

## The ontological and moral significance of persons\*

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**Abstract.** Many debates in arenas such as bioethics turn on questions regarding the moral status of human beings at various stages of biological development or decline. It is often argued that a human being possesses a fundamental and inviolable moral status insofar as she is a “person”; yet, it is contested whether all or only human beings count as persons. Perhaps there are non-human persons, and perhaps not every human being satisfies the definitional criteria for being a person. A further question, which will be the primary focus of this paper, concerns what essential features of personhood endow persons, human or otherwise, with their moral status and the inherent rights they concomitantly possess. A survey of the history of philosophical theorizing on what it means to be a person yields a broad consensus upon the key capacities being rational thought, self-consciousness, and autonomous volition. It is not sufficient, however, simply to cite these capacities, but to explain why these particular capacities bear moral import. A more recent concern has developed regarding the possible future existence of so-called “post-persons” who, due to their enhanced cognitive and emotive capacities, may be morally superior to *mere* persons and thereby possess a higher moral status. This paper will conclude with an analysis of the extent to which this concern is warranted.

**Keywords:** personhood; post-persons; rights; moral status; Aquinas.

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## Introduction – The Foundation of Human Rights

Nearly seventy year ago, in the wake of the extreme dehumanization and mass murder that occurred during the Holocaust, political leaders and international lawyers began to invoke the concept of inalienable “human rights,” such as are enshrined in the United Nations’ Universal Declaration of Human Rights.<sup>1</sup> While the recognition of such rights and their use in prosecuting “crimes against humanity” has been undoubtedly an advancement in international law, there is a significant underlying question concerning the philosophical foundation for such rights—in terms of both their very existence and the enumeration of these specific rights. At the time the U.N. Declaration was drafted, a “philosophical committee”—officially titled the Committee on the Theoretical Bases of Human Rights—was established to advise the drafting committee on just what theoretical foundations, whether secular or religiously-based, ground the existence of these recognized rights. This committee, and others from whom input was solicited, comprised representatives of various, sometimes inherently contentious, philosophical schools, religious traditions, and political systems—from Mohandas Gandhi to Aldous Huxley. The committee was chaired by the Thomistic philosopher Jacques Maritain. When a visitor observing the committee at work showed amazement that representatives from such disparate schools of thought and belief could agree on a list of universal rights, Maritain quipped, “Yes, we agree about the rights but on condition no one asks us why” (Glendon 2001, 77; cf. UNESCO 1949, 9).<sup>2</sup> Maritain’s own answer to the foundation for such rights was, of course, Thomistic natural law theory:

In my opinion any rational justification of the idea of the rights of man, as of the idea of law in general, demands that we should rediscover the idea of natural law ... in its true metaphysical connotations, its realistic dynamism and the humility of its relation with nature and experience. We are then able to understand how a certain ideal order, rooted in the nature of man and of human

<sup>1</sup> <http://www.un.org/en/universal-declaration-human-rights/>. Accessed 10/10/16.

<sup>2</sup> For an analysis of the “value generalization” that occurred during the framing of the Declaration, see Joas 2013, ch. 6.

society, can impose moral demands valid throughout the world of experience, history and fact, and can establish, for the conscience as for the written law, the permanent principle and the elementary and universal criteria of rights and duties (Maritain 1947).

Maritain (2001, 78) further contends, “The same natural law which lays down our most fundamental duties, and by virtue of which every law is binding, is the very law which assigns to us our fundamental rights.” While the concept of “rights” was foreign to St. Thomas Aquinas in the 13th century, his natural law ethic, informed by his philosophical anthropology, provides a sound and universally applicable—if not universally acknowledged—foundation for the human rights that nations around the globe ought to strive to implement in their civil laws.<sup>3</sup>

## 1. Establishing the Central Question

In this paper, I explore a meta-level question that undergirds Maritain’s and the U.N.’s influential project: *Why do human beings have the moral status we do such that there is a normative requirement to recognize our possession of certain universal, inalienable rights?* Thomas Jefferson, in drafting the U.S. Declaration of Independence, asserted that, at the metaphysical level, human beings are “endowed by their Creator” with such rights; and, at the epistemic level, the existence of such rights was “self-evident.” Interestingly, as a *deist* who did not necessarily believe in a “personal” God, Jefferson may have meant that our possession of such rights was simply given by virtue of our nature *qua* human, as opposed to having been granted to us intentionally by divine *fiat* (Holmes 2006). Furthermore, their self-evident existence means that they ought to be recognized epistemically by even non-theists—the U.N. Commission on Human Rights, of which Maritain’s was a subcommittee, included representatives from the militantly atheist Soviet Union. We can thus put the question again, in a slightly different form, *What is it about*

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<sup>3</sup> For further explication of the relation between Thomistic natural law theory and the modern concept of human rights, see Eberl 2010 and Eberl, Kinney, and Williams 2011.

