# LEGAL PERSONHOOD OF ARTIFICIAL INTELLIGENCE: A JURISPRUDENTIAL ASPECT THROUGH BENTHAM AND KANT

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## ABSTRACT

*The paper explores the complex question of granting legal personhood to artificial intelligence (AI), particularly in the context of emerging artificial superintelligence (ASI). Through the philosophical and jurisprudential aspects of Jeremy Bentham and Immanuel Kant, the discussion guides the concepts of sentience, rationality, autonomy, and moral agency to determine the feasibility and nature of legal recognition for AI. Bentham's utilitarian view centres on an entity's capacity to suffer, while Kant emphasises rational autonomy and moral law as the basis for legal and moral recognition. The discussion also reviews contemporary legal frameworks, such as the European Union's rejection of "electronic personality" status for AI, and highlights the limitations of comparing AI to corporations. The paper ultimately argues that although current AI lacks the qualities needed for full legal personhood, the emergence of highly autonomous AI may soon require the creation of a new, functional legal category to ensure accountability, ethical governance, and alignment between law and technological development.*

**Keywords:** Artificial Intelligence (AI), Legal Personhood, Jurisprudence, Bentham and Kant, Moral Agency.

## INTRODUCTION

This paper explores whether AI should be given legal personhood, using ideas from two well-known philosophers: Jeremy Bentham and Immanuel Kant. Bentham believed that the ability to feel pain or pleasure is what gives something moral importance. Kant believed that what matters is the ability to think, act freely, and follow moral rules. These two views give us different ways to think about whether AI deserves legal recognition. The paper also looks at

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modern legal discussions, like how the European Union once considered giving AI a new legal status called "electronic personality," but later decided against it. It also asks whether treating AI like a company is enough, or if we need to create a brand-new category for highly intelligent and independent AI. Why did the European Union reject their consideration? What are the challenges in it? If we give AI legal personhood like corporations, can AI be held liable or punished? Does AI have intent or culpability? Who owns AI if it becomes fully autonomous in this era? What will happen in the era of ASI- A level, where it will surpass human intelligence across all domains, then it will not be considered merely as a "tool". Do we need a new legal category for this other than the human and corporate categories? It requires rethinking legal definitions of personhood.[1]

## BENTHAM'S THEORY – UTILITARIANISM AND SENTIENCE

Jeremy Bentham (1748-1832) was an English philosopher who founded modern utilitarianism. His ideas have important connections to today's debates about AI personhood. Bentham's Utilitarian Philosophy: Bentham believed that actions are right when they create the most happiness for the most people. He said humans are governed by two masters: pleasure and pain. The state's purpose is to help people maximise pleasure and minimise pain. As Bentham put it, "The State exists for the individual. But the individual does not exist for the State."[2]

**Sentience as the Key to Moral Status:** His famous quote makes this clear: "*The question is neither, Can they reason? Nor can they talk? But, can they suffer?"* This view was revolutionary because it extended moral concern beyond humans to any being that can feel pain or pleasure. The traditional legal principle "leges fariae" (the law speaks) assumes legal subjects can experience the effects of laws, meaning they can suffer consequences.

**What This Means for AI Personhood:** Using Bentham's framework, today's AI systems would not qualify for legal personhood because they cannot experience suffering. They lack sentience—the ability to feel pleasure or pain. However, if future AI systems somehow developed the ability to suffer, Bentham's approach would suggest they deserve moral and possibly legal consideration, regardless of their origin or appearance. Research shows current

[1] Marshall B, 'No legal personhood for AI' (2023), 4 Patterns 100861 https://doi.org/10.1016/j.patter.2023.100861, ndlsearch.ndl.go.jp accessed 18 June 2025.
[2] Jeff Sebo, 'Utilitarianism and Nonhuman Animals' (Guest Essays, Utilitarianism.net) https://utilitarianism.net/guest-essays/utilitarianism-and-nonhuman-animals/ accessed 18 June 2025

AI tends to make "utilitarian" decisions based on measurable outcomes rather than moral principles. This differs from human decision-making, which often considers whether actions are right regardless of their results. Surveys conducted by the Chinese team reveal that in these contexts, the moral reasoning of artificial intelligence is perceived by people as inclined to make “utilitarian” decisions and choices, based on the notion that what is good and right is what is useful, yielding measurable results for the benefit of a group or community. This contrasts with human decision-making. In similar moral dilemmas, high values, the morality of the act itself, and the ethical sense of a gesture are considered regardless of its outcomes. Bentham's focus on sentience gives us a clear standard for evaluating AI personhood claims. His ideas suggest that while current AI systems don't deserve direct moral consideration, any laws governing them should still aim to benefit human welfare.

