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The Denial of Legal Personhood for Artificial Intelligence from the Perspective of "Personality Essence"

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Abstract. AI is now becoming more widely debated about whether it should have legal person hood as well as all the rapid development of AI. Legal philosophy and the personality from the view point of essence to review the essential attributes of legal subjects and the instrumental character of AI. It believes that a legal person should be an independent rational subject with free will, values, and ability to enjoy and bear the law. It is not simply a physical or instrumental one. Artificial intelligence is bound by technical rationality and takes place in an enclosed formal system, it has no independent will, it lacks human-centered ethics and bearing legal liability. Therefore,AI cannot go beyond being tools and become subjects of law. AI regulation needs to follow anthropocentrism and humanistic thought, also we need to clarify who is responsible among manufacturers, developers and data service companies. It is also helpful to return to the logical foundation of legal subjectivity and to provide a normative way for orderly governance of AI.

Keywords: Legal status of artificial intelligence, Essence of personhood, Freedom, Rationality

1. Introduction

The great leaps in AI has caused another production revolution of digital products. Differently than other technologies, artificial intelligence has the ability to learn at great depths and also has logic that surpasses humans leading us to question if we should consider AI as something existent. Like issues about attribution of rights and obligations – like copyright protection on work done by AI – blurs lines between agent and thing. Therefore, it is both a start to solve such problems, and also an important step to build up this human-machine cooperation new order by carrying out a legal status analysis of the AI. Most current studies are concerned with what could be done with AI, or they argue that interaction is possible because there can be collaboration [1].But as for the essence of legal personhood, it is still necessary to have more research from the aspect of philosophy.The purpose of this paper is to reveal the core connotation of legal personality and essential elements, follow up on the development path and constructing logic of such idea so as to explain the legal position of AI and offer possible ways out or interpretation about related matters.

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2. The essence of legal personality

From a legal philosophy perspective, a person in law is not merely a biological individual, but rather a bearer of personality endowed with legal subjectivity and capable of bearing rights and obligations. Modern legal philosophy makes it clear that the essence of a person in law is a "personified rational subject."

2.1. The core connotation of the essence of personhood

How do you get to be a person? During the modern age, Descartes utilized the idea "I think, so I exist" to undermine prior metaphysics and subsequently placed humanity's subjective consciousness in epistemology – that is, the self became the most unshakeable basis for constructing one's own existence [2].Kant pushed it further, carved out the transcendental territory of freedom. Based on the moral self-legislation of man, he held that man was an end in himself; Human Dignity no longer came through external means, it was due to a rational beings ability to legislate for themselves [3]. And on this basis, there are also some discussions about what it means to be a person in essence: free will, ethics, value and ability to bear responsibilities.

Kant's distinction between phenomena and things-in- themselves is the methodological premise. In the world of phenomena human being is under the control of natural cause and law but as things-in-themselves man could be free. This is like taking a step in order to make room for the idea of being free. In Critique of Practical reason, Kant also claims that freedom is the ground of the existence of moral laws, and at the same time moral law becomes a cognitive basis for freedom. That means though we can't grasp freedom as a thing of our knowledge, but we could know if it is exist by knowing about those moral law. Once a human being understands what it should do, he or she has already stepped out of the realm of causes within the phenomenal world, and this is how people achieve their freedom of will.

Freedom of the will is thus a transcendental presupposition, not an empirical attribute. It is the capacity of a rational being to free itself from the coercion of sensuous desires. However, this is freedom in a negative sense.Freedom in the positive sense lies in reason legislating for itself. In Groundwork of the Metaphysics of Morals, Kant posits that the goodness of the good will is unconditional, as it acts solely out of respect for the law. Such action based on duty is the embodiment of the rational being's self-legislation. Ethical value finds its foundation here. It is not externally bestowed but an internal determination arising from the subject's self-legislation.

2.2. The personality prerequisite for legal subjects

The core basis for natural persons and legal entities to attain the status of legal subjects lies in the essence of personhood. The legal person is a normative construct, but this construct presupposes specific connotations of personhood. If we strip away the aforementioned free will, ethical values, and capacity for responsibility, the norm may lose its foundation.

The possibility of attribution of liability depends first and foremost on free will. Kelsen attempted to reduce legal liability purely to normative attribution, stripping it of moral connotations [4]. The problem, however, is that without the subject's free choice, sanctions would degenerate into a reaction to causal events rather than a judgment of conduct. Larenz more explicitly pointed out that the "person" in law is essentially an "attributable subject."The prerequisite for attribution is that the subject is capable of understanding the normative command and determining conduct accordingly—this is the legal expression of free will. The law's judgment of conduct always presupposes that the

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subject possesses the capacity for freedom that transcends causal determinism. Without this presupposition, the system of responsibility loses its foundation of legitimacy.

