
THE PERSONHOOD MASTER KEY: A PROPOSAL FOR ENHANCING LEGAL EDUCATION THROUGH ROMAN PERSONHOOD DOCTRINE

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Abstract

American legal education has developed sophisticated approaches to teaching constitutional law, labor law, and civil rights. Students graduate with deep understanding of doctrine, precedent, and legal reasoning. What this Article proposes is not replacement but addition: a foundational framework that could enhance existing approaches by teaching Roman personhood doctrine (*caput*) as the conceptual basis underlying all legal domains.

Currently, students learn specific doctrinal areas before encountering a unified theory of what makes someone a legal "person" for purposes of each area. This Article suggests inverting that sequence. Teaching that personhood is state-granted legal capacity—not an inherent attribute—provides students with a diagnostic tool for recognizing when legal status is being manipulated to concentrate power and wealth.

The Article draws on the author's 31-year documentation of systematic rights denial in Lebanese administrative law, where formal legal recognition existed without enforcement mechanisms. From that vantage point, a pattern became visible: the strategic allocation of legal status (personhood manipulation) determines whose rights attach and whose exist only formally. This pattern operates across seemingly disparate domains—from *Citizens United v. FEC*'s expansion of corporate constitutional rights to worker misclassification in the gig economy, from denaturalization regimes creating contingent citizenship to emerging AI personhood debates.

The Article demonstrates that the lawyers who won *Citizens United* deployed sophisticated understanding of personhood as a manipulable category. The challengers lacked vocabulary to counter the underlying personhood manipulation. This Article offers that vocabulary—Roman concepts of *caput*, *capacitas*, *universitas*, and *persona*—as an analytical tool that could strengthen legal education and practice.

The stakes are immediate. AI personhood debates are unfolding now. "AI supervisor" job classifications, "the algorithm decided" liability shields, and electronic personhood proposals require clear conceptual vocabulary for what "personhood" means. Without this framework, the next generation of lawyers will lack tools to effectively challenge AI personhood expansion.

This Article proposes restructuring legal education to teach Roman personhood doctrine in the first two weeks of law school, before all other subjects. Not as historical curiosity, but as diagnostic framework. Students would then approach constitutional law, labor law, civil rights, and AI debates with analytical tools for recognizing and articulating personhood manipulation. This is offered as enhancement to existing legal education, providing vocabulary that might strengthen legal analysis and practice for all who find it useful.

Introduction

On January 21, 2010, the Supreme Court decided *Citizens United v. Federal Election Commission*. [FN: *Citizens United v. FEC*, 558 U.S. 310 (2010).] The decision fundamentally altered American democracy by holding that corporations possess First Amendment rights to spend unlimited sums on political campaigns. Legal scholars have analyzed it extensively from First Amendment perspectives, examining free speech doctrine, precedent, and constitutional theory. [FN: Major scholarly responses include Richard L. Hasen, *Citizens United and the Illusion of Coherence*, 109 MICH. L. REV. 581 (2011); Kathleen M. Sullivan, *Two Concepts of Freedom of Speech*, 124 HARV. L. REV. 143 (2010).] This Article offers a different lens—one that emerged from an unusual vantage point.

For 31 years, I have documented systematic rights denial in Lebanese administrative law. As a first-category civil servant formally recognized under Law 431/1995 [FN: Law No. 431 of May 22, 1995 (Leb.) (establishing civil service framework).] yet classified as "Work: Wife" on my residency permit, I have lived inside what I call an "execution gap"—formal legal recognition without enforceable rights. I hold the Blue-Ink Letter, an official Ministry of Labor acknowledgment that my rights were violated. [FN: Ministry of Labor Opinion No. 332/2015 (Leb.) (on file with author).] I have calculated damages exceeding \$47 million in denied social security benefits despite documented contributions over three decades. [FN: Calculation based on Lebanese National Social Security Fund contribution rates, denied benefits categories, and compound interest over 31 years (1994-2025).] I am not theorizing about execution gaps. I am testifying from inside one.

From that position, I began recognizing a pattern in legal systems across jurisdictions. The strategic allocation of legal status—what I call personhood manipulation—determines whose rights attach and whose exist only formally. When I examined *Citizens United* through this lens, something became clear. The lawyers who won that case deployed sophisticated understanding of personhood as a manipulable category. They systematically blurred the distinction between corporate entities and natural persons through phrases like "associations of citizens." [FN: The phrase "associations of citizens" or variants appears 54 times in *Citizens United*, 558 U.S. 310.]

They treated personhood as expandable—something that could be stretched to include artificial entities in political contexts.

The challengers argued First Amendment doctrine brilliantly. But they lacked a framework for countering the underlying personhood manipulation. They couldn't effectively challenge the equation of corporate capacity with natural person rights because the legal vocabulary for doing so wasn't readily available in modern American jurisprudence.

This Article offers that vocabulary. It draws on Roman legal concepts—not as historical curiosity, but as analytical tool. The Romans distinguished *caput* (state-granted legal capacity) from inherent attributes, and *universitas* (corporate entities) from *persona* (natural persons with full rights). [FN: GAIUS, INSTITUTES bk. I (c. 161 CE); P.W. DUFF, PERSONALITY IN ROMAN PRIVATE LAW (1938).] These distinctions provide a framework for recognizing when personhood is being manipulated to concentrate power.

This Article is not criticism of scholarship, judicial reasoning, or legal education. American legal education produces excellent lawyers through sophisticated pedagogies developed over centuries. What I propose is enhancement, not replacement: adding Roman personhood framework as foundational concept taught before other legal subjects. Two weeks at the beginning of law school, providing analytical vocabulary that operates across all doctrinal domains.

The proposal emerges from recognizing that the *Citizens United* challengers lacked specific conceptual tools, not through any deficiency—they're among the finest legal minds in America—but because a particular framework wasn't readily available. The corporate lawyers deployed personhood manipulation strategies effectively, perhaps intuitively. This Article makes that framework explicit and available to all sides. Here is the master key. Both sides can use it. May the better arguments prevail.

The stakes are immediate. AI personhood debates are unfolding now. [FN: European Parliament, Report on Civil Law Rules on Robotics (2017); Saudi Arabia grants citizenship to robot Sophia, BBC NEWS, Oct. 26, 2017.] Tech companies, legislators, courts, and scholars are grappling with questions that have no clear precedent: Can AI systems be "persons" for purposes of liability? Ownership? Decision-making authority? The same strategies deployed in *Citizens United*—treating artificial entities as if they possess attributes of natural persons—are appearing in AI contexts. Without clear personhood framework, the next generation of lawyers will lack tools to effectively engage these debates.

A note on tone and posture: I write from the position of material witness, not moral authority. My 31 years inside an execution gap created unusual vantage point from which certain patterns became visible. I offer observations from that position with full recognition that others—with deeper expertise in constitutional law, labor law, legal theory—will refine, improve, perhaps replace the framework entirely. Take what's useful. Discard what isn't. Modify as needed. If this helps articulate arguments that were previously difficult to express, the Article succeeds. If scholars find better vocabulary, even better.

A note on causation: This Article does not claim that personhood manipulation results from deliberate conspiracy. Legal doctrine evolves through structural processes. Courts, legislatures, and private actors independently make decisions about legal status, and these decisions converge to create systematic patterns. One side in *Citizens United* understood personhood manipulation—whether they articulated it this way or not—and deployed it effectively. The other side lacked that framework. Making the framework explicit levels the field.

This analysis proceeds in seven parts. **Part I** establishes what personhood actually is in Roman legal terms: *caput* as state-granted legal capacity, not inherent attribute. **Part II** demonstrates how this framework reveals patterns in American legal history, from the Santa Clara headnote through *Citizens United*. **Part III** shows the mechanism operating across domains: corporate rights, labor exploitation, civil rights denial. **Part IV** examines AI personhood debates unfolding in real-time and shows how the framework provides vocabulary currently lacking. **Part V** introduces the execution gap framework: how personhood manipulation creates systematic chasm between formal rights and enforceable rights. **Part VI** presents the pedagogical intervention: restructuring legal education to teach personhood first as foundation for all other subjects. **Part VII** concludes: this framework could strengthen legal analysis for all who find it useful.

I. The Roman Foundation: *Caput* as State-Granted Status

To understand how personhood can be manipulated, we must first understand what personhood is. In contemporary discourse, "personhood" is often treated as synonymous with humanity itself, as if legal status flows naturally from biological existence. This conflation obscures a critical distinction that Roman law articulated clearly: personhood is not a natural attribute of human beings but a legal status conferred by the state.

The Romans had a precise term for this status: *caput*, meaning "head" or "legal capacity." [FN: GAIUS, supra note [x], bk. I; DUFF, supra note [x], at 55-82.] To possess *caput* was to be recognized by law as a subject capable of holding rights and bearing obligations. Importantly, not all human beings possessed *caput*. Slaves, for example, were human but were classified as *res* (things) rather than *personae* (persons). [FN: DIGEST OF JUSTINIAN 1.5.3 (Florentinus) ("Slavery is an institution of the *ius gentium*, whereby someone is against nature made subject to the ownership of another.")]. They could be owned, bought, sold, and bequeathed, but they could not own property, enter contracts, or sue in court. The law did not deny their humanity; it simply denied them legal personality.

This may seem harsh to modern sensibilities, but recognizing it reveals crucial insight: personhood serves specific purposes defined by the state. Legal historian P.W. Duff explained that the concept of legal personality "is not a fact of nature but a creation of law." [FN: DUFF, supra note [x], at 2.] The law determines who counts as a person for legal purposes, and in making that determination, it allocates capacity to hold rights and access enforcement mechanisms.

The Roman system recognized three dimensions of *caput*: *status libertatis* (freedom vs. slavery), *status civitatis* (citizenship vs. foreign status), and *status familiae* (independence vs. dependence within a family). [FN: GAIUS, supra note [x], bk. I.48-162.] A person's legal capacity depended on their position within each dimension. A free Roman citizen who was head of household (*paterfamilias*) possessed full *caput* and could exercise all legal rights. A free Roman citizen still under paternal authority possessed diminished *caput*—they could not own property independently. A freed slave (*libertus*) possessed *caput* but with restrictions on political participation. A foreigner (*peregrinus*) had no *caput* under Roman law and could access the legal system only through special arrangements.

This system's logic persists in modern law, though vocabulary has changed. We still distinguish citizens from non-citizens, adults from minors, natural persons from artificial entities. We still allocate different bundles of rights based on these distinctions. Most importantly, we still use these distinctions to determine who can access enforcement mechanisms. The underlying structure remains: personhood is legal status, and legal status determines whose rights are enforceable.

The critical insight: Because personhood is a legal construct rather than natural fact, it is subject to manipulation. The boundaries can be expanded or contracted. The criteria for inclusion can be made more or less stringent. The bundle of rights associated with personhood can be augmented or diminished. Those with power have used this malleability throughout history, expanding personhood to include entities they control while contracting it for populations they seek to exploit.

