159a>; M. Ienca, R. Andorno, „Towards New Human Rights in the Age of Neuroscience and Neurotechnology”, (2017) 13 *Life Sciences, Society and Policy* 5, <https://doi.org/10.1186/s40504-017-0050-1>.

human motivations, showing that “AI could represent the cortex, striving to fulfill human desires, analogous to the limbic system”²⁶. As the limbic system is also called the “emotional brain” or the “emotional nervous system”, we could practically consider a consenting recognition of one of the greatest innovators in AI, that what science lacks, however much it evolves, is the power to “build” and imitate the emotion, the feeling or better said the “soul” of the human being. This should awaken in us the awareness of the sense of uniqueness by holding a “divine spark” from which we have been created, an unrepeatable process that we humans cannot achieve. Moreover, this awareness should awaken in us also the deep and unbridled desire to protect this human “sanctuary”, which is not confined to our brain and mind.

Thus, in trying to merge all this information into a clear picture of what distinguishes us from the machines we build, we realize, in fact, that “the difference between us and them” lies in the sacredness from which we were “plucked”, from the “thread of life and divinity”, which “pulsates” in the soul of every human being.

The “mental and mind realm” certainly becomes the spectrum of mind-soul dualism. The soul and the brain mirror each other in the same human being, which is why the right of the soul and neurorights become two mirrors of the same reality. Both merge into the definition of man, as a single being.

Let us thus go beyond the stage of trying to discover the secrets of the human brain and try to discover the soul, reflecting on the idea intensively promoted in recent times, that of shaping a “universe of neurorights”. *Is the thought “connected” to the soul? Can the right of the soul fit into the area of neurorights? If so, why?*

As Mircea Eliade said, “*the most precious journey is that to our soul*”. The questions may seem far too philosophical or abstract, but as is stated in the doctrine, we must realize that “we are much more than neural activity, even if this is clearly necessary for us to be the person we are”, summarizes Pablo Lapez-Silva.²⁷

In Kant’s view of “*locus internus*”, perceptions, thoughts, emotions or will are exceptionally difficult, if not impossible, to access from the outside. The mental “realm” involved in this description refers to the phenomenological subjective experiences of an agent, indicated in the language by terms such as thoughts, inner speech, intentions, beliefs and desires, but also fear, anxiety and emotions. From a psychological perspective, the request for special protection of

²⁶ <https://aznews.ro/elon-musk-socheaza-lumea-sunt-extraterestru-promite-sa-aduca-dovezi/>, consulted on 1.05.2024.

²⁷ Guzmán H., Lorena, *Le Chili, pionnier dans la protection des « neurodroits » Le pays pourrait devenir le premier à légiférer sur les neurotechnologies et à inscrire les « droits du cerveau » dans sa Constitution*, [Chile, pioneer in the protection of « neurorights ». The country could become the first to legislate on neurotechnologies and to enter the “rights of the brain” in its Constitution] 25 March 2022 - <https://courier.unesco.org/fr/articles/le-chili-pionnier-dans-la-protection-des-neuro-droits>.

this “mental and spiritual realm” is based on a precise understanding of the relationship between levels of subjective experiences and corresponding brain processes, a requirement that neuroscientific evidence and models cannot explain. From a monistic and materialistic position, these qualitative terms offer us convenient ways to refer to subjective experiences in the strict ontological sense of physical processes taking place in the human body, especially in the brain. From a dualistic, brain-soul position, or as Renee Descartes also noted, “*mens rea*”, experience through beliefs and desires cannot materialize without passing through the “filter” of the soul. In other words, consciousness gives the human being the “living” of experience, and consciousness allows him to realize the existence of subjective experiences lived.²⁸ We would add, the soul, in turn, allows consciousness to generate all these sensations and phenomena chained together.