*human beings that inherently grants us these rights?* Is it simply because we are *human*? This smacks of collectively self-serving anthropocentrism and is vulnerable to Peter Singer’s (2009) charge of “speciesism.”

While some scholars are dismissive of Singer’s charge, or have mounted arguments against it,<sup>4</sup> the warranted consideration of this allegedly prejudicial sin is evident to anyone who considers the real possibility, nay *probability* (Frank and Sullivan 2016), of intelligent non-human beings having evolved on other planets in this immense created universe.<sup>5</sup> Philosophers and moral theologians have already pondered what moral status such beings might have and how they might fit into, from the Christian perspective, salvation history (Funes 2008; George 2005; George 2001). The probable existence of such entities does not necessarily detract from the moral status of human beings:

While membership in the species *Homo sapiens* is sufficient for full moral worth, it is not in any direct sense the criterion for moral worth. If we discovered an extra-terrestrial being of a rational nature, or learned that some terrestrial species have a rational nature, then we would owe such beings full moral respect (Lee and George 2008, 176; cf. Beckwith 2007, 161–2).

One way of terminologically resolving this issue is simply to label all alien life-forms who exhibit certain relevant traits sufficiently similar to us as “human”; but the descriptor “human” may be too well-grounded in reference to the biological species *Homo sapiens*. Given, for example, recent research into the creation of *chimeras*, in which human DNA is engrafted into non-human animal embryos via stem-cell transplant, there is at least a conceivable possibility that, say, a primate embryo into which human neural stem cells have been engrafted could develop into a mature animal that thinks, feels, and autonomously wills just as we do (Eberl and Ballard

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<sup>4</sup> Kittay (2005, 124), e.g., argues that “membership in a group of moral peers based solely on species membership has as its appropriate moral analogue family membership, not racism and not pernicious nationalism. As humans we are indeed a family.”

<sup>5</sup> A recent study indicates that the universe may contain 10x the number of currently observable galaxies (Conselice et al. 2016).

2009). While this, too, may sound like science-fiction, a scientist from Yale University is attempting to create just such an entity in a laboratory on the Caribbean island of St. Kitts utilizing African green monkeys.<sup>6</sup> If such a being were created, would it count as an intelligent “African green monkey” or would it count as “human”? Such confusion of species identification is one reason that has been given for condemning these research endeavors (Robert and Baylis 2003).

An alternative conceptual approach is to side-step the question of biological species identification and utilize the term “person” to describe a sufficiently human-like chimera, or an extraterrestrial alien who differs from us only in physical appearance and evolutionary morphology, whom we find it to be “self-evident” to possess the same inherent, natural, God-given rights we do. After all, are not all human beings persons? Aquinas (1948, IIIa, q. 16, a. 12 *ad* 1) thought so, while also recognizing the existence of non-human persons—viz., angels, demons, and the members of the Divine Trinity.<sup>7</sup> Simply changing our terminology, however, does little to resolve our central question. It merely rephrases it: *Why do persons have the moral status we do such that there is a normative requirement to recognize our possession of certain universal, inalienable rights?*

<sup>6</sup> [http://www.pbs.org/newshour/bb/science-july-dec05-chimera\\_8-16/](http://www.pbs.org/newshour/bb/science-july-dec05-chimera_8-16/). Accessed 10/10/16.

<sup>7</sup> Aquinas (1948, Ia, q. 29, a. 4 *ad* 4) refers to the members of the Trinity, angels, and human beings all as persons. The term “person,” however, is not applied *univocally* to these three distinct types of beings. For example, God the Father is not an “individual substance,” but is an “incommunicable being or subsistence” (1948, Ia, q. 29, a. 3 *ad* 4, a. 4; q. 30, a. 4). An angel does not have a “rational nature,” which implies knowledge by discursive reasoning, but is an “intellectual being” by having the capacity to know without discursion (1948, Ia, q. 58, a. 3). Due to such differences in nature, “person” cannot be the proper substance concept for the members of the Trinity, angels, or human beings. Nevertheless, God the Father’s existence as an incommunicable subsistence is analogous to a human being’s existence as an individual substance; and an angel’s intellective nature is analogous to a human being’s rational nature. Thus, the term “person” is properly ascribed to the members of the Trinity, angels, and human beings, but not without qualification, and hence not as a substance concept. For his detailed description of the members of the Trinity as a persons, see Aquinas, 1948, Ia, qq. 29–30. For his account of angelic nature as distinct from human nature, see Aquinas, 1948, Ia, q. 50, aa. 1–2.