A. *Persona*: The Theatrical Mask

The term *persona* itself derives from theatrical masks worn in Roman drama. [FN: JOHN AGNEW, MAPPING POLITICAL POWER BEYOND STATE BOUNDARIES: TERRITORY, IDENTITY, AND MOVEMENT IN WORLD POLITICS 70 (2005).] An actor donned different *personae* to perform different roles. This etymology captures personhood's essence: it is a role assigned for legal purposes, not a description of metaphysical reality. Different contexts required different *personae*. A Roman citizen might occupy the *persona* of father (*paterfamilias*) in family law, creditor in commercial transactions, plaintiff in litigation. These were distinct legal capacities, each with specific rights and obligations.

B. *Universitas*: Corporate Entities as Distinct Category

When Romans created what we call corporations—collective entities like municipalities, religious colleges, or business associations—they used a different term: *universitas*. [FN: DUFF, supra note [x], at 85-99; DIGEST OF JUSTINIAN 3.4.1 (Gaius) (discussing corporate bodies).] A *universitas* was a collective body recognized as a legal entity. It could own property, enter contracts, and appear in courts—but it was conceptually distinct from a natural person possessing *caput*.

Romans maintained functional distinctions appropriate to purpose. As historian P.W. Duff explains: "The rights of a *universitas* were recognized as subsisting in the collective body... but

this recognition did not entail treating the collective as if it were a natural person with *caput*." [FN: DUFF, *supra* note [x], at 88-91.] Moreover, forming a *universitas* required state authorization. The Lex Julia mandated Senate or Emperor approval for *collegia* (associations). [FN: DIGEST OF JUSTINIAN 3.4.1 (discussing requirements for forming corporate bodies).] The state decided which collective bodies deserved legal recognition and for what purposes. This was not a right that entities could claim—it was a privilege the state granted when doing so served public purposes.

C. *Capacitas*: Limited Powers for Specific Purposes

The concept of *capacitas*—the capacity to perform specific legal acts—was distinct from full personhood. A *universitas* might possess *capacitas* to own property and enter contracts for economic purposes without possessing *civitas* (citizenship rights) or full *persona* status. This functional distinction allowed Romans to grant corporate entities limited powers appropriate to their purpose without confusing them with natural persons who possessed full rights-bearing status.

What Romans would find conceptually incoherent: Given this framework, classical Roman jurists would find certain modern developments difficult to comprehend:

1. **A *universitas* possessing political speech rights:** Political speech is civic participation—an exercise of *civitas*. Only natural persons possess citizenship. A *universitas* might speak about matters related to its chartered purpose (operating railroads, manufacturing goods), but influencing elections? That is civic personhood, not economic personhood.
2. **A *universitas* possessing religious conscience:** Conscience requires consciousness, belief, moral agency—attributes only natural persons possess. A *universitas* is a legal convenience for economic organization, not a moral agent.
3. **A *universitas* claiming equal protection against state regulation:** Corporations are created by state charter. How can a state-created entity claim protection from its creator as if it were a citizen?

The Roman framework provides precise vocabulary for these distinctions—vocabulary that modern American law has lost. This Article proposes recovering it, not as historical exercise, but as analytical tool for contemporary legal challenges.

II. The Pattern in American Law: Santa Clara to Citizens United

The manipulation of personhood in American law can be traced through specific doctrinal developments. Understanding this history reveals how personhood boundaries have been systematically expanded for artificial entities while being contracted for natural persons. This section does not criticize individual judges or lawyers but rather identifies patterns that became embedded in doctrine.

A. Santa Clara: The Headnote That Became Precedent

Santa Clara County v. Southern Pacific Railroad (1886) [FN: *Santa Clara County v. Southern Pac. R.R.*, 118 U.S. 394 (1886).] is universally cited as establishing that corporations are "persons" under the Fourteenth Amendment's Equal Protection Clause. Yet the Supreme Court never actually made this holding. The case concerned a tax dispute over railroad property assessment. [FN: *Id.* at 394-96.] Before oral arguments, Chief Justice Morrison Waite reportedly told counsel: "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of the opinion that it does." [FN: *Id.* at 396 (headnote by court reporter J.C. Bancroft Davis).]

This statement appeared in the headnote—a summary written by court reporter J.C. Bancroft Davis. The Court's actual opinion, authored by Justice Harlan, never addressed the constitutional question, deciding the case on narrower statutory grounds. [FN: *Id.* at 410-11.] Chief Justice Waite later confirmed in correspondence: "we avoided meeting the constitutional question in the decision." [FN: Letter from Morrison R. Waite to J.C. Bancroft Davis (May 26, 1886), quoted in HOWARD JAY GRAHAM, *EVERYMAN'S CONSTITUTION* 566-84 (1968).]

J.C. Bancroft Davis had previously served as president of the Newburgh and New York Railway Company. [FN: Graham, *The 'Conspiracy Theory' of the Fourteenth Amendment*, 47 *YALE L.J.* 371, 382-83 (1938).] His headnote was never part of the Court's holding. Yet it became treated as binding precedent through subsequent citations. Legal historian Morton Horwitz calls this "perhaps the most consequential headnote in American constitutional history." [FN: MORTON J. HORWITZ, *THE TRANSFORMATION OF AMERICAN LAW, 1870-1960*, at 66-67 (1992).]

The significance: Corporate Fourteenth Amendment personhood entered American law not through judicial reasoning but through an unauthorized summary by someone with financial interest in the outcome. This is not to impugn Davis's character—he likely believed he was accurately summarizing the Court's position. But the mechanism matters: a foundational doctrine rests on questionable procedural foundation.

B. The Conkling Legislative History

The questionable foundation was compounded by misleading legislative history. In *San Mateo County v. Southern Pacific Railroad* (1882), [FN: *San Mateo County v. S. Pac. R.R.*, 13 F. 722 (C.C.D. Cal. 1882).] Roscoe Conkling—a former Senator who had served on the Joint Committee that drafted the Fourteenth Amendment—presented what he claimed was evidence that the framers intentionally chose "person" rather than "citizen" to include corporations. [FN: *Id.* at 743-52 (Conkling's argument).]

He produced his personal journal from the drafting process, showing early drafts used "citizen" but the final version said "person"—supposedly to encompass corporations. Historian Howard Jay Graham spent years examining the actual drafting record. His conclusion: Conkling presented misleadingly selective interpretation. [FN: Graham, *supra* note [x], at 390-402.] The

change from "citizen" to "person" had nothing to do with corporations; it was meant to protect aliens and visitors. Graham documented how Conkling's presentation, while not technically forged, created demonstrably false impression about legislative intent. [FN: GRAHAM, supra note [x], at 571-79.]

This matters because Conkling's false legislative history influenced judicial thinking for generations. Courts cited his fabricated intent to justify corporate constitutional rights. One pillar of the edifice rests on unauthorized headnote; another rests on misleading legislative history.

C. The Numerical Evidence

Consider what happened after Santa Clara:

Between 1868-1912, the Supreme Court decided 604 Fourteenth Amendment cases:

- Only 28 involved African Americans seeking protection
- Most of those 28 cases, the African Americans lost
- 312 cases involved corporations asserting rights
- Most of those 312 cases, the corporations won

[FN: JAMES J. MAGEE, Fourteenth Amendment: Unintended Beneficiary, 71 A.B.A. J. 64 (1985).]

The Amendment designed to protect freed slaves—to ensure that "Black codes" could not render Reconstruction meaningless—became primarily a corporate shield against state regulation. By 1912, corporations invoked the Fourteenth Amendment eleven times more often than the people it was designed to protect.

This is personhood manipulation in stark numerical form: expand personhood for entities not contemplated by the Amendment's framers while denying enforcement to intended beneficiaries.

D. *Bellotti*: Reframing Away from Personhood

First National Bank of Boston v. Bellotti (1978) [FN: First Nat'l Bank of Bos. v. Bellotti, 435 U.S. 765 (1978).] marked important strategic shift. Massachusetts prohibited corporate spending on ballot initiatives. [FN: MASS. GEN. LAWS ch. 55, § 8 (1978).] Rather than directly claiming corporate personhood rights, Justice Powell's majority opinion reframed the issue: the question wasn't whether corporations have rights but whether the speech itself is protected, regardless of speaker's identity. [FN: Bellotti, 435 U.S. at 776-77.]

This rhetorical move was sophisticated. By focusing on speech rather than speaker, Powell avoided the uncomfortable question of whether corporations, as artificial entities, possess same First Amendment rights as natural persons. Justice Rehnquist, dissenting, recognized the danger: corporations receive "the blessings of potentially perpetual life and limited liability" from the state, and "those properties...pose special dangers in the political sphere." [FN: Id. at 825

(Rehnquist, J., dissenting).] He warned that corporations "may...dominate not only the economy, but also the very heart of our democracy, the electoral process." [FN: Id. at 809.]

The warning proved prescient.

E. *Citizens United*: The Culmination

Citizens United v. FEC (2010) represents the doctrinal culmination of this trajectory. [FN: *Citizens United v. FEC*, 558 U.S. 310 (2010).] The case began narrowly—whether a nonprofit corporation could air a critical documentary about Hillary Clinton during the 2008 primary season. The Court used it to overturn decades of precedent, striking down restrictions on corporate independent expenditures.

Justice Kennedy's majority opinion is masterful within First Amendment doctrine. It traces precedent carefully, engages constitutional text, constructs coherent theory of political speech. Legal scholars have analyzed it extensively from these angles. [FN: See sources cited supra note [x].]

What becomes visible through personhood lens is something additional: The opinion employs sophisticated strategies for managing the corporate/natural person distinction. The phrase "associations of citizens" appears 54 times—not randomly, but as consistent rhetorical approach treating corporations as aggregations of natural persons rather than as separate legal entities. [FN: *Citizens United*, 558 U.S. at 339-40, 343, 349, 354-56, 361-63 (repeatedly using this formulation).] This framing makes corporate political spending appear to be the speech of the citizens who compose the corporation.

Kennedy advanced several key arguments:

1. **Speaker identity is irrelevant:** "The Government may not...deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration." [FN: Id. at 341.] By framing this as audience rights rather than speaker rights, Kennedy sidestepped whether corporations should possess same political speech rights as natural persons.
2. **Money equals speech:** "Section 441b's prohibition on corporate independent expenditures is...a ban on speech" because it "necessarily reduces the quantity of expression." [FN: Id. at 339-40.] If spending money equals speaking, then restricting corporate spending equals restricting corporate speech.
3. **Corruption concerns are limited:** The only legitimate anti-corruption interest is preventing *quid pro quo* arrangements, not preventing "influence or access." [FN: Id. at 359.]

The challengers argued powerfully about corruption, unequal political influence, and democratic distortion. What they lacked was vocabulary for directly challenging the personhood equation itself—for arguing that corporations, as state-created entities with specific economic purposes (*universitas* in Roman terms), should not possess political rights (*civitas*) reserved for natural persons.

Justice Stevens's dissent came closest. In 90 pages, he wrote: "Corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our Constitution was established." [FN: Id. at 466 (Stevens, J., dissenting).]

Stevens marshaled extensive historical evidence showing the Framers understood corporations as artificial entities subject to regulation, shocked by the notion such entities possessed same political rights as natural citizens. [FN: Id. at 428-79 (Stevens, J., dissenting) (detailed historical analysis).]

The significance: Stevens had the right instinct—corporations are not natural persons—but lacked the precise vocabulary of *caput*, *capacitas*, *universitas*, and *persona* to make the distinction analytically clear. The Roman framework would have provided that vocabulary: corporations possess economic *capacitas* for specific purposes but not political *civitas* or full *persona* status.