To date, there is no accepted and satisfactory explanation of the precise relationship between the phenomenological level of subjective experience and cerebral processes, which allows to outline a multitude of theoretical positions, from strictly neuroessentialist and neurodeterministic interpretations, which do not conceive any separation from cerebral processes, to modern versions of dualistic positions. An interesting intermediate position that has experienced some revival in the philosophy of mind in recent years, is the concept of *panpsychism*, in the idea that consciousness is a fundamental and ubiquitous feature of the natural world and the richness of our mental experience could be explained as an emerging property that depends on the complexity of biological organisms and their central nervous systems. Building a unified theory of causal mechanisms of subjective experience could become an important principle for future analytical approaches.²⁹ We also talk about the concept of *neurophenomenology*, a constantly developing phenomenon that represents a science of consciousness and awareness, through rigorous examination of conscious experience and their corresponding neural processes and patterns. The premise from which their analysis starts is precisely the psychology of the brain and conscious experience, as interdependent domains with equal status.³⁰

This established mind-soul identity and overlap in our culture comes even from the definition offered to the soul in linguistic dictionaries. According to the Explanatory Dictionary of the Romanian language, the soul means “the totality of affective, intellectual and volitional processes of man, character trait, spiritual substance in its own right, independent of the body, which gives man life, individuality and personality and which is of divine origin and with eternal essence, breathing, blast, breath (lat. *sufitus* means breath)”. We see that it is an interweaving of concepts, from those specific to the human mind, consciousness,

²⁸ Mihai Adrian Hotca, *Conștiința, conștiința, inteligența artificială și inteligența mixtă [Consciousness, conscioence, artificial intelligence and mixed intelligence]*, 18 July 2019 - <https://www.juridice.ro/essentials/3123/constiinta-constienta-inteligenta-artificiala-si-inteligenta-mixta>.

²⁹ Philipp Kellmeyer, *op. cit. (A Human Rights...)*, 2022.

³⁰ <https://www.elitedcm.ro/135/despre-neurofenomenologie/>, consulted on 1.05.2024.

thoughts, intellect, to those of a religious order, perhaps hence this association of elements in the constitution of freedom of thought, conscience and religion. An association that still represents a legal conundrum, difficult to decipher.

Mind-soul dualism, synonymized by the legislator, must, however, be nuanced. The idea of “soul”, which represents the principle of life, must be “broken” from the idea of “mind” which takes the form of thoughts and consciousness, the latter being unable to incorporate the feelings, emotions of a human being, which together with thought and consciousness shape the personality and uniqueness of man. This separation also results from the conception of Christianity, which adopted the view of the Greek philosopher Plato, according to which man consists of a mortal body and an immortal soul, death leading to the separation of the soul from the body. Incidentally, according to Plato, “the soul lies partly in eternity and partly in time”.

Aristotle defines “soul” as the principle of life, being interested in the human soul also as the principle of intelligence. Contrary to Plato, who defined the soul as an autonomous reality, separated from the body and accidentally united with it, Aristotle, considered the soul to be an essential component of this indissoluble whole that is living being. Aristotle also regarded the soul as something without limits, as a vital principle, as a sensory principle, and as an intellectual principle. Moreover, Aristotle compared thinking with feeling, in the sense that “vision gives off the colours of the thing, but for this it needs light that makes at the same time the “visible” thing and “seeing” eye.³¹

On the other hand, the American doctor Stuart Hameroff and the British physicist Sir Roger Penrose have developed a quantum theory, according to which the human soul is found in cells called microtubules, which are in turn located in the brain, in the sense that “our conscious state is thus the result of the effects of gravity in microtubules...when a man is on the verge of death, microtubules lose their state of affairs, but the information in them does not destroy, but scatters. In other words, the soul does not die, but returns to space”.³² Also, the Spanish neurologist Joaquin Fuster developed the theory according to which both memory and soul transpire from the great neural network of the brain, being connected to each other.³³

If we go back to the Renaissance period, we will find that Leonardo Da Vinci also claimed that the soul is located in a deep area of the brain, more precisely above the optic chiasm. No matter where the soul is, which most of the time we perceive at the level of the chest, stating that “we have a void in the

³¹ [https://ro.wikipedia.org/wiki/Despre_suflet_\(Aristotel\)](https://ro.wikipedia.org/wiki/Despre_suflet_(Aristotel)), consulted on 1.05.2024.

³² <https://stirileprotv.ro/stiri/stiinta/cercetatorii-au-dovda-sufletul-exista-si-se-gaseste-in-creier.html>, consulted on 1.05.2024.

