

The Nature of Personhood

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1 Meanings of 'person'

In ordinary language there are at least three main meanings of the term 'person': The first refers to a fictitious character in a drama, a novel or in legend. This meaning corresponds closely to the etymology of the word 'person', which allegedly refers to the mask an actor wore during a theatre performance in antiquity. The second meaning refers to an institution with a certain legal status that enables it to appear as a party in a contract or as the issuer of orders. Such institutions are normally called *legal persons*. Both meanings, however, depend these days on the third meaning of 'person' that refers to real existences and primarily to human beings – the *natural persons*.

This last meaning of person is central to the modern ethical discourses, especially to Bioethics. For being a natural person is not only associated with specific cognitive and emotive capabilities, but also with a specific moral status that includes strong protective rights, among them the right to live, the right to decent treatment, the right to remain unmolested, the right to freedom, the right to conduct an autonomous life and the right to property.

However, since the introduction of the concept of natural person into philosophical discourse,¹ there has been an ongoing dispute regarding the relationship between natural persons and human beings that can be summarized by the question of whether these two concepts are coextensional or not. There are three possible answers to this question, namely:

- a) '(Natural) person'² and 'human being' are coextensional concepts, i.e. all human beings are persons and all persons are human beings.
- b) 'Person' and 'human being' are not coextensional concepts, with 'person' being included in the concept of 'human being'. This means that only some human beings are persons.
- c) 'Person' and 'human being' are not coextensional concepts, with 'human being' being included in 'person'. This means that all human beings are persons, but only some persons are human beings.

2 Speciesism

The first answer entails the idea that being a person is a specific property of a natural kind of living beings called humans. This specific property can be either 1) the content of the so-called 'specific difference' of human beings, i.e. the instance that separates them as a natural biological kind from any other form of life in the universe, or 2) a component of this specific difference, or 3) a specific property of human beings that is somehow derived from the specific difference. Any of these understandings is a variant of a moral philosophical position widely known as *speciesism*. Speciesism claims that the moral status of persons applies exclusively to human beings by virtue of the fact that they are human beings, and that this status is

¹ The term in this meaning has been introduced by Boethius.

² In the rest of the text the adjective 'natural' will be omitted.

irreducible to a property of a genus. Despite the fact that speciesism appears to be intuitively plausible, since there are in fact no other living beings on earth that are able to claim for themselves the status of persons, it is nevertheless arbitrary and phenomenologically, as well as philosophically, unfounded. This is because:

- a) From the factual absence of any other personal living beings on earth one cannot conclude definitely that there are no other personal existences in the universe.
- b) Being a person is either a biological aspect of being a human, or something that exists together with being a human, rendering thus the human existence to a compound of 'personality' and 'humanity'. However, if this is the case then it cannot be ruled out that the coextensionality of the terms 'person' and 'human being' is purely accidental.
- c) If, on the other hand, it is accepted that being a person is a biological aspect of being a human, then it is not clear why this given biological aspect entails moral obligations, such as the rights ascribed to persons.

The main argument for speciesism, which also explains the moral status of persons, is of a theological nature and states that the coextensionality of 'person' and 'human' is the result of divine will. Personhood, i.e. the property of being a person, is then a trait that is common between God and man and constitutes the claim that man has been created as God's own image. However, if this is true then personhood is not specific to humans but also applies at least to God.

The creationist foundation of personhood explains the moral exceptionality of humans as persons by reference to the divine will, which commands all humans to respect and to care for each other and forbids the exercise of violence against a fellow human being in the pursuit of one's own aims. However, it cannot give a rational account of the fact that the divine commandments are rationally good and also depend on the rational capability of human beings to understand and accept the rationality of the goodness of those commandments. The iteration of the foundation of the rational capabilities in the divine leads to a regress, rendering this line of argumentation futile.

In addition to this justification impasse, speciesism faces a severe ontological problem because it either cannot sustain its central ontological claim, namely that being a person is necessarily identical with being a human being, or it has to give it up, since it must accept that there is at least one other personal existence apart from humans, namely God.