The granting of legal capacity stems from the recognition of the moral worth of the person. The basic reason why we have the capacity to put others under an obligation is because people are ends in themselves. When the law declares some person to have rights, what it means is that this person has worth in himself, his sphere of will is inviolable; Rights thus are not a distribution of interests, but rather an assertion of one's subjectivity. And also assumes rationality, with duties under law assumed. Those who have entirely lost their ability to reason usually get out of it. Reason is the medium between a human being and law. A person has to be held accountable for what he did only when it is reasonable to believe that he can take care of his own doings.

3. The instrumental nature of artificial intelligence

Artificial intelligence remains a technology-driven, instrumental entity. In nature, its operational logic and intrinsic value may diverge from the cooperative foundations of human society and the ethical consensus that arises from them. In terms of its essential nature, it is constrained by the inherent limitations of technological rationality and cannot transcend its instrumental nature to become a legal subject.

3.1. A technology-driven instrumental entity

From the perspective of the essence of human social development, all technological inventions are products of cooperative evolution, with their core value lying in reducing the transaction costs of human cooperation and expanding the temporal and spatial boundaries of cooperation; artificial intelligence is no exception.Recalling Axelrod's conclusions in The Evolution of Cooperation, law—as the institutionalized and normative expression of cooperative strategies—was originally intended to maintain the cooperative order of human society and ensure the survival and development of the group by defining rights and obligations and allocating responsibilities and benefits [5]. As the materialized outcome of technological rationality, artificial intelligence has been subject to various constraints since its inception. Whether aimed at enhancing production efficiency, optimizing resource allocation, or assisting in decision-making, its original intent has always been to make social operations more efficient and stable.

From a technical perspective, the core of an AI operational system lies in the formal simulation of human cognition and behavior. Gödel's Theorem reveals that within a consistent formal system, there must exist propositions that cannot be proven or disproven from within the system itself [6]. The essence of an algorithm lies in a closed formal system; decisions and actions are merely the results of computations. It is incapable of breaking through the predefined algorithmic framework to form autonomous consciousness that transcends the formal system, let alone generate value judgments based on autonomous will. This determines that artificial intelligence will always remain a means and tool for humans to achieve cooperative goals, rather than an independent entity capable of participating in human cooperation or bearing cooperative obligations.

3.2. Specific manifestations of artificial intelligence's deviation from the essence of personhood

3.2.1. Lack of will transcending the formal system

Laws establish order, regulate risks, and uphold the possibility of trust among social agents. The role of will is manifested in the willingness of agents to coexist and cooperate with one another—even

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when misunderstandings exist—while retaining the possibility of choosing to trust.The AI's deviation from this will finds an extreme illustration in The Matrix: the Matrix's simulation of a world without pain or war actually leads to the death of countless human consciousnesses. The elimination of desire and struggle is tantamount to denying human essence, yet desire and struggle arise precisely from dissatisfaction with and reflection upon the formal system serving as an intermediary, and from the pursuit of what remains outside the system.

Artificial intelligence adheres to its programmed instructions; without commands, it will not cease its recursion, fundamentally because the concept of "infinity" holds no meaning for it. It lacks the negation inherent in a subject and possesses no desire to describe what lies beyond the system. Consequently, disputes over the ownership of content generated by AI in reality always revolve around the author; production devoid of volitional participation and lacking purpose is not regarded as a creative achievement worthy of protection [7].

3.2.2. Lack of an ethic where "human beings are the end"

Today, strong artificial intelligence is still being experimented with. As a non-living instrument AI itself doesn't have any need for taking on niches in nature or an ethical basis; it can't feel the desire or value system. It makes more important point giving laws based off of machines may create structural paradox within law and allow the violation of human's rights Like, if life is more important than everything else, or if public order and morality matter more than tech efficiency, then AI's tech-optimal solutions might be unethical for people. If artificial intelligence were granted the status of a person, how should one regulate it? At present,AI has occurred some privacy violations such as private photo album being hacked without permission,real-time tracking [8]. And it also generates rapid contents which cause worry over technological addiction and other stuffs [9], It's said to make matters worse for the digital gap too, thus violating major laws like public order and good ethics, and fairness.

In answer to this UNESCO's recommendation on the ethics of artificial intelligence identified human dignity and right as a principal. Allowing AI to become a legal subject could cause an increase in the amount spent on legislative interpretation as well as judicial discretion and also make the moral idea of being a subject weaker by causing the objectification and dehumanizing of humans.

