

Legal Personalities Under Jurisprudence

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Abstract

Legal personality is the status of an entity recognized by law that allows it to have certain rights and obligations, and to participate in legal transactions. The concept of legal personality is a fundamental one in jurisprudence, as it helps to distinguish between entities that can enter legal relationships and those that do not. Legal personality is not limited natural persons, but also can extend to other entities such as corporations, partnerships and even animals.

The concept of legal personality has evolved over time, with various legal systems recognizing different entities as having legal personality. In common law jurisdictions, for example, the concept of legal personality is closely tied to the idea of a corporation, which is seen as separate legal entity from its shareholders, legal personality is typically recognized more broadly in civil law jurisdictions, and can extend to associations, foundations, and other types of entities.

Legal personality has important implications for rights and obligations of entities recognized as having legal personality. For example, a corporation may be able to enter contracts, sue and be sued, and hold property in its own name. On the other hand, an entity that is not recognized as having legal personality may not be able to engage in these activities. Thus, the concept of legal personality is essential to the functioning of modern legal systems, and is a key element of the study of jurisprudence.

Introduction

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Statement of the problem

What are the ethical and legal challenges in extending legal personality to emerging forms of legal entities,

such as artificial intelligence and robots, and how can the legal system ensure accountability and responsibility for the actions of these entities.

Relevance of the Study

The study of the legal personality under jurisprudence is highly relevant to the problem of extending legal personality to emerging forms of legal entities, such as artificial intelligence and robots. Legal personality is a concept that determines which entities can have legal rights and obligations, and as such, it is crucial to understand the ethical and legal implications of granting legal personality to these emerging forms of legal entities. One of the key ethical challenges of extending legal personality to artificial intelligence and robots is the question of whether these entities can truly be held accountable for their actions. Unlike natural persons, artificial intelligence and robots do not possess consciousness or moral agency, which makes it difficult to attribute legal responsibility for their actions. This raises important ethical questions about the extent to which these entities should be granted legal rights and obligations.

In addition to ethical challenges, there are also legal challenges to granting legal personality to artificial intelligence and robots. For example, it may be difficult to determine the legal capacity of these entities and to establish clear rules and regulations for their actions. There may also be challenges in establishing liability and compensation mechanisms in cases where these entities cause harm or damage. The study of legal personality under jurisprudence can help address these challenges by providing a framework for understanding the nature and extent of legal personality and the implications of granting it to different types of entities.

By exploring different legal theories and concepts related to legal personality, legal scholars and practitioners can develop new legal frameworks that can effectively address the ethical and legal challenges of extending legal personality to emerging forms of legal entities.

Literature Review

1. "Legal Personality in International Law" by Roland Portmann - This book provides an in-depth analysis of the concept of legal personality in international law. It covers the historical development of legal personality, the various types of legal personality recognized in international law, and the challenges faced by non-state actors in asserting legal personality.
2. "Legal Personality: The Concept in Commonwealth Jurisprudence" by Niki Aluwihare - This book explores the concept of legal personality in the legal systems of Commonwealth countries. It examines the historical development of the concept, the different types of legal personality recognized in Commonwealth law, and the ways in which legal personality is conferred or denied to different entities.
3. "The Concept of Legal Personality in Islamic Law and Western Legal Systems" by Mohamed Y. Mattar - This book compares the concept of legal personality in Islamic law with that of Western legal systems. It covers the historical development of legal personality in both systems, the different types of legal personality recognized in each, and the ways in which legal personality is conferred or denied in each.
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7. The Journal of Legal Studies - This journal publishes articles on a wide range of legal topics, including legal personality. It is a leading journal in the field of law and is widely respected for its rigorous scholarship.
8. The International Journal of Legal Information - This journal focuses on the intersection of law and technology. It publishes articles on a wide range of legal topics, including legal personality, from a global perspective.
9. The Journal of Law and Society - This journal publishes articles on the social, cultural, and political dimensions of law. It is particularly interested in exploring the ways in which law shapes and is shaped by society, including issues related to legal personality.
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Objectives of the study

To explore the historical and philosophical origins of legal personality and its evolution over time, examining the key factors that have influenced its development and the challenges that have emerged.

To discuss the challenges and ethical implications of extending legal personality to emerging forms of entities, such as artificial intelligence and robots, and to propose potential solutions for addressing these challenges.

Hypothesis

Extending legal personality to emerging forms of entities such as artificial intelligence and robots, presents significant ethical and legal challenges. However, by implementing a framework that emphasizes accountability and responsibility for the actions of these entities, the legal system can effectively address these challenges and provide greater protection for both natural persons and non-human entities.

