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FROM HOMO SAPIENS TO HOMO DEUS: WHO STILL COUNTS AS A 'PERSON' BEFORE THE LAW?

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Abstract: *The accelerated progress of biotechnology, artificial intelligence and neurotechnology is reopening one of the oldest and most stable categories of law: that of the person. This article offers a critical analysis of how the transhumanist movement, through its project of transcending the biological limits of the human species, and the emergence of artificial entities endowed with decision-making autonomy, call for a reassessment of the legal foundations of personhood. The first part examines the philosophical genesis of the transhumanist project and its tension with the classical anthropocentrism of law. The second part analyses the debate on the legal personhood of artificial intelligence and autonomous agents, from the European Parliament's proposal on electronic personhood to contemporary functional models of limited personhood. The third thematic section investigates the normative challenges posed by human enhancement and radical longevity, examining how the blurring of the biological boundaries of the human body affects the legal standards of identity and personal dignity. The conclusions articulate a nuanced position, according to which the law should not abandon its constitutive anthropocentrism, but should reconstruct it through a functional and gradual model of personhood, capable of responding to the increased diversity of legal subjects in the twenty-first century. The study contributes to the specialist literature through an interdisciplinary synthesis that brings transhumanist philosophy, legal theory of personhood and the bioethics of emerging technologies into dialogue.*

Keywords: *transhumanism; legal personhood; artificial intelligence; human enhancement; posthumanism.*

Introduction

Since the mid-twentieth century, law has operated with an apparently stable and uncontested category: that of the person, understood either as an individual human being or as a collective entity to which the legal order attributes, through fiction, the capacity to hold rights and obligations. This category, although subject throughout history to successive extensions, such as the recognition of women's full legal capacity or the abolition of slavery, has remained anchored in a relatively firm anthropocentric foundation: the legal person, even when it does not coincide with the human being, is constructed in the latter's image and likeness. The current pace of technological transformation, however, undermines precisely this stability. On the one hand, the transhumanist movement, whose philosophical roots can be traced back to the post-war period, proposes a deliberate transcendence of the biological limits of the human species through biotechnology, genetic engineering and neural interfaces (Kregul, 2026). On the other hand, the development of artificial intelligence systems endowed with an increasingly high degree of decision-making autonomy has led European legislative bodies to explore, as early as a decade ago, the possibility of establishing a distinct electronic personhood for certain advanced artificial agents. This dual pressure, from biotechnology and from artificial intelligence, places the law in a position of considerable conceptual difficulty. On the one hand, the excessive extension of the category of person towards entities lacking consciousness risks diluting the normative significance of human dignity, which has, since the Universal Declaration of Human Rights, constituted the foundation of the entire edifice of fundamental rights. On the other hand, the refusal of any conceptual adaptation risks leaving without a normative response increasingly frequent practical situations, such as liability for harm caused by autonomous decision-making systems or the legal status of persons whose cognitive functions have been technologically enhanced beyond standard biological limits. It is necessary to emphasise, even at this early stage of the analysis, that the title of this article is not intended to suggest an already accomplished transition from Homo sapiens to a hypothetical posthuman species, in the speculative sense that the term

'Homo deus' has acquired in popular scientific literature (Harari, 2016). The formulation is, rather, a rhetorical device meant to underline the scale of the conceptual challenge facing contemporary law, since even in the absence of a radical biological transformation, the normative pressure exerted by emerging technologies on the category of person is already concretely felt in legislative and judicial practice.

This article aims to critically analyse this conceptual transformation, structuring its approach into three distinct thematic sections. The first section examines the philosophical genesis of the transhumanist project and its tension with the classical anthropocentrism of law. The second section analyses the debate on the legal personhood of artificial intelligence and autonomous agents. The third section investigates the normative challenges of human enhancement and radical longevity. The article concludes with a series of findings that synthesise the principal contributions of the analysis and outline possible directions for future legal research.

1. From Homo Sapiens to Homo Deus: The Philosophical Genesis of the Transhumanist Project and Its Tension with the Anthropocentrism of Law

