

OPEN PEER REVIEW

The Legal Personhood of AI: Philosophical and Political Foundations for a New Juridical Subject

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1. Round 1

1.1. Reviewer 1

Reviewer:

The statement “AI has now evolved into a ubiquitous presence in everyday life...” would benefit from empirical grounding. Consider adding specific data or statistics to demonstrate the pervasiveness of AI in sectors like healthcare, finance, and criminal justice to strengthen the claim.

The shift from political agency to distributive justice is abrupt. Please improve the coherence by introducing the idea that political agency and legal recognition are often linked to social resource allocation.

This section is too brief. Feminist critiques of the rational legal subject (e.g., Nedelsky or MacKinnon) could be more thoroughly discussed to deepen the epistemic critique of traditional legal personhood.

“Yet AI systems cannot be imprisoned, fined in the traditional sense, or compelled to show remorse.” This is an important point, but the implications for deterrence theory in legal punishment are not explored. Please elaborate on how the absence of punitive capacity affects regulatory strategies for AI.

“Rights in liberal democracies are not only protections but also instruments of recognition...” This critical insight could be expanded. Please consider engaging with Honneth’s theory of recognition to strengthen the socio-legal theory behind this statement.

“Legal systems begin to recognize AI as rights-bearing entities...” Consider adding concrete examples (e.g., whether any current jurisdictions allow for AI-generated contracts or copyrights) to illustrate the practical onset of these legal recognitions.

Authors revised the manuscript and uploaded the document.

1.2. *Reviewer 2*

Reviewer:

The sentence “What does it mean to be a legal person in an age of intelligent machines?” introduces critical philosophical questions. However, the paragraph does not reference any theoretical framework of legal personality. Consider briefly referring to Rawls, Dworkin, or Fuller to link philosophical inquiry to jurisprudence more explicitly.

The Lockean and Kantian theories are presented clearly, yet the omission of contemporary alternatives like the capabilities approach (e.g., Nussbaum or Sen) weakens the philosophical range. Consider adding one paragraph on alternative non-rationalist criteria for moral or legal status.

There is a noticeable conceptual leap from legal precedents to metaphysical personhood. Consider inserting a brief bridging paragraph that introduces the need to supplement legal history with philosophical argumentation.

The term is used in multiple contexts. Please clarify whether it refers exclusively to the fusion of corporate law and AI agency, or if it includes relational and gradient models as well.

“Distributed agency frameworks could thus inform liability regimes...” The legal implications of distributed agency remain abstract. Please provide a brief example of how such frameworks could be applied in practice, perhaps referencing a real-life AI incident (e.g., Uber’s self-driving vehicle crash).

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.