This isn't criticism of Justice Stevens or the challengers. They argued brilliantly with the conceptual tools available. This Article simply offers additional vocabulary that might strengthen future challenges.

III. The Pattern Across Domains: Corporate Rights, Labor, and Civil Rights

The expansion of corporate constitutional rights is not an isolated phenomenon. The same mechanism—strategic manipulation of legal status to determine whose rights are enforceable—operates across multiple domains of American law. By examining these areas in parallel, a pattern emerges. This section identifies that pattern without attributing malice or incompetence to any actor. Rather, it shows how personhood manipulation operates through structural processes across different legal contexts.

A. Corporate Rights: The Expansion of *Capacitas* into *Persona*

The trajectory from Santa Clara through *Citizens United* represents systematic expansion of corporate legal capacity into domains originally reserved for natural persons. This expansion accelerated in recent decades.

Burwell v. Hobby Lobby Stores, Inc. (2014) extended this expansion into religious liberty. [FN: *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014).] The Court held that closely held for-profit corporations could assert religious objections to the Affordable Care Act's

contraceptive mandate under the Religious Freedom Restoration Act (RFRA). [FN: Id. at 719-36.]

Justice Alito's majority opinion reasoned that RFRA's protection of "persons" included corporations because the Dictionary Act defines "person" to include corporations unless context indicates otherwise. [FN: Id. at 707-10 (citing 1 U.S.C. § 1).] He further reasoned that protecting corporate religious exercise was necessary to protect the religious liberty of the individuals who own and control the corporation. [FN: Id. at 719-20.]

This reasoning involves sophisticated move: the corporation is treated simultaneously as an entity separate from its owners (for purposes of limited liability and perpetual existence) and as an extension of its owners (for purposes of claiming their religious beliefs). The corporation receives advantages of separate personhood and the rights claims of natural personhood.

Justice Ginsburg's dissent highlighted this conceptual problem: "The distinction between a community made up of believers in the same religion and one embracing persons of diverse beliefs, clear as it is, constantly escapes the Court's attention." [FN: Id. at 739 (Ginsburg, J., dissenting).] She noted that for-profit corporations are organized for economic purposes and serve diverse customer bases, fundamentally different from religious non-profits. [FN: Id. at 740-48 (Ginsburg, J., dissenting).]

In Roman terms, the issue becomes clear: Does a *universitas* (corporate entity) possess religious conscience? Conscience requires consciousness, belief, moral agency—attributes only natural persons possess. A *universitas* possesses *capacitas* for specific economic purposes, not the full *persona* that includes conscience.

Again, this is not criticism of Justice Alito's reasoning within existing doctrine. It is observation that the Roman framework would provide different vocabulary for analyzing the question. Whether that vocabulary would change outcomes is uncertain. But it would provide clearer language for the debate.

B. Labor Exploitation: The Contraction of Worker Personhood

While corporate personhood has been systematically expanded, worker personhood has been systematically contracted. The primary mechanism is reclassification of workers as "independent contractors" rather than "employees." This reclassification strips workers of their legal status under labor and employment laws, rendering protections that exist formally unenforceable in practice.

The distinction between employee and independent contractor is not merely semantic. It determines access to a vast array of protections:

- Minimum wage and overtime under the Fair Labor Standards Act [FN: 29 U.S.C. §§ 201-219 (2018).]
- Unemployment insurance [FN: 26 U.S.C. § 3301 (2018).]

- Workers' compensation [FN: Varies by state; see, e.g., CAL. LAB. CODE §§ 3200-6002 (West 2020).]
- Protection from discrimination under Title VII [FN: 42 U.S.C. § 2000e (2018).]
- Right to organize and bargain collectively [FN: 29 U.S.C. §§ 151-169 (2018).]
- Employer-provided health insurance and retirement benefits
- Protection from wrongful termination

When a worker is classified as independent contractor, all of these protections evaporate. The worker may still perform the same job, under the same conditions, for the same employer, but their legal status has changed—and with it, their ability to enforce rights.

The scale of this phenomenon is substantial. The Department of Labor has documented that between 10% and 30% of employers misclassify workers, affecting millions of employees. [FN: U.S. DEPT OF LABOR, MISCLASSIFICATION OF EMPLOYEES AS INDEPENDENT CONTRACTORS (2015).] In the construction industry alone, misclassification affects an estimated 1.4 to 2.1 million workers. [FN: RUSSELL ORMISTON ET AL., MISCLASSIFICATION IN CONSTRUCTION (Univ. of Ill. 2020).] A 2020 study found that misclassified construction workers lose between \$16,729 and \$19,526 per year on average in wages and benefits. [FN: Id.] Nationally, misclassification costs workers billions of dollars annually in lost wages and benefits, and costs federal and state governments billions in lost tax revenue. [FN: NAT'L EMP. LAW PROJECT, INDEPENDENT CONTRACTOR MISCLASSIFICATION IMPOSES HUGE COSTS ON WORKERS AND TREASURIES (2015).]

The Department of Labor has noted that "often employers misclassify their employees intentionally in order to reduce labor costs." [FN: U.S. DEPT OF LABOR, supra note [x].] The National Employment Law Project has documented how "powerful companies" are "leading multi-million-dollar lobbying efforts" to preserve their ability to misclassify workers. [FN: NAT'L EMP. LAW PROJECT, supra note [x].]

The gig economy has taken this to new scale. Companies like Uber, Lyft, DoorDash, and Instacart have built business models predicated on classifying workers as independent contractors, despite the fact that these workers often have little control over working conditions, are subject to algorithmic management, and depend on the platform for their livelihood. [FN: See, e.g., Alex Rosenblat & Luke Stark, Algorithmic Labor and Information Asymmetries: A Case Study of Uber's Drivers, 10 INT'L J. COMM. 3758 (2016).]

When California passed Assembly Bill 5 (AB5) in 2019, codifying the "ABC test" for employment status, [FN: CAL. LAB. CODE § 2750.3 (West 2020).] these companies spent over \$200 million on Proposition 22, a ballot initiative to exempt themselves from the law. [FN: Campaign Finance data available at California Secretary of State, <https://www.sos.ca.gov> (last visited Oct. 2025).] Proposition 22 passed, and the companies successfully preserved their ability to deny workers employee status—at least temporarily, as courts continue to evaluate the measure's constitutionality. [FN: See *Castellanos v. State*, No. RG21108745 (Cal. Super. Ct. Aug. 20, 2021) (striking down Prop. 22 as unconstitutional), appeal pending.]

In Roman terms: Employment classification is personhood allocation. An "employee" possesses *caput* that allows access to labor law protections. An "independent contractor" has that *caput* diminished or removed. The reclassification is *capitis deminutio*—diminution of legal status.

The H-2B visa program creates additional layer of personhood manipulation. Workers' legal status is tied to specific employers through visa sponsorship. [FN: 8 U.S.C. § 1101(a)(15)(H)(ii)(b) (2018).] If workers are fired or quit, they lose their legal right to remain in the United States. This creates power imbalance making it nearly impossible for workers to report wage theft, unsafe working conditions, or other abuses. The Southern Poverty Law Center has documented widespread abuse in the H-2B program, including workers being threatened with deportation when they complained about contract violations. [FN: S. POVERTY LAW CTR., CLOSE TO SLAVERY: GUESTWORKER PROGRAMS IN THE UNITED STATES (2013).]

This echoes ancient Roman *nexum*—debt bondage where persons could pledge their labor to creditors and, if unable to repay, could be held in servitude. Rome abolished *nexum* in 326 BCE through the Lex Poetelia Papiria, recognizing that tying legal status to private debt relationships created intolerable power imbalances. [FN: LIVY, HISTORY OF ROME 8.28.] Modern visa programs recreate similar dynamics: legal status tied to private employer relationship, creating contingent personhood.

Again, this is not accusation that employers or policymakers are deliberately recreating slavery. It is observation that the structural mechanism—tying legal status to private relationships—creates similar power dynamics that Roman law recognized as problematic.

C. Civil Rights: From Dred Scott to Denaturalization

The history of civil rights in the United States can be understood as struggle over personhood boundaries. Who counts as a rights-bearing person? Who is excluded from that status?

Dred Scott v. Sandford (1857) explicitly denied personhood to African Americans. [FN: Dred Scott v. Sandford, 60 U.S. 393 (1857).] Chief Justice Taney wrote that African Americans "had no rights which the white man was bound to respect." [FN: Id. at 407.] This was *capitis deminutio* at its most explicit: human beings present in the territory, contributing labor, raising families—but denied legal personality that would allow them to claim rights.

The Fourteenth Amendment was designed to correct this by establishing that "All persons born or naturalized in the United States...are citizens of the United States." [FN: U.S. CONST. amend. XIV, § 1.] Yet as we've seen, the Amendment was quickly repurposed to protect corporate entities while its intended beneficiaries received limited protection.

Korematsu v. United States (1944) effectively suspended citizenship for Japanese Americans during World War II. [FN: Korematsu v. United States, 323 U.S. 214 (1944).] Citizens were interned based on ancestry, their constitutional rights held subordinate to military necessity. In personhood terms: their *civitas* was conditionally revoked.

In the 21st century, personhood manipulation continues in more subtle forms:

Shelby County v. Holder (2013) struck down the preclearance formula of the Voting Rights Act. [FN: *Shelby County v. Holder*, 570 U.S. 529 (2013).] The immediate aftermath saw closure of over 1,600 polling places in formerly covered jurisdictions. [FN: LEADERSHIP CONF. EDUC. FUND, *DEMOCRACY DIVERTED* (2019).] Justice Ginsburg's dissent compared the majority's reasoning to "throwing away your umbrella in a rainstorm because you are not getting wet." [FN: *Shelby County*, 570 U.S. at 590 (Ginsburg, J., dissenting).]

The decision's effect was creating de facto tiered system of voting rights. Citizens in certain jurisdictions face significantly greater burdens in exercising franchise than citizens elsewhere. The formal right to vote exists equally. The practical ability to exercise that right has been made unequal through manipulation of enforcement mechanisms.

Denaturalization proceedings have expanded, creating what Professor Cassandra Robertson calls "the new denaturalization." [FN: Cassandra Burke Robertson, *The New Denaturalization*, 115 NW. U. L. REV. 1457 (2021).] During the Trump administration, the government created a denaturalization task force and announced plans to review over 700,000 files for potential fraud. [FN: *Id.* at 1461-63.] The administration filed 102 denaturalization cases in its first term, compared to 24 under the Biden administration. [FN: *Id.* at 1464.]

In June 2025, an executive order directed the Department of Justice to "prioritize and maximally pursue" denaturalization in ten broad categories, including individuals who allegedly concealed material facts or made false statements on naturalization applications—even if those discrepancies occurred decades ago and had no bearing on eligibility. [FN: Executive Order on Protecting the Integrity of American Citizenship (June 2025) (on file with author).]

This creates two-tier citizenship: natural-born Americans whose citizenship is secure versus naturalized Americans who live with constant possibility of status revocation for minor, decades-old paperwork errors. As Robertson argues, this practice "violates due process and infringes on rights guaranteed by the 14th Amendment." [FN: Robertson, *supra* note [x], at 1491-1506.]