## 2. Defining Personhood

The concept of “personhood” has a long philosophical history. The word is derived from the Greek term *prosopon*, referring to the masks worn by stage actors to depict different characters they were portraying. A variant of this term is still used today when referring to someone taking on or displaying a certain *persona*—i.e., an inauthentic self. The Latin term *persona* originally, however, referred to someone possessing *legal status* within the Roman Empire. The concept of “legal personhood” is still utilized today as U.S. law, for example, recognizes the existence of incorporated businesses as such; whereas unborn human fetuses do not enjoy this legal status. One of the earliest and most oft-cited uses of *persona* in a *philosophical* sense is in a 6<sup>th</sup>-century treatise by Boethius (1918) concerning the two natures of Christ united into one person. The Boethian formula of personhood—“an individual substance of a rational nature”—was adopted by Aquinas for the same purpose, as well as to describe the nature of the Divine Trinity and the moral status of human beings. So what is it about human beings, angels—even demons—and the members of the Holy Trinity, that make us all *persons*? And what is it about our personhood that gives us the *moral status* we enjoy, grounding the existence of our natural rights?

When Aquinas considers whether the term “person” is rightly ascribed to the members of the Holy Trinity, he answers that it is so because it is a term of *dignity*: “Person signifies that which is most perfect in all of nature, namely, subsistence in a rational nature” (Aquinas 1948, Ia, q. 29, a. 3).<sup>8</sup> The “dignity” persons possess is due to their having “dominion over their acts and are not only made to act, as others, but act through themselves ... Thus, individuals of a rational nature have a special name among other substances; and this name is *person*” (Aquinas 1948, Ia, q. 29, a. 1). God, as omnipotent and as Pure Act (Aquinas 1948, Ia, q. 9, a. 1 and q. 25, a. 3), has *perfect* mastery over His actions. Angels, as immaterial intellects, though lacking omnipotence and pure actuality, enjoy virtually unlimited exercise

<sup>8</sup> See also Aquinas (1948, Ia, q. 29, a. 3 *ad* 2), where he refers to persons being distinct by reason of *dignity*.

of their free wills (Aquinas 1948, Ia, q. 59, a. 3). As with angels, human beings possess freedom of will due to our intellectual capacity (Aquinas 1948, Ia, q. 83, a. 1), which in turn entails that each of us exists first and foremost for our *own sake*—not as instruments to be used for some other end (Aquinas 1975, bk. III, ch. 112). Relatedly, Aquinas contends that, while each of us is undeniably a member of a larger society of persons, each of us “is a kind of whole unto himself, with rights and duties transcending his membership in the body politic” (McLaughlin 1985, 169–70; see Aquinas 1948, Ia–IIae, q. 21, a. 4 *ad* 3). Non-human animals, however, though sentient and capable of self-movement, do not possess a will that is *free*, but rather appetites driven by natural necessity and thus do not count as persons—at least as far as Aquinas knew (Aquinas 1948, Ia, q. 81, a. 3).

In sum, human beings *qua* persons have an essentially *rational* nature, the definitive capacity of which is for *intellective thought*, by virtue of which human beings are capable of understanding the universal essences of things and otherwise knowing truth that transcends material reality (Aquinas 1948, Ia, q. 79; see also Eberl 2004)—culminating in our capacity to receive divine grace by which we may come to understand the source of our being: God. Concomitant with this epistemic capacity is the capacity to *appetively* orient oneself towards, or away from, what is constitutive of, or detracts from, human flourishing. Human beings have *free will* due to our ability to choose among various goods we may perceive and assess as appropriate means to attaining our ultimate end understood both naturally—i.e., flourishing in accord with our rational nature—and supernaturally—i.e., loving union with God (Aquinas 1948, Ia–IIae, qq. 1–5). These inherent capacities, grounded in human beings’ essential nature, and our relation to our Creator is what grounds the inherent dignity of each individual human being as a person in possession of herself, such that she may not be considered merely as an insignificant member of a larger political whole.

Later philosophical developments concerning the concept of personhood have continued to focus on a set of relatively similar traits, all of which can be traced back causally to our existence as “rational” beings. In the 17<sup>th</sup> century, John Locke (1975, 335) defined a person as “a thinking intelligent

Being, that has reason and reflection, and can consider itself as itself, the same thinking thing in different times and places.” Locke’s definition includes the essential *rational* dimension of the Boethian definition, but emphasizes more the continuity of *self-consciousness* to ground one’s persistent identity, eschewing the essential continuity of the underlying *substratum*—the “individual substance” portion of the Boethian definition. Hence, whereas Locke grounds a person’s existence in terms of exercising a certain type of *activity*—viz., conscious reasoning—Aquinas grounds one’s existence as a person in terms of possessing a rational *nature*. In line with Aquinas’s thesis of what grounds the inherent *dignity* of persons, Immanuel Kant (1997) in the 18<sup>th</sup> century grounded the incalculable moral worth of human persons—what makes us members of the “Kingdom of Ends”—in the capacity for *rational autonomy*.

