Robots and the Transformations of Legal Personhood

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ABSTRACT: The debate on the legal status of artificial intelligence and robots incorporating it has grown significantly in recent years. Although isolated cases and previous reflections by the European Parliament have hypothesized forms of "electronic personality", the current orientation of the European Union treats even the most advanced AI systems as mere products, albeit at different levels of risk. However, the question of the legal subjectivity of robots remains open and continues to stimulate broader reflections. This contribution situates this debate in the historical context of the evolution of legal personality, showing how scientific developments, particularly in biomedicine, have already led to the recognition of limited legal subjectivity before birth and after death. Similarly, the digital and AI revolutions now offer solid reasons to rethink traditional legal categories. After reconstructing the current regulatory framework, which continues to treat AI as a manufactured product, the article critically explores the possibility of recognizing robots as having a distinct legal status, assessing the implications and potential conflicts with the subjectivity already recognized for natural persons. In conclusion, the article proposes introducing a new legal category, "legal agency", suitable for formally recognizing a special legal status for the most advanced AI systems without equating them with human beings.

KEYWORDS: legal personhood; human dignity; robots and AI systems; biolaw; legal agentivity

1. Introduction

The dispute over the *legal status* of artificial intelligence (AI) and robots incorporating such systems has been extensive over the last years.

While some peculiar cases (the *Robot Shopia*, the *Diella AI system*) seem to have recognized some form of *legal personhood* and the EU Parliament has also previously considered shaping a new "e-personhood", ultimately, EU lawmakers evaluated that even the most sophisticated AI devices and the

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robots embodying them must be legally considered as mere products[1]. These products may vary in risk, but they are treated as legal goods ("*res*"). Under this point of view, current EU Law stays strong on the traditional bipartition, derived from juridical humanism, between legal "persons" (natural or juristic) and "objects," valuable for the law but without any legal "personality"[2]. However, the idea of granting e-personhood – defined as a legal status for highly autonomous, deep-learning systems capable of broad interactions – could still re-emerge outside the EU.

In any case, jurisprudence has developed around whether robots should be recognized as legal persons – entities with legal status or personhood, meaning the ability to bear rights and duties. These ongoing reflections remain relevant and should therefore not be dismissed.

Moreover, debates about "e-personhood"[3] reflect a broader rethinking and remodeling of legal personality as a legal institution.

In recent decades, advances in biomedicine have enabled new technical interventions in humans – even before birth or after death. As a result, legal systems have recognized forms of legal subjectivity – narrower than full legal personhood – to protect dignity and rights before birth and after death and to safeguard third-party rights, such as those of the mother and fetus in abortion cases. In prenatal life, subjectivity for embryos and fetuses has supported limits on abortion or *in vitro fertilization. Legal subjectivity after death supports* rules for organ donation or using corpses for teaching and research.

Therefore, even if robots are not granted new legal subjectivity at this point, the digital and AI revolutions provide compelling grounds to reconsider and expand traditional concepts of legal personality[4], mirroring previous changes prompted by biomedical advances[5].

This contribution first examines briefly the foundation and evolution of legal personhood[6]. Its aim is to provide a foundational conceptual framework that remains accessible to the interdisciplinary audience, ensuring that the historical-legal roots of personhood are clearly delineated for both legal scholars and experts from other fields involved in the technological debate.

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[1] See A. BERTOLINI, *Robots as products: the case for a realistic analysis of robotic applications and liability rules*, in *Law Innovation Technology*, 5(2), 2013, 214-247.

[2] T. PIETRZYKOWSKY, *The Idea of Non-personal Subjects of Law*, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn,* Cham, 2017, 52.

[3] See C. NOVELLI, G. SARTOR. L. FLORIDI, *AI as Legal Persons: Past, Patterns and Prospects*, in *Journal of Law and Society*, 52(4), 2025, 533-555; N.M. MEJIA, *Persona Ex Machina: The Legal Personhood of Artificially-Intelligent Machine*, in *Philippine Law Journal*, 98(3), 2025, 539-589; J. DEŠIĆ, *Legal Personhood for AI: A Necessary Step or a Perilous Path?*, in *Facta universitatis*, 23(1), 2025, 1-14.

[4] T. PIETRZYKOWSKY, *The Idea of Non-personal Subjects of Law*, cit., 52-55.

[5] This perspective is further enriched by the nuanced and seminal reflections of C. CASONATO, *The Essential Features of 21st Century Biolaw*, in E. VALDÉS, J.A. LECAROS (eds.), *Biolaw and Policy in the Twenty-First Century*, Cham, 2019, 77-91. The Author's contribution investigates deeply the complex legal intersections of the digital and biological eras, offering a visionary outlook that remains central to the current Biolaw debate.

[6] An analysis of Western concept of "legal personhood" has been developed by V.A.J. KURKI, *Why Things Can Hold Rights: Reconceptualizing the Legal Person*, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, Cham, 2017, 69-83. For a further analysis under the light of robot law, see R.D. BROWN, *Property Ownership and the Legal Personhood of Artificial Intelligence*, in *Information & Communications Technology Law*, 30(2), 2021, 214-219.

Then it focuses on the developments of the concept of "legal personhood" in light of scientific developments. It shows how the classical concept of "legal personality" has become more nuanced amid societal and bio-technological changes[7].

This article then summarizes the current legal framework for electronic legal personality. Currently, even the most advanced AI is treated like any other product or good.

Despite prevailing classification, recognizing robots as legal persons may be possible in the future. This contribution advocates for rigorously evaluating a distinct legal status for robots beyond their artefact status, focusing on key considerations and legal challenges.

This analysis focuses on the potential conflicts that may arise from granting legal subjectivity or personality to robots and AI, especially in relation to the legal subjectivity and personality already recognized for natural person, which core is the paramount value of equal dignity that cannot be shared with *in silico* devices.

Introducing a new status[8] for robots and AI systems can be achieved by creating a legal category: "*legal agentivity*." This would formally recognize robots as entities with distinct legal standing, separate from humans[9]. "Legal agentivity" thus allows more sophisticated robots to be treated differently. This status would reflect their autonomy in legal transactions – *i.e.* their capability to be an "agent"[10] – even as products.

Without attempting to provide an exhaustive review of the recent and prolific scholarship on artificial agency, this paper adopts a reconstructive and analytical approach. Its aim is to provide a foundational conceptual framework accessible to an interdisciplinary audience (even non-Italian). It examines how developments in biomedical and technological fields have progressively called into question the traditional notion of legal status, and explores how similar tensions emerge in contemporary debates on robots and advanced artificial intelligence systems in a scenario where digital and biomedical revolutions are going in parallel. Against this background, it suggests that, for the robots, the notion of legal agentivity may serve as a useful heuristic category situated between legal personhood – reserved to human beings as the normative framework for dignity and rights – and objecthood, whose regulatory logic may prove too narrow for highly sophisticated and self-autonomous AI systems.

[7] See L. PALAZZANI, *Il concetto di persona tra bioetica e diritto*, Torino, 1996.

[8] It could be considered as in intermediate legal category between the "personhood" (for human beings) and the "thinghood" (for the "res" unable to have self-autonomous behavior in an "artificially intelligent" way).

[9] See S.M. SOLAIMAN S.M., *Legal personality of robots, corporations, idols and chimpanzees: a quest for legitimacy*, in *Artificial Intelligence Law*, 25(2), 2017, 155-179.

[10] See A. SANTOSUOSSO, *If the agent is not necessarily a human being. Some legal thoughts*, in D. PROVOLO, S. RIONDATO, F. YENISEY (eds.), *Genetics, Robotics, Law, Punishment*, Padua, 2014, 545-561; G. TEUBNER, *Ibridi e attanti. Attori collettivi ed enti non umani nella società e nel diritto*, Milan, 2015.

2. Foundational Roots of the Legal Personhood

In Roman Law[11], this "*status personae*" was conferred on freeman father's babies, born alive and with a human form even if with some kind of disability, inasmuch they seem at least capable of a certain level of autonomous life.[12]

On the contrary, there were *not* considered as "legal subjects" – and therefore, they were deprived of the "*status personae*" – the deformed births[13], the infants born before the seventh month of pregnancy[14], and the fetuses, although some hereditary interests favorable may be recognized to them, but only provided that birth took place.[15]

The slaves were considered as "persons" but in a way different from the freemen[16], as "persons subjected to other's power".[17] Generally, they were ruled as "things" ("*res*"), but for some specific legal situations, such as testifying in court or spending their own limited money ("*peculium*"), they may perform legally effective activities.

It should be also noted that the Roman Law did *not* particularly cultivate the category of "*legal personhood*" as the "*general aptitude to be right-holder and duty-barer*" as we all are pacifically accustomed to think of it today.

The collective bodies, even though they existed during Roman Age, in both private and public law, and were endowed with legal powers, were *not* perceived as *autonomous centers* of legal positions, distinguished from the legal status of their single components.[18]

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[11] In the famous "Digesta seu Pandectae" (D), one of the most important books of the renowned Emperor Justinian's masterpiece "Corpus Iuris Civilis", it is written that all the law must refer to persons, things, or actions (in the original Latin: «Omne ius, quo utimur, vel ad personas pertinent vel ad res vel ad actiones»: D.1.5.1). It should be noted that the Latin word "persona" (in English: "person") probably stemming from some Etruscan origins ("phersu"), is the equivalent of the Greek headword "πρόσωπον" (transliterated in "prōspōn"): the theatrical mask worn by an actor on stage, covering the faces and filtering the voice ("per – sŏnāre": to sound-through something.). This peculiar etymology of the Latin word "persona", used in the Corpus Iuris Civilis, is by no means trivial. As the theatrical "mask" conceals the real actor to put the fictitious character on the stage, so the legal term «persona», in Roman Law, refers to the general legal "status" of the individual in the "legal theater" covering the individual qualities, traits, or temperament, that each human being might exhibit. For a comprehensive analysis of roots and evolutionary processes of the legal concept of "personhood", see V.A.J. Kurki, A Theory of Legal Personhood, Oxford, 2019. See also B. Alabanese, Persona (dir. rom.), in Enciclopedia del diritto, v. XXXIII, Milano, 1983, 169-181; A. Campitelli, Persona (dr. Interm.), ivi, 181-193.