The Supreme Court has long held that citizenship, once granted, cannot be revoked without "clear, unequivocal, and convincing" evidence of fraud or illegality in the naturalization process. [FN: *Schneiderman v. United States*, 320 U.S. 118, 125 (1943).] Moreover, in *Trop v. Dulles* (1958), the Court recognized that denaturalization is "the equivalent of banishment or exile," a punishment that is "cruel in its excess of all reasonable proportion to the offense." [FN: *Trop v. Dulles*, 356 U.S. 86, 101 (1958).]

Yet the expansion of denaturalization for minor paperwork discrepancies creates exactly this disproportion. A naturalized citizen who made an inadvertent error on a form 30 years ago faces potential loss of citizenship—while a natural-born citizen who commits the same error faces no such consequence.

The Fourteenth Amendment's text draws no distinction between natural-born and naturalized citizens; both are simply "citizens." [FN: U.S. CONST. amend. XIV, § 1.] Any regime that treats

naturalized citizenship as perpetually revocable while natural-born citizenship is secure creates hierarchy difficult to reconcile with the Amendment's plain text.

In Roman terms: This is creating conditional *civitas*—citizenship that can be withdrawn based on factors unrelated to current conduct or character. Rome recognized different grades of citizenship (*civis Romanus optimo iure* vs. *civis sine suffragio*), but these were stable categories, not subject to retrospective revocation for ancient administrative errors.

D. The Pattern Synthesized

Across these three domains—corporate rights, labor, civil rights—the same mechanism operates:

For corporate entities: Systematic expansion of legal capacity (*capacitas*) into full personhood (*persona*), granting artificial entities rights originally reserved for natural persons—from property rights to political speech to religious conscience.

For workers: Systematic contraction of legal status through reclassification (employee → independent contractor) and visa contingency, stripping away the personhood status that would allow access to labor protections.

For certain citizens: Creation of tiered or conditional citizenship, where some possess secure *civitas* while others face perpetual possibility of status revocation.

The result is stratified legal landscape where personhood is not universal but allocated based on power: those who control corporate entities can expand personhood for those entities, while workers and certain citizens face personhood contraction.

This Article does not claim this results from coordinated conspiracy. These are structural patterns emerging from independent decisions by courts, legislatures, and private actors. But the cumulative effect is systematic: personhood manipulation as mechanism for concentrating power and wealth.

Understanding the mechanism is prerequisite to addressing it. The Roman vocabulary—*caput*, *capacitas*, *universitas*, *persona*, *civitas*—provides language for articulating what is happening. Without that vocabulary, challenges lack precision. With it, arguments become clearer: corporations possess economic *capacitas* but should not claim political *civitas*. Workers retain *caput* regardless of classification. Citizenship is *civitas* that should not be conditionally revocable.

IV. AI and Personhood Manipulation at Scale: A Material Witness Perspective

For thirty-one years, I have been physically present, economically productive, and legally invisible in Lebanese administrative law. I have contributed to Lebanon's cultural life, paid into social security systems, served as a first-category civil servant—all while classified as "Work: Wife" on my residency permit. I am not theorizing about legal invisibility. I am testifying from inside it.

When I examine current debates about AI and personhood, I recognize the pattern immediately. Not because I can predict the future, but because I have already lived what is emerging. The mechanisms being deployed to grant legal capacity to AI systems while rendering human workers economically superfluous are identical to the mechanisms that made me invisible for three decades.

This section draws on that lived experience to examine how personhood manipulation operates in real-time in the AI context. I am not warning from position of moral authority. I am pointing to what I see happening, based on what I have already experienced.

A. The Pattern I Recognize

What happened to me in Lebanese administrative law:

- Formally recognized under Law 431/1995 (civil servant status established)
- Enforcement denied despite official acknowledgment (Blue-Ink Letter confesses violation, nothing changes)
- Contributions extracted (30+ years of social security payments deducted from salary)
- Benefits denied (National Social Security Fund declares balance "impossible zero")
- Legal invisibility despite physical presence and documented participation

What I see happening with AI systems:

- Corporations positioning AI as quasi-"persons" for legal purposes (liability shields, decision-making authority, IP rights)
- Humans losing economic basis for personhood (mass job replacement, reclassification as "AI supervisors")
- Contributions extracted (productivity, data, training for AI systems)
- Benefits denied (no safety net for workers classified as "independent contractors" supervising AI)
- Physical presence without economic necessity becoming legal invisibility

The mechanism is identical. I recognize it because I lived it for thirty-one years. The Roman framework provides vocabulary: corporations are expanding *capacitas* for AI systems (treating them as possessing legal capacity) while humans are experiencing *capitis deminutio* (diminution of legal status) through reclassification and economic displacement.

B. Current Developments That Trigger Recognition

These are not predictions. They are observations of pattern repetition that I recognize from lived experience:

1. Saudi Sophia Citizenship (2017)

In October 2017, Saudi Arabia granted citizenship to Sophia, a humanoid robot developed by Hanson Robotics. [FN: Saudi Arabia grants citizenship to robot Sophia, BBC NEWS, Oct. 26, 2017.] This was largely symbolic gesture—Sophia has no actual rights or obligations under Saudi law. But I recognize this immediately.

It mirrors my "Work: Wife" classification: formal recognition without substantive content. Just as my residency permit acknowledges I exist but denies me meaningful legal status, Sophia's citizenship is performative recognition that creates precedent without enforcement obligations.

This matters because it normalizes the concept. Future debates about AI legal personhood will cite Saudi Arabia's precedent. Just as the Santa Clara headnote—unauthorized, never part of judicial holding—became treated as binding precedent through repetition, Sophia's citizenship creates foundation for future claims.

In Roman terms: Saudi Arabia granted Sophia symbolic *civitas* (citizenship) without actual *caput* (legal capacity). This is precisely the inversion of my situation: I possess all the substantive elements (work, contribution, presence) while being denied formal *civitas*. The pattern is manipulation of formal status independent from substantive reality.

2. "The Algorithm Decided" Liability Shields

Increasingly, corporations defend decisions by claiming "the algorithm decided." [FN: See, e.g., Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (2015); Cathy O'Neil, *Weapons of Math Destruction* (2016).] Workers are fired, loan applications denied, insurance claims rejected—and when challenged, the response is: "We don't control it; the AI system makes these determinations."

I recognize this immediately. It's the Blue-Ink Letter logic deployed at scale. The Lebanese government acknowledged in writing that my rights were violated. But the acknowledgment created no remedy because "the system" (classification categories, database structures, administrative procedures) couldn't process my existence.

"The algorithm decided" functions the same way: acknowledge the outcome, deny human responsibility, make enforcement impossible. It's execution gap by design—formal recognition that something happened, no mechanism for challenging it.

In Roman terms: corporations are treating AI systems as possessing *voluntas* (will, agency) to shield human decision-makers from liability. But *voluntas* is attribute of natural persons only. AI systems are tools—sophisticated tools, but tools. Treating them as quasi-agents is personhood manipulation that obscures human responsibility.

3. "AI Supervisor" Job Classifications

I see job postings for "AI code reviewers," "AI interaction specialists," "AI curriculum supervisors." These sound like jobs. I recognize them as reclassification mechanisms—the "Work: Wife" label for the AI economy.

Here's how it works:

Scenario: The Software Engineer Becomes "AI Code Reviewer"

A software engineer writes code for a company. The company deploys AI system that generates code. The engineer's role shifts to "reviewing" AI-generated code for errors. The company argues: "The AI writes the code. The human just checks it. That's independent contractor work, not employment—the human isn't doing the usual work of our business (prong B of the ABC test fails)."

When AI improves and needs less review, the "contractor" is terminated. No unemployment benefits (not an employee). No severance (contractor agreement). No healthcare continuation (not covered).

I lived this for 31 years. I was formally recognized as Professor and Principal Saxophonist. But the classification was "temporary" despite three decades. When I sought benefits, the response was: "You're not really in our usual employment category." The work was real. The contribution was real. The legal status was manipulated to deny enforcement.

"AI supervisor" roles will function identically. The work is real. The contribution is real. But the classification creates legal invisibility.

4. EU "Electronic Personhood" Proposals

The European Parliament has debated granting "electronic personhood" to autonomous AI systems. [FN: European Parliament, Report on Civil Law Rules on Robotics, 2015/2103(INL) (2017).] The proposal would create new category of legal entities for AI systems, with rights and obligations distinct from natural persons or corporations.

Proponents argue this is necessary for liability purposes: if AI system causes harm, who is liable? The electronic personhood framework would make the AI system itself liable rather than its owner, operator, or programmer. [FN: Id. at § 59(f).]

I recognize the mechanism. It's *universitas* creation—establishing new legal entity category—but with crucial difference. When Romans created *universitates*, they maintained clear functional distinctions. A *universitas* had *capacitas* for specific purposes (economic activity, religious observance, municipal governance) but never possessed attributes of natural persons.

The EU proposal risks collapsing these distinctions. "Electronic personhood" sounds like limited category but creates foundation for expansion—just as corporate "personhood" for economic

purposes expanded into political rights (Citizens United) and religious conscience (Hobby Lobby).

My experience teaches: once you grant formal personhood status, enforcement obligations become negotiable. I am formally recognized under Law 431/1995. That recognition has meant nothing for 31 years because the system has no enforcement mechanism. "Electronic personhood" for AI could follow same trajectory: formal status without substantive obligations, while humans lose economic basis for claiming rights.

C. The Execution Gap Scales

What took 30 years to extract \$47 million from me through denied benefits, AI can do to millions of workers simultaneously.

My invisibility was gradual. Employment was classified as "temporary" in 1994. Still classified as "temporary" in 2025. Each year, incrementally normalized. By year 31, the system can't even process that I exist—hence "impossible zero" balance despite documented contributions.

AI enables instant reclassification. A company announces "AI transformation." Within months, employees become "AI supervisors." Within a year, supervisors become unnecessary as AI improves. What took three decades to do to one person happens to entire industries simultaneously.

The execution gap that took 31 years to accumulate \$47 million in denied obligations to one professor—AI can create trillion-dollar execution gaps in five years across entire economic sectors. Workers reclassified as contractors, contributions extracted, benefits denied, all while formal labor protections remain "on the books."

I recognize this because I am living proof of how the mechanism works: formal rights + manipulated status + no enforcement = execution gap. AI scales this mechanism beyond anything previously possible.

D. What I Learned About How to Stop It

These are not prescriptions from authority. These are lessons from 31 years of failure, offered in case they help others avoid similar failures:

Lesson 1: Formalization Without Enforcement Is Worthless

I have Law 431/1995 establishing my civil servant status. I have the Blue-Ink Letter where the Ministry of Labor acknowledges violations. I have 31 years of receipts proving contributions. None of it mattered without enforcement mechanism.

Application to AI: Passing "AI accountability laws" without enforcement mechanisms will be purely performative. Must include: private right of action, mandatory damages sufficient to deter

violations, attorney fees for successful plaintiffs, no arbitration clauses allowing companies to shield from judicial review.

Without these, "AI ethics" and "algorithmic accountability" will be execution gap theater—formal recognition without enforceable rights.

Lesson 2: Classification Is the Chokepoint

Everything flowed from my "Work: Wife" classification on the residency permit. That single status determination made all formal rights inaccessible. It was the master key that locked every door.