Among contemporary philosophers, Lynne Baker (2000) contends in a neo-Lockean fashion that a person is essentially a being with the *capacity for a first-person perspective*. Other contemporary theorists have cited the following essential activities in which persons engage: rational thought, self-reflexive consciousness, using language to communicate, having non-momentary self-interests, and possessing moral agency or autonomy (Singer 1992; Kuhse and Singer 1985; Tooley 1983; Warren 1973). Some of these latter-day theorists consider it essential to being a person that one is *actually engaging* in these activities, or could at least immediately do so without any intrinsic impediment. I have argued elsewhere, however, that it is sufficient for being a person if one possesses the *intrinsic active potentiality* to engage in these activities, the actualization of which may require development over time—as in the case of human embryos or fetuses (Eberl 2014). I have also previously argued that such potentialities may persist even if the material foundation to immediately exercise some of them has been irreversibly damaged—as in the case of those in a persistent vegetative state (Eberl 2005).

Collating all of these historical and contemporary views, I propose as a summative thesis that a “person” is any being who possesses by virtue of their essential nature *an intrinsic active potentiality for self-conscious rational*



*thought*<sup>9</sup> and *autonomous volition*, and who is thereby a member of the moral community. While this general definition captures the essence of being a person, it omits many nuances that are often contested. For example, it is debated whether having an active potentiality for self-conscious rational thought and autonomous volition requires having a biological cerebrum, or whether a functionally equivalent silicon information-processing system would suffice. Also debated is what is required to be a member of the moral community. For example, a severely cognitively disabled human being may not be a *contributing* member of the moral community—in that she does not have the mental capacity to fulfill duties to others—but may be a *recipient* member—in that she has rights which entail others fulfilling duties toward her. If a non-human animal, a human-nonhuman chimera, or an extraterrestrial alien were found to possess the above-mentioned traits, they would arguably count as a person. Perhaps even, though this may be impossible in principle, if an artificially intelligent machine were to be engineered with such traits—and not the mere simulacrum of them—it too would count as a person. Yet, we still have not directly answered our central question.

### 3. Personhood and Moral Status

Consider a paradigmatic, uncontroverted case of personhood: viz., a cognitively normal, mature human being. This being possesses, among other traits, the putatively morally-relevant traits of self-consciousness, intellective and practical—in the sense of moral, not merely technical—reasoning, and autonomy. But why do *these* traits give this being her elevated moral status above non-persons? One response is that these traits are self-recognized as belonging to the only species, on this planet at least, that has the capacity to assert its own moral status; in short, the moral value of the traits definitive of *persons* is due to their being traits definitive of *humans* (Kadlac 2010). While this response avoids the pejorative “speciesism” charge, insofar as it

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<sup>9</sup> “Rational thought” is here understood in the Thomistic sense of *intellection* as described above.

extends the recognition of such traits and consequent moral status potentially to non-human persons, it remains anthropocentric in origin, which is perhaps all we can do epistemically with no other species of persons in the known universe to serve as a comparator.

It is arguable that a person possesses the moral status she does by virtue of her capacity to have *significant interests*, the frustration of which would cause her to experience a degree of harm beyond the pain that merely sentient non-personal animals may experience—which is by no means to deny that such animals have interests as well that merit respect to the extent that doing so does not precipitate significant harm, or loss of morally significant benefits, to persons (Barad 1988; Drum 1992; Tardiff 1998; Camosy 2013). This claim would seem to take us beyond Aquinas's conclusion that the dignity of persons is due to their capacity for mastery over their own actions; for such mastery may be exercised for good or for evil, and perhaps we should not respect the interests of morally evil persons. Yet, there is something correct in Aquinas's conclusion insofar as, at least within the Christian tradition, the moral status of even egregiously evil persons is considered to be on a par with their innocent victims: Adolf Hitler is as much of a person as a Jewish internee at Auschwitz, hence why it constituted a moral dilemma for Christians whether it was licit to plot to assassinate Hitler (Riebling 2015). Furthermore, Eleonore Stump (2010, 197–205) contends that even Satan, insofar as he is person created lovingly by God, continues to be loved by his Creator even though God knows that Satan's will is fixed and will never turn back towards loving union with Him.

Personhood is thus not *earned* through good moral acts, but rather is *given* by one's very existence as a being of a rational nature. A question that arises at this point is whether the givenness of one's moral status as a person is due to having been created by a loving God—i.e., *extrinsically* grounded—or due to the inherent nature and concomitant traits one possesses as a person—i.e., *intrinsically* grounded. I see no reason why these should be mutually exclusive. For even non-theists typically acknowledge the intrinsic moral value of persons, however they may define such. Furthermore, Aquinas (1948, Ia, q. 118, a. 2 *ad* 5) notes that God cooperates with the process

by means of which human persons are produced—by infusing a rational soul in any appropriately formed body—even if there is sin involved: e.g., a child conceived through an act of adultery. Today, it is evident that God cooperates with the creation of human persons *in vitro* and there is no reason to think God would not cooperate with the creation of a cloned human person, a chimera who bears the inherent traits of personhood, or—if possible—a truly artificially intelligent, self-aware, and autonomous machine, infusing such a creature with rational soul and thereby endowing it with a rational nature.