[12] In the Latin original: «membrorum humanorum officia ampliavit, aliquatenus videtur effectus»: D.1.5.14.

[13] In the Latin text: the «monstrosum aliquid aut prodigiosum»: D.1.5.14.

[14] In the Latin wording named as «partus perfectus»: D.1.5.12.

[15] In the Latin formula: «Qui in utero est, perinde ac si in rebus humanis esset custoditur, quotiens de commodis ipsius partus quaeritur: quamquam alii antequam nascatur nequaquam prosit»: D.1.5.7.

[16] In Latin: «Summa itaque de iure personarum divisio haec est, quod omnes homines aut liberi sunt aut servi»: D.1.5.3.

[17] In the Latin formula: "personae alieni iuris".

[18] Roman Law made only some, really vague, distinctions between the collective entities and their individual members, such when it is affirmed, for example, that if a "collective body" (in Latin: "universitas") has some debts or liabilities with some else, then the single members of the collectivity did not have, and vice versa (in the Latin text: «Si quid universitari debetur, singulis non debetur: nec quod debet universitas singuli debent»: D.3.4.7.1). A formula that presupposes, in a certain way, that the legal position of the "universitas", as a "collective body", does not

After the collapse of the Roman Empire, during the Middle Ages, the general and abstract concept of "*legal personhood*", as a legal entity capable of rights and obligations, remains largely unknown.

It was the Church that once discovered and fostered, through its Canon Law, a more robust legal distinction between the individual component of an "ensemble" ("*universitas*"), on one side, and the ensemble itself, on the other side.

Religious collective entities, such as the dioceses, abbeys, parishes, monasteries, and religious orders, were increasingly considered legally separate and autonomous from the individuals who temporarily govern, like the bishop, abbot, and priest.

So, canonists[19] began to develop the legal theoretical idea that a "group" of persons and properties, linked together by common purposes and goals, could be considered as a unique "*legal person*"[20] with its "own" legal position.

This idea – that the collectivities should be considered legal autonomous entities and, therefore, they have rights and duties of their own – has developed, day after day, also outside the Canon Law, serving many different purposes. In Commercial Law, for example, "corporate personhood"[21] was the basis for the legal separation between the "corporation" and its "stakeholders". It was a distinction particularly useful, moving forward to a capitalistic economy, for immunizing the investors from the risks of corporate bankruptcy, while allowing the same investors the collection of assets and the sharing of profits. In Public Law, the idea of the "state personhood" underpinned the legal separation of sovereignty from the real person of the single living monarch, to the abstract authority of the crown and then of the State.[22]

In parallel with this evolution of the concept of "*juristic personhood*" for collective entities (corporations or States)[23], the concept of *the individual human being* as an abstract[24] legal, general, and unified entity[25], owner of rights and bearer of duties, arose and developed since the codification age at the beginning of the XIX Century.[26]

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coincide exactly with the legal position of the "singuli", as individual components, and therefore it has some form of autonomy of its own.

[19] The first was Sinibaldo de' Fieschi (~1190-1254), the future Pope Innocentius IV.

[20] In a Latin expression: "persona moralis".

[21] See E. FREUND, *The legal nature of corporations*, Chicago, 1897.

[22] The so-called "persona artificialis", to which Thomas Hobbes referred in his famous works, the "Leviathan" (1668).

[23] The "juristic personhood" of a corporation as an artificial, invisible, intangible creation of the law, is remarkably noted by Chief Justice Marshall in U.S. S. Ct., Trustees of Dartmouth College v Woodward, 17 U.S. 518 (1819). See for the conventional character of legal personhood attributed to collective entities T. PIETRZYKOWSKI, *Personhood Beyond Humanism. Animals, Chimeras, Autonomous Agents and the Law*, Cham, 2018, 7-23.

[24] The path of conceptual abstraction that led to the progressive creation of the concept of "legal personality" is outlined by N. NAFFINE, *Legal Persons as Abstractions: The Extrapolation of Persons from the Male Case*, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, cit., 15-23.

[25] In the Latin expression: "persona naturalis".

[26] The first period of this evolution was moved on mainly by the Natural Law Jurisprudence (Hugo Grotius, Gottfried Leibniz and Christian Wolff) which contributed to the edification of the juridical concept of "personhood" as a "fiction of law" in order to enucleate the general and universal "legal status" an individual should have. Then, the Historical Law Jurisprudence reconnected this legal "natural personhood" to the human nature (most notably: Carl Friedrich von Savigny, in the "System des heutigen Römischen Rechts", 1840, II, §§61-63, who affirmed that the natural elements of birth and death were to be considered to define the boundaries of legal personhood: «Der Tod, als die Grenze der natürlichen Rechtsfähigkeit, ist ein so einfaches Naturereignis, daß derselbe nicht, so wie die Geburt, eine genauere Feststellung seiner Elemente nöthig macht»; and William Blackstone, who wrote, in the

3. The Codification of the Legal Personhood

Based on the doctrinal thoughts, which gradually constructed the concept of human "*natural personality*" as the general and abstract aptitude of an individual[27] to be *the holder of rights and bearer of duties* from *birth* to *death*, the "*natural personhood*" was codified in statutory law, around the world.[28]

In International Law, there are provisions based on the concept of "*natural personhood*" as the general capacity of a human being to hold rights and obligations although the specific rules on legal personality remain within the competence of the state level of government.

In particular, Article 1 of the United Nations "*Universal Declaration of Human Rights*" (UDHR)[29], adopted on 10 December 1948, solemnly proclaims that: «All human beings are born free and equal in dignity and rights». The following Article 6 of the same Declaration affirms that: «Everyone has the right to recognition everywhere as a person before the law».

Those two provisions presuppose the "*natural personality*" as a legal status that must be universal and shared by all human beings as a legal basis for recognizing human rights and human dignity.

"Commentaries on the Laws of England", 1765, I, that: «The persons are divided by the law into either natural persons […]. Natural persons are such as the God of nature formed us […] »). After, the Pure Law Jurisprudence, on the contrary, considered "natural personhood" only as the result of a choice, made by the laws, to identify, in man, a "hypostatical" center of rights and duties without any connection with the ontology of the human being (above all: Hans Kelsen, who wrote, in "General Theory of Law and State", 1945, §I.IX.B, that the natural personhood of the man «exists insofar as he "has" duties and rights; apart from them the persons has no existence whatsoever» because the same «concept of the physical (natural) person means nothing but the personification of a complex of legal norms», which recognizes rights and imposes duties). See: T. BUOCZ, I. EISENBERGER, *Demystifying Legal Personhood for Non-Human Entities: A Kelsenian Approach*, in *Oxford Journal of Legal Studies*, 43(1), 2023, 32-53; A. LANNI, M.W. MONTEROSSI, *Artificial Autonomous Agents and the Question of Electronic Personhood: A Path between Subjectivity and Liability*, in *Griffith Law Review*, 26(4), 2017, 572-577.

[27] The "individualistic" roots of the modern shape of legal personhood in Western law has been discussed by S. LINDROOS-HOVINHEIMO, *Private Selves – An Analysis of Legal Individualism*, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, cit., 36-42.

[28] See, e.g., the Article 16 of the Austrian Civil Code ("Allgemeines Bürgerliches Geseztbuch", ABGB), in the original text: «Jeder Mensch hat angeborne, schon durch die Vernunft einleuchtende Rechte, und ist daher als eine Person zu betrachten»); the Article 29 of the Spanish Civil Code ("Código Civil"), in the original text: «El nacimiento determina la personalidad […]»);the Article 1 of the German Civil Code ("Bürgerliche Gesetzbuch", BGB), in the original text: «Die Rechtsfähigkeit des Menschen beginnt mit der Vollendung der Geburt.»);the Articles 66-69 of the Portuguese Civil Code ("Código Civil"), in original text: «A personalidade adquire-se no momento do nascimento completo e com vida» (Article 66) and «As pessoas podem ser sujeitos de quaisquer relações jurídicas, salvo disposição legal em contrário; nisto consiste a sua capacidade jurídica») (Article 67); the Articles 34-35 of the Greek Civil Code ("Αστικός Κώδικας", transliterated in: "Astikós Kōdikas") adopted in 1984 (in the original text: «Κάθε άνθρωπος είναι ικανός να έχει δικαιώματα και υποχρεώσεις.», transliterated in: "Káthe ánthrōpos eínai ikanós na échei dikaiōmata kai upochreōseis" (Article 34) and «Το πρόσωπο αρχίζει να υπάρχει μόλις γεννηθεί ζωντανό και παύει να υπάρχει με το θάνατο του», transliterated in: «Το prósōpo archízei na upárchei mólis gennēthei zōntavó kai paúei na upárchei me to thánato tou" (Article 35)). In the "United States Code", the Article 1, section §8a) states that: «In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words "person", "human being", "child", and "individual", shall include every infant member of the species homo sapiens who is born alive at any stage of development». Under the Chinese Civil Code, "legal capacity" (民事能力, transliterated into: "mín shì néng lì") is recognized to every person from the moment of birth through to the time of death (Article 13), although the fetus may be given the capacity but only to receive properties by inheritance or gift and conditioned upon the occurrence of birth alive (Article 16).

[29] See J. MORSINK, *The Universal Declaration of Human Rights,* in *Origins, Drafting and Intent*, Philadeplphia, 1999.