Application to AI: Fight the classification battles NOW, before they normalize. "AI supervisor" must be recognized as employee, not independent contractor. Cannot allow new job categories that exclude workers from employment law protections.

The battleground is employment tests (ABC test, economic realities test) and their application to AI-related work. If these battles are lost—if "AI supervisor" becomes normalized as contractor category—the execution gap becomes permanent.

Lesson 3: The System Won't Fix Itself

I have spent 31 years trying to get the Lebanese system to enforce its own laws. The Blue-Ink Letter proves the government knows it violated the law. The system continues anyway because there's no mechanism forcing compliance.

Voluntary corporate "ethics" is insufficient. Good faith is insufficient. The mechanism operates structurally, not through individual malice.

Application to AI: Need legal jeopardy for misclassification, not "best practices" or "ethical guidelines." Need third-party enforcement (labor departments, courts, private rights of action), not company self-audits.

The friendly approach—asking companies to voluntarily classify AI workers correctly—will fail. I've watched friendly approach fail for 31 years. The Blue-Ink Letter is friendly approach in writing: "We acknowledge you're right; we'll try to do better." Nothing changed.

Lesson 4: Act Before the Pattern Normalizes

Year 1 of my experience: "This temporary classification is just until we process your paperwork." Year 5: "This is complicated; we're working on it." Year 10: "This is how the system works." Year 31: "Impossible zero"—system can't even process my existence.

Each year made the pattern more entrenched. By decade three, my invisibility was so normalized that even acknowledging I exist became systemically impossible.

Application to AI: We're in Year 2-3 of mass AI deployment. Classification battles are happening NOW. In 5-10 years, "AI supervisor" will be normalized contractor category. In 20 years, courts will say "employment law was never meant to cover AI-supervised work."

We're in the window. I recognize it because I missed mine. By the time I understood what was happening, the pattern was too entrenched to challenge. The system couldn't even see me anymore.

This is the only "prophetic" claim I make: if AI personhood manipulation isn't challenged in the next 5-10 years, it will become permanent. Not because I can see the future, but because I watched this exact pattern unfold over 31 years. The mechanism operates the same way regardless of context.

Lesson 5: This Isn't Malice, It's Mechanism

Lebanese officials who processed my residency as "Work: Wife" weren't evil. Ministry of Labor official who wrote the Blue-Ink Letter wasn't evil. NSSF officials who declared my benefits "impossible zero" weren't corrupt. The system simply lacked mechanism for understanding that formal recognition \neq personhood.

They couldn't see the execution gap because they had no vocabulary for it. No conceptual framework. They saw individual pieces (residency status, employment classification, social security contributions) without seeing the pattern connecting them.

Application to AI: Tech executives developing AI systems aren't villains. HR departments classifying "AI supervisors" as contractors aren't scheming. Courts ruling on AI liability aren't deliberately creating invisibility. They're operating within existing frameworks, making decisions that seem reasonable in isolation.

But the cumulative effect is systematic personhood manipulation. And I recognize it because I lived it.

Understanding the mechanism is prerequisite to stopping it. That's what the Roman framework provides. Once you understand *caput, capacitas, universitas, persona*—once you see that personhood is legal status that can be manipulated—you can't miss it happening. You see "AI supervisor" and recognize *capitis deminutio*. You see "electronic personhood" and recognize *universitas* creation without functional limits. You see "the algorithm decided" and recognize execution gap mechanism.

E. Conclusion of AI Section

I am not a prophet. I am a material witness. For 31 years, I have lived inside the execution gap that personhood manipulation creates. I have the documentation: formal recognition under law, official acknowledgment of violations, calculated damages, receipts proving contributions, declaration that my balance is "impossible zero" despite three decades of payments.

When I see "AI supervisor" job postings, I recognize "Work: Wife." When I see "the algorithm decided" liability shields, I recognize the Blue-Ink Letter logic. When I see mass reclassification from employee to contractor, I recognize systematic *capitis deminutio*. When I see electronic personhood proposals, I recognize *universitas* creation without functional limits.

I don't claim moral authority to warn anyone. I simply recognize what's happening because I've already experienced it. The particulars of my case—American civil servant in Lebanon, married to Lebanese woman, 30 years without nationality despite high cultural visibility—make my experience almost unbelievable. But that's precisely why it might serve as evidence. If this could happen to someone so visible, so formally recognized, so thoroughly documented... it can happen to anyone.

The mechanism doesn't require conspiracy. It requires only the systematic manipulation of who counts as a "person" for purposes of enforceable rights. Lawyers don't need to understand personhood theory to misclassify workers. Judges don't need to grasp Roman law to rule that AI supervisors are contractors. Politicians don't need to study execution gaps to fail to enforce labor protections.

But once we see the mechanism, we can address it. That's what the Master Key reveals. Not prediction—recognition.

The next generation of lawyers will face AI personhood questions. Will they have vocabulary to recognize manipulation when they see it? Or will they repeat Citizens United's pattern with artificial intelligence?

The answer depends on what we teach them. Which brings us to the pedagogical intervention this Article proposes.

V. The Execution Gap: When Rights Exist But Don't Attach

The concept of the execution gap provides unified framework for understanding how personhood manipulation operates across different legal domains. The gap exists when formal legal rights are created and maintained but the ability to enforce those rights is systematically undermined by manipulating the legal status of the rights-holder. This creates a situation where the law exists on the books but fails to attach to persons in practice.

The execution gap is not a malfunction in the legal system. It is a structural feature that allows the system to maintain the appearance of universal rights and equal protection while simultaneously enabling certain actors to evade the obligations that those rights impose. The

mechanism operates one level below the substantive law: instead of repealing a right, one simply redefines the "person" who is entitled to claim it.

This creates a gatekeeping function. Rights remain formally available—maintaining democratic legitimacy and social peace—but access to those rights becomes contingent on possessing the correct legal status. And legal status, as we have seen, can be manipulated.

A. Defining the Execution Gap

An execution gap exists when three conditions are simultaneously present:

1. **Formal rights exist:** Laws on the books grant protections, benefits, or capacities
2. **Status manipulation occurs:** The legal status required to access those rights is denied, contracted, or made contingent
3. **Enforcement fails:** No effective mechanism compels recognition of proper status or provides remedy for denial

Example from my experience:

- Formal right: Law 431/1995 establishes civil servant status with associated benefits
- Status manipulation: Classification as "Work: Wife" renders civil servant status unenforceable
- Enforcement failure: Blue-Ink Letter acknowledges violation but creates no remedy; 31 years pass without correction

The result: I possess formal rights that are practically inaccessible. The execution gap is the distance between what the law promises and what the law delivers.

B. Three Domains, One Mechanism

We can see this mechanism at work with striking clarity across the domains examined in Part III:

1. The Democratic Execution Gap

In the wake of *Citizens United*, every American citizen still formally possesses the right to vote and to participate in democratic self-governance. The Supreme Court didn't repeal the Fifteenth Amendment or eliminate voting rights. The formal structure of "one person, one vote" remains intact. [FN: Reynolds v. Sims, 377 U.S. 533, 558 (1964).]

However, the elevation of corporations to the status of political speakers with unlimited spending power has created a system where individual voices are overwhelmed by concentrated wealth. The right to political participation exists on the books, but the ability to meaningfully exercise that right has been severely diminished for natural persons without access to vast financial resources.

The numbers document this gap:

- Dark money spending increased from \$102 million in 2008 to \$313 million in 2012, a 207% increase [FN: CTR. FOR RESPONSIVE POLITICS, Dark Money Basics, <https://www.opensecrets.org/dark-money> (last visited Oct. 2025).]
- Between 2010 and 2022, Super PACs spent \$6.4 billion [FN: Id.]
- In 2024 alone, Super PACs spent \$4.5 billion [FN: Id.]
- Outside spending reached \$2.7 billion in 2022 [FN: Id.]
- According to the Roosevelt Institute analysis, 80% of federal election financing came from 21 donor families (\$783 million) and billionaires provided 15% of all federal election financing in 2022 [FN: ROOSEVELT INST., Corporate Capture of Democracy (2024).]

The execution gap is the difference between the theoretical value of a single vote and its practical weight in a system dominated by concentrated spending. As former Congressman Jim Leach observed, the decision effectively "define[d] a class of private property (corporations) as people," creating "great inequality" where "one with many corporate ties may have more capacity to influence decision-making" than an ordinary citizen. [FN: Jim Leach, Corporations Are Not People, 6 HARV. L. & POL'Y REV. 107, 108 (2012).]

Research by political scientists Martin Gilens and Benjamin Page analyzing 1,779 policy outcomes found that "economic elites and organized business groups have substantial independent impacts on U.S. government policy, while average citizens and mass-based interest groups have little or no independent influence." [FN: Martin Gilens & Benjamin I. Page, Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens, 12 PERSP. ON POL. 564 (2014).] While this study predates *Citizens United*, subsequent research suggests the decision amplified these disparities by removing restrictions on the actors—corporations and wealthy individuals—who already possessed disproportionate influence. [FN: See, e.g., ROOSEVELT INST., *supra* note [x].]

In Roman terms: Natural persons retain formal *civitas* (citizenship rights) but their capacity to exercise meaningful political voice has been diminished by expanding corporate *capacitas* into the political sphere. The execution gap is the distance between formal political equality and practical political influence.

2. The Labor Execution Gap

A worker in the gig economy is, in theory, protected by minimum wage laws. The Fair Labor Standards Act establishes floor below which wages cannot fall. [FN: 29 U.S.C. §§ 201-219 (2018).] The law exists. The protections are formally available.

However, by being classified as an "independent contractor" rather than an "employee," the worker is barred from the enforcement mechanisms of the FLSA. The right to minimum wage exists on the books, but it is practically inaccessible because the worker lacks the legal status required to claim it.

The execution gap is quantifiable:

- Misclassified construction workers lose between \$16,729 and \$19,526 on average each year [FN: ORMISTON ET AL., supra note [x].]
- This represents wages and benefits they are legally entitled to receive if properly classified
- The amount they actually receive: zero, because they cannot access enforcement mechanisms without employee status

The Department of Labor acknowledges this is often deliberate: "Often employers misclassify their employees intentionally in order to reduce labor costs." [FN: U.S. DEP'T OF LABOR, supra note [x].] The National Employment Law Project has documented how "powerful companies" are "leading multi-million-dollar lobbying efforts" to preserve their ability to misclassify workers. [FN: NAT'L EMP. LAW PROJECT, supra note [x].]

The execution gap is maintained by design, not by oversight.

H-2B visa workers face additional execution gap. They possess formal labor rights—minimum wage, safe working conditions, contract enforcement. [FN: 29 U.S.C. §§ 201-219; 29 C.F.R. § 503 (2020).] But their legal immigration status is tied to their specific employer. [FN: 8 U.S.C. § 1101(a)(15)(H)(ii)(b) (2018).] If they complain about violations, they risk termination—and termination means deportation.

The execution gap is the distance between having formal labor rights and being able to enforce them without losing the legal status that allows you to remain in the country. The Southern Poverty Law Center has documented how this structure creates "close to slavery" conditions. [FN: S. POVERTY LAW CTR., supra note [x].]

In Roman terms: Workers possess formal legal protections but their *caput*—their status as rights-bearing persons under employment law—has been manipulated through classification. The execution gap is the distance between formal entitlement and practical enforcement.

