

ARTIFICIAL INTELLIGENCE, THIS NEW LEGAL PERSON?

In 2017, a virtual AI “boy” was made the official resident of a central Tokyo district, and a humanoid robot called Sophia was granted Saudi Arabian citizenship.

Around the same period, the European Parliament adopted a resolution to recommend that the Commission possibly establishes an “**electronic person**” status, at least for the most autonomous robots.

Nowadays, ChatGPT and the newly evolved version of Bing will reignite the debate about creating a **new legal personality specific to artificial intelligence** to grant it rights and impose obligations on it.



The process is well-known by law: a virtual human creation that is viewed as presenting a high level of social usefulness gives rise to a new kind of “legal persons”, allowing legislators to reshape peculiar contours of rights and obligations attached to newly recognized artificial holders.

“**Juridical persons**” (meaning non-human persons, such as corporations and governmental entities) were created this way as products of evolution to allow “**natural persons**” (meaning human persons) to diversify their activities and improve their lives.



Because of their increased autonomy unknown to legal entities, **electronic persons** will likely cause legislators to further reduce rights while imposing obligations.

The philosophical and technical arguments in defense of this position are numerous:

- As AI has no soul, no heart, and no living brain, by definition, **it is not well suited to become a holder of rights related to perceptions and emotions** (such as the right to claim damages for moral suffering);
- As AI is viewed as potentially dangerous, it is considered that it should be limited to assisting humans instead of completely replacing them, which implies that there should be at least one human being invested with a control power; as a direct consequence, **AI appears as a variety of legal person that must necessarily be subordinated to humans** and therefore should be deprived of some of their rights;
- Because of its immense capabilities and extraordinary potential, coupled with a hypertrophied public presence, AI could cause serious harm to humans in enormous proportions (imagine a chatbot disseminating false information to the world that would incite human beings to act in harmful ways); these considerations prompt legislators to **aspire to find a way to provide effective sanctions**.



And what will happen once the obligations are imposed, and the liabilities are stated? **Who will pay damages** to those who have been harmed by AI?

In particular, legislators will have to decide **if AI should be viewed as a property holder** able to pay by itself (like a company owning capital) **or if people should share the risk by creating public indemnity funds**, possibly doubled by mandatory insurance.