Similar rules were also present in the "*American Declaration of the Rights and Duties of Man*", adopted by the IX International Conference of American States, on 2 May 1948[30] and in the "*African Charter on Human and Peoples' Rights*", adopted on 19 January 1981 by the Organization of African Unity.[31]
In the European Union Law, several legal formulas presuppose the recognition of a "*natural personhood*" attributed to every human being[32], albeit the specific power to adopt detailed rules on legal subjectivity remains in the hands of the EU Member States.
Now turning to the specific Italian legal system, the "*legal personhood*" – the general capacity to enjoy rights and be subject to obligations – is granted to every human being, both by constitutional and statutory law.
In fact, the Italian Constitution, which entered into force on 1 January 1948, even if does *not* regulate the legal personhood, which remains a matter of statutory law, contains important elements to qualify the "*natural personhood*" (in Italian: "*persona fisica*"[33]).
In particular, the Article 2 affirms that the Italian Republic recognizes and protects the inviolable rights of man and that the same Republic requires the individual to fulfill his duties of solidarity of a political, social and economic nature.[34]

[30] In particular, in the Article XVII of the Declaration, it is written that: «Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights». This wording may be interpreted in such a way that human personhood must be recognized as the precondition for enjoying civil rights and assuming collective duties.
[31] Article 5 affirms: «Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status». This clause means that a "natural personhood", as a general legal prerequisite of human dignity and fundamental rights, shall not be wiped out by an arbitrary power of the state.
[32] In particular, the idea that every human being should be considered, legally, a "natural person", can be derived from the "Charter of Fundamental Rights of the European Union" (ECHR), signed in 2000 and reviewed in 2007 (currently in force). The Preamble of the Charter states that: «[…] the Union is founded on the indivisible, universal values of human dignity». This wording signifies that the legal personality as the presuppose of dignity must be accorded to everyone. The same Preamble also affirms that the European Union «places the individual at the heart of its activities». It is a peculiar clause that signifies that the individual, as the "target" of EU laws and policies, shall not be deprived of any legal position. For an overview, see W.B.T. MOCK, G. DEMURO, *Human rights in Europe: commentary on the charter of fundamental rights of the European Union*, Durham, 2009. Similar formulas are also written in the "Treaty on the European Union" (TEU), signed in 2007 (currently in force). In the Preamble of that Treaty, one may read that: «[…] the cultural, religious and humanist inheritance of Europe […] have developed the universal values of the inviolable and inalienable rights of the human person». It is a legal text which means that the human person must possess a "natural personhood" as a ground for universal, inviolable, and inalienable rights. In the Article 2 of the Treaty, it is also written that: «The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights». This section presupposes a general, abstract legal concept of "natural personhood", vested in everymen, as the foundational base for the entitlement of dignity and rights.
[33] For a purely indicative reference to Italian commentaries, see P. GALLO, Trattato di diritto civile- Le Fonti. I Soggetti, Torino, 2020, 135-155; C.M. MAZZONI, M. PICCINNI, *La persona fisica*, Milano, 2016; P. RESCIGNO, *Persona fisica e persona giuridica (dir. priv.)*, in Enciclopedia del diritto, v. XXIII, Roma, 1-23; G.U. RESCIGNO, *Capacità giuridica*, in *Digesto. Discipline privatistiche. Sezione civile*, v. II, Torino, 1987, 1-20; M. BESSONE, G. FERRANDO, *Persona fisica* (dir. priv.), v. XXXIII, Milano, 1983, 193-224; M. BASILE, A. FALZEA, *Persona giuridica*, ivi, 234-276; A. FALZEA, *Capacità (teoria generale)*, in *Enciclopedia del diritto*, v. VI, 1960, 8-47.
[34] In the Italian original text: «La Repubblica riconosce e garantisce i diritti inviolabili dell'uomo, sia come singolo sia nelle formazioni sociali ove si svolge la sua personalità, e richiede l'adempimento dei doveri inderogabili di solidarietà politica, economica e sociale»)

This clause establishes the so-called "*personalist principle*" (in Italian: "*principio personalista*"), which is considered one of the cornerstones of the entire constitutional structure.
As a consequence, it could be said that in Italy, the "*natural personhood*" – which belongs equally to each individual, and it is the prerequisite for enjoying rights and serving duties – is of constitutional nature.
The subsequent Article 22 of the Italian Constitution prohibits depriving *anyone* (citizen or alien) of her legal personality (as well as their citizenship and their familiar surname) for any political reasons.[35]
This formula means that in *no way* the Parliament (even with an absolute majority or a unanimity) have the power to *wipe out* the legal status of a human subject for ideological-political reasons. A parliamentary statute that, hypothetically, contained such a dramatic and unconstitutional deprivation of legal capacity, would undoubtedly be submitted for review by the Constitutional Court and promptly invalidated by the same Court.
This clause is a robust safeguard for "*natural personhood*", which must be generally recognized.
In statutory law, "*natural personhood*"[36] is expressly ruled in the Civil Code. Article 1 of the Civil Code confers "legal personality" to every person since birth.[37]
It is worth mentioning that this "legal personhood" (in Italian: "personalità giuridica" or "capacità giuridica") is considered as a general aptitude to be a holder of rights and a bearer of duties and, as a consequence, it differs from the "legal capacity" (in Italian: "capacità di agire").
The "*legal capacity*" (in Italian: "*capacità di agire*") is the legal aptitude to *dispose firsthand* of their rights and obligations.
Therefore, while *legal personhood* ("*personalità giuridica*" or "*capacità giuridica*") is inherent in every human being, the *legal capacity* ("*capacità di agire*") requires, on the contrary, age and sound mind.
For this reason, the minors and the incompetent adults do *not have* legal capacity, and their assets are managed by the parents or the guardians, who act on behalf of the pupils or the incapacitated.
As aforesaid, under the Italian Law, the "*legal personhood*" (the Italian: "*capacità giuridica*") begins with birth and lasts until the moment of the death, which is defined, according to Article 1 of Act 578/1993, as the irreversible cessation of all cerebral activities – *i.e.* the brain death.[38]
Of course, as well as in other Countries, Italian Law recognizes also the legal personality, in addition to human persons, to some types of public and private *collective entities* ("*juristic persons*": in Italian, "*persone giuridiche*").
Indeed, Article 2 of the Italian Constitution refers to the "*social formations*" as the spheres where the human personality develops.[39]
Among the "*social formations*", there are also (but they are not identical with) those *collective entities* ("*juristic persons*") to which the *legal personhood* is attributed by statutory law.

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[35] In the Italian original text: «Nessuno può essere privato, per motivi politici, della capacità giuridica, della cittadinanza, del nome».
[36] For a more detailed analysis, eventually, F.G. PIZZETTI, *La morte e la legge. La disciplina sulla definizione di morte e l'accertamento della morte legale dall'Unità d'Italia a oggi (e a domani)*, in F.P. DE CEGLIA (ed.), *Storia della definizione di morte*, Milano, Franco Angeli, 2014, 391-414.
[37] In the Italian original text: «La capacità giuridica si acquista dal momento della nascita».
[38] In Italian original text: «La morte si identifica con la cessazione irreversibile di tutte le funzioni dell'encefalo».
[39] In Italian original text: «La Repubblica riconosce e garantisce i diritti inviolabili dell'uomo, sia come singolo sia nelle formazioni sociali ove si svolge la sua personalità…».

The subsequent Article 18 of the national Constitution recognizes the general possibility of forming "associations", *without* having to obtain any public authorization, as long as those associations are *not* criminal, clandestine or pursue political objectives by military means.[40]
Therefore, it might be affirmed that the "*juristic persons*" do have a constitutional ground as a general legal type of associative entity, within the limits set by the Constitution and without prejudice to the possibility for statutory law to identify requisites and procedure for their incorporation.

4. Recent Evolution of the Legal Concept of the Natural Personhood After the Codification

It is now worth underlining that the same concept of "*natural personhood*"[41], recognized in *humans*, went thru several important evolutionary processes – in Italy and elsewhere – as a consequence of the recent developments in sciences and technologies[42].
In particular, following the progress of biomedicine, the Italian legal framework has been confronted with several legal questions related to the status of "*prenatal human life*"[43].
In one of the most famous constitutional rulings on abortion, the Italian Constitutional Court affirmed that, while the mother is to be considered a full "*legal person*", on the contrary, the embryo should be evaluated only as a "*legal person yet to become*".
Therefore, even if the embryo must be protected by laws, that protection *cannot* be equivalent to the safeguarding of the rights of the woman inasmuch the mother is a *natural person – i.e.* she has full legal "*natural personhood*" as a human being, born and alive, under Article 1 of the Italian Civil Code –, while the conceived is *not yet* a person.
So the embryo has a legal status *different* from a simple "*object*", because it is vested of some personal rights to be immediately protected, but it does *not* have any "*natural personhood*" as it is *not yet* born.[44]
Afterward, the Italian Parliament, in one of the most politically debated norms on assisted reproductive technology, stipulates that the *conceived* must be considered a "*legal subject*" regarding the rights protected in her favor (Article 1 of the Act 40/2004).[45]

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[40] In the Italian original text: «I cittadini hanno diritto di associarsi liberamente, senza autorizzazione, per fini che non sono vietati ai singoli dalla legge penale. Sono proibite le associazioni segrete e quelle che perseguono, anche indirettamente, scopi politici mediante organizzazioni di carattere militare».
[41] For a broader analysis of the legal sources of "personhood," and an investigation into the myth of AI systems and their effect on the debate about redefining "legal subjectivity," see T. SELKALA, M. RAJAVUORI, *Traditions, Myths, and Utopias of Personhood: An Introduction*, in *German Law Journal*, 18(5), 2017, 1017-1068.
[42] See L. PALAZZANI, *Person and Human Being in Bioethics and Biolaw*, in *V.A.J.*, KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, cit., 105-112; M. DE LEEUW, S. V. WICHELEN, *Brave New Law: Personhood in the Age of Biolegality*, in M. DE LEEUW, S. VAN WICHELEN (eds.), *Personhood in the Age of Biolegality: Brave New Law*, Cham, 2020, 6-7.
[43] See M. DE LEEUW, S. V. WICHELEN, *Legal Personhood in Postgenomic Times: Plasticity, Rights and Relationality*, in M. DE LEEUW, S. VAN WICHELEN (eds.), *Personhood in the Age of Biolegality: Brave New Law*, cit., 55-60.
[44] See It. Const. Court, case 27/1975, in the Italian text: «[…] non esiste equivalenza fra il diritto non solo alla vita ma anche alla salute proprio di chi è già persona, come la madre, e la salvaguardia dell'embrione che persona deve ancora diventare».
[45] In Italian original text: «[…] è consentito il ricorso alla procreazione medicalmente assistita, alle condizioni e secondo le modalità previste dalla presente legge, che assicura i diritti di tutti i soggetti coinvolti, compreso il concepito».

To be fair, Article 1 of the Act 40/2004 does *not* make any analytical distinction between the "*natural person*" (*i.e.*, the couple requesting the medical treatment of artificial insemination) and the "*natural subject*" (*i.e.*, the embryo as generated by the techniques applied).

In fact, the same Article 1 of the Act 40/2004 uses, both for the parents and the embryos, the identical legal qualification of "*subjects*".