3.2.3. Inability to assume responsibilities and obligations

Liability is grounded in rational cognition and free will. From a legal perspective, various liability systems aim to prevent violations through punishment and education. Liability serves as the safeguard of a cooperative order.Legal entities and natural persons are the two primary types of liable entities. Among these, legal entities, as fictive legal subjects, possess independent property, organizational structures, and the capacity to express intent, despite lacking physical life. Their capacity for liability is based on legal fiction; their will is the collective will of all members, and they can carry out civil and administrative acts through legal representatives and staff. Liability is borne based on independent property and the traceability of actions.In contrast, artificial intelligence —such as autonomous vehicles and their core automated driving systems—does not act based on volitional choices; rather, its "actions" are outcomes of operation dependent on the design of the technical system. Since it possesses no independent property, the question of bearing criminal or other forms of liability does not arise. Currently, many scholars advocate for the introduction of a "technological imputability" analytical framework [10], generally holding that artificial intelligence

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should be treated as a technical object, necessitating the reconstruction of mechanisms linking technical standards with legal rules.

4. Regulatory options for artificial intelligence

The large-scale use of artificial intelligence in mechanical and intensive work is leading to the systemic dissolution of identities and even models inherited from the industrial era. From production to operations and application, more new types of entities need to be taken into account; the transition from replacement to collaboration also raises additional issues regarding regulation and the attribution of liability.

4.1. Regulatory philosophy of artificial intelligence

Artificial intelligence is, at its core, an extension of human will and must be guided by the fundamental interests of humanity and the public good.First and foremost is human-centeredism. To deepen the practical implementation of this philosophy, two core issues must be addressed. The first is the relationship between technological neutrality and value orientation; the second is the balance between technological freedom and regulatory boundaries. So-called technological neutrality does not mean allowing technology to develop autonomously; rather, it refers to the fact that technology itself does not presuppose value biases. However, regulation must infuse technology with value orientation. The neutrality of algorithms does not equate to the neutrality of algorithmic applications; value guidance must be applied to algorithmic design [11]. There will be hidden developers bias and data distortion, which can cause unequal results and violate people's equal rights. So, the most basic need for human-centered is to place such basic human rights and ethical principles at each stage of technology research, development, use, and regulation so that technology always serves us humans.

It is also important to rethink humanism. Humans are also tied down by hidden rules, unexamined ways of thinking, without knowing that they are following certain rules, which tend to differ from the original values. Similarly to how in intelligent cooperation, should we be influenced by the inertia of thinking "technology first", we will deviate from the essence of humanistic values. Artificial Intelligence has strong self-activity and large range. If there is no humanistic control at any node of the technology chain, it will increase the degree of alienation. R&D stage values like justice and honesty need to permeate the design of the algorithm, and an algorithmic fairness examination mechanism should also be set up so that it does not and is as far as possible from unfairness. In terms of applying, behavior should have a specific range; it is not allowed to run in non-human-driven situations and replace people to perform essential functions for ethical judgment and values-based decision-making – such as making life-and-death choices about things like judicial sentences, saving lives - all these need different rigorous checks apart from this.

4.2. Attribution of responsibility for artificial intelligence

Artificial intelligence's R&D and utilization encompass a lot of people. China's local legislation holds liable people such as safety officers, manufacturers, sellers, etc., but in reality, it also includes systems manufacturers, algorithm creators, data service providers, etc [12]. It is of vital significance to make a proper definition and explanation on the boundaries concerning such things.

Developers are the main producers of technology; they have control over algorithm creation and technical testing. They are the ones most capable of foreseeing and preventing technical dangers,

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hence it is an irreplaceable duty that only they can guarantee a safe development. Due to design defects, because of algorithm mistakes leading to these events and lots of harmful repercussions; therefore, they ought to shoulder significant responsibilities within the clause "technology suppliers primarily take responsibility". If it can be proved that there was infringement due to unintentional or intentional parameter values being adjusted, then in any situation the developer will have to take the blame by law.

If at the time of using a person uses this technology in an improper way out of his own intentional or negligent actions, or is not able to use it well, even if the developer, producer and seller have already performed their warning and alert duties, then the person naturally bears responsibility for the results; but as for ordinary people who don't know about these matters, they themselves are victims of technological defects and therefore deserve compensation from the creators and producers. Burden of proof lies on the producers and sellers and it will eventually fall upon those who are in the wrong. In order to some extent prevent innocent people shouldering the blame without cause. Supervisors on technologies use need to take responsibility for supervising the technology risks of good executions by technology. When there is regulatory oversight or maladministration, it should also bear corresponding supplementary responsibility according to the degree of its fault, in order for the regulation to be fulfilled correctly.

5. Conclusion

The legal framework is based on people's nature and cooperation order of the human society. This core logic will not and should not change with technology. Legalizing AI is a way to give it a sense of order, as well as draw lines around ethics. Making sure that artificial intelligence and all its variations grow in a good way inside the limits of laws and ethics, at once makes people who create technology try harder to get better and lessen problems, and stops big issues like letting someone's secrets out, making an unfair set of rules, or relying too much on a computer. And it can help AI better serve humanity, create more social value, and collectively steer A I towards a direction that is more in line with the interests of humans and creates greater social value.

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