

AI Mellontology e-Symposium 2021

15 September 2021

Legal Personality of AI

Dr. Klaus Heine, Erasmus School of Law, Jean Monnet Centre of Excellence on Digital Governance

1) The legal challenges of AI: Fundamental thoughts and the case of the criminal chatbot (Klaus Heine in the lead)

In this first part of the panel the idea of giving legal personality to AI and robots shall be discussed. Giving legal personality to non-humans is not new, since about 200 years large parts of company law deal with it. And as long are the discussions under which circumstances that may make sense and when not. “Did you ever expect a corporation to have a conscience, when it has no soul to be damned, and no body to be kicked?” (Baron Thurlow, 1731-1806, MP of the English Parliament debating legal personality for companies). The debate shall then be furthered with the real case of a criminal chatbot which lacks legal personality and no one is responsible in the end.

2) Back to the future – the legal status of slaves in ancient Roman law and what we can learn for AI today (Alberto Quintavalla in the lead)

In this second part of the panel a deeper investigation is made into Roman law’s treatment of slaves in business transactions. Slaves were granted a specific form of legal personality to accomplish for their masters business transactions. However, this principal-agent relation could create governance problems with third parties’ contracts. Roman law created various doctrinal ways to calibrate responsibilities between masters, slaves and third parties, and to allocate compensations in case of defaults. Moreover, Roman law shows that addressing the various emerging interests had been a continuous and gradual process of allocating risks among different stakeholders. These two observations from Roman law may serve as a source for contemporary discussions on how to regulate artificial intelligence.

Panelists:

Professor Dr. Klaus Heine, Erasmus School of Law, Jean Monnet Centre of Excellence on Digital Governance



Klaus Heine is Professor of Law and Economics at the Erasmus School of Law in Rotterdam. He has ample experience in teaching European economic policy at the bachelor, master, and doctoral level. His research areas are European economic policy (especially state aid Control, federalism and digitalisation), law and economics, and management, and he is one of the few scholars worldwide to work on the intersection of these three research domains. In recent years he specialized in the legal embedding of digitalization. In this domain he also does policy consulting.

Klaus Heine was awarded a **Jean Monnet Chair of Economic Analysis of European Law** in June 2012. In 2019 he became the director of the **Jean Monnet Centre of Excellence on Digital Governance**. The Centre is a joint initiative of Erasmus University Rotterdam, Bar-

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Ilan University and the University of Leeds. The Centre seeks for new institutional solutions for the disruptive challenges from digitalization. Additionally, he is one of the academic directors of the [Erasmus Centre for Data Analytics](#) since 2019.

Dr. Alberto Quintavalla – Erasmus School of Law



Dr. Alberto Quintavalla is an Assistant Professor at the Department of Constitutional and Administrative Law of Erasmus University Rotterdam. He has been visiting researcher at the Hebrew University of Jerusalem and the European University Institute. His research interests are at the intersection of environmental governance, human rights and digital technologies. He has published in leading journals, served as a guest-editor of the European Journal of Risk Regulation and was an organiser of international conferences. He is admitted to the Italian Bar.