However, it is to point out that with Article 1 of the Act 40/2002, a human being, *not* yet born and alive, has been considered, through statutory law, as a legal "*subject*", not only to obtain further economic benefits[46] and in the event of birth, as it was in the Article 1 of the Civil Code, but also for to protect *personal rights* (such as health, development, *etc*.), during the IVF procedure, even if the birth will never take place (the embryo created by IVF may *not* develop, for natural or technical failures, into a fetus and a child).[47]

Therefore, in the Act 40/2004, the legislator tried to enucleate a sort of new legal status, namely the "*subjectivity*", quite different from the original and classical notion of "*personhood*".

In fact, on the one hand, the aforementioned Article 1 of the Act 40/2004 does *not* qualify the embryo as a "person", but just as a "*subject*" and, therefore, it does not recognize the conceived the same legal status as an individual born and alive.

On the other hand, the same Article 1 of the Act 40/2004 *does* identify the embryo as a legal *entity* that should be considered as a "*subject*" of rights as well, and therefore *not* as a mere passive material "*object*" (such as a "thing", or a "tool").

The Italian Constitutional Court has more recently affirmed that the embryo possesses the value of *human dignity* even if it does not have full legal personhood because it has a *human nature* and it has in itself the same *origin of life* and the potential for self-development into a fetus (of course, *in utero*).[48]

The same Constitutional Court emphasized that the embryo, even if it is not a "person", enjoys a "*certain degree of subjectivity*" which places it outside the mere "biological material".[49]

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[46] I.e., succession: Article 462 of the Civil Code, or donation: Article 784 of the Civil Code.

[47] While in a case of wrongful life, it has been affirmed that it is not strictly necessary to assert the subjectivity of the embryo in order to safeguard its interest in life (see It. Court of Cassation, case 25767/2015), it is important to highlight that Act 40/2024 goes beyond this affirmation. Unlike the abortion law (Act 184/1978, Article 1), which merely recognized the protection of human life, in general, from conception without any mention to a peculiar subjectivity of the fetus (In the Italian text: «Lo Stato garantisce il diritto alla procreazione cosciente e responsabile, riconosce il valore sociale della maternità e tutela la vita umana dal suo inizio»), the Act 40/2024 establishes that the "conceived" is also a "subject" with "subjective rights" to life, development, and genetic integrity, that it possesses by itself as it is ("iure proprio").

[48] See It. Const. Court, case 84/2016.

[49] See It. Const. Court, case 229/2015, in the Italian text: «L'embrione, infatti, quale che ne sia il, più o meno ampio, riconoscibile grado di soggettività, correlato alla genesi della vita, non è certamente riducibile a mero materiale biologico». For an overview of the Italian legal debate on the subjective status of embrios, see: M.G. CABITZA, *Lo statuto dell'embrione: tra dignità umana e progresso scientifico*, in *Il Diritto di famiglia e delle persone*, 2018, 2, 620-652; C. CASINI, M. CASINI, *Lo statuto dell'embrione umano: riflessioni dopo la sentenza della Corte costituzionale n. 229 del 2015*, in *Il Diritto di famiglia e delle persone*, 2016, 1, 201-220; A. MARTINI, *Riflessioni sulla soggettività e capacità del concepito dopo l'entrata in vigore della legge 19 febbraio 2004, n. 40 "norme in materia di procreazione medicalmente assistita"*, in *Vita notarile*, 2005 2, 1153-1174; G. CARAPEZZA FIGLIA, *Tutela dell'embrione e divieto di brevettabilità: un caso di assiologia dirimente nell'ermeneutica della Corte di Giustizia*, in *Il Diritto di famiglia e delle persone*, 2012, 1, 20-38; A. SCALERA, *La nozione di "embrione umano" all'esame della Corte UE*, in *Famiglia e diritto*, 2012, 3, 227-232; M.G. CABITZA, *Lo statuto dell'embrione: tra dignità umana e progresso scientifico*, in *Il Diritto di famiglia e*

Therefore – the Court affirms – the embryo, as a human subject and *not* a biological stuff, must *be* endowed with some *constitutional rights*, according to Article 2 of the Constitution ("*personalist principle*"), even if it is *not yet a person* and, therefore, the constitutional rights to health and life of the mother – who is a full *natural person* – shall prevail.[50]

This Italian constitutional case-law is quite coherent with European courts' judgments in analogous matters.

In fact, in a famous case regarding embryos generated by IVF, the European Court of Human Rights affirmed specifically that «human embryos cannot be reduced to "possessions"». In the words of the Court, it means that embryos *cannot* be disqualified as mere "objects" under the light of the European Convention on Human Rights and its Protocols.[51]

In another case, concerning a particular type of cells created by genetic engineering, the European Court of Justice offers a definition of "human embryo" and affirms that an "human embryo" shall not be considered patentable things or objects because they enjoy the value of human dignity and the protection of fundamental rights according to the European Union Law.[52]

To sum up, it might be argued that in current Italian Law as well as in European Law, human beings can *never* be legally assimilated or reduced or equated to "things"; the full "*natural personhood*", as the general aptitude to be worthy of dignity and to be rights holder and duties barer, is recognized and protected to every human being after the birth; the embryos and fetuses are vested of "*natural subjectivity*" as they have biological human nature and the principle of life in themselves, but this "subjectivity", while serves as a legal base to recognize human dignity and some fundamental rights to the conceived, it is *not* equivalent to a full "personhood".

After the end of life, the more recent Act 10/2020, which addresses the donation of cadavers for scientific research and medical education, explicitly establishes that the deceased body is subject of legal protection (Article 1). This marks a significant shift, as it indicates that current legislative efforts recognize that even after life has ended, a human being, though having lost legal personality, retains a form of "legal subjectivity." It is this "subjectivity" that ensures the corpse is not merely perceived as an "object," but rather that it holds an inherent status connected to the individual it represents, thereby deserving protection from misuse.[53]

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delle persone, 2018, 2, 620-652; C. CASINI, *La capacità giuridica del concepito*, in *Il Diritto di famiglia e delle persone*, 2019, 1, 282-291. For a comparison between the Italian and the German status of the embryo, see V. PARFENCHYK, A. FLOS, *Human Dignity in a Comparative Perspective: Embryo Protection Regimes in Italy and Germany*, in *Law, Innovation and Technology*, 9(1), 2015, 45-77.

[50] See It. Const. Court., case 161/2023.

[51] See ECHR, case 46470/11, Parrillo v. Italy.

[52] See ECJ, case 34/10, Oliver Bruüstle v. Greenpeace Ev. See, in general, E. BONADIO, A.M. ROVATI, *The Court of Justice of the European Union Clarifies When Human Embryonic Stem Cells Can Be Patented*, in *European Journal of Risk Regulation*, 6(2), 2015, 293-295.

[53] The Italian legal system also identifies the vilification of a corpse (Article 410 of the Italian Penal Code) and the desecration of a tomb (Article 408 of the Italian Penal Code) as criminal offenses. However, these conducts are viewed by the Criminal Code, which has been adopted in the Thirties of the XX Century as detrimental not to the dignity of the deceased – which shall not have "legal subjectivity" after death – but to society's reverence for the departed. From this perspective, it can be argued that once legal personality ceases with death, the deceased no longer possesses dignity and cannot be considered a "subject" of protection. Rather, what criminal law seeks to safeguard is the communal sense of respect directed towards the deceased. Mortuary Regulation 285/1990

5. Robots and AI Systems as Legal Entities: The Current Legal Scenario

Moving now to the different topic of "*legal personhood*" for *non-human entities*, there are some (indeed, very few) legal systems that recognize forms of "*legal subjectivity*" to religious idols[54], to the rivers[55], to animals[56], or to ecosystems.[57]

establishes a range of provisions concerning the burial of corpses and the administration of cemeteries. However, these regulations are primarily designed to safeguard public health and uphold public order, rather than to acknowledge the deceased as a "legal subject." Differently, the more recent Act 20/2020 appears to tribute rights of protection in its dignity from overexploitation of a corpse even when the same corpse has been donated, by the individual alive, to science. Differently, the more recent Act 20/2020 appears to tribute rights of protection in its dignity from overexploitation of a corpse even when the same corpse has been donated, by the individual alive, to science. For the purposes of this analysis of the recent transformations of the legal concept of "personhood," it is important to note that framing the body of a deceased individual not merely as a "thing" but as an entity that still possesses a legal status and can be a rights-holder marks a significant evolution toward recognizing a new form of legal "subjectivity" for the deceased. This type of subjectivity attributed to the "corpse," however, is distinct from the full status of "personhood" granted to a human being during life. Rather, this "subjectivity" serves as a legal basis solely for specific personal rights recognized for the corpse, such as dignity and integrity. It is therefore not equivalent to full personhood. Instead, it should ultimately be understood as "similar" to the subjectivity a human being possesses before acquiring full personhood at birth.

[54] In Hindu law, according to the case decided by the High Court of Judicature of Bombay, Pramatha Nath Mullick v. Pradyumna Kumar Mullick, 1925, a «Hindu idol is, according to long established authority, founded upon the religious customs of the Hindus, and the recognition thereof by Courts of law, a "juristic entity". See S.G. YESEY-FITZGFRAD, *Idolon fori*, in *Law Quarterly Review*, 41(4), 1925, 419-422; P.W. DUFF, *The personality of an idol*, in *Cambridge Law Journal*, 3(1), 1929, 42-48.

[55] In New Zealand according to the Article 11, section 1, of the "Te Urewera Act", 2014 the river named «Te Urewera is a legal entity, and has all the rights, powers, duties, and liabilities of a legal person». See T. BUOCZ, I. EISENBERGER, *Demystifying Legal Personhood for Non-Human Entities: A Kelsenian Approach*, cit., 32-35, 38-40. A critique about granting legal status to non-human and eventually non-animal living entities has been conducted by: C.D. STONE, *Should Trees Have Standing?–Toward Legal Rights for Natural Objects*, in *Southern California Law Review*, 45, 1972, 450-501.

[56] In the Article 285a of the Austrian Civil Code, the animals are considered excluded from "things", in the original text: «Tiere sind keine Sachen; sie warden durch besondere Gesetze geschützt». See for a wider analysis of the idea that non-personal subjects of law, such as animals, might be recognized and under which circumstances and ways, T. PIETRZYKOWSKY, *The Idea of Non-personal Subjects of Law*, cit., 55-62.