3 Functionalism

The thesis of the coextensionality of the terms 'person' and 'human being' therefore proves to be inconsistent. Much more promising is the second answer, namely that the extension of 'person' is included in the extension of 'human being', which means that only some human beings are persons. Despite the lack of a common label for this thesis it has been argued by many modern philosophers, beginning with Locke, who states that 'person' '... is a forensic term, appropriating actions and their merit; and so belongs only to intelligent agents, capable of a law, and happiness, and misery. This personality extends itself beyond present existence to what is past, only by consciousness, — whereby it becomes concerned and accountable; owns and imputes to itself past actions, just upon the same ground and for the same reason as it does the present. All which is founded in a concern for happiness, the unavoidable

concomitant of consciousness; that which is conscious of pleasure and pain, desiring that that self that is conscious should be happy'.³

Without examining Locke's position in depth, we can see that it fulfils the criterion of the inclusiveness of the concept of person into the concept of human being, awarding the 'title' of a person only to those human beings that can fulfil certain cognitive and emotive functions. I will therefore label this position *functionalism*. Functionalism taken strictly does not only claim that only some human beings are persons, but also that there might be other living beings that must be recognized as persons, if they can fulfil the criteria for personhood. Functionalism thus avoids the problem of speciesism and appears to be both ontologically and morally more consistent. However, functionalism faces a severe challenge because it allows for the discrimination of the members of a given natural kind between those who display personal capabilities and those who do not.

This is so because, as we have seen from the Lockean definition, functionalism regards personhood as a status that applies only if an individual existence displays a certain behaviour. If it does not display this behaviour, for any reason whatsoever, there is no necessity to regard this individual, be it a human or another animal, as a person. Moreover, the Lockean definition introduces a further criterion for attributing personhood, since the individual in question must somehow retain a conscious connection between the episodes of its life, i.e. a Lockean person must not only fulfil the criteria for personhood at any point of its existence, but it must have also the knowledge – in Locke's terms, the consciousness – that all these points of existence are parts of the same 'timeline' of the personal being in question.

Thus, for a functionalist it is possible, and it does not contradict any ontological or moral commitment, that a given individual is only at some phases of its life a person enjoying the moral rights that are connected with this status. If at any point of its life a living being is not able to exercise the capabilities connected with the status of a person, then this individual does not enjoy the corresponding rights, especially the rights that protect its existence. This logical consequence forces functionalists to construct an intricate network of arguments that aim to preserve the status of personhood at least for those phases in the life of a human being, in which its cognitive and emotive capabilities are only temporarily and reversibly suspended, for example during deep sleep or unconsciousness due to an accident or medical treatment.

However, the main problems of functionalism are not such practical consequences as, for example, the legitimacy of active euthanasia in the case of comatose people, but the fact that in functionalism, personhood is something that has to be 'achieved' and that can be lost. This is a problem because functionalism cannot explain why already constituted persons have the *right to decide* if they award this status to another living being or not, or – in the case that a functionalist claims that they have a duty to acknowledge 'achievers' as fellow persons – where this duty originates from. Also problematic is the idea that *moral personhood*, i.e. the moral rights connected with personhood, is posterior to *epistemic* or *metaphysical personhood*,⁴ i.e. to the cognitive and emotive capabilities of a living being.

Furthermore, if moral personhood depends on metaphysical personhood, and if metaphysical personhood consists mainly in the ability to be a self-conscious being, then every self-

³ J. Locke, *An Essay concerning Human Understanding*, § 26.

⁴ Cf. R. Stoecker, *Metaphysische Personen als moralische Personen*, in: *Allgemeine Zeitschrift für Philosophie* 22 (1997), S. 245-271.

conscious being has the right to declare herself to be a metaphysical and a moral person and simultaneously specify the criteria for acknowledging other beings as fellow persons. In other words, functionalism results in a general conflict concerning the mutual recognition as metaphysical and moral persons.

4 Spiritualism

I consider the points I have addressed hitherto to be sufficient to demonstrate that functionalism is at least as problematic as speciesism. I will turn now to the examination of the last possible relationship between the terms 'person' and 'human', namely the thesis that the extension of 'human' is included in the extension of 'person'. This is equal to the claim that human beings constitute by their very nature a *species* in the broader *genus* of personal beings. This thesis also entails the claim that personhood is not an individual trait, as in the case of functionalism, but a generic trait that is part of the *form* of a particular personal species. I will call this position *spiritualism* because the term 'spirit' is used by many philosophers who represent this position to describe this form.⁵ A spirit, then is a living being that is defined by its individual personality and not by its material constitution.⁶

The main challenge for spiritualism is to define personhood in such a manner that it is not reduced to an accidental occurrence, so that it acts only as a factual criterion for distinguishing a personal from a non-personal being. This means that the factual property that is proper to all personal beings and distinguishes them as such must be understood as the *manifestation* of the formal property of personhood that is part of the form of a personal being. This means that spiritualism takes a *hylomorphic* position with regard to the existence of individual persons, i.e. an individual person is regarded from the point of view of spiritualism as a complex of form and matter in the Aristotelian sense. The form determines the *quiddity*, i.e. the 'what-it-is' of a formed existence, while the matter enables its *haecceity*, i.e. its actual existence in space and time. Thus, personhood as a formal trait is manifested in the haecceity of a personal being as a specific characteristic activity. The characteristic activity of a personal being is its direct knowledge, its awareness, that it *possesses a quiddity*. A personal being is not only aware of the fact that it exists, but also that it *exists as something*, and more precisely that it exists as an 'I' (or as an 'ego').