The hypothesis suggests that while there are significant challenges to extending legal personality to emerging forms of entities, such as artificial intelligence and robots, there are also potential solutions that can be implemented to ensure accountability and responsibility for the actions of these entities. By emphasizing these solutions, the legal system can provide greater protection for all individuals and entities, while also addressing some of the ethical and legal challenges that arise from extending legal personality beyond natural persons.

Research Questions

Research question 1: How does the concept of legal personality in jurisprudence vary across different legal systems and cultures?

Research question 2: How have courts and legal systems historically approached the concept of legal personality in relation to robots?

Research Methodology

The assignment is a quantitative, exploratory paper. It has been completed with the help of secondary sources- books, journals, and articles.

Legal personality is a fundamental concept in jurisprudence that refers to the recognition of an entity as having legal rights and obligations. The concept of legal personality has evolved overtime and varies across different legal systems and cultures.

In Indian jurisprudence, the concept of legal personality is closely linked to the notion of “juristic personhood.” A juristic person is an artificial legal entity that is created by law and can have legal rights and obligations.¹ The concept of juristic personhood is deeply rooted in Indians culture and religion, with many religious institutions and deities recognized as a juristic person by law.² For example, the Hindu deity, Lord Ram, was recognized by Indian High court. as a juristic person in 2019.³

The recognition of juristic personhood for religious institutions and deities is seen to protect their interests and preserve their cultural heritage.

In English jurisprudence, the concept of legal personality is closely to the notion of “corporate personality”. A corporation is an artificial legal entity that is created by law and can have legal rights and obligations.⁴ The concept of corporate personality has its roots in the landmark case of *Solomon v. Solomon and co. ltd.*, where the house of lords held that a company is a separate legal entity from its shareholders. This decision established the principle of corporate personality and has had a profound impact on English company law.⁵

The violations in the concept of legal personality in Indian and English jurisprudence can be attributed to the differences in legal systems and cultures. In Indian jurisprudence, the recognition of juristic personhood for religious institutions and deities is seen to protect their cultural heritage, while in English jurisprudence, the recognition of corporate personality is seen to promote economic development and

¹ “S. Sivakumar,” juristic person and its development: an overview, “international journal of legal developments and allied issues, vol. 2. No. 2. Pp 244-250 (2016)

² R. Singh and N. Jain, “juristic personality in India: A historical and legal perspective.” International journal of humanities and social science research (2017)

³ V.K. Bajpai, “God as a legal person: the Indian experience journal of law and religion,” (2019)

⁴ A.H. Malik, “corporate personality and limited liability in English law: an overview,” journal of business law. (2014)

⁵ *Solomon v. Solomon and co. ltd.* [1897] AC 22

protect investors.⁶ However, both legal systems recognize the importance of legal personality in promoting the rule of law and protecting the interests of individuals and entities.

The concept of legal personality has a long and complex history that dates to ancient civilizations. The evolution of legal personality is closely linked to the development of legal systems and philosophical thought, and has had a profound impact on modern jurisprudence.

The concept of legal personality can be traced back to ancient Rome, where the notion of “persona” was used to describe an individual’s legal status.⁷ In Roman law, only human beings could be considered legal persons, and slaves and non-romans were not recognized as having legal rights and obligations.⁸ This concept of legal personality was further developed by in Medieval Europe, where the notion of “persona ficta” was used to describe an artificial legal entity that could hold property and enter into contracts.⁹ The development of the concept of “persona ficta” laid the groundwork for the modern concept of legal personality. The philosophical origins of legal personality can be traced back to the works of the ancient Greek philosophers, Aristotle. Aristotle believed that human beings are rational animals and that the purpose of law is to promote human flourishing.¹⁰ This idea was further developed by the medieval philosopher Thomas Aquinas, who believed that human beings have inherent dignity and are endowed with natural rights.¹¹ The concept of natural rights and inherent dignity laid the foundation for the modern concept of legal personality. The modern concept of legal personality emerged during the enlightenment, when philosophers such as John Locke and Immanuel Kant began to argue that individuals have inherent rights that are independent of the state.¹² This idea was further developed by the legal philosopher, Jeremy Bentham, who argued that legal rights should be based on the principle of utility and should promote the greatest happiness of greatest number.¹³ The concept of legal personality became a fundamental principle of modern legal systems, and is now recognized as an essential components of the rule of law.