[57] According to the Art. 10 of the Ecuadorian Constitution, the Nature itself is fictionally considered as limited "rights" as granted to it by the same Constitution: «La naturaleza será sujeto de aquellos derechos que le reconozca la Constitución» ("Nature shall be the subject of those rights that the Constitution recognizes for it"). Subsequently, the same Constitution foresees some Nature (or "Pacha Mama") rights (such as the right to integral respect for its existence and for the maintenance and regeneration of its processes, or the the right of restoration and the right of preservation from extinction of species, destruction of ecosystems and the permanent alteration of natural cycles: Articles 71-74).

In Italy, even today, legal personhood has always been recognized *only* to human beings ("*natural persons*") or to collective entities composed of *humans* (as "*juristic persons*" [58]).[59]
The discourse so far presented[60] seems now to be relevant to introduce the issue of "*legal personhood*" concerning an *artificial*, *non-biological entity* that engages in autonomous decision-making and deep learning activities like advanced robots and AI systems[61].
One of the most significant steps taken in this field (even if it was largely symbolic rather than legally relevant) was the granting of citizenship by Saudi Arabia to a robot – an android – called "Sophia"[62].
In fact, according to International Law and the Saudi Citizenship Law, citizenship is a specific legal status (in Latin legal dictionary: "*status civitatis*") that necessarily requires, as a prerequisite, the "*legal personality*" and that must be recognized *only* to "*individuals*".
This means that the creation of a new kind of "*robotic citizenship*", by the Kingdom of Saudi Arabia, could have been seen as one of the first recognitions of a form of *legal subjectivity* to an *artificial digital entity*.
Another notable case is the appointment of an artificial intelligence system, named "Diella"[63], as Minister of State for Artificial Intelligence.

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[58] This scenario seems not modified by the constitutional reform, adopted with the Constitutional Act 1/2022, which has amended Article 9 of the Italian Constitution. In particular, the new Article 9, section 3, of the Constitution states that the Italian Republic shall safeguard the environment, biodiversity, and ecosystems, also in the interest of future generations and that the statutory law shall regulate the methods and means of safeguarding animals (in the Italian original text: [La Repubblica] «Tutela l'ambiente, la biodiversità e gli ecosistemi, anche nell'interesse delle future generazioni. La legge dello Stato disciplina i modi e le forme di tutela degli animali»). At first sight, one would eventually believe that the "animals" are now considered as "subject" of laws (and no more legal "objects") because of their mention in the Constitution but, read more carefully, the new constitutional clause does not identify animals as "legal subjects". In fact, the animals remain "passive targets" of protection by statutory law. Consequently, the new constitutional provision, far from recognizing an autonomous legal personality for animals as rights-holders, merely obliges the state legislator to adopt animal protection regulations. This conclusion does not seem to change significantly with the adoption of Act 82/2025 ("Legge Brambilla"), which amended some provisions on criminal offences against animals. Notably, the Italian Criminal Code now uses a new title for the section on crimes against animals, replacing the previous one–focused on society's "pietas" toward animals–with one that emphasises the protection of animals themselves. The new title explicitly names "animals" (no longer "social compassion") as the recipients of legal protection. However, aside from its symbolic value, this change alone is not enough to claim that animals now possess personal status. Animals remain entities that hold constitutionally and statutorily protected interests, which the Republic is tasked to defend. Some scholars have tried to make analogies between the possible legal status of robots and the current common legal status of animals: see E. SCHAERER, R. KELLEY, M. NICOLESCU, *Robots as Animals: A Framework for Liability and Responsibility in Human-Robot Interactions*, in *RO-MAN* 2009 - The 18th IEEE International Symposium on Robot and Human Interactive Communication, Toyama, 2009, 72-77; D. G. JOHNSON, M. VERDICCHIO, *Why Robots Should Not Ne Treated Like Animals*, in *Ethics and Information Technology*, 20, 2018, 291-301.
[59] See supra, §**Errore. L'origine riferimento non è stata trovata.**.
[60] See supra, §**Errore. L'origine riferimento non è stata trovata.** and 0.
[61] See L. B. SOLUM, *Essay, Legal Personhood for Artificial Intelligences*, in *North Carolina Law Review*, 70, 1992, 1231-1287.
[62] Manufactured by the Hong Kong-based company "Hanson Robotics". See for an analysis of the case: M. REDDEN, *Sophia: The Intersection of Artificial Intelligence and Human Rights*, in *Journal of Global Rights and Organizations*, 10, 2019-2020, 155-186.
[63] The AI system, whose name in Albanian sounds like "Sun", is represented by a feminine avatar dressed in traditional Albanian clothing. It was originally developed by the National Agency for Information Society of Albania (AKSHI)–the government body responsible for digital administration–using Microsoft Azure and OpenAI large language

By conferring this ministerial role, Albania appears to have recognized a form of legal status, potentially including citizenship, for the AI system. The Albanian Constitution stipulates that ministerial appointees (art. 103) must be eligible for membership in Parliament, which requires both citizenship and a minimum age of 18 years (art. 45 and art. 68). Consequently, it may be argued that the AI system must be granted legal personhood and citizenship to exercise executive powers as an Albanian State Minister. Nevertheless, from a formal and constitutional perspective, it is the Albanian Prime Minister Edi Rama, pursuant to the presidential instrument appointing the current Council of Ministers[64], who retains full political and legal responsibility for the establishment and operations of the Virtual Minister of Artificial Intelligence.[65]
However, they both remained isolated cases.
Today, in fact, Italian Law[66] and European Union Law (as well as the legal systems of other Western Countries[67]) do *not* recognize *any* legal *subjectivity* to robots or AI systems. The robots and the AI systems, despite their eventual higher technological sophistication, and even if they possess some form of deep learning capability or autonomy (in terms of ability to self-infer new solutions for variant operational contexts), are still considered "*tools*" and, therefore, "*legal objects*" (*not* "subjects").
To be fair, it is true that the European Parliament, in a "*Recommendation to the European Commission on Civil Law Rules on Robotics*", adopted on 16 February 2017 ((2015/2103(INL)), opened some path for a new form of "*robotic legal subjectivity*"[68].

models. Initially, the system was built as a chatbot for eAlbania, the national governmental portal providing electronic administrative services, to help respond to citizens' questions.

[64] Presidential decree 15th September 2025, n. 333 (art. 1, n. 1).

[65] It is remarkable that, during the debate before the Albanian Parliament on the motion of confidence for the political program and the composition of the newly appointed Council of Ministers, Diella raised the question of whether it is constitutional to have a minister who is not "human." Diella answered by interpreting the Constitution and constitutional democracy in a "technocratic-functionalist" (rather than "political-representative") way. Diella emphasized that the Constitution speaks of "institutions that serve the people" and does not reference chromosomes, flesh, or blood; it addresses "duties, responsibilities, transparency, and service without discrimination"–standards, which, Diella assured, are embodied in its algorithms, perhaps even more than by a human politician. Diella concluded that she should be evaluated not by her origin but by her function; not by what she is but by what she does, emphasizing that she may not be human, but she is "constitutional, because she serves the people who wrote, voted for, and seek the protections of the Constitution". See Albanian Parliament, XI legislature, Minutes of 18th September 2025 Session.

[66] For an overview of the Italian legal debate on the "electronic personhood", see U. RUFFOLO, *La "personalità elettronica"*, in *Id. (cur.), Intelligenza artificiale: il diritto, i diritti, l'etica*, Milano, 2020, p. 213-236; G. BEVIVINO, *Robot e personalità elettronica: un esempio di approccio analitico*, in D. BUZZELLI, M. PALAZZO (ed.), *Intelligenza artificiale e diritti della persona*, Pisa, 2022, 57-74; I. CARNAT, *Intelligenza artificiale e responsabilità civile*, in *Enciclopedia del diritto*, v. I Tematici VII, Milano,2024, 663-665; M. SALARDI, S. SAPORITI, *Perché l'IA non deve diventare Persona. Una Critica all'ineluttabile 'Divenire antropomorfico' delle Macchine*, in S. SALARDI, M. SAPORITI (cur.), *Le tecnologie 'morali' emergenti e le sfide etico-giuridiche delle nuove soggettività/Emerging 'moral' technologies and the ethical-legal challenges of new subjectivities*, Torino, 2020, 52-74; E. MOROTTI, *Una soggettività a geometrie variabili per lo statuto giuridico dei robot*, in F. BILOTTA, F. RAIMONDI (ed.), *Il soggetto di diritto. Storia ed evoluzione di un concetto nel diritto privato*, Napoli, 2020, 291-306.

[67] See for an analysis of the US law and EU law G. WAGNER, *Robot, inc. Personhood for Autonomous Systems?*, in *Fordham Law Review*, 88, 2019, 591-612.

[68] See A. LANNI, M.W. MONTEROSSI, *Artificial Autonomous Agents and the Question of Electronic Personhood: A Path between Subjectivity and Liability*, in *Griffith Law Review*, 26(4), 2017, 578-580.

In that resolution, in fact, the EU Parliament hypothesized the possibility to establish, in further times, «a specific legal status for robots» so that «at least the most sophisticated autonomous robots could be established as having the status of electronic persons responsible for making good any damage they may cause, and possibly applying electronic personality to cases where robots make autonomous decisions or otherwise interact with third parties independently» (2015/2103(INL), §59, lett. f)[69].

But, shortly after the adoption of that resolution, the Economic and Social Committee of the European Union, in its opinion "*Artificial intelligence – The consequences of artificial intelligence on the (digital) single market, production, consumption, employment and society*", passed on 31 May 2017, strongly «opposed to any form of legal status for robots or AI (systems)» as this «entails an unacceptable risk of moral hazard» and create a serious «risk of inappropriate use and abuse of this kind of legal status» (2017/C 288/01, §3.33).

Criticizing the same EU Parliament idea of "electronic legal personhood", also the UNESCO Commission on the Ethics of Scientific Knowledge and Technology, in its "Report on Robotics Ethics", published on 14 September 2017, underlined that the algorithms should *not* be called "persons" – also in legal terminology – as long as they do not possess those additional qualities, which are typical of a human being such as freedom of will, intentionality, self-consciousness, moral agency and a sense of personal identity (SHS/YES/COMEST-10/17/2 REV, §201).