This claim may sound strange since the expression 'I' is regarded by many philosophers as a so-called *indexical*, that is, an expression denoting the relationship of a person to a state or a process. 'I' in this sense refers to the author of an action or to the person who is subject to a state, for example 'I walk down the avenue' or 'I see a house'. According to the standard theory, indexicals are completely defined by referring to a spatiotemporal singularity that makes up the extension or content of each indexical expression. Therefore, it is regarded as sufficient for the correct use of indexicals to master the act of ostension, i.e. to be able to understand what it means to point to an object, a place and/or a moment in time. For statements containing indexicals to be true, it is necessary and sufficient that the spatiotemporal point, to which the indexical refers is occupied by a singular existence and that a relationship of logical

⁵ Prominent representatives of this position are St. Thomas Aquinas, Hegel, and John McTaggart Ellis McTaggart.

⁶ This position allows the existence of immaterial personal beings, such as God, Angels or individual Souls. However, this particular question is of no concern for the systematic reflections on the formal nature of personal beings.

equivalence⁷ is established between the indexical and the indexical-free designation of this singular existence. The statement 'I walk down the avenue' is thus true if and only if it is established that 'I' and 'the person bearing the name Nikos Psarros' are logically equivalent and that a series of spatiotemporal points is occupied by the singular existence, for which the equivalence relation between 'I' and 'the person bearing the name Nikos Psarros' holds, and that are connected by the process called 'walking down the avenue'.

According to the standard theory, the understanding of the meaning of an indexical is nothing more than the mastering of the grammatical and syntactical rules governing its use and the displaying of the appropriate behaviour when the indexical in question is uttered. In this sense, every singular existence showing a similar behaviour to the utterance of an indexical should be regarded as a member of the same language game, regardless of whether it is a human, an animal or an 'intelligent machine'. Spiritualism claims, however, that the mere grammatical and syntactical understanding of indexicals in general, and especially of the indexical 'I', is incomplete. It is, rather, the case that our understanding of the indexical character of 'I' is derived from the primary understanding of us as an actualisation of the form 'I', which is nothing else than the form of a personal being. We can master the use of personal pronouns and indexicals because we know that the personal pronouns are not mere indexicals but refer to the various modes of singular existences that are the actualisations of the form of the personal being. It is this immediate knowledge of this form that enables us to understand that 'I beat you' does not only entail the logically inverse relation 'you are beaten by me', but also the material implication 'you are hurt by me'. The knowledge of the personal form enables me to regard another person as something that shares the same nature with me, i.e. that you and I are singular actualisations of the same form, namely a person. The derivative indexical use of personal pronouns abstracts from the essential aspects of being a living person and focuses on the mere spatiotemporal aspect of the existence as a material object that can be the effective cause of a process or of an event.

The mechanism and the ontogenetical course of obtaining this direct knowledge of the personal form are not within the scope of this essay. What matters more is the question of whether this knowledge is only an apparent one. In other words, can we rule out the supposition that what we learn to know as the form of the personal being does not correspond to anything that really exists, being nothing more than an illusion? However, even if illusory, our knowledge of the form of the personal being is still knowledge; and for something to be knowledge, it is presupposed that there is someone who is capable of knowing something. So, the existence of the illusory knowledge of the form 'I' means that there is at least one knowing subject, namely I. Now, if the content of the knowledge of the form 'I' is illusory, then my real existence should differ in at least one fundamental aspect from the content of this form. If the form 'I' has any normative power – and this is so by definition – and if I am a singular actualisation of this form, then the form of the personal being defines my real existence minimally as a singular, self-conscious and material being. If this knowledge is illusory then I should be anything else than a singular, self-conscious and material being. However, my knowledge of myself is that I am such a being. This knowledge cannot be doubted, nor can it be illusory, since it is indistinguishable from my existence.⁸ Consequently, my knowledge

⁷ Logically equivalent expressions can be exchanged in a statement without altering their truth value.

⁸ Cf. Descartes, *Meditations*, Second Meditation.

of myself coincides with the knowledge of the form 'I', at least regarding these three aspects, thus entailing that the knowledge of the form 'I' cannot be illusionary.