Our central concern regarding the creation of such entities should not only be whether we ought to create them in the first place, but the epistemic means we should adopt to determine whether they qualify as persons and how we ought to treat them in case of epistemic uncertainty. In this regard, the teaching of St. John Paul II (1995, n. 60) concerning the respect due to human embryos is instructive: “what is at stake is so important that, from the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human embryo.” If it is licit to remove the qualifier “human” before “person,” then the “mere probability” of being confronted with a person—whether human, non-human, chimeric, extraterrestrial, or perhaps even artificial—grounds a moral obligation to treat them with the same respect with which paradigmatic persons ought to be treated—a more expansive application of the Golden Rule or Kant’s (1997, 38) second formulation of the Categorical Imperative.

#### 4. Disputed Questions on Personhood

The previous analysis allows us now to weigh-in on a few disputed questions concerning the moral status of persons. First, is personhood inherent or imputed? According to Charles Taylor (1985, 97):

Where it is more than simply a synonym for ‘human being’, ‘person’ figures primarily in moral and legal discourse. A person is a being with a certain moral

status, or a bearer of rights. But underlying the moral status, as its condition, are certain capacities. A person is a being who has a sense of self, has a notion of the future and the past, can hold values, make choices; in short, can adopt life-plans. At least, a person must be the kind of being who is in principle capable of all this, however damaged these capacities may be in practice.

Daniel Dennett (1981, 270) contends to the contrary:

[W]hether something counts as a person depends in some way on an *attitude taken* toward it, a *stance adopted* with respect to it ... [I]t is not the case that once we have established the objective fact that something is a person, we treat him or her or it in a certain way, but that our treating him or her or it in this certain way is somehow and to some extent constitutive of its being a person.

Clearly, “legal” personhood is extrinsically imputed. Yet, there are inherent qualities of the beings acknowledged to be persons that ground their recognition as such; though legislators can, of course, fail to recognize such qualities in beings who nevertheless are in fact persons. Dennett’s claim, however, relates more to the concept of *selfhood* than personhood, which are often conflated. There is a distinction between my objective existence as a person and my subjective sense of my own selfhood, the latter depending to a significant extent upon my relationships with other persons. Was Helen Keller—deaf, blind, and mute since she was nineteen months old—not a person before she was recognized as one by her teacher, Anne Sullivan? (Nielsen 2009). Clearly, Helen Keller possessed the inherent *capacities* of personhood, since otherwise no communicative breakthrough would have been possible; and this suffices for her to have *always* been a person. Her subjective selfhood, however, was arguably diminished by her lack of interpersonal communication until her breakthrough with Sullivan.

Second, is personhood a *threshold* concept, meaning one either is a person or is not, or is personhood a matter of *degree*, such that severely cognitively disabled human beings might not count as persons to the same extent as cognitively “normal” human beings? While any one of the traits that exemplify one’s personhood may be actualized to various degrees—

autonomy, for example, is expressed in relation to various potentially coercive influences in one's social milieu (Beauchamp and Childress 2013, 105)—whether one has the inherent capacity for autonomy to *any* degree is a property one either possesses or does not. Self-consciousness would be another trait that appears to be an “all or nothing” affair. I am not talking here about the extent to which one is aware of the subconscious motivators of their behavior à la Freud, but self-consciousness in terms of being able to think substantive \*I\* thoughts. Baker (2000, 79) talks about Oedipus's self-mutilation as prompted, not by a third-personal assessment of the error of having killed one's own father and married one's mother, but the first-personal horror of having killed *his own* father and married *his own* mother. The capacity for such rich self-consciousness is either present or not.

Finally, is the value of one's personhood *impersonally objective* or *subjectively indexed*? Utilitarians, for example, hold that the value of a person's existence and interests is impersonally objective: to use Jeremy Bentham's famous dictum, each person in the utility calculus counts as one and no more than one. This allows for the interests of persons to be aggregated and for those of the majority to outweigh those of the minority. Kant also holds the value of personhood to be impersonally objective; but, in contrast to utilitarians, he assigns it an infinite value that does not allow for the respective value of individual persons to be weighed against one another. By contrast, an “interest-based” account of the value of personhood focuses on each individual's subjective valuing of their own interests—for life, pleasure, flourishing, truth, friendship, loving union with God, etc. There are various forms that an interest-based account may take and specific applications such an account might entail—e.g., allowing for a person rationally to elect suicide if they lose any subjective interest in their future life. A subjective interest account, though, is not inimical to the thesis that the very existence of a person is objectively valuable—in either the Kantian or utilitarian senses—and therefore *ought* to be subjectively appreciated by oneself; in fact, we typically view suicidal persons as suffering from clinical depression or some other cognitive/emotive defect that warrants amelioration by means other than suicide. In short, I contend that my life has objective value—in the

Kantian sense—because I am a person, but my value as a person should not be *objectified*—as utilitarianism allows—such that my life and interests may be weighed in a one-to-one scale with those of other persons; violations of my interests or the ultimate harm of death are also inextricably bad because of how they negatively impact *me*, subjectively, as a person. This is not to say that one’s objective moral status as a person and the subjective value of one’s interests are the only relevant factors in determining, for instance, whether it is justifiable to end someone’s life—even Aquinas (1948, IIa–IIae, q. 64, a. 2) allows capital punishment to safeguard the body politic and the indirect killing of an aggressor in self-defense (Aquinas 1948, IIa–IIae, q. 64, a. 7). They are, however, mutually indispensable factors in moral deliberation.