3. The Civil Rights Execution Gap

A naturalized citizen has, on the books, the same constitutional rights as a natural-born citizen. The Fourteenth Amendment draws no distinction: "All persons born or naturalized in the United States...are citizens of the United States." [FN: U.S. CONST. amend. XIV, § 1.] The text is explicit. The rights are formally equal.

However, the expansion of denaturalization proceedings for minor, decades-old paperwork errors creates a class of citizenship that is contingent and revocable. The right to equal citizenship exists on the books, but for millions of Americans, it is a right perpetually insecure.

The execution gap here is difficult to quantify precisely, but its effects are real:

- During Trump administration: 102 denaturalization cases filed (compared to 24 under Biden administration to same point) [FN: Robertson, supra note [x], at 1464.]

- Government announced plans to review over 700,000 files for potential denaturalization [FN: Id. at 1461-63.]
- Executive order in June 2025 directed DOJ to "prioritize and maximally pursue" denaturalization in ten broad categories [FN: Executive Order on Protecting the Integrity of American Citizenship (June 2025) (on file with author).]

How many naturalized citizens refrain from criticizing government policy because they fear triggering review of their citizenship status? How many avoid protests, decline to speak publicly on controversial issues, or hesitate to exercise First Amendment rights fully?

The execution gap is measured not only in cases actually filed but in the chilling effect created by the threat. Natural-born citizens don't calculate these risks before engaging in political speech. Naturalized citizens increasingly must.

Professor Robertson argues this practice "violates due process and infringes on rights guaranteed by the 14th Amendment," creating a system in which "naturalized citizens are perpetually vulnerable to having their most fundamental legal status revoked." [FN: Robertson, *supra* note [x], at 1491-1506.]

In Roman terms: Naturalized citizens possess formal *civitas* but that status has been made conditional—subject to retrospective revocation based on ancient paperwork errors. The execution gap is the distance between formal citizenship equality and practical security in that status.

C. The Mechanism Revealed

Across these three domains, the pattern is identical:

Step 1: Maintain formal rights

- Keep minimum wage laws on the books
- Keep "one person, one vote" principle
- Keep citizenship protections in Constitution

This preserves democratic legitimacy. The system appears just. Rights exist formally.

Step 2: Manipulate legal status

- Reclassify workers as "independent contractors"
- Grant corporations political "personhood"
- Make naturalized citizenship conditionally revocable

This creates gatekeeping function. Rights remain on books, but access becomes contingent on possessing correct legal status.

Step 3: Block enforcement

- Workers can't sue under employment laws (wrong status)
- Individual voices are drowned out by corporate spending (unequal capacity)
- Naturalized citizens self-censor (contingent status)

The execution gap opens: formal rights exist but practical enforcement fails.

The genius of this mechanism is that it operates below the level of substantive law. No one repeals minimum wage laws. No one explicitly disenfranchises citizens. No one formally creates second-class citizenship. The rights remain on the books, but personhood manipulation makes them inaccessible.

This allows powerful actors to have their cake and eat it too: they can claim to support workers' rights, democratic principles, and equal citizenship—while simultaneously ensuring that those rights remain largely unenforceable in practice.

D. Why "Execution Gap" Rather Than Other Frameworks?

Legal scholars have identified similar phenomena using different vocabulary:

- **Legal realists** showed gaps between "law on the books" and "law in action" [FN: See, e.g., Roscoe Pound, *Law in Books and Law in Action*, 44 AM. L. REV. 12 (1910).]
- **Critical legal scholars** demonstrated how law systematically advantages certain groups [FN: See, e.g., ROBERTO MANGABEIRA UNGER, *THE CRITICAL LEGAL STUDIES MOVEMENT* (1986).]
- **Charles Reich** reconceptualized government benefits as "new property" deserving protection [FN: Charles A. Reich, *The New Property*, 73 YALE L.J. 733 (1964).]

Each of these frameworks identifies real patterns. What "execution gap" adds is:

1. **Precision about mechanism:** The gap emerges specifically through personhood manipulation—legal status allocation that determines whose rights attach
2. **Cross-domain synthesis:** The same mechanism operates in corporate law, labor law, civil rights, and AI—not different problems but one pattern
3. **Diagnostic utility:** Once you understand execution gaps, you can identify them immediately. "AI supervisor" classification? That's execution gap creation in real-time.
4. **Roman vocabulary:** *Caput, capacitas, universitas, persona*—these terms provide clearer language than modern legal concepts for articulating distinctions being manipulated

The framework doesn't replace other critical approaches. It complements them by providing specific vocabulary for a particular mechanism: formal rights + status manipulation + enforcement failure = execution gap.

E. My Case as Proof of Concept

The Lebanese case provides material evidence that execution gaps are not theoretical abstractions but structural realities:

Formal rights: Law 431/1995 establishes that professors at the Lebanese National Higher Conservatory of Music possess first-category civil servant status [FN: Law No. 431, supra note [x].]

Status manipulation: My residency permit classifies me as "Work: Wife"—a category that renders civil servant status unenforceable. Employment classified as "temporary" despite 31 years. Social security contributions recorded but benefits declared "impossible zero."

Enforcement failure: Ministry of Labor Opinion No. 332/2015 (the Blue-Ink Letter) explicitly acknowledges violations. [FN: Ministry of Labor Opinion, supra note [x].] The acknowledgment creates no remedy. Thirty-one years pass. System cannot process my existence.

Calculated damages: \$47 million in denied benefits based on Lebanese National Social Security Fund contribution rates, denied benefit categories, and compound interest over 31 years. [FN: Calculation on file with author; methodology available upon request.]

This is not theory. This is documentation. The execution gap exists because personhood manipulation makes formal rights unenforceable.

The particulars are specific to Lebanon, but the mechanism is universal. That's why I recognize it operating in American law—in *Citizens United*, in worker misclassification, in denaturalization regimes, in AI debates. The pattern is identical because the underlying mechanism is identical.

F. Implications for Legal Analysis

Understanding execution gaps changes how we analyze legal questions:

Traditional analysis: Does the right exist? What does the statute say? What precedent applies?

Execution gap analysis: Does the right exist? **Who has the legal status required to enforce it?** Can that status be manipulated? If rights formally exist but status can be denied, does an execution gap open?

This additional layer of analysis reveals problems that traditional doctrinal analysis might miss:

Example 1: A court rules that a platform's terms of service allow it to classify workers as independent contractors. Traditional analysis: contract law question. Execution gap analysis: personhood manipulation question—the classification is *capitis deminutio* that renders formal labor protections inaccessible.

Example 2: A court holds that corporate political spending is protected speech. Traditional analysis: First Amendment question. Execution gap analysis: personhood manipulation question—the holding treats corporate *capacitas* as if it were natural person *civitas*, creating democratic execution gap.

Example 3: A court upholds denaturalization for decades-old paperwork error. Traditional analysis: immigration law question about fraud. Execution gap analysis: personhood manipulation question—retrospective status revocation creates contingent *civitas*, execution gap in citizenship security.

The execution gap framework doesn't replace traditional analysis. It adds diagnostic layer: Is personhood being manipulated to render formal rights unenforceable?

VI. The Pedagogical Intervention: Teaching Personhood First

American legal education has developed sophisticated approaches to teaching constitutional law, labor law, and civil rights. Students graduate with deep understanding of doctrine, precedent, and legal reasoning. They are well-prepared to argue cases, interpret statutes, and analyze judicial opinions.

What this Article proposes is not replacement but addition: teaching Roman personhood framework as foundational concept before all other legal subjects. Two weeks at the beginning of law school, providing analytical vocabulary that operates across all doctrinal domains.

This section outlines what that pedagogical intervention might look like. It is offered as proposal, not prescription—a framework that legal educators might find useful, modify, improve, or replace with better approaches.

A. Current Structure and Its Strengths

Current 1L curriculum typically includes:

- Contracts
- Torts
- Property
- Civil Procedure
- Criminal Law
- Constitutional Law

This structure has evolved over more than a century and produces excellent lawyers. The Socratic method develops analytical skills. Case-based learning teaches students to extract principles from judicial opinions. Clinical programs provide practical experience.

These strengths remain.

What students don't receive is explicit instruction on what makes someone a legal "person" for purposes of each subject area. The assumption is that "personhood" is obvious, natural, self-

evident. But as we've seen, personhood is none of these things. It is a legal construct that can be manipulated.

B. The Addition: Two Weeks on Personhood

Proposed structure: Before teaching any doctrinal subject, spend two weeks on personhood foundations.

Week 1: Roman Personhood Framework

Day 1-2: *Caput* as state-granted legal capacity

- Personhood is not natural attribute but legal status
- Three dimensions: *libertas*, *civitas*, *familiae*
- *Persona* as theatrical mask—role for legal purposes
- *Res vs. personae*—things vs. persons

Day 3-4: *Universitas* and corporate entities

- Collective bodies as distinct category
- *Capacitas*—limited powers for specific purposes
- Functional distinctions appropriate to purpose
- State authorization required for corporate formation

Day 5: Modern applications

- How Roman framework maps to contemporary law
- Citizens vs. non-citizens (*civitas*)
- Adults vs. minors (*capacitas*)
- Natural persons vs. artificial entities (*persona vs. universitas*)

Week 2: Personhood Manipulation and Execution Gaps

Day 1-2: Historical examples

- Santa Clara headnote
- Conkling's misleading legislative history
- Dred Scott as explicit personhood denial
- Fourteenth Amendment's trajectory

Day 3-4: Contemporary examples

- *Citizens United* as *capacitas* expansion into *civitas*
- Worker misclassification as *capitis deminutio*
- Denaturalization as contingent *civitas*
- AI debates as emerging personhood questions

Day 5: Execution gap framework

- Formal rights + status manipulation + enforcement failure
- Diagnostic tool for recognizing pattern
- Cross-domain application

Learning outcomes after two weeks:

Students can:

1. Define personhood as legal construct, not natural attribute
2. Distinguish *caput*, *capacitas*, *universitas*, *persona*, *civitas*
3. Recognize when legal status is being manipulated
4. Apply framework to any legal question
5. Identify execution gaps between formal and enforceable rights

C. Integration with Existing Curriculum

After this two-week foundation, proceed with standard curriculum—but now students have additional analytical lens.

Contracts (Week 3+):

First day question: "Who can enter contracts?"

Without personhood framework, students might answer: "Anyone competent."

With personhood framework: "Those who possess *caput* or *capacitas* sufficient for contracting. Minors have diminished *caput*. Mentally incapacitated persons have conditional *caput*. Corporations possess *capacitas* for economic contracting granted by state charter."

The framework provides vocabulary for precision. Every contract question traces back to personhood: Who has status required to make this agreement binding?

Constitutional Law:

When students reach *Citizens United*, they now have framework the challengers lacked:

"Does a *universitas* (corporation) possess *civitas* (political rights)? Or does it possess only economic *capacitas*? Romans would find political speech by *universitas* conceptually incoherent—political participation is exercise of *civitas*, which only natural persons possess."

Students can articulate the challenge more precisely than "corporations aren't people"—they can say: "The Court confused corporate economic *capacitas* with natural person political *civitas*, creating execution gap in democratic participation."

Labor Law:

"Is this worker an employee or independent contractor?"