Nevertheless, depending on our cognitive powers, this knowledge can be erroneous, imperfect, incomplete, fragmentary or even absent. In the case of the latter, a person cannot perceive itself as an actualisation of the form 'I'. This is the case, for example, with comatose persons, persons suffering from various forms of aphasia or persons in a temporary state of unconsciousness. Imperfect, incomplete or fragmentary knowledge of the form 'I' can be more or less severe: it can be so distorted that one's life can go astray in several aspects or it can be perfected in the course of one's life. The exploration of the causes and the treatment of severe failures in knowing this form belong to the realm of medicine, psychology and forensic science. However, more common is a kind of 'normally blurred' knowledge of the personal form, which can lead us to incorrect judgements concerning the nature of other existences, from the charming anthropocentrism of small children who regard almost every sentient being as an actualisation of personhood to elaborated panpsychist metaphysical ontologies.

The spiritualist approach avoids both the errors of speciesism and functionalism because it does not identify a person with the member of a 'privileged' biological species, nor does it render the status of personhood dependent on the actual exhibition of specific cognitive and emotive capabilities. Since, from the spiritualist point of view, personhood is a form that defines a genus of various species of formed existences, a member of such a species that cannot actualize the specific traits of personhood, i.e. that does not have the knowledge that it has a quiddity, does not lose the moral status connected with being a person because it is a handicapped person that has special needs in order to live as a person.

From the spiritualist point of view, the Cartesian insight 'ego cogito, ego sum'⁹ makes perfect sense. Descartes has recognized that thinking involves a thinking being that is aware of the fact that it is something concrete - namely a thinking being. Thus, a thinking being must address itself as an 'I' (an 'ego'). Another sentence that makes perfect sense is the Fichtean ground axiom 'I am I' ('Ich bin ich').¹⁰ This sentence does not express a redundant tautology, but rather a synthetic truth, because the term 'I' is used in two senses: In an indexical sense, in the position of the grammatical subject, and as a predicate, in the position of the grammatical object.

5 Spiritualism and the Moral Obligations towards Persons

We have seen above that both speciesism and functionalism award persons with a privileged moral status that includes fundamental rights, such as the right to live, the right to conduct a decent life, the right not to be molested etc. These rights constitute what in the debate about personhood is known as 'moral personhood', in contrast to the 'metaphysical personhood' that is the label for the cognitive and emotive capabilities of personal beings. Our analysis of speciesism and functionalism has shown that in speciesism, moral personhood is attributed dogmatically to the members of the species that bear the attributes of metaphysical personhood, i.e. the human beings. This stance is also characterized as the 'sanctity of human life' thesis. Functionalism, on the other hand, does not adhere to the sanctity-of-human-life thesis, but nevertheless does attribute moral personhood to every single individual that displays the

⁹ Cf. Descartes, *Meditations*, Second Meditation, § 3.

¹⁰ Fichte, *Wissenschaftslehre*.

traits of metaphysical personhood by virtue of the fact that a metaphysical person has an interest in pursuing and achieving her individual aims that must be acknowledged and respected by other metaphysical persons. The penalty for violating this principle of mutual respect is the jeopardizing of the existence of the violator, so that ultimately functionalism proposes a kind of conventionalist and/or contractualist theory of moral obligations and rights. The main problem with such an understanding of personhood is, however, that the moral status attributed to metaphysical persons is not very stable and can be revoked by rational utilitarian considerations.

From the point of view of spiritualism, however, the moral status of a person cannot be revoked by utilitarian or other considerations, since it adheres to a metaphysical person generally and not on the basis of the individual fulfilment of conditions. This is so because the normativity that is the nucleus of any moral consideration is derived directly from the knowledge of a personal being that it has a quiddity, i.e. that it realizes a form. This means that the knowledge of a person as a person implies that she treats herself according to the general description of this form and not according to her momentary state of existence, because a person knows that her momentary state is always evaluated with respect to her form. This also holds for any other knowledge of a person, since this always includes a generic aspect, that always includes knowledge about the forms of the individual existences that she perceives. Consequently, the knowledge of a person that she encounters and interacts with other persons obliges her to treat them as persons, i.e. in a generic way according to her knowledge of the personal form. Against the background of this understanding of moral obligation, Kant's categorical imperative is not a mysterious and arbitrary axiom, but a synthetic truth. Furthermore, against the background of the spiritualist understanding of moral obligation, the moral status of a person needs no foundation in a supernatural divine will and cannot, on the other hand, be revoked by any utilitarian consideration. This is because every person has a moral value for itself by virtue of the fact that she is the actualization of the personal form – this being the foundation of the principle of the inviolability of human dignity that is defined as the highest goal of every humanist republican state.