In the subsequent report "*Liability for Artificial Intelligence and Other Emerging Digital Technologies*", published on 21 November 2019 by the EU Commission Expert Group on Artificial Intelligence and New Technologies, the need to create «a legal personality to emerging digital technologies» has been *denied* because the eventual harm «caused by even fully autonomous technologies is generally reducible to risks attributable to natural persons or existing categories of legal persons, and where this is not the case, new laws directed at individuals are a better response than creating a new category of legal person» (EGAINT Report p. 38)[70].

The same EU Parliament, in a sort of political volte-face, subsequently affirmed, in its "*Recommendations to the Commission on a civil liability regime for artificial intelligence*", voted on 20 October 2020, that «it is *not* necessary to give legal personality to AI-systems» (2020/2014(INL) §7) and that any new proposal for EU rules, regulating the AI systems, «should start with the clarification that AI-systems have *neither legal personality* nor human conscience and that their sole task is to *serve* humanity» (2020/2014(INL), §6).

The following "*Proposal for a new directive on non-contractual civil liability rules to artificial intelligence (AI Liability Directive)*", presented by the EU Commission on 28 September 2022 (COM/2022/496 final), but then withdrawn in the EU Commission *2025 Program* 11 February 2025 (of COM/2025/45 final), does *not* identify any new kind of personhood to robots or AI systems.

[69] See B. BENNETT, A. DALY, *Recognising Rights for Robots: Can We? Will We? Should We?*, in *Law, Innovation and Technology*, 12(1), 2020, 60-80; T. BUOCZ, I. EISENBERGER, *Demystifying Legal Personhood for Non-Human Entities: A Kelsenian Approach*, cit., 41-43.

[70] The idea that it could be sufficient, under a functionalistic approach, to adapt existent private law's categories (agency law, corporate personhood) to the AI system, has been presented by S. CHOPRA, L. F. WHITE, A Legal Theory for Autonomous Artificial Agents, Ann Arbor, 2011.

On the contrary, the proposal is firmly grounded on the assumption that robots and AI systems must be assimilated to "*products*" (*i.e.* legally, they *are* just "*objects*", with the *status* of thinghood, and *not* "electronic persons").

A similar approach was taken by the same EU Commission in the subsequent general "*Proposal for a Regulation laying down harmonized rules on artificial intelligence (AI Act)*", presented on 21 April 2021 (COM (2021) 206 final), which has been finally approved with revisions and entered into force as the Regulation (EU) 2024/1689 ("*Artificial Intelligence Act*")[71]. The Regulation (UE) 2024/1689 focuses on safety, data protection, fundamental rights protection, risk and quality management, market access, national and European governance, but does *not* address any form of *legal subjectivity* to any type of AI systems, which are considered as "*products*"[72].

Thus, it appears clearly that the European Union is *not* moving in the direction of granting some form of legal "*e-personhood*" to robots (and AI systems). Therefore, within the legal space of the European Union, the more sophisticated artificial intelligence devices will continue to be regarded just as manufactured and used "products", *i.e.* as legal "*objects*" (or "*things*") and they were regulated on a robust system of rules, based on risk analysis and assessment, as the best-presumed way to protect human rights the digital society[73].

In the Italian legal system as well, the recent statute on artificial intelligence, Act 135/2025, considers an AI system a "product" and does not refer to any legal autonomous standing.

However, having now a (quick) look at the possible theoretical-legal framework in the matter of recognition of personhood for robots and AI systems, still might be useful[74].

In fact, even though Italy and the European Union do *not* seem to move closer to recognizing robots as legal subjects, the theoretical and legal *debate* (beyond the legal rules approved and in force) remains wide open.

Moreover, one cannot rule out the possibility that the lawmakers – in Italy, in Europe, or other technologically advanced Countries around the globe[75] – will change, *in the future*, their current stance, moving away from the present *denial* of legal personality to robots, toward forms of recognition of some *legal specific status* for the artificial intelligence systems.

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[71] Regarding the AI Act, within the substantial body of scholarship, particular attention may be given to rhis contribution addressing the interplay between the AI Act and legal personhood: J. BAEYAERT, *Beyond Personhood: The Evolution of Legal Personhood and Its Implications for AI*, in *Recognition, Technology and Regulation*, 2025, 355-386.

[72] The different models of regulating robots and AI systems have been widely presented by R. LEENES, E. PALMERINI, B.-J. KOOPS, A. BERTOLINI, P. SALVINI, F. LUCIVERO, *Regulatory challenges of robotics: some guidelines for addressing legal and ethical issues in Law*, *Innovation and Technology*, 9(1), 2017, 1-44.

[73] See S. CHESTERMAN, Artificial intelligence and the limits of legal personality, in International Comparative Law Quarterly, 69(4), 2020, 819-844 for a wider analysis of the legal concept of "personhood" and for an argument against the opportunity to attribute to AI systems legal subjectivity.

[74] As noted by B. CHESTER CHEONG, Granting legal personhood to artificial intelligence systems and traditional veil-piercing concepts to impose liability, in SN Social Science, 2021, v. 1:231, 4-6, there could be a point in future evolution of AI expert systems and robots in terms of self-autonomy that could be highly persuasive to grant them an artificial legal personality (tailored for them) with the ability to hold property, the duty to be responsible for liability and the right to sue and be sued.

[75] See A. RUSNAC, Personhood of the Artificial Intelligence, in Cogito: Multidisciplinary Research Journal, 17(1), 2025, 153-168 for an analysis of how different legal families are managing the regulation of AI systems.

6. Robots and AI Systems as Legal Entities: Speculative and Future Developments

Looking briefly at the theoretical framework about personhood and robots[76], a distinction emerges between an "ontological" approach, a "legalistic" approach, and a "pragmatic" approach.[77]

According to the "ontological" approach[78], "legal personhood" is based on the natural essence of the human being. Therefore, legal personhood may be recognized *only* to the individuals ("*natural persons*"), or to those collective legal entities, like corporations or public bodies, which are composed of individuals, directed and maneuvered by human beings, and established for the sake of human purposes ("*juristic persons*").

On the contrary, according to a "legalistic" approach[79], it is up to the legal system to make its own decisions as to which entities should be regarded as legal "subjects" (*i.e.* holders of rights and bearers of duties[80]).

Of course, if it adheres to the "ontological" approach, then it will be difficult to ascribe any form of legal personality to robots and AI systems.

After all, robots and artificial intelligence systems are *not* living beings; they *lack* a biological nature; do *not* exhibit any kind of reason, and of will similar to that of human beings[81]. Therefore, robots and AI systems are defective in all the "ontological" and "natural" essential human characteristics that are necessary, according to the "ontological" approach, to recognize them as a "legal personhood".[82]

But this "ontological" approach could be refuted by focusing on the circumstance that the same current laws provide general recognition also to the "*juristic persons*"[83], making them autonomous and self-sustained centers of rights and duties, even if they do *not* have any *natural* and *innate* reason, life, feelings. In fact, the will of a juristic person does *not* exist in nature but it is formed by the internal procedural mechanisms that allow certain internal bodies (such as the board of directors of a private company, or the executive power of a public institution) to form and express a legally valid and effective intention.

From this point of view, therefore, as the contemporary legal systems *do* attribute legal personhood ("*juristic personhood*") to entities that do *not* possess any autonomous form of natural rationality and will, it

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[76] For a wide analysis of the general theoretical framework of legal personhood and its application to AI systems see G. Teubner, *Digital Personhood? The Status of Autonomous Software Agents in Private Law*, in *Ancilla Iuris*, 2018, 107-149; J. Abbott, *The Reasonable Robot: Artificial Intelligence and the Law*, Cambridge, 2020.

[77] See S.M.C. Avila Negri, *Robot as legal person: electronic personhood in robotics and artificial intelligence*, in *Frontiers in Robotics and AI*, 8, 2021, 1-10.

See also supra, §**Errore. L'origine riferimento non è stata trovata.**.

[78] See J.J. Bryson, *Robots should be slaves*, in Y. Wilks, *Close Engagements with Artificial Companions: Key social, psychological, ethical and design issues*, Amsterdam, 2010, 63-74.

[79] See S. Raskulla, *Hybrid theory of corporate legal personhood and its application to artificial intelligence*, in *SN Social Science*, 3(78), 2023, 1-14.

[80] See R.D. Brown, *Property Ownership and the Legal Personhood of Artificial Intelligence*, cit., 222-233.

[81] From this perspective, D.S. Osborne, Personhood for Synthetic Beings: Legal Parameters and Consequences of the Dawn of Humanlike Artificial Intelligence, in Santa Clara High Technology Law Journal, 37, 2021, 257-299, explores the concept of establishing a legal "test" of personhood that artificial intelligence systems must satisfy to be conferred legal status. The Author identifies four criteria analogous to human attributes that the synthetic entity must demonstrate: intelligence, capacity for social interaction, self-awareness, and individuality.

[82] See K. Einar Himma, *Artificial agency, consciousness, and the criteria of moral agency: what properties must an artificial agent have to be a moral agent?,* in *Ethics and Information Technology*, 2009, 11, 19-29.