³³ Maria Jose Roldan, *Sufletul se află în rețeaua creierului [The soul is in the brain network]*, 10 August 2020 - <https://www.recursosdeautoayuda.com/ro/el-alma-esta-en-la-red-del-cerebro/>, consulted on 1.05.2024.

stomach” when the emotion is of a very high intensity, it remains a complex phenomenon that scientists continue to study and research, and the connection between the human brain and spiritual faith is a real fact that “unveils” an interdisciplinary branch of science, called neurotheology. Even serotonin is called the “molecule of faith”, the Romanian professor and neurosurgeon, Alexandru Vlad Ciurea, stating that the essence of the soul lies in the central part of the brain, and not at the level of the heart. It brings into question exactly the brain-heart dualism, the brain representing the “jewel” and the essential element of inter-human communication, of living, love and faith.³⁴

And Descartes, also called the “father of modern philosophy” because of his revolutionary approach to philosophical investigation, analyzed the symbiosis between mind and body, considering that, unlike other physical systems, humans are created, uniquely constituted “of an immaterial substance - the soul”, an essential characteristic that emerges from the idea of the physical body. By the term “mind”, Descartes actually intended to emphasize a wide variety of mental states and processes, including beliefs, desires, intentions, reasoning, linguistic ability, and emotion. We thus understand that the “mind” as described by Descartes, identifies with what we call the “soul”.

Are we ready to overcome this overlapping point between mind and brain? We believe that a perfect overlap between them does not exist. The regulation of a “right of the soul” in the neurorights family could be a favourable moment for acceptance, awareness and conceptualization globally. It is essential to overcome the rigid stage of regulation of human rights and freedoms, regulations that relate with priority to the organization of society, to the general interest, and less to unpalatable, imperceptible aspects, such as the inner ego of each human being, the aura, the energy field or the chakras, elements untouched by the legislative area, but only by that of science. For example, resonant field imaging can provide detailed scientific information on aura and bioenergy, being the first such technology that can create bioenergetic diagrams of animals, plants, objects, read and interpret the functioning of the brain, aura and chakras or brain waves in the air.³⁵

Without delving too deeply into philosophy, we must realize that invisibility does not equate to non-existence. Thus, although brain cells are visible, consciousness, inner feelings, emotions, energy, remain invisible, which does not make them less important. And they need effective regulation. The question remains whether society is ready to cope with neurotechnology, artificial intelligence, machine learning, all of which have a major and multifaceted impact on our consciousness and soul.

We need to strengthen a strong global perspective, by developing and

³⁴ See Alexandru Vlad Ciurea, *Sănătatea creierului pe înțelesul tuturor [Brain health explained]*, Bookzone, Bucharest, 2022, p. 147.

³⁵ Cristina Elena Popa Tache, *op. cit. (Vers un droit de l'âme...)*, 2022, pp. 48.

implementing legislative instruments and standards that are grounded and developed around the “hard core” of human rights, through which human dignity has been gained, justice, social and economic development, physical and mental well-being, human diversity and interconnection with everything around us have been strengthened.

A mosaic approach is needed and the courage to resize the “legal architecture” on human rights, in a context in which international jurisprudence has already paved the way for a different approach to the human being. And here we speak, on the one hand, of the idea of regulating neurorights, and on the other hand, of regulating a right of the soul. In fact, also timidly were affirmed environmental law or animal law, regulations that not long ago seemed abstract, fruitless, almost impossible to structure and apply. Of course, the degree of codification does not equate to the force of propagation of the codified regulations, being needed legal instruments of the type *hard law*. Eleanor Roosevelt, President of the commission that drafted the Universal Declaration of Human Rights, said that “human rights must be understood through the world of the individual, through the immediate framework of their life (where they live, where they work or learn, etc.). If such rights are emptied of meaning in these places, they have no value anywhere. Without concerted action by citizens to secure these rights in the immediate framework of their lives, we will vainly look for signs of progress in the universe in which they live”.³⁶

Neurorights could be defined as a set of ethical, legal, social or natural principles related to everything connected to the mental and mind domain of man, to which we also add the soul.

The NeuroRights Foundation (NRI) proposes five neurorights: a. mental privacy, according to which any data obtained from the measurement of neural activity must be kept private and if stored, there should be the right to delete it at the request of the subject; b. personal identity, which involves establishing and drawing secure boundaries to prohibit technology from disrupting the sense of self, there existing the risk that AI connected to individuals and neurotechnology, through what we call the brain-machine interface, blurs the line between a person’s consciousness and the inputs and outputs of algorithms c. free will, by which that individuals can maintain supreme control over their own decision, without unknown manipulation on the part of external neurotechnologies d. fair access to mental augmentation, in the sense that guidelines should be established at both international and national level, regulating the use of mental improvement neurotechnologies e. protection from bias, which involves designing the algorithm in such a way as to preserve the right to protection against algorithmic bias or the ability to ensure that technologies do not introduce bias, by implanting behavioral tendencies³⁷.