### Conclusion – Post-Personhood?

To conclude, I would like to apply the analysis thus far to a relatively new point of debate among bioethicists: the possible advent of “post-persons” resulting from various forms of cognitive, emotive, and so-called “moral” enhancement. In brief, a post-person would putatively be someone—who either started out as a human being or is the offspring of already engineered post-persons—whose intellectual capacity, degree of emotional control, and, consequently, ability to consistently make virtuous moral choices would be an order of magnitude above our present collective capacities for such. Nicholas Agar (2014, chs. 8–9) voices the concern that such entities may have morally superior needs to ours, akin to the morally superior needs we have in relation to non-human animals, which would justify the potential *use of us mere persons* by post-persons. It would thus not be in our collective self-interest to create such beings in the first place. The validity of Agar’s concern may be seen in the Thomistic principle that the less perfect exists for the sake of the more perfect (Aquinas 1948, IIa–IIae, q. 64, a. 1). This principle justifies human persons eating other animals for nutritional purposes, as well as both humans and animals eating plants. Might it justify putative post-persons eating *us*? Perhaps culinary concerns are not at issue, but what about post-persons utilizing mere persons for biomedical research

just as we utilize, with some ethical restrictions, non-human animals? Or for post-persons to restrict mere persons' reproduction if there is a shortage of resources to support everyone's flourishing?

Allen Buchanan (2009) contends that even radical forms of enhancement would not produce a race of post-persons whose *moral status* would be categorically different from our own, such that it would be morally incumbent upon unenhanced persons to yield the satisfaction of their own interests to post-persons. Buchanan's argument is based on personhood being a *threshold concept*, such that it would be a category mistake to believe we could create a race of post-persons who enjoy a higher moral status than we do. While Buchanan's concept of personhood, discussed below, is not Thomistic in its foundation, he and Aquinas share the view that personhood is a threshold concept: one is either a person or they are not. Aquinas would further contend that a being who is a person is so according to their *essential rational nature*; hence, one who is a person can only cease to be a person if they were to lose their essential nature, which would entail the end of one's existence altogether.<sup>10</sup> This leads us to the next question, which is whether there may be distinct kinds of rational natures, exhibiting differing degrees of rational potentiality, thereby allowing *in principle* the possible future existence of post-persons.

Buchanan and Agar both presume a Kantian definition of personhood in which the inherent moral status of persons is premised upon one's "capacity for practical rationality" (Agar 2014, 159). While Buchanan holds that the presence of such a capacity marks one as a person—regardless of how well

<sup>10</sup> Thomistic metaphysics would also entail that very concept of post-personhood is either incoherent or, if one could be enhanced to the point where they have taken on a new essential nature as a post-person, then they would no longer be the same individual being since no individual can survive a change in their specific nature. Thus, for instance, if it were both metaphysically and practically possible to upload a person's consciousness into some sort of cybernetic mainframe—a dream of at least some enhancement proponents known as "transhumanists"—the surviving consciousness would not constitute the numerically same person insofar as human persons are essentially *rational animals* and one's animality would be sacrificed in the uploading process; or alternatively, the uploaded consciousness would have to be encased within some sort of physical structure which provided similar sorts of sensory inputs that our biological bodies provide: the result might be understood as a rational animal-construct (Oderberg 2014, n. 45).

one reasons practically—Agar (2014, 162–3) contends that cognitive and emotive improvements of a sufficiently great magnitude could yield an increase in moral status. He then considers various attempts to provide a foundation for a higher moral status than that enjoyed by “mere persons.” Jeff McMahan (2009), for instance, proposes that increased *freedom of will* may ground a higher moral status for post-persons.

This proposal is interesting when viewed from both Buchanan’s Kantian perspective on personhood as well as Aquinas’s insofar as both consider the capacity for determining one’s own actions to mark the difference between persons and non-persons and the inherent dignity of the former. Aquinas (1948, Ia, q. 59, a. 3) further allows for *degrees* of dignity among different genera of persons, reasoning that angels—who exist as pure intellects—possess free will “in a higher degree of perfection” than human beings do and thus “the angels’ dignity surpasses” our own. Nevertheless, Aquinas does not claim that angels’ greater dignity entails that their interests trump those of human persons the way Agar fears the interests of enhanced post-persons may override those of unenhanced human persons. Furthermore, the superior intellectual capacity, with concomitantly superior freedom of will, angels possess is due to their essentially *immaterial* nature. From a Thomistic perspective, the claim is doubtful that an enhanced human being, who remains essentially *material* in nature, could attain such an exponentially increased capacity for reasoning and free will that their inherent dignity would thereby be increased by an order of magnitude above that of other human persons.<sup>11</sup>

Even if it is arguable that the dignity of various types of persons may come in degrees, *personhood* remains yet a threshold concept, such that the basic natural interests—for life, freedom from pain, respect for individual autonomy, etc.—of even the lowliest persons ought not to be violated, even for the sake of promoting such interests for more dignified persons.