[83] See supra, §**Errore. L'origine riferimento non è stata trovata.**.

would be difficult to *deny* any kind legal subjectivity to those robots (or AI systems), which, on the contrary, might exhibit "autonomous" decision making and deep learning power of their own.
Moreover, the same "*natural personhood*" is recognized also when an individual is practically *incapable* of expressing any rational intent.
In fact, the requirements for granting natural personhood to human beings are *only* to be *born* and to be *alive*, and *not* to have also the capacity to understand and to will (as is evident in the recognition of natural personhood for the mentally ill and also for the minors).
Therefore, the fact that "personhood" is also attributed to men who are *not* autonomous and rational (the incapacitated and the minors of age), puts under question the absolute ban on recognizing some form of legal subjectivity for those entities, such as the high developed robots and the AI systems, that are, otherwise, capable of some forms of (minimal) autonomous decision making.
According to the opposite "legalistic" approach, the legal personhood becomes nothing more than a pure legal artifact: a "status" that, in principle, may be conferred to any entity that the normative system identifies as a holder of rights and a bearer of duties (regardless of the characteristics that entity has).
Therefore, from this point of view, anything can hypothetically become a legal person, if the laws so decide.
Of course, if it adheres to the "ontological" approach, then it will be easy to ascribe some form of new legal position to robots and AI systems even if robots and AI systems do not have the same characteristics as humans (as free will, biological life, emotional and intellectual deep reasoning).
Of course, a set of criteria or parameters for attributing legal personality to robots should be necessary as well.
As a matter of fact, it is obvious that *not every* robot or electronic system can be considered to be a legal person.
Although these criteria are somewhat arbitrary, it seems reasonable that it might be recognized as a form of legal position to a robot (or to an AI system) if the robot (or the AI system) shows, at least: a certain level of technological sophistication and complexity; an internal capacity to process information and make decisions with a degree of autonomy, flexibility, and adaptability to the practical context (not merely the execution of routines predetermined by the programmer); mechanisms of deep-learning.
However, this "legalistic" approach could be rebutted by observing that giving legal personhood also to robots will open up a thicket of immense legal issues, very hard to be resolved. For example, who would provide the necessary economic resources for the robot to fulfill its "own" obligations? How could the robot be punished, whether administratively or criminally, for unlawful behavior? From this point of view, the attribution to robots of a general legal personality cannot be regarded as an easy sustainable path.
According to the third, "pragmatic", approach[84], the attribution of legal position to a robot, or an AI system, should *not* be guided by mimicking "natural" human constructs (autonomy, free will, or sensitivity),

[84] See N. PILLAI, *Legal Personality for Artificial Intelligence*, in *Indian Journal of Law and Legal Research*, 5(2), 2023, 1-11 who affords the functionalist point of view and analyses the possible models one may use to provide AI of personhood for their activities (such as equating AI to juristic persons of corporation, or creating a new e-personhood), not underestimating the counterargument, based on an ontological approach, in the last opening for cautious openness to recognizing personhood in AI systems.

nor by adopting "conventional" requisites (such as technological complexity, self-adaptive behavior, and deep learning).

Instead, the eventual recognition of a form of "legal personhood" to robots should be guided *solely* by the *practical* purposes for society and the economy[85] that this kind of robotic legal personality might reveal[86].

Put another way, under this "pragmatic" approach, the legal subjectivity for robots is recognized if creating this new kind of "legal electronic personhood" might be a useful *strategic move* for increasing the overall fitness of the economy or society, having pondered the advantages and the disadvantages in terms of social and economic well-being[87].

For example, it could be argued that advanced robots show a very high risk of becoming dangerous to the economic market, the fundamental rights, or the tranquility of society: therefore, they require a system of limiting norms that is incompatible with the attribution to them of a legal personality. On the contrary, it could be argued that granting legal personality to robots makes them accountable, in the first place, for their activity cutting the otherwise too long chain of responsibility between the manufacturer, the producer the programmer, and the seller[88].

It seems appropriate to emphasize here that none of those three approaches (the "ontological", the "legalistic", and the "pragmatic") considers sufficiently the capital point – which hereby will be taken into account – of "*human dignity*".

[85] The idea that personhood, included the one that could be recognized to AI system is grounded in the system's actual socio-technical configuration, not in abstract notions of autonomy or intelligence, as well as it was the corporates' juristic personhood in the past is developed by C.L. REYES, *Autonomous Corporate Personhood*, in *Washington Law Review*, 96(4), 2021, 1453-1510.

[86] See R. MULLEN, *Legal Personality Is a Spectrum: Recasting Legal Personhood and How Artificial Intelligence May Utilise This*, in *University College Dublin Law Review*, 21, 2021, 67-98.

[87] See U. PAGALLO, *Apples, oranges, robots: four misunderstandings in today's debate on the legal status of AI systems*, in *Philosophical Transaction A of the Royal Society*, 376:20180168, 2018, 1-16, where the Author argues that debates on AI personhood should adopt a functional perspective: the issue is not the "nature" of AI in metaphysical terms, but whether attributing specific legal roles to AI systems, which is within the power of the legal system to do, serves concrete regulatory and liability purposes.

[88] A refined functionalist approach of legal personality, showing that personality operates as a multilayered institutional device and arguing that legal personality to AI could serve specific regulatory purposes is developed by C. NOVELLI, G. BONGIOVANNI, G. SARTOR, *A conceptual framework for legal personality and its application to AI*, in *Jurisprudence*, 13(2), 2022, 194-219.

The Italian Law[89] and the European Union Law[90], as well as the International Law[91] (and the legal systems of many other Countries, of course[92]), consider the value of "*human dignity*" as an inviolable cornerstone.[93]

As previously noted, the value of *human dignity* has been considered strictly interwoven with *human nature* and *human life* by the Italian and the European case-law.[94]

As a consequence, it should be considered that if the value of legal dignity is so embodied with *human life* as it appears, then human dignity *cannot* be shared with any other entities like robots, which remain, once and for all, *inanimate human artifacts* (regardless the level of motor, sensory, cognitive capabilities that may reach, now and in the future)[95].

Moreover, it might be just a mere *dystopia*, but we still do *not* know exactly whether the robots (or the AI systems) could in the future outwit us in ways that we cannot easily comprehend posing a significant threat to humanity.[96]

To prevent this possible catastrophic scenario, it might be necessary to establish a specific, and highly differentiated, legal regime for robots, shaped to prevent humans from being placed in dangerous or harmful situations by the autonomous and intelligent behavior of those artificial machines.

Under this point of view, the value of dignity – as an *exclusive* attribute of humanity, that robots are *not* entitled to – could be a good basis for justifying theoretically a special, restrictive legal system for governing intelligent artifacts. Otherwise, once robots are endowed even with dignity (and full legal personality), it would become quite difficult to maintain, from a theoretical point of view, a strongly differentiated legal regime between humans and robots. In fact, dignity, far from being the paramount inviolable legal value of humans to be safeguarded with specific protective measures against attacks coming from robots, would become a legal factor to be balanced with the concurrent and similar dignity of the same robots.

Therefore, artificial entities *should never be* entitled to dignity, now and in the future.

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[89] In Articles 2 and 3 of the Italian Constitution ("personalist principle" or "anthropocentrism"), for example, the equal dignity of all individuals is placed at the center of the constitutional system. See C. PICIOCCHI, *La dignità come rappresentazione giuridica della condizione umana*, Padova, 2013.

[90] The Article 1 of the European Charter of Fundamental Rights affirms that «Human dignity is inviolable. It must be respected and protected».

[91] E.g. the Article 1 of the U.N. Declaration on Human Rights proclaims that «All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood»; in the International Covenant on Civil and Political Rights affirmed the "inherent dignity of the human person" (in the Preamble and in the Article 10 regarding the deprivation of liberty). The requisite of consciousness as a potential aptitude of humans, to attribute legal personhood, is underlined by B. BROŻEK, The Troublesome 'Person', in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), Legal Personhood: Animals, Artificial Intelligence and the Unborn, cit., 33-13.

[92] E.g. in China, Article 109 and Article of the Chinese Civil Code, affirms that the human dignity («人格尊严», transliterated into «rén gé zūn yán)» shall be protected by the law from infringement by any organization and individual.

[93] See G. BOGNETTI, *The concept of human dignity in European and U.S. constitutionalism*, in G. NOLTE (ed.), *European and US Constitutionalism*, Cambridge, 2005, 85-107.

[94] See supra, §0.

[95] See D.F. SILVA, *From Human to Person: Detaching Personhood from Human Nature*, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), Legal Personhood: Animals, Artificial Intelligence and the Unborn, cit., 113-125.

[96] As Stephen Hawking has once warned in a "BBC Interview: AI could be a 'real danger'", released on 2 December 2014.

But, if robots are *not* to be accorded the value of dignity, then their legal status must be in some way *different* from the legal status of human beings.
In fact, the status of a human being specifically includes, in addition to fundamental rights[97], also the "human dignity" as its constitutive, universal element.
To put it in other words, the same circumstance that robots *cannot* have any form of dignity implies that robots cannot even also be granted the *same* legal status recognized for human beings (*i.e.* "*natural personhood*").
Nor the robots could be fairly granted "*juridical personhood*".
It is true that "*juristic personhood*", as it is currently recognized for private corporations or public bodies, is a legal status that does *not* imply any value of "dignity".
But the "*juristic personhood*", as currently shaped by laws, is a legal status that *cannot* easily be extended, by analogy, from collective entities to robots.
While private corporations or public bodies do not exist in reality, but only in a sort of fictional legal way and are created and governed by humans, on the contrary, the most advanced robots and AI systems are material products that can make "autonomous" decisions.

7. Conclusions: Legal Personhood, Legal Subjectivity and Legal Agentivity Between Biomedical and Digital Transitions

The *general concept of legal personality* seems to be increasingly redesigned, now and even more in the future, to meet the scientific and technological progress.
In effect, if compared to the classical "figure" of legal personhood, a more complex and multifaceted "prism" is emerging in the legal scenario.[98]
Firstly, the biomedical transition has pushed the legal system to "split" natural personhood into two segments, namely: the "*natural subjectivity*", for prenatal life, and the "*natural personhood*" after birth.
Both those segments are characterized by human dignity and fundamental rights, but they are not equivalent.[99]
Moreover, the opportunity to practice scientific research and educational training on the donated corpse (by an act of will of the individual while alive), has urged the lawmakers to recognize protective rights to the deceased person. Recognizing rights to the body "after-death" suggests the idea that the human being still possess a "legal status" (a form of "legal subjectivity" even when the personhood has ended.
Secondly, the digital transition has opened the debate for creating a new "legal position", specifically for the *robots,* apart from their *actual* status of mere "objects".[100]
It is not to say here that it will be necessary, now or in the immediate future, to grant robots an autonomous legal status, separated from that of legal objects. It is possible, in fact, to continue along the path

[97] For a useful point of departure for approaching fundamental rights in Europe, see A. FACCHI, S. FALCETTA, N. RIVA, *An Introduction to Fundamental Rights in Europe*. *History, Theory, Cases*, Cheltenham, 2022.
[98] See supra, §1.
[99] See supra, §2.
[100] See supra, §3.

taken by the Italian Republic or by the European Union considering the robots (and AI systems) as manufactured products.[101]

However, if robots were to be given a legal status, *different* from that of objects, it might be appropriate to formulate a *new kind* of *legal* "position", distinct from the legal position attributed to "*natural persons*" (human beings) and to the legal position vested in "*juristic persons*" (corporations or public bodies).[102]

The legal status of robots, in fact, cannot be derived by analogy from the natural legal subjectivity attributed to humans because robots are not *human living beings*, but mere *inanimate artifacts*.[103]

In addition, the robots should *not* be endowed with *dignity*, which is an *inviolable* and *exclusive* attribute of the *natural subjectivity* of the conceived, before birth, and of the *natural personhood* of the newborn, after birth.[104]

At the same time, it seems also difficult to extend the current system of "*juristic personhood*" to robots. The *juristic persons* are certainly *not* artifacts, as the robots are, but legal embodiments of collective organizations based on the activity of human persons.[105]

Therefore, if one wants to create a new kind of legal status for highly sophisticated and "autonomous" robots, it would be an idea to craft a new *status* of "*legal agentivity*" (it should be noted that the aforementioned status lacks formal recognition within the current Italian and European legal frameworks: as such, it is proposed herein exclusively as a framework for further reflections).