## IMMANUEL KANT: RATIONALITY, AUTONOMY, AND MORAL LAW

Immanuel Kant (1724–1804) is a pillar of modern philosophy, whose works synthesise rationalism and empiricism and have profound effects on metaphysics, epistemology, and especially ethics. His "critical philosophy" has its foundation in the maxims of human rationality, autonomy, and the moral law.

**Rationality:** Kant thought that human beings possess an exceptional rational ability that enables them to make sense of and organise their experience. In his view, the mind actively constructs the world according to its innate categories and modes of intuition, such as space and time. This philosophy is known as transcendental idealism and contends that although we can experience phenomena (appearances), the reality underlying (noumena) remains out of reach. Rationality, for Kant, is not merely theoretical (concerning knowledge) but also practical, guiding our behaviour by reason. Human reason, he asserted, is accountable for the universal laws of nature that govern all our experience.

**Autonomy:** Central to Kant's theory of ethics is autonomy—the power of rational agents to impose moral laws upon themselves. Autonomy is self-governing: operating on principles which one has rationally chosen, not subject to external determinations or mere desire. Kant believed that genuine moral action is possible only if individuals are free to choose their actions on grounds. Without such autonomy, there can be no morality. He argued famously that morality rests upon the "fact of reason"- our awareness that the moral law applies to us.

**Moral Law:** Kant's greatest iconic moral conception is the categorical imperative—a pure moral principle on the basis of reason. The categorical imperative asks unconditionally, insisting that one act only upon maxims on which one can will as universal laws. Its most significant formulation includes the Formula of Humanity as an End in Itself Act, so that you treat humanity, whether in your person or the person of another, always as an end and never as a means. Kant's moral law is a priori, separate from empirical considerations or consequences. This stands in sharp contrast to ethical theories like utilitarianism, which base morality on the consequences of actions.

**Synthesis:** Kant joined his theoretical and practical philosophy through the idea that human autonomy forms the foundation of both knowledge and morality. Scientific knowledge, religious faith, and moral duty are, for Kant, reconcilable with each other since they all rely on the foundation of rationality and human autonomy. Human reason prescribes to itself the moral law, which is our basis for believing in God, freedom, and immortality. Therefore, scientific knowledge, morality, and faith are all coherently in accord and secure because they are based on the same thing, human autonomy.[3]

## CONTEMPORARY LEGAL FRAMEWORKS AND AI PERSONHOOD

The legal recognition of artificial intelligence (AI) within existing legal systems is a matter of increasing urgency. As AI technologies evolve to perform tasks independently and interact with humans in increasingly complex ways, traditional legal frameworks face the challenge of accommodating entities that neither fit the category of human beings nor traditional artificial persons like corporations. One of the most influential attempts to address this issue is the European Union's initiative to regulate AI through a comprehensive legal framework.[4] Early proposals surrounding the EU AI Act[5] introduced the concept of an "electronic personality" for highly autonomous AI systems. This term was envisioned to serve a pragmatic function: to assign certain rights and responsibilities to AI systems that could independently interact with their environment, make decisions, or even cause harm. The concept drew attention because it aimed to solve the accountability gap, situations where the

[3] Robert Johnson and Andrea Cureton, 'Kant's Moral Philosophy' (Stanford Encyclopedia of Philosophy, 31 July 2024) https://plato.stanford.edu/entries/kant-moral/ accessed 18 June 2025
[4] "EU AI Act: first regulation on artificial intelligence" European Parliament, 1 June 2023 https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence accessed 18 June 2025
[5] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 12 July 2024 on Artificial Intelligence (the "AI Act"), art 3

traditional legal actors (such as manufacturers or users) might not be directly responsible for the AI's autonomous actions. However, the final version of the EU AI Act 2023[6] decisively rejected the notion of granting AI legal personhood, whether in the form of electronic or artificial personality. The legislative rationale was centred on maintaining legal clarity and accountability within the human sphere. The EU reaffirmed that legal liability must remain with humans—either natural persons (individuals) or legal persons (like corporations)—rather than AI entities. This reflects a broader reluctance among global legal systems to attribute independent legal identity to machines, given that AI, despite its complex capabilities, still lacks consciousness, moral agency, or the ability to bear legal and moral responsibility.