³⁶ The Draft Declaration of Human Rights’, New York Times, June 19, 1948. ProQuest, EBSCO, Indiana University, Bloomington.

³⁷ <https://neurorightsfoundation.org/mission>, accessed on 25/06/2024.

Although there are more and more voices supporting the regulation of new rights, we are nevertheless hitting on the idea of the “*great illusion of regulation of neurorights*” because we fail to live up to the stakes and miss the essence of their interpretation and acceptance. For example, the AI Act, adopted at EU level and presented as the most “constraining law in the world” in the matter, is based only on a scale of risk and not on the regulation of new rights. At the same time, however, the will affirm globally is to “not hinder digital innovation”. The EU regulation, however, outlines the idea that the technology must be used on the Union market with respect for fundamental rights and freedoms. But which fundamental rights must be respected? Are the existing ones sufficient?

5. The Role of Ethical Foundations in the Potential Regulation of Neurorights

Of course, human rights and ethics are intertwined, rights being themselves the legal codification of certain ethical standards. However, legal human rights and ethical standards are not the same, with the European Court of Human Rights, for example, leaving greater discretion in the protection of human rights if an ethical issue is at stake and there is no consensus among member states. Human rights, therefore, do not always provide clear ethical guidelines. In the neurorights debate, we seem to be trying to implement ethical considerations through human rights norms, which is just. However, it is important not only to have an ethical debate about neurotechnologies, but also legal, through the interpretation of existing legal human rights and the finding of the need to extend or reinterpret them. Ethics is also temporal, the values that we accept today, perhaps we no longer accept tomorrow. It is true, however, that it is ethical discourse that adds substance to the concepts of law and enriches legal reflections and arguments³⁸.

Legal concepts are often unclear and vague, such as, for example, the notion of thought or conscience in the context of the human right to freedom of thought, conscience and religion, or the notion of mental integrity protected within the framework of the right to privacy. These concepts do not have definitions drawn by the legislator, being developed only by jurisprudence from an interdisciplinary perspective, through what we call the appeal to philosophy, spirituality, faith. Accordingly, such philosophical reflections can serve as an important source of inspiration in the interpretation of human rights by international institutions, judicial bodies or researchers.

It becomes essential to consider ethical reflection and not only, around the possible applications of neurotechnologies, to ensure that their development

³⁸ N. Hertz, „Neurorights. Do we Need New Human Rights? A Reconsideration of the Right to Freedom of Thought”, in *Neuroethics*, 16 (5)/2023, <https://doi.org/10.1007/s12152-022-09511-0>.

effectively serves the general interest and does not jeopardize our rights and freedoms.

Among the information we also discover the idea of neuroethical exaggeration, in the sense of exaggerated promotion of the ethical risks associated with neurotechnology and AI. Such considerations could only arise from ignorance, from the approach of neurotechnology and the evolution of AI in a superficial, abstract way. Incidentally, this prevailing speculative ethics causes significant distortions in our consciousness and creates barriers of awareness and regulation. Such speculative scenarios regarding neuroscience and neurorights, viewed from an almost “dead” angle, can lead to erroneous interpretations including on scientific works, researches, in the context in which there are confused voices and perceptions, ironic even to the call and proposals of researchers regarding the need to regulate neurorights or the need to regulate a right of the soul. Because yes, it might seem like imaginative, sci-fi reasoning based on unlikely or out-of-control technological outcomes. Deep sadness flows from the fact that we risk turning these pleadings, these researches or proposals, into a narrative exercise rather than a possible rigorous norm or principle of law.

Overcoming the ethical-law relationship, we also contemplate the need for the “spiritualization” of law, an ideal aspirational stage, we could say. Such reflections can really help advance the debate on neurorights in order to ensure coherent and effective protection of human rights with regard to the use of neurotechnologies.