The philosophical roots of contemporary transhumanism can be traced back to the formulation proposed by Julian Huxley in 1957, who introduced the term 'transhumanism' to designate the possibility that the human species might transcend its own biological limits through scientific and technological means (Huxley, 1957). This incipient idea was subsequently systematised and institutionalised from the 1990s onwards through the doctrinal contributions of authors such as Max More and Nick Bostrom, who consolidated transhumanism into a coherent philosophical and social movement oriented towards extending the cognitive and physical capacities of the human being beyond the limits imposed by natural biological evolution. One of the most influential defenders of this project has argued that human dignity is not threatened but may be strengthened through the technological enhancement of human capacities,

provided that such enhancement respects individual autonomy and does not institute new forms of coercion or structural inequality (Bostrom, 2005, pp. 202-214). This argument opens a debate of major relevance for constitutional law and for the theory of fundamental rights, since most contemporary legal systems anchor the protection of fundamental rights precisely in a relatively static and universal conception of human nature. Contemporary analysis of the legal status of the posthuman being has shown that transhumanism cannot be adequately accommodated within either the patterns of classical natural law, which presupposes a fixed and immutable human nature, or those of traditional legal positivism, which lacks conceptual categories sufficiently flexible to capture the status of entities situated at the boundary between the human and the non-human (Kregul, 2026). This finding reveals a structural difficulty that contemporary law must overcome, since the absence of an adequate normative framework does not mean the absence of the problem, but merely postpones the confrontation with it.

An essential philosophical reference point for understanding this transformation is the analysis devoted to the consequences of the biotechnological revolution for human nature, which has shown that the possibility of a deliberate and profound modification of the species' biological nature raises the risk of a rupture in the very philosophical foundation of human rights, since these presuppose the existence of a common and relatively stable human nature, to which universal rights are attributed (Fukuyama, 2002). This critical observation does not constitute an a priori rejection of the transhumanist project, but a methodological warning about the need to preserve a conceptual link between the philosophical foundations of human rights and new biotechnological realities.

From a legal perspective, the tension between transhumanism and the classical anthropocentrism of law manifests itself concretely in at least three areas of regulation: the legal status of persons bearing advanced neural implants, the liability regime for genetic modifications with transmissible effects on offspring, and the normative vacuum exposed by cases of embryonic gene editing carried out in the absence of an adequate regulatory framework (Kregul, 2026). These three areas illustrate that the

transhumanist challenge is not a purely speculative or remote one, but one already present in contemporary normative practice, even if legislative responses remain, for the time being, fragmentary and inconsistent. It should also be noted that the debate on the legal status of the posthuman being is linked to a broader philosophical discussion concerning personal identity and its continuity under conditions of technological intervention in the human body and mind. The literature devoted to the posthuman subject in law has emphasised that the boundaries between persons and things are becoming increasingly fluid in the context of contemporary digital technologies, and that this fluidity affects not only the theoretical categories of law but also the concrete mechanisms for protecting personal data and individual privacy (van Beers, 2017, pp. 1145-1162).

One doctrinal response to this conceptual challenge is the proposal of a relative and gradual model of legal personhood, opposed to the traditional binary model, which recognises, in an absolute manner, either the status of person or that of thing, without allowing for intermediate categories. Recent theoretical analyses have demonstrated that legal personhood should not be understood as a natural, essentialist category, but as an eminently relational normative construct, capable of being shaped and graded according to institutional context and regulatory purposes (Pietrzykowski, 2018). This relativising perspective provides a valuable conceptual instrument for the following sections of this article, devoted respectively to the legal personhood of artificial intelligence and to the normative challenges of human enhancement.

Synthesising the foregoing observations, it may be affirmed that the transhumanist project does not constitute a mere philosophical curiosity, but represents a genuine normative challenge, the practical consequences of which are becoming increasingly visible in contemporary legislative practice. The following section will examine how this challenge has concretely materialised in the debate on the legal personhood of artificial intelligence, currently regarded as the most advanced of the institutional manifestations of the transformation under analysis.

2. The Legal Personhood of Artificial Intelligence and Autonomous Agents: Models and Limits

The debate on the legal personhood of artificial intelligence gained significant institutional visibility with the adoption, by the European Parliament, of a resolution recommending that the European Commission explore the possibility of establishing a special status of 'electronic person' for the most advanced autonomous artificial intelligence systems. This proposal [1], although never subsequently transposed into a binding normative instrument, triggered an extensive doctrinal debate, the echoes of which continue to be felt in contemporary legal literature. The analysis devoted to the status of robots as legal persons has shown that the proposal on electronic personhood, formulated on the model of the legal person, ignores structural difficulties present even in the process of institutional embodiment of commercial companies, as well as the specific function that the term 'legal person' performs within the broader framework of the legal system (Avila Negri, 2021). This critical observation reveals the risk of a superficial analogy between the corporate legal person, which always presupposes the existence of natural persons as the ultimate holders of the protected interests, and the autonomous artificial agent, whose 'interests', if they exist at all, remain of a fundamentally different nature.

