

Empathy As A Criterion For Defining AI Legal Personality: Addressing Ethical And Philosophical Challenges

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Abstract

The rapid development of AI highlights the growing prominence of AI's personality traits, prompting increasing debate about its legal personality. However, much current research focuses on legal responsibility while neglecting the profound ethical implications underpinning the issue. This paper addresses these gaps by exploring the establishment of AI subjectivity through a philosophical perspective, drawing on Chesterman's (2020) framework for AI legal personality. Central to this investigation is the question of AI subjectivity-whether AI possesses independent cognitive awareness. Empathy, as a moral intentional emotion, has been discussed by Husserl (2013) in the philosophical study of the subject's relationship with others. By integrating the concept of empathy with legal studies, this study employs a philosophical and conceptual analysis to challenge anthropocentric biases that reduce AI to an instrumental role of service. Such biases historically dominate the discourse. Stripping AI of its social attributes, for instance, risks placing humanity within the biopolitical control dilemma described by Agamben (1998). To challenge these biases, this paper introduces empathy as a framework for assessing AI subjectivity. Drawing on Stein's (2012) research, empathy facilitates the recognition of others' subjective experience, allowing individuals to validate their own subjectivity through interaction. By applying this approach to human-AI interactions, this paper redefines AI subjectivity and addresses the ethical dilemmas inherent in anthropocentrism. By incorporating empathy as a criterion for assessing AI legal personality, this study provides a richer philosophical foundation for future legislation and ensures that ethical considerations are embedded in the development of AI-related legal frameworks.

Keywords: AI Legal Personality; Artificial Intelligence Subjectivity; Empathy and AI; Anthropocentrism in AI Ethics