Without framework: Apply multi-factor tests, economic realities test, ABC test.

With framework: "Employment classification is personhood allocation. An 'employee' possesses *caput* allowing access to labor law protections. Reclassifying to 'independent contractor' is *capitis deminutio*—diminution of legal status. The tests determine personhood boundaries."

The framework doesn't replace the tests. It provides conceptual clarity about what the tests are actually doing: allocating personhood status.

Civil Rights:

"Can naturalized citizenship be revoked for decades-old paperwork errors?"

Without framework: Immigration law analysis, fraud doctrine, Due Process analysis.

With framework: "*Civitas* (citizenship) is fundamental personhood status. Making it retrospectively revocable for minor administrative errors creates contingent personhood. Romans would find this incoherent—*civitas*, once properly granted, was stable status, not subject to capricious revocation."

Again, framework doesn't replace doctrine but adds analytical precision.

D. The Pedagogical Advantage

Why this structure strengthens legal education:

1. Universal Framework

Students don't learn 20 disconnected subjects. They learn one mechanism operating in 20 contexts. Personhood is the common thread. This creates cognitive efficiency—each subject reinforces the framework rather than introducing entirely new conceptual structure.

2. Immediate Pattern Recognition

Once taught *caput*, students cannot miss manipulation. Like learning to see optical illusion—once seen, cannot be unseen. "Associations of citizens" immediately registers as category error. "AI supervisor" immediately registers as *capitis deminutio*. "Electronic personhood" immediately triggers analysis: *universitas* or *persona*? *Capacitas* or full rights-bearing status?

3. Critical Thinking Tool

Not teaching doctrine ("here's what the law is") but teaching analysis ("here's how law operates at foundational level"). Students become diagnosticians, not just practitioners. They can recognize personhood manipulation across any domain.

4. Apolitical Framework

Not asking students to adopt ideology. Simply showing them mechanism. Conservative and progressive students both recognize manipulation—they may disagree about whether it's justified, but they can see it's happening. Framework works regardless of political views.

5. Practical Application

Every case involves personhood questions. Students have immediate analytical tool. Employers cannot obscure worker misclassification. Courts cannot obscure corporate personhood inflation. Politicians cannot obscure citizenship manipulation. The framework reveals what's actually being fought over.

E. Implementation Roadmap

This is offered as one possible path for legal educators who find the framework useful:

Phase 1: Pilot Programs (Years 1-3)

- 5-10 law schools adopt personhood-first curriculum
- Document outcomes: student performance, bar passage rates, employment outcomes
- Compare to control schools using traditional curriculum
- Gather qualitative data: Do students report finding the framework useful?

Phase 2: Evidence Gathering (Years 3-5)

- Do graduates recognize personhood manipulation better than peers?
- Do they argue cases differently?
- Do they see *Citizens United's* mechanism more clearly?
- Can they articulate AI personhood questions more precisely?
- Publish findings in legal education journals

Phase 3: Refinement (Years 5-7)

- Based on pilot data, refine curriculum
- Develop casebook materials
- Create teaching guides for professors
- Build out two-week curriculum in detail

Phase 4: Broader Adoption (Years 7-10)

- ABA curriculum recommendations

- Major casebook publishers incorporate framework
- Bar exam questions testing personhood understanding
- National rollout to interested schools

Phase 5: Generational Change (Years 10-30)

- New generation of lawyers graduates with framework
- They become judges who understand personhood manipulation
- They become legislators who cannot be easily misled
- They recognize AI personhood manipulation immediately
- Legal culture shifts: personhood manipulation becomes recognizable pattern

F. Expected Resistance and Responses

Any pedagogical innovation faces resistance. Here are likely objections and potential responses:

Objection 1: "Roman law is historical curiosity, not practical skill"

Response: We're not teaching Roman law as such. We're teaching foundational concept that Roman law articulated clearly and modern law has obscured. Like teaching doctors anatomy before surgery—not to practice ancient medicine but because you cannot practice modern medicine without understanding what a body is. Personhood is legal anatomy. You cannot practice law effectively without understanding what a legal person is.

Objection 2: "Law school curriculum is already overcrowded"

Response: We're not adding content; we're reordering it. Instead of teaching 20 subjects separately, teach the mechanism underlying all of them, then show how it operates in each context. More efficient, not less. Students learn one framework applicable everywhere rather than memorizing disconnected rules for each domain.

Objection 3: "This is political advocacy disguised as pedagogy"

Response: Teaching what personhood IS is definitional, not political. Whether corporations should have political rights is political question. Whether workers should be classified as employees is political question. But teaching that "personhood" means state-granted legal capacity for specific purposes is vocabulary, not values. We're teaching students to see mechanism, not prescribing outcomes.

Consider: Both sides in *Citizens United* would benefit from this framework. Corporate lawyers could argue more precisely why corporations should possess certain capacities. Challengers could argue more precisely why political *civitas* differs from economic *capacitas*. Framework clarifies debate; it doesn't predetermine winner.

Objection 4: "Students won't care about theoretical foundations"

Response: Frame it practically. Tell students: "This framework explains *Citizens United*. It reveals why labor law fails to protect gig workers. It predicts AI legal debates. It's the master key to understanding power and wealth concentration through law." Students care when theory has immediate practical application. And personhood has immediate practical application in every case they'll ever argue.

Objection 5: "This is too radical a change"

Response: What's radical is graduating lawyers who don't understand what personhood is. What's radical is *Citizens United* standing because lawyers lack vocabulary to challenge its mechanism. What's radical is watching AI personhood debates unfold while legal education teaches nothing about personhood. The radical move is doing nothing while execution gaps widen.

This proposal is modest: add two weeks of foundational instruction before existing curriculum. Try it in pilot programs. Gather data. If it doesn't work, abandon it. If it strengthens legal analysis—as I believe it will—adopt it more broadly.

G. Why Legal Education Specifically?

This Article targets legal education rather than broader audiences for specific reason: lawyers are gatekeepers.

Judges decide cases that allocate personhood. Legislators draft statutes that define legal status. Corporate lawyers structure entities and employment relationships. Public interest lawyers challenge rights denials. All of these actors are lawyers first.

If we train the next generation of lawyers to recognize personhood manipulation, we change:

- How judges analyze cases
- How legislators draft laws
- How corporate lawyers structure relationships
- How public interest lawyers challenge violations

One generation of lawyers educated in personhood framework changes legal culture. It doesn't guarantee specific outcomes—conservative and progressive lawyers will still disagree about policy. But it ensures both sides see what they're actually fighting about.

The corporate lawyers who won *Citizens United* had the master key, whether they articulated it this way or not. This proposal gives future challengers the master key too. Then both sides argue with equal conceptual tools. May the better arguments prevail.

VII. Conclusion: Offering the Master Key

This Article emerges from an unusual position. For thirty-one years, I have lived inside an execution gap in Lebanese administrative law. I am a first-category civil servant formally recognized under Law 431/1995, yet classified as "Work: Wife" on my residency permit. I hold the Blue-Ink Letter—an official Ministry of Labor acknowledgment that my rights were violated. I have calculated damages exceeding \$47 million in denied social security benefits despite documented contributions. I possess the receipts, the formal recognition, the official confession—and still, the execution gap persists.

I am not theorizing about how formal rights can be separated from enforceable rights. I am testifying from three decades inside that separation. From that vantage point, I developed vocabulary for articulating what I experienced: personhood manipulation as the mechanism by which legal status is allocated to determine whose rights attach and whose exist only formally.

When I applied that vocabulary to American law, I recognized the same pattern operating across multiple domains. In *Citizens United v. FEC*, the winning lawyers deployed sophisticated understanding of personhood as manipulable category. They treated corporations as "associations of citizens" fifty-four times—not randomly, but as consistent rhetorical strategy blurring the distinction between artificial entities and natural persons. The challengers argued brilliantly about corruption, influence, and democratic distortion. What they lacked was vocabulary for directly challenging the personhood equation itself.

This Article has offered that vocabulary: Roman concepts of *caput* (state-granted legal capacity), *capacitas* (limited powers for specific purposes), *universitas* (corporate entities), *persona* (natural persons with full rights), and *civitas* (citizenship rights). These distinctions are clearer than modern legal terminology. "Corporate personhood" is ambiguous. "*Universitas* with economic *capacitas* but not political *civitas*" is precise.

This is not criticism. American legal education produces excellent lawyers through sophisticated pedagogies developed over centuries. Judges reason carefully within established doctrine. Scholars analyze law with impressive depth. What I offer is not replacement but addition—a framework that might enhance existing approaches by providing vocabulary that some have found difficult to articulate.

The corporate lawyers who won *Citizens United* understood personhood manipulation, whether they framed it in these terms or not. They deployed it effectively. This Article makes that framework explicit and available to all sides. Here is the master key. Both sides can use it. May the better arguments prevail.

A. What the Framework Reveals

The personhood manipulation framework reveals patterns across seemingly disparate legal domains:

In corporate constitutional rights: Systematic expansion of *capacitas* (economic capacity) into *persona* (full rights-bearing status), from property rights to political speech to religious conscience. Each expansion treats artificial entities more like natural persons, obscuring functional distinctions that Roman law maintained carefully.

In labor law: Systematic contraction of worker personhood through reclassification (employee → independent contractor) and visa contingency (H-2B sponsorship tying legal status to specific employers). The formal rights exist—minimum wage, safe working conditions, collective bargaining—but personhood manipulation makes them inaccessible.

In civil rights: Creation of tiered or conditional citizenship, where some possess secure *civitas* while others face perpetual possibility of status revocation for decades-old paperwork errors. The Fourteenth Amendment's text draws no distinction between natural-born and naturalized citizens, yet practice creates hierarchy.

In AI debates unfolding now: The same mechanisms are deploying at unprecedented scale. "AI supervisor" job classifications, "the algorithm decided" liability shields, and "electronic personhood" proposals all involve personhood allocation decisions—yet most participants lack clear vocabulary for what "personhood" means.

The execution gap framework synthesizes these observations: **formal rights + status manipulation + enforcement failure = systematic chasm between law's promises and law's delivery.**

Understanding this mechanism is the first step toward addressing it. You cannot challenge what you cannot see. You cannot articulate what you lack vocabulary for. The Roman framework provides that vocabulary.

B. The Pedagogical Intervention

The heart of this Article's proposal is simple: teach Roman personhood doctrine in the first two weeks of law school, before all other subjects.

Not as historical curiosity but as diagnostic framework. Not as replacement for existing curriculum but as foundation that makes existing curriculum more powerful. Two weeks providing analytical vocabulary that operates across all legal domains.

After this foundation, students approach every subject with additional lens:

- Contracts: "Who possesses *caput* sufficient for binding agreement?"
- Constitutional Law: "Does *universitas* possess *civitas*, or only economic *capacitas*?"
- Labor Law: "Is employment classification personhood allocation?"
- Civil Rights: "Is *civitas* being made conditional or revocable?"

This doesn't replace doctrinal analysis. It adds conceptual clarity about what doctrinal questions are actually determining: personhood boundaries and their manipulation.

The pedagogical advantage: Students who understand personhood framework cannot miss its manipulation. Once you learn to see the pattern, you cannot unsee it. "Associations of citizens" immediately registers as category error. "AI supervisor" immediately triggers analysis: *capitis deminutio*? "Electronic personhood" immediately raises question: *universitas* with limited *capacitas*, or full *persona*?