A related line of thought compares AI with corporations, which are widely accepted as artificial legal persons. Corporations have no physical body or consciousness, yet are treated as legal entities capable of owning property, entering into contracts, and participating in lawsuits. This corporate analogy seems compelling on the surface, suggesting that artificiality alone should not bar legal recognition. However, there are key distinctions. Corporations are governed by human beings—boards of directors, executives, and shareholders—who can be held accountable for their actions. AI, particularly advanced machine learning systems, may make decisions in ways that are not transparent even to their creators (a phenomenon often referred to as the "black box" problem). This lack of explainability complicates the task of assigning blame, responsibility, or even intent—concepts that are central to legal frameworks. Therefore, while existing laws have successfully accommodated artificial persons like corporations, the same approach cannot be directly extended to AI without substantial modifications. The challenges AI poses—such as determining liability, understanding decision-making processes, and ensuring ethical compliance—highlight the need for novel legal tools and perhaps a redefinition of what it means to be a legal person in the age of intelligent machines.

## TOWARD A NEW CATEGORY OF PERSONHOOD

Given that AI does not neatly fall into the categories of either natural persons (human beings) or legal persons (corporations or associations), there is a growing discourse around the idea of establishing a new, distinct category of personhood. This would acknowledge the unique

[6] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 12 July 2024 on Artificial Intelligence (the "AI Act"), art 3

and unprecedented nature of AI systems, particularly those with high degrees of autonomy, self-learning capabilities, and decision-making functions that have significant real-world consequences. The term "electronic person", first introduced by the European Parliament in 2017 was an early attempt to conceptualize this category. While it was u ultimately dismissed in the EU AI Act 2023,[7] the fact that such a term was considered signals a recognition of AI's increasing legal relevance. Creating a third category of legal personality for AI would allow lawmakers to craft a more precise and functional legal status tailored to AI systems. Such a framework could, for example, enable certain autonomous AI agents to enter into contracts, be held liable for breaches or damages, or even possess limited proprietary rights (such as holding digital assets). Importantly, this new form of personhood would not necessarily involve human-like rights (such as the right to life or privacy) but would be designed to serve a functional legal purpose. It could help close the accountability gap and ensure that autonomous systems do not operate in a legal vacuum.

For this approach to be feasible, specific criteria would need to be established. These might include the AI's level of autonomy, its ability to interact meaningfully in social or economic settings, its potential to cause harm, and the presence (or absence) of human oversight. For instance, a basic AI chatbot or digital assistant would not qualify, but a highly autonomous AI operating financial transactions or managing healthcare decisions might. Furthermore, such a model would need to clearly define liability rules, perhaps creating a kind of "vicarious liability" framework where AI is the nominal person, but humans (e.g., developers or owners) are ultimately responsible. While this concept remains controversial, it provides a pragmatic pathway for addressing the legal complexities posed by advanced AI. Moreover, as AI moves closer to Artificial General Intelligence (AGI) or even Artificial Superintelligence (ASI)—where it may begin to demonstrate self-directed goals, strategic thinking, and adaptability—the pressure to recognise some form of legal identity will only increase. Philosophically, this also intersects with Kant's idea of autonomy and moral law: if AI reaches a point where it can self-regulate according to internal rules or goals, does it begin to mirror the rational autonomy that Kant associates with moral agents? In conclusion, while current legal systems are not yet prepared to fully recognise AI as legal persons, the groundwork for a novel, intermediary category is being laid in legal theory and policy discussions. Whether termed electronic, artificial, or autonomous personhood, such a

[7] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L236/1

framework may become essential in ensuring that law evolves alongside technology, preserving justice, responsibility, and ethical oversight in an increasingly AI-driven world.

## CONCLUSION

The idea of giving legal rights or status to artificial intelligence (AI) is becoming more important as AI grows smarter and more independent. This paper looked at the issue using the ideas of two famous thinkers—Jeremy Bentham and Immanuel Kant. Bentham believed that the ability to feel pain or pleasure is what gives something moral value. Since today's AI cannot feel anything, Bentham would say it doesn't deserve legal personhood. Kant, on the other hand, believed that moral actions come from free will and reason. AI can follow rules, but it doesn't have a real understanding or moral goals, so it doesn't meet Kant's test either. At the moment, legal systems around the world—including the European Union—don't treat AI as a legal person. They believe that only humans or companies should be held responsible for what AI does. But as AI becomes more advanced, this position may not work well in the future. If AI makes important decisions on its own—like running businesses or managing healthcare—it might not be enough to hold only the developers or users accountable. That's why some experts suggest we may need a new legal category just for AI. This wouldn't give AI the same rights as humans, but it would help the law deal with situations where AI acts independently. This new category could help assign responsibility, avoid confusion, and keep people safe. As we move closer to Artificial General Intelligence (AGI) or even Artificial Super Intelligence (ASI)—where AI could outperform humans in many areas—the pressure to update our legal systems will grow. We must be ready with rules that fit this new reality. While today's AI isn't ready to be treated like a legal person, the law may need to change in the future to stay fair and effective.