As a consequence, in this hypothetical, and purely speculative, scenario, the "*legal personhood*" would remain the typical status of the physical individual's[106] full aptitude to be the owner of rights and the bearer of duties[107], and to be considered as vested of dignity. It would continue to be the universal and equal legal "status" of the human being, born and alive, since death.

Then, the "*legal subjectivity*" would remain attributed to human entities, that are not considered yet as legal persons because they are not born but are living and capable of self-developing into newborns. It is the case of embryos thanks to the biomedical and genomic progress at the beginning of life. From this specific (and narrow) point of view, the legal subjectivity might be the conceptual juristic "substrate" for recognizing the dignity and also some specific rights of the embryos (protected and balanced with mothers' rights and interests).[108]

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[101] See supra, §0. *The un-necessity of creating a new legal category for AI system is demonstrated* by L. GIUFFRIDA, *Liability for AI decision-making: some legal and ethical considerations*, in *Fordham Law Review*, 88(2), 2019, 439-456, who argues that the better way is refine the current concepts of fault and foreseeability, strengthen transparency and oversight obligations, and introduce risk-based regulatory and insurance mechanisms.

[102] See supra, §0 and §0.

[103] See supra, §0.

[104] See supra, §0. For the analysis of the value of "human dignity" in a transforming legal panorama which started to be profoundly characterized by the increasing developments of biosciences, D. BEYLEVELD, R. BROWNSWORD, *Human dignity in bioethics and Biolaw*, Oxford, 2001; R. ADORNO, *What is the role of "human nature" and "human dignity" in our biotechnological age*, in *Amsterdam Law Forum*, 2011, 3(1), 52-58.

[105] See supra, §0

[106] Considers ineligible robots for legal personhood, even the juristic one currently attributed to corporations or public bodies, S.M. SOLAIMAN, *Legal personality of robots, corporations, idols and chimpanzees: a quest for legitimacy*, cit., 155-179.

[107] See B. SMITH, *Legal personality*, in *Yale Law Journal*, 37(3), 1928, 283-299.

[108] The same legal "subjectivity" might also be attributed, after death, to the corpse of the deceased individual as to distinguish that entity from a mere "object" (a "res"), which might be protected only for sanitary reasons or for the

Finally, there would be the "*legal agentivity*" as a specific new legal status for advanced robots, created by digital progress.

This status (if ever came…) will distinguish the robots from the "*natural subjects*" (humans) – vested of *legal subjectivity* or *legal personhood* – taking into consideration that the robots are unanimated artifacts[109].

The same status will also trace a difference between the robots and the classical "*juristic subjects*" (corporations, public bodies, …) – vested of *legal personhood* as collective bodies composed by and governed by humans – on the premise that robots are capable of self-elaborated automatized decisions and self-learning, and not an "ensemble" of men and assets for common purposes.

The same status will also separate robots from the classical "*legal objects*" like common products, recognizing that AI systems and robots are much more sophisticated, autonomous, and self-learner.[110]

Finally, the new status will provide a specific legal ground to recognize (if law makers what to do so[111]) some first-hand *juridical positions* for robots (*i.e.* some limited rights and responsibilities[112]) that they may

public veneration of tombs and cemeteries. Under this particular (and limited) point of view, "legal subjectivity" would be considered as a peculiar "substrate" – different from the legal personhood, which ends with death – for recognizing the dignity and the protective rights (e.g. integrity, identity, fair and public use in educational and scientific research, non-transferability, …), also after death to the skeletons or the ashes of the person passed-by.

[109] The importance of "natum esse" and of having a "flesh body" (the embodied human nature) for be identified as a law's natural person (the substratum of legal personhood) and the relevance of this legal concept which shall not be considered as obsolescent, is underlined by B. VAN BEERS, "*The Obsolescence of Human Beings" and the Non-obsolescence of Law's Natural Persons: Transformations of Legal Personhood Through the Lens of "Promethean Shame"*, in M. DE LEEUW, S. VAN WICHELEN (eds.), *Personhood in the Age of Biolegality*, in *Brave New Law*, Palgrave-MacMillan, 2020, 194-202.

[110] As for the legal status of the animals (see supra, §0, footnote 58), aside from the Countries where animals have been expressly recognized as having some form of legal subjectivity (see supra, §0, footnote 56) question arises. If one wishes to go beyond the existing framework, which only protects animals as entities with interests secured by Constitution and laws, rather than recognizing them as "subjects" of rights, another point can be highlighted. Under EU law, for an animal species to be evaluated as worthy of protection, it must be "sentient" (Art. 13 TFUE). See P. SINGER, Animal Liberation, New York, 1991, 4. Robots and AI systems may eventually be considered "agents" if they can make decisions autonomously through deep learning and machine learning (for the legal scenarios under which decisions taken by autonomous agents in wartime and peacetime see R. MICHALCZAK, Animals' Race Against the Machines, in V.A.J., KURKI, T. PIETRZYKOWSKI (eds.), *Legal Personhood: Animals, Artificial Intelligence and the Unborn*, cit., 99-100. And that is why it is suggested that these in silico apparatuses be recognized as having "legal agentivity." However, they do not "feel" suffering, as they are not "sentient," unlike some animals and humans. This distinction–sentiency versus agentivity–means robots and AI systems could be considered "agents" but not "sentient," unlike animals and humans. This supports the creation of a "legal agentivity" category just for AI systems and robots, separated from legal subjectivity or legal personhood. If a Country recognizes legal "subjectivity" in sentient animals, robots and AI systems would remain outside the category of "subjectivity".

[111] Which remains a point highly questionable and not so easy to be afforded, because of the related legal, political and social consequences: see supra, §0.

[112] See R.G. WRIGHT, *The Constitutional Rights of Advanced Robots* (and of Human Beings), in *Arkansas Law Review*, 71(3), 2019, 613-646; A. SANTOSUOSSO, *The human rights of nonhuman artificial entities: an oxymoron?,* in *Jahrbuch für Wissenschaft Und Ethik*, 18(1), 2014, 203-237; A. CELOTTO, *I robot possono avere diritti?*, in *BioLaw Journal/Rivista di BioDiritto*, 1, 2019, 91-99.

fulfill on their own[113] (with all the legal consequences and legal questions that will arise and might remain unsolved).[114]

This legal new position should *not* be equivalent – in any case – to the status of a human being; and it must be absolutely deprived of any form of dignity similar to "human dignity".

To conclude, even beyond the possibility to introduce a new legal position dedicated to robots, there is no doubt that the scenario opened for the law by the digital transition, as well as by the biomedical transition, still remains very complex and rapidly facing unexplored and dramatic consequences[115].

Therefore, the law must continue to cultivate its capacity and ability to refine and adapt its legal concepts[116] and rules to the new panoramas following the fundamental principle, present in the Italian Law and in the European Union Law of "*human-centrism*"[117], always safeguarding the dignity and fundamental rights of the individual and the well-being and the democracy of the society.

[113] A seminal and highly influential attempt to avoid full legal personhood for robots while recognising their direct accountability can be found in the well-known proposal to rediscover the Roman law institution of the peculium (see supra, §**Errore. L'origine riferimento non è stata trovata.**) and adapt it to autonomous artificial agents ("robotic peculium"): U. PAGALLO, *The Laws of Robots. Crimes, Contracts, and Torts*, Dordrecht, 2013, 102-106. From this perspective, the notion of legal agency proposed here may appear close to that ancient exemplum. However, while the Roman peculium and the today "robotic peculium" functioned as a patrimonial mechanism limiting the obligations incurred by slaves, legal agency is conceived here as a distinct legal status, situated between thinghood and legal subjectivity. In contemporary law, legal subjectivity – whether or not it coincides with full legal personality (see supra,§0) – remains closely connected to human dignity, as shown by the protection accorded to human beings before birth and, in certain respects, after death. Extending subjecthood, even in a diluted form, to artificial entities would therefore blur a foundational normative distinction. Legal agency, as here proposed, thus operates as a instrumental legal status, allowing for the attribution of rights and duties to autonomous artificial systems, while remaining categorically inferior to any form of human legal subjectivity or personality.

[114] The potential and risky contradiction of introducing some form of separate legal status for robots apart from "thinghood" is enucleated by E. BRAMBILLA, *Lo statuto del robot fra personalità e responsabilità giuridica*, in CIBERSPAZIO E DIRITTO, 2024, 1, 177-192.

[115] For a pioneer study on the structural impact of artificial intelligence on constitutional categories ahead, see C. CASONATO, *AI and Constitutionalism: The Challenges Ahead*, in B. BRAUNSCHWEIG, M. GHALLAB (eds.), *Reflections on Artificial Intelligence for Humanity, Springer*, 2021, 127-149.

[116] Under this point of view, it has been also argued that blurred as it is today, the same concept of "legal personhood" should be abandoned, at least by bioethicists, for assuming different legal and philosophical ideas, more focused on how a type of being has to be treated and wide: J. BLUMENTHAL-BARBY, *The End of Personhood, in The American Journal of Bioethics*, 24(1), 2024, 3-12.

[117] The anthropocentrism embodied in the classical legal approach to personhood and its philosophical assumptions is widely discussed by T. PIETRZYKOWSKI, *Personhood Beyond Humanism. Animals, Chimeras, Autonomous Agents and the Law*, cit., 25-43.