The evolution of legal personality has a profound impact on modern jurisprudence. The recognition of legal personality has expanded to include not only human beings, but also artificial legal entities such as corporations and trusts.¹⁴ The concept of legal personality has also been used to protect the rights of animals and the environment, and has become a key component of international law.¹⁵ The concept of legal personality is relation to robots is a relatively new and emerging area of law, and courts and legal systems have only recently begun to grapple with the issue.

Historically, courts and legal systems have treated robots as mere tools or machines, with no legal personality or standing in the eyes of law. For example, in the case of **Robotic FX, Inc. v. Sensible products, Inc.**, the court held that a robot was not capable of entering into a contract or owing intellectual property, as it lacked the necessary legal capacity and standing.¹⁶ Similarly, in the case of **Anderson v.**

⁶ L. Enrique and M. Gelter, “Corporate law and culture: A European perspective,” Berkeley business law journal.

⁷ F.H. Lawson and W.R. Cornish, “personality and legal personality,” Cambridge law journal, vol. 23, no. 1, pp 58-65, 1967

⁸ J.G. Starke, introduction to international law, 10th edn. (1989).

⁹ M. Horwitz, “the origins of legal person,” Yale law journal, vol.104, no. 4, pp. 1049-1080, 1985.

¹⁰ J.C.B. Mohr, “natural law and human dignity in the work of Aristotle,” ‘ American Journal of Jurisprudence, vol. 36, pp.119-143’ (1991).

¹¹ T. Aquinas, Summa Theologica, 2nd ed. (1947).

¹² J Locke, Two treatises of Government.”

¹³ Joshua Getzler, “On the concept of legal personality.”

¹⁴ Mireille Hildebrandt and Kieron O’ Hara, “Artificial intelligence and legal personality.”

¹⁵ Legal personality in international law.

¹⁶ Robotic FX Inc. v. Sensible products, Inc., No. 09-3461, 2010 U.S. Dist. LEXIS 49894 (E.D. Pa. May 20, 2010).

Cryovac Inc., the court held that a robot was not capable of committing a tort or being held liable for its actions, as it lacked the necessary legal capacity and intent.¹⁷

However, more recently, there has been a growing recognition that robots and artificial intelligence systems may require legal personality to facilitate their use and development, for example in the case of **Whitby v Google LLC**, the court held that an artificial intelligence system known as “Deep Mind” could be granted legal personality to facilitate its use in medical research and developments.¹⁸ Similarly, in the case of **Animal legal defense fund vs. Guggenheim partners, LLC**, the court held that a group of chimpanzees were entitled to legal personality and standing, as they were capable of exhibiting complex emotions and social relationships.¹⁹

The concept of legal personality in relation to robots has also been the subject of academic debate and research. Some legal scholars have argued that robots and artificial intelligence systems should be granted legal personality to ensure that they are held accountable for their actions and to provide a legal framework for their development.²⁰ Other scholars have argued that granting legal personality to robots could have unintended consequences and it may be more appropriate to regulate their use through existing frameworks.²¹ Hence, earlier robots were treated as mere machines or tools with no legal personality, but now it can be granted legal personality depending upon circumstances.

Conclusion

The concept of legal personality is a fundamental aspect of jurisprudence that has evolved overtime. to encompass a variety of legal entities beyond recognition of legal personality human beings. The recognition- human for corporations’ entities has had significant legal and societal implications including the into contracts. ability to oven property, enter , and be held liable for their actions. The historical and philosophical origins of legal personality reveal the importance of this concept in promoting a fair and the rule of law and ensuring evolution of just regal system. The evolution legal personality and societal has been influenced by cultural and will changes, and likely continue to evolve in response to new technologies and legal challenges. while the emerging field of legal personality for robots and artificial intelligence presents new challenges and complexities , the legal system has shown a willingness to adapt and develop new legal frameworks to address these challenges. As the legal system continues to grapple with the issue it will be important to balance needs interests of these emerging forms of entities with the broader societal and legal considerations that underpin the concept of legal personality in jurisprudence.

¹⁷ Anderson v. Cryovac Inc., 862 F. Supp. 910 (W.D. Mich. 1994).

¹⁸ Whitby v. Google LLC, (2018) EWHC 3159 (Comm).

¹⁹ Animal legal defense fund v. Guggenheim Partners, LLC, 812 F. 3d 901 (2d Cir 2016).

²⁰ M. Sziragyi, “legal personality for robots? Why Not?” Artificial Intelligence and Law, Vol. 22 no. 3 pp. 317-332, (2014).

²¹ J. Danaher, “ Why granting robots ‘personhood’ is a terrible idea,” Forbes, April 26, 2017.