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<sup>11</sup> As Oderberg (2014, 224) contends, “...there is and can be nothing in between humans and angels. If there is an ontological hierarchy, as I believe, then from God we descend to spirits and then human beings. There is no space between the rational animals and the disembodied spirits, metaphysically speaking.”



Although I do not share Agar's concern that radically enhanced post-persons could rightfully claim moral demands at the expense of the basic natural interests of unenhanced persons, the danger that such beings might not *acknowledge* the equivalent natural rights of the unenhanced has already been well-established by historical analogues in which certain groups of persons considered themselves to be more highly-evolved, and thereby more rightfully entitled, than other groups of persons.

Thomas Douglas (2013, 75), however, contends,

even if mere persons would be made worse off, overall, by the existence of post-persons, it might, nevertheless, be morally permissible to create post-persons ... This is because the creation of post-persons could be justified by considerations other than its consequences for mere persons. One possibility is that the creation of post-persons would be justified simply because the lives of post-persons would often be valuable in themselves. It is plausible that post-persons would be capable of enjoying extremely rich and fulfilling lives—perhaps lives much more fulfilling than any that a mere person could live—and we might have reasons to bring about such lives. In doing so, we would be adding something of value to the world.

This claim presumes that the value of persons is impersonally objective and thus comparatively evaluable. By contrast, killing someone is arguably objectively wrong, not because it removes something objectively valuable to the world, but because it removes something of incalculable value from the person themselves—viz., *their life*—which is the basis of their being able to experience a valuable future (Marquis 1989). Thus, no amount of objective value may supersede the subjective value of an individual person's very existence.<sup>12</sup>

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## References

- Agar, Nicholas. 2014. *Truly Human Enhancement: A Philosophical Defense of Limits*. Cambridge, MA: MIT Press.
- Aquinas, Thomas. 1948. *Summa theologiae*. Translated by the English Dominican Fathers. New York: Benziger Brothers.
- Aquinas, Thomas. 1957. *Summa contra Gentiles*. Translated by Vernon J. Bourke. Notre Dame: University of Notre Dame Press.
- Baker, Lynne Rudder. 2000. *Persons and Bodies: A Constitution View*. New York: Cambridge University Press.
- Barad, Judith. 1988. "Aquinas's Inconsistency on the Nature and the Treatment of Animals." *Between the Species* 4:102–111.
- Beauchamp, Tom L., and James F. Childress. 2013. *Principles of Biomedical Ethics*, 7<sup>th</sup> edition. New York: Oxford University Press.
- Beckwith, Francis. 2007. *Defending Life: A Moral and Legal Case Against Abortion Choice*. New York: Cambridge University Press.
- Boethius. 1918. *Contra Eutychem et Nestorium*. In *Tractates and The Consolation of Philosophy*. Translated by H. F. Stewart, E. K. Rand, and S. J. Tester, 72–129. Cambridge, MA: Harvard University Press.
- Buchanan, Allen. 2009. "Moral Status and Human Enhancement." *Philosophy and Public Affairs* 37:346–381.
- Camosy, Charles. 2013. *For Love of Animals: Christian Ethics, Consistent Action*. Cincinnati: Franciscan Media.
- Conselice, Christopher J., Aaron Wilkinson, Kenneth Duncan, and Alice Mortlock. 2016. "The Evolution of Galaxy Number Density at  $Z < 8$  and Its Implications." *Astrophysical Journal* 830. Accessed November 11, 2016. doi: 10.3847/0004-637X/830/2/83.
- Dennett, Daniel. 1981. "Conditions of Personhood." In *Brainstorms*. Cambridge, MA: MIT Press.
- Douglas, Thomas. 2013. "The Harms of Status Enhancement Could Be Compensated or Outweighed: A Response to Agar." *Journal of Medical Ethics* 39:75–76.
- Drum, Peter. 1992. "Aquinas and the Moral Status of Animals." *American Catholic Philosophical Quarterly* 66:483–488.
- Eberl, Jason T. 2004. "Aquinas on the Nature of Human Beings." *Review of Metaphysics* 58:333–365.
- Eberl, Jason T. 2005. "A Thomistic Understanding of Human Death." *Bioethics* 19:29–48.
- Eberl, Jason T. 2010. "The Necessity of *Lex aeterna* in Aquinas's Account of *Lex naturalis*." In *Lex and Ius: Essays on the Foundation of Law in Medieval and Early*

- Modern Philosophy*, edited by Alexander Fidora, Matthias Lutz-Bachmann, and Andreas Wagner. Stuttgart–Bad Cannstatt: Frommann-Holzboog.
- Eberl, Jason T. 2014. “Persons with Potential.” In *Potentiality: Metaphysical and Bioethical Dimensions*. Edited by John P. Lizza, 97–119. Baltimore: Johns Hopkins University Press.
- Eberl, Jason T., Eleanor K. Kinney, and Matthew J. Williams. 2011. “Foundation for a Natural Right to Health Care.” *The Journal of Medicine and Philosophy* 36:537–557.
- Frank, A., and W.T. Sullivan, III. 2016. “A New Empirical Constraint on the Prevalence of Technological Species in the Universe.” *Astrobiology* 16:359–362.
- Funes, Jose. 2008. *The Extraterrestrial is My Brother*. Accessed October 10, 2016. [http://www.vatican.va/news\\_services/or/or\\_quo/interviste/2008/112q08a1.html](http://www.vatican.va/news_services/or/or_quo/interviste/2008/112q08a1.html).
- George, Marie I. 2001. “Aquinas on Intelligent Extra-Terrestrial Life.” *The Thomist* 65:239–258.
- George, Marie I. 2005. *Christianity and Extraterrestrials?: A Catholic Perspective*. New York: iUniverse, Inc.
- Glendon, Mary Ann. 2001. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. New York: Random House.
- Holmes, David L. 2006. *The Faiths of the Founding Fathers*. New York: Oxford University Press.
- Joas, Hans. 2013. *The Sacredness of the Person: A New Genealogy of Human Rights*. Washington, D.C.: Georgetown University Press.
- John Paul II. 1995. *Evangelium vitae*. Accessed October 10, 2016. [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_25031995\\_evangelium-vitae.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_25031995_evangelium-vitae.html).
- Kadlac, Adam. 2010. “Humanizing Personhood.” *Ethical Theory and Moral Practice* 13:421–437.
- Kittay, Eva Feder. 2005. “At the Margins of Moral Personhood.” *Ethics* 116:100–131.
- Kuhse, Helga, and Peter Singer. 1985. *Should the Baby Live? The Problem of Handicapped Infants*. New York: Oxford University Press.
- Lee, Patrick, and Robert P. George. 2008. “The Nature and Basis of Human Dignity.” *Ratio Juris* 21:173–193.
- Locke, John. 1975. *An Essay Concerning Human Understanding*. Edited by Peter H. Nidditch. Oxford: Clarendon Press.
- Kant, Immanuel. 1997. *Groundwork of the Metaphysics of Morals*. Edited and translated by Mary Gregor. New York: Cambridge University Press.

- Maritain, Jacques. 1947. *Communication with regard to the Draft World Declaration on the Rights of Man*. Accessed October 10, 2016. <http://unesdoc.unesco.org/images/0012/001243/124341eb.pdf>.
- Maritain, Jacques. 2001. *Natural Law: Reflections on Theory and Practice*. Edited by William Sweet. South Bend, IN: St. Augustine's Press.
- Marquis, Don. 1989. "Why Abortion Is Immoral." *Journal of Philosophy* 86:183–202.
- McLaughlin, Robert. 1985. "Men, Animals, and Personhood." *Proceedings of the American Catholic Philosophical Association* 59:166–181.
- McMahan, Jeff. 2009. "Cognitive Disability and Cognitive Enhancement." *Metaphilosophy* 40:582–605.
- Nielsen, Kim E. 2009. *Beyond the Miracle Worker: The Remarkable Life of Anne Sullivan Macy and Her Extraordinary Friendship with Helen Keller*. Boston: Beacon Press.
- Oderberg, David S. 2014. "Could There Be a Superhuman Species." *Southern Journal of Philosophy* 52:206–226.
- Riebling, Mark. 2015. *Church of Spies: The Pope's Secret War Against Hitler*. New York: Basic Books.
- Robert, Jason Scott, and Francoise Baylis. 2003. "Crossing Species Boundaries." *American Journal of Bioethics* 3:1–13.
- Shumway, Edgar S. 1901. *Freedom and Slavery in Roman Law*, 49 U. Pa. L. Rev. 636. Accessed October 10, 2016. [http://scholarship.law.upenn.edu/penn\\_law\\_review/vol49/iss11/2](http://scholarship.law.upenn.edu/penn_law_review/vol49/iss11/2).
- Singer, Peter. 1992. Embryo Experimentation and the Moral Status of the Embryo. In *Philosophy and health care*. Edited by E. Matthews and M. Menlowe, 81–91. Brookfield: Avebury
- Singer, Peter. 2009. *Animal Liberation*. New York: HarperCollins.
- Stump, Eleonore. 2010. *Wandering in Darkness: Narrative and the Problem of Suffering*. New York: Oxford University Press.
- Tardiff, Andrew. 1998. "