Another important tier of the analysis concerns the systematic comparison between the legal status of robots and that of other non-human entities to which the law has, at various historical moments and in various jurisdictions, attributed a certain degree of legal personhood, such as corporations or certain ecological entities. This comparative research has demonstrated that the legitimacy of attributing legal personhood to a non-human entity depends essentially on the existence of adequate institutional mechanisms of representation and accountability, rather than on any presumed ontological similarity between the entity in question and the human being (Solaiman, 2017, pp. 155-179). From the perspective of legal

[1]European Parliament, Resolution of 16 February 2017 with Recommendations to the Commission on Civil Law Rules on Robotics no. 2015/2103(INL).

philosophy, a radical reconceptualisation of the relationship between persons and things has been proposed, arguing that the traditional ontological distinction, grounded in the presence or absence of moral consciousness, can no longer constitute the exclusive criterion for attributing legal status, since social interaction between humans and artificial agents generates, in itself, a form of normative relationality relevant to law (Gunkel, 2023). This relational perspective, which shifts the emphasis from metaphysical questions concerning the internal nature of the artificial agent towards functional questions concerning its role within legal relationships, offers a more solid methodological foundation for constructing pragmatic normative responses.

A complementary argument concerns the legal gap identified with respect to liability for harm caused by autonomous decision-making systems, which cannot be fully accommodated within either the traditional tortious liability regime or the regime of liability for defective products, since both presuppose a degree of foreseeability and human control that artificial intelligence systems with autonomous learning do not always satisfy (Bryson, Diamantis, & Grant, 2017, pp. 273-291). This normative gap has led some doctrinal authorities to propose hybrid liability models, combining elements of strict liability with mandatory insurance mechanisms, without, however, resorting to the attribution of full legal personhood to the artificial agent responsible for causing the harm.

Recent analysis of the evolution of case law in the field of the legal personhood of artificial intelligence has shown that courts tend to resolve individual disputes without formulating general and comprehensive rules on the status of artificial agents, an approach explicable by the still undefined and insufficiently precise character of the normative content attributed to legal personhood in general (Kurki, 2023). This caution, although frustrating from the standpoint of the need for normative predictability, reflects legitimate institutional wisdom, since a general rule formulated prematurely could generate undesirable consequences in future cases, insufficiently anticipated at the current stage of technological development (Ungureanu, & Buruiană, 2025). Worth emphasising, in this context, is the theoretical distinction proposed between the model of

fictional personhood, which attributes to the artificial agent a purely instrumental legal status without any claim to the recognition of genuine moral subjectivity, and the model of non-fictional personhood, which would presuppose the recognition of a real, albeit different from human, form of moral agency (Kurki, 2023). Analysis of this distinction suggests that a hybrid approach, attempting to combine elements of both models, risks generating further conceptual incoherence, and that the choice between the status of thing, that of fictional person and that of non-fictional person remains, in these authors' view, unavoidable.

Finally, it should be noted that the debate analysed in this section is not confined to the sphere of civil law and pecuniary liability, but extends also to areas such as intellectual property law, where courts in several jurisdictions have consistently rejected the possibility that an artificial intelligence system be recognised as an inventor within the meaning of patent legislation, thereby maintaining, in this respect, a firmly anthropocentric position [1]. This finding confirms the idea that the normative recognition of artificial intelligence progresses unevenly and in a fragmentary manner, depending on the specific field of regulation, rather than through a unified and coherent conceptual reform (Corsei, 2025, pp. 86-98).

3. Radical Longevity and Human Enhancement: Normative Challenges of the Blurring of Biological Boundaries

Beyond the dimension specific to artificial intelligence, the paradigmatic transformation of the category of person also manifests itself in relation to the human being as such, through biological enhancement technologies and projects for the radical extension of the human lifespan. This dimension of the analysis therefore concerns not only the emergence of new categories of legal subjects, but also the transformation of the classical subject of law, namely the human being, through a series of

[1]Thaler v Comptroller-General of Patents, Designs and Trade Marks, UK Supreme Court, 2023.

technological interventions that progressively blur biological boundaries previously regarded as fixed and natural. Legal analysis of this issue has emphasised that human biological enhancements cannot be treated as categorially different from other forms of technological improvement of the human condition, and that their regulation remains a major challenge, particularly owing to cultural divergences and the fragmentation of political sovereignty at international level (Greely, 2006, p. 87). This finding reveals a structural difficulty specific to the international law of biotechnology, since the absence of a global consensus on the admissible limits of human enhancement creates the risk of an 'enhancement tourism', similar to the already-documented phenomenon of reproductive tourism.

A distinct tier of this debate concerns the radical extension of the human lifespan, a subject examined, from an early philosophico-legal perspective, through the lens of the ethics and justice of life-extending therapies, it being argued that the right to life, enshrined in international human rights instruments, could be interpreted, under future technological conditions, as including a positive component concerning equitable access to life-extension technologies (Harris, 2002, pp. 65-95). This extensive interpretation, although speculative in relation to current legal practice, illustrates how established legal concepts may be gradually resignified under the pressure of emerging technological possibilities. A structural problem, consistently identified in the specialist literature, concerns the risk of exacerbating social inequalities through unequal access to enhancement and life-extension technologies. The analysis devoted to the posthuman future of biotechnology has emphasised that the possibility of a deliberate modification of the biological nature of the human species could, in the absence of corrective normative mechanisms, entrench a new and far more profound form of structural inequality, grounded not merely in economic or social factors but in the enhanced biological capacities of a segment of the population (Fukuyama, 2002). This critical perspective calls for heightened normative precaution in regulating access to enhancement technologies, beyond the mere assessment of their individual medical safety.

From the perspective of human rights law, a recent analysis devoted to human genome editing has shown that the possibility of genetic modifications with transmissible effects on offspring raises fundamental questions concerning the boundary between treatment and enhancement, as well as concerning the collective, and not merely individual, dimension of human dignity, since the decisions taken by one generation in this respect irreversibly affect future generations (Beers, 2020). This intergenerational dimension of the genetic enhancement issue brings it significantly closer to debates already well established in environmental law concerning equity between generations, suggesting the possibility of a fertile conceptual transfer between the two fields of regulation. Furthermore, it should be highlighted that the blurring of the biological boundaries of the human body through enhancement technologies also raises specific questions concerning personal identity and its continuity over time, questions which, although traditionally belonging to the philosophy of mind, acquire direct legal relevance in matters such as criminal liability, legal capacity, or the validity of consent expressed prior to an enhancement intervention with significant effects on the subsequent personality of the enhanced individual.

Synthesising the observations of this section, it may be affirmed that the normative challenge of radical longevity and human enhancement concerns not merely the technical regulation of new medical procedures, but requires a reassessment of the philosophical premises underlying the entire edifice of fundamental rights, namely the idea of a common human nature, relatively stable and equally distributed among all members of the species.

Conclusions

The analysis undertaken in this article demonstrates that contemporary law is facing genuine conceptual pressure on one of its most stable categories, namely that of the person. This pressure does not stem from a single technological source, but from the convergence of at least three distinct phenomena: the transhumanist philosophical project of transcending the biological limits of the species, the development of

artificial intelligence systems endowed with increasingly extensive decision-making autonomy, and the emergence of technologies for human enhancement and the radical extension of the lifespan (Terec-Vlad, & Ungureanu, 2025).

This research has shown that the transhumanist movement cannot be adequately accommodated within either the patterns of classical natural law or those of traditional legal positivism, which requires a reconceptualisation of the philosophical foundations of legal personhood. The second section analysed the debate on the legal personhood of artificial intelligence, highlighting both the limitations of the analogical model grounded in corporate legal personhood and the need for gradual and functional normative responses, adapted to the specificity of each field of regulation (Corsei, Zisu, & Țoncu, 2023, pp. 52-60). The third section demonstrated that the normative challenge does not concern exclusively the emergence of new categories of legal subjects, but also the transformation of the classical subject of law through biological enhancement technologies. From the perspective of the theoretical contribution of this endeavour, it may be affirmed that the appropriate response to the challenges analysed lies neither in the undifferentiated extension of the category of person to any entity endowed with a certain degree of functional autonomy, nor in the rigid rejection of any conceptual adaptation. The most promising response appears to be the construction of a relative, gradual and functional model of legal personhood, capable of recognising differentiated forms of normative status, adapted to the specificity of each category of entities and each concrete field of regulation, without, however, abandoning the system's ultimate anchoring in human dignity as a central value. Future research could further explore the concrete means by which the principles of intergenerational equity, already consolidated in environmental law, might be transferred to the regulation of transmissible genetic enhancement; equally, institutional mechanisms must be capable of preventing the entrenchment of new forms of structural inequality grounded in unequal access to enhancement technologies. The consolidation of a coherent international framework on the legal personhood of autonomous artificial agents could represent a

necessary step towards more coherent normative governance of emerging technologies.

Overall, this paper maintains that law stands at a moment of conceptual reckoning, in which the question 'who is a person?', long considered settled, once again becomes an open and urgent question. How contemporary legal systems manage this conceptual reopening will determine the law's capacity to remain a relevant instrument for the protection of dignity in a world in which the boundaries between the human, the artificial and the posthuman are becoming ever harder to draw.

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