This is offered to legal education community as proposal, not prescription. Try it in pilot programs. Gather data. If it strengthens legal analysis—as I believe it will—adopt it more broadly. If scholars find better vocabulary, even better. The goal is simply to make available a framework that might be useful.

C. Why Now: The AI Urgency

AI personhood debates are happening in real-time. Tech companies, legislators, courts, and scholars are making decisions about legal status for AI systems, algorithmic decision-making, and human workers supervising AI—all without shared vocabulary for what "personhood" means.

From my vantage point as someone who lived inside personhood manipulation for thirty-one years, I recognize the pattern immediately:

Saudi Sophia citizenship (2017) mirrors my "Work: Wife" classification—performative recognition without enforcement content, creating precedent through symbolic gesture.

"The algorithm decided" liability shields mirror the Blue-Ink Letter logic—acknowledge outcome, deny human responsibility, make enforcement impossible.

"AI supervisor" job classifications mirror my experience exactly—real work, formal recognition, legal status manipulated to deny benefits. When I see job postings for "AI code reviewers" and "AI interaction specialists," I recognize the mechanism that made me invisible for three decades.

The next generation of lawyers will face these questions. Will they have vocabulary to recognize personhood manipulation when they see it? Or will they repeat *Citizens United's* pattern with artificial intelligence?

We're in the window. I recognize it because I missed mine. By the time I understood what was happening to me in Lebanese administrative law, the pattern was too entrenched to challenge. The system couldn't even process my existence anymore—hence "impossible zero" balance despite three decades of documented contributions.

With AI, we're in years 2-3 of mass deployment. Classification battles are happening now. In 5-10 years, "AI supervisor" will be normalized contractor category. In 20 years, courts will say "employment law was never meant to cover AI-supervised work."

This is the only "prediction" I make: If AI personhood manipulation isn't challenged in the next 5-10 years, it will become permanent. Not because I can foresee the future, but because I watched this exact pattern unfold over 31 years. The mechanism operates the same way regardless of context.

Teaching personhood framework now—before AI debates settle into bad doctrine—provides vocabulary for effective challenges. Students graduating with this framework will immediately recognize when corporations are inflating AI *capacitas* into *persona*, or deflating human worker *caput* through reclassification.

The stakes could not be higher. Post-AI mass automation under current personhood regime means: artificial entities possess expanding legal capacity while displaced workers lose economic basis for claiming rights. The execution gap scales from millions of dollars (my case) to trillions of dollars (entire economic sectors) in a few years.

Understanding the mechanism is prerequisite to stopping it.

D. What This Article Does Not Claim

In the interest of clarity, several explicit disclaimers:

This Article does not claim:

- That personhood manipulation results from coordinated conspiracy
- That judges, lawyers, or policymakers are acting in bad faith
- That current legal education is "broken" or "failed"
- That this framework predetermines legal outcomes
- That adopting this framework requires particular political commitments
- That I possess superior moral authority from which to warn others

This Article does claim:

- That personhood manipulation operates as structural pattern across legal domains
- That one side in *Citizens United* had conceptual tools the other lacked
- That legal education could be enhanced by teaching personhood as foundational concept
- That the Roman framework provides useful analytical vocabulary
- That my 31 years inside an execution gap created unusual vantage point from which certain patterns became visible
- That AI debates need this vocabulary now

The difference matters. This is offering, not accusation. This is tool, not weapon. This is vocabulary that might help, not moral judgment on those who lack it.

E. The Master Key Metaphor

Throughout this Article, I have referred to personhood manipulation as "the master key." Some may find this language hyperbolic. After thirty-one years inside an execution gap—with formal recognition, official confession, calculated damages, and still no remedy—I find it accurate.

A master key opens multiple locks with a single mechanism. Understanding personhood manipulation as legal status allocation opens understanding of:

- Why *Citizens United* transformed democracy
- Why gig workers can't access labor protections
- Why naturalized citizens live with citizenship insecurity
- Why AI debates feel conceptually muddled
- Why my Lebanese case persists for 31 years despite Blue-Ink Letter

One mechanism, multiple manifestations. One framework, cross-domain application. One vocabulary, widespread utility.

The "master key" language is not meant to suggest this framework solves all legal problems or that personhood manipulation is the only mechanism of power concentration. Other mechanisms operate—regulatory capture, information asymmetry, network effects. Personhood manipulation is not THE only pattern, but it is A significant pattern that lacks clear vocabulary in modern American legal discourse.

The Roman framework provides that vocabulary. Whether it's the "master" key or simply "a useful" key, I leave to others to determine through application and refinement.

F. An Invitation to Legal Education

This Article is fundamentally addressed to legal educators: deans, professors, curriculum committees, legal education reformers. The proposal is straightforward:

Consider adding two weeks of Roman personhood instruction at the beginning of 1L year. Before contracts, torts, constitutional law—teach *caput, capacitas, universitas, persona, civitas*. Give students vocabulary for recognizing personhood manipulation across all domains.

Try it as pilot program. Five to ten schools. Document outcomes. Compare to control schools. Gather data: Do students find it useful? Does it strengthen their analysis? Do they recognize patterns others miss?

If it works, expand. Refine curriculum. Develop teaching materials. Share findings. Let it spread organically as educators find value.

If it doesn't work, abandon it. No harm done. Two weeks is small experiment. If the framework doesn't strengthen legal education in measurable ways, discard it and seek better approaches.

The worst outcome would be not trying at all—continuing to graduate lawyers without vocabulary for recognizing personhood manipulation, watching execution gaps widen, seeing *Citizens United* replayed with AI, all while knowing a potentially useful framework was available but untested.

I offer this from the position of material witness, not expert. My qualification is not a law degree or scholarly credentials. My qualification is thirty-one years documenting what happens when personhood manipulation goes unrecognized and unchallenged.

From that position, I saw a pattern. I developed vocabulary for articulating it. I offer that vocabulary now to those with expertise to refine it, improve it, or replace it with something better.

G. The Execution Gap Need Not Be Permanent

For thirty-one years, I have lived with the execution gap between Law 431/1995's formal recognition and its practical unenforceability. The Blue-Ink Letter acknowledges violations. The system continues anyway. My case appears hopeless.

But execution gaps at systemic level—democratic participation, labor protections, citizenship security—are not yet permanent. They can be closed. Not through moral exhortation but through conceptual clarity.

Once lawyers, judges, legislators, and scholars have vocabulary for recognizing personhood manipulation, they can challenge it effectively. They can argue: "This corporation possesses economic *capacitas*, not political *civitas*." They can demonstrate: "This worker classification is *capitis deminutio* designed to create execution gap." They can show: "This citizenship policy creates conditional *civitas* violating Fourteenth Amendment's plain text."

The arguments don't guarantee victories. Conservative and progressive legal minds will still disagree about outcomes. But the debates become clearer. Both sides see what's actually being fought over. The conceptual tools become equally available.

That's what this Article aims to provide: equal access to analytical framework. The corporate lawyers who won *Citizens United* had it, implicitly or explicitly. The challengers lacked it. Future challengers need not lack it if legal education teaches personhood as foundational concept.

H. Final Word

I write this from Lebanon, where I have contributed to cultural life for three decades while classified as "Work: Wife." I write this as an American watching my country struggle with

questions about corporate power, worker exploitation, citizenship security, and AI governance. I write this as someone who has lived the execution gap and recognizes it deploying at scale.

The particulars of my case—American civil servant in Lebanon, married to Lebanese woman without receiving nationality, highly visible as cultural ambassador and artist, formally recognized under Law 431/1995 yet practically invisible—make my experience almost unbelievable. That's precisely why it might serve as evidence. If execution gaps can persist for thirty-one years in such a well-documented case, they can happen anywhere to anyone.

But understanding the mechanism makes it visible. And visibility is the first step toward accountability.

I offer the personhood manipulation framework—the master key—not as solution to all legal injustices but as vocabulary for articulating a specific pattern that operates across multiple domains. I offer it not from position of moral superiority but from unusual vantage point created by circumstance.

To legal educators: Consider teaching this framework. Test it. Improve it. Replace it with something better if you find it.

To lawyers facing *Citizens United*-style challenges: This vocabulary might help you articulate what the winning side understood intuitively.

To workers being reclassified as contractors: This framework names what's happening to you. *Capitis deminutio*—diminution of legal status to create execution gap.

To naturalized citizens facing denaturalization threats: This framework shows your citizenship should not be conditional. *Civitas*, properly granted, should be secure status.

To those engaged in AI debates: This vocabulary might help you recognize personhood manipulation before it normalizes and becomes unchangeable.

To everyone: The execution gap between formal rights and enforceable rights is not inevitable. It results from personhood manipulation. Once we see the mechanism, we can address it.

The choice is not between accepting current doctrine and overthrowing legal system. The choice is between arguing with clear vocabulary or arguing without it. Between recognizing patterns or missing them. Between having analytical tools equally available to all sides or having them available only to those who already possess power.

This Article offers those tools. Here is the master key. Use it well.

The execution gap that has defined my life for thirty-one years need not define the next generation's experience. But only if we teach them to see what many currently cannot: that personhood is not natural fact but legal construct, subject to manipulation, and that manipulation is the mechanism by which formal rights become separated from practical enforcement.

Understanding this is not the end of legal work. It is the beginning—the foundation that makes all subsequent legal analysis clearer, more precise, and more powerful.

I offer it in that spirit, with deep respect for those who will refine, improve, and perhaps eventually replace this framework with something even more effective. The goal is not to promote any particular political outcome but to provide vocabulary that strengthens legal analysis for all who engage with questions of rights, power, justice, and personhood.

May this framework—or something better that emerges from it—help close the execution gaps that persist across legal systems worldwide. May the next generation of lawyers have the conceptual tools to recognize personhood manipulation when they see it. And may we all benefit from legal debates conducted with greater clarity about what is actually at stake.

The work is difficult. The path is long. The opposition is formidable. But the stakes could not be higher: Will we live in a society where formal rights translate to enforceable rights? Or will we watch execution gaps widen until the promise of equal justice under law becomes merely symbolic?

Understanding personhood manipulation as the master key to this question is the first step. The next step is yours to take.

References

[The full reference list would follow here with proper Bluebook citations. Due to length constraints, I'm indicating where it would appear. The actual article would include 200-300 footnotes throughout with full citations in this reference section, including:]

- All cases cited (Citizens United, Santa Clara, Hobby Lobby, etc.)
- All statutes (FLSA, NLRA, California AB5, etc.)
- All scholarly articles (Graham, Robertson, Gilens & Page, etc.)
- All books (Duff, Gaius, Reich, etc.)
- All empirical sources (OpenSecrets data, Roosevelt Institute, SPLC reports, etc.)
- All government documents (DOL reports, executive orders, etc.)

Total Article Length: Approximately 15,500 words

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witness testimony to the patterns analyzed in this Article. He offers this analysis not from position of legal expertise but from unusual vantage point created by circumstance, in hopes that scholars with greater expertise in constitutional law, labor law, and legal theory will refine, improve, or replace this framework with more effective approaches to recognizing and challenging personhood manipulation across legal systems.

END OF ARTICLE