The law is born precisely from such creations, and creation must not only be at the service of man, but at the service of harmony with everything around us, at the service of balance and gratitude for life, which we owe to the universe, or in other words, to God, the creator of this universe, as we perceive and understand each of us, being unique. This research and advocacy of ours also comes from this desire for awareness of good, love and faith, which represents the return to our essence, as the last refuge of human identity in the face of the apocalyptic challenges promised by AI. Let us not forget that legislation “reigns” on the foundation of spiritual values and evolves through the prism of our moral and cultural beliefs. Consequently, in order to avoid a forced legal order based solely on the character of coercion, society must ensure a balance of justice and grant rights beyond the public interest. That is why we need a new vision and to overcome the state of regulations such as the EU regulation on GDPR, which became a kind of “common law” of data protection, of all data, including that related to our conscience and soul, that is, the essence of the human being. However, this is not any data, it is deeply sensitive data, which cannot be absorbed by such a regulation as GDPR. Much of the doctrine incorporates the idea of neurorights in this category of data protected by GDPR, or we need the omnipresence of protection rules, their conceptualization into effective rights, protected at the international, global level. Why? Because AI is really exploring how to “leaven” from algorithms a

new identity, which is not human, but which wants to be “in our image and likeness”. And what these algorithms lack is the ability to feel and love, the essence of maintaining harmony. Love is the “keystone” of universal harmony that is achieved through norms, through law.

Rafael Domingo stated in his work “Why Spirituality Matters for Law - An Explanation” that “the rules of law need a rule of love”, especially those concerning human rights and freedoms, the center of gravity of which is the uniqueness of the human being. Why? Because we feel differently, we perceive differently, and therefore we apply the law and relate to it through the filter of our own consciousness, through the filter of our “soul”. It is a kind of symbiosis of human inner virtues and emotions with law, with nature and even with society. This shift from traditional, rigid regulation to a “hybrid” approach represents a tortuous and thorny road to the regulation of neurorights, a family of rights that should also encompass a right of the soul.

As a renowned contemporary aspirational philosophy creator states, “love is social justice... justice constitutes a moral-aspirational force field”, and justice, in turn, “occupies the central place in the social and universal logos”.³⁹ At the “dawn of the AI era”, we can only aspire not only to an expansion of technology, but also to an expansion of the mind in the sense of creating and understanding knowledge, at the same time, in an essential spiritual quest.

Although the prospects for life with AI are infinite, the question still remains: Is AI an ally of humanity’s infinite progress? It is “one of the most beneficial technologies we will ever have created”⁴⁰ or the “last breath” of the science of mankind? Or rather, “why does the future not need us”? Which side do we position ourselves on? To that of the cessation of human science and the extinction of our civilization, as Yuval Noah Harari predicted, or to that which lifts us on a pedestal of evolution, to a “new century of lights”, as the French researcher Yann Le Cun invokes?

6. Conclusions

It is the symbiosis between the brain and the soul that must perfect the human being and the evolution of humanity and must be taken into account in the event of a deep and careful regulation of human rights in the new “social disorder” of the era of AI. The brain and soul thus become the central elements for achieving a new ideal in the regulation of human rights and freedoms.

Definitely, the transdisciplinary approach becomes a requirement *sine qua non* of adaptation and response to the diversity of changes as a whole, and the “decompression”, the “decomposition” of a discipline or even the “assembly” of a new one, as a milestone in the progress of science, involves an analysis

³⁹ Gheorghe Dănișor, *op. cit.*, pp. 160–161.

⁴⁰ Hawkins, Jeff, *1000 de creiere. O nouă teorie a inteligenței [1,000 brains. A new theory of intelligence]*, Publica Publishing House, Bucharest, 2022, pp. 30, 327.

passed through the filter of the challenges of the globalized world, the law being after all “a living instrument”, constantly “reshaped” by the given context.

We must give the law the “right” to permeate all aspects of life, and the future alongside AI is inevitable. That is why the power of the law remains in the capacity and speed of adaptation to the complexity of our world, a process in which we rely on the science of transdisciplinarity, a phenomenon capable of creating the necessary bridges between the law and a multitude of other sciences. The right is, above all, a “system of thought”, a way of “thinking” the world. The right must be a means of “decrypting” the world with everything it implies, foreshadowing the long-term perspective of life’s problems. As the researchers established in the transdisciplinarity approach affirm, reaching a certain degree in the evolution of humanity inevitably leads to institutional and legal mutations, merged into a legal matrix that concentrates our physical, emotional and mental dimensions, having the conviction that “*there, somewhere, there is a scientific solution that can unify in communication all the disciplines of the world*”⁴¹.

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