Popular scientific abstract

The project "Analysis of the concept of a legal person from an ontological and linguistic perspective" fits into a certain stream of research connects fundamental problems of general jurisprudence with certain ideas from philosophy of language, philosophy of mind and social ontology. It aims to provide a conceptual framework for understanding the ontological status of legal persons especially in the light of new types of entities that are considered as able of holding of rights and bearing of duties. Among them animals (e.g. in Haryana, India), elements of natural environment, such as rivers or mountains (famous examples of Whanganui River and Mount Taranaki in New Zealand) as well as more and more complex corporate agents. There is also an ongoing debate (e.g. in European Union) concerning a legal status of so called "electronic persons" (AI and robots).

Although those entities are often put forward as examples of non-human and non-intentional legal persons – many legal scholars insist that this cannot really be the case. They argue that there are some serious constraints on how the concept of legal personhood can be applied They go as far as to say that even if certain non-human entities are attributed with certain rights and/or duties – they cannot be considered full-fledged legal persons or real agents. They point to an analogy with attribution of mental states to certain entities – we may, in fact, speak of some entities as if they were intentional (we can say e.g. that corporate agents want something or believe something) whereas they cannot really be intentional.

The problem of ontological status of legal persons, although quite abstract and purely theoretical, bears on a number of important questions about law and its institutions. For example, it helps us understand how certain non-human entities can be held criminally responsible for their actions.

Optimally, this project should result in a proposition of an ontological theory that best fits various existing conceptions of a legal person; if possible, it would provide legal scholars with a test of how to differentiate between legal persons and similar institutions. It would also help legal scholars decide whether certain types of entities can be plausibly ascribed the feature of legal personhood.