

Assignment of Legal Personality to Robots: A Premature Meditation

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Abstract : With the emergence of artificial intelligence, a proposition that has been made with increasing conviction is the need to assign legal personhood to robots. A major problem that arises when dealing with robots is the issue of liability: who do it hold liable when a robot causes harm? The suggestion to assign legal personality to robots has been made to aid in the assignment of liability. This paper contends that it is premature to assign legal personhood to robots. The paper employed the doctrinal and comparative research methodology. The paper first discusses the various theories that underpin the granting of legal personhood to juridical personalities to ascertain whether these theories can aid in the proposition to assign legal personhood to robots. These theories include fiction theory, aggregate theory, realist theory, and organism theory. Except for the aggregate theory, the fiction theory, the realist theory and the organism theory provide a good foundation to the proposal for legal personhood to be assigned to robots. The paper considers whether robots should be assigned legal personhood from a jurisprudential approach. The legal positivists assert that no metaphysical presuppositions are needed to determine who could be a legal person: the sole deciding factor is the engagement in legal relations and this prerequisite could be fulfilled by robots. However, rationalists, religionists and naturalists assert that the satisfaction of the metaphysical criteria is the basis of legal personality and since robots do not possess this feature, they cannot be assigned legal personhood. This differing perspective shows that the jurisprudential school of thought to which one belongs influences the decision whether to assign legal personhood to robots. The paper makes arguments for and against the assigning of legal personhood to robots. Assigning legal personhood to robots is necessary for the assigning of liability; and since robots are independent in their operation, they should be assigned legal personhood. However, it is argued that the degree of autonomy is insufficient. Robots do not understand legal obligations; they do not have a will of their own and the purported autonomy that they possess is an 'imputed autonomy'. A crucial question to be asked is 'whether it is desirable to confer legal personhood on robots' and not 'whether legal personhood should be assigned to robots'. This is due to the subjective nature of the responses to such a question as well as the peculiarities of countries in response to this question. The main argument in support of assigning legal personhood to robots is to aid in assigning liability. However, it is argued conferring legal personhood on robots is not the only way to deal with liability issues. Since any of the stakeholders involved with the robot system can be held liable for an accident, it is not desirable to assign legal personhood to robot. It is forecasted that in the epoch of strong artificial intelligence, granting robots legal personhood is plausible; however, in the current era, it is premature.

Keywords : autonomy, legal personhood, premature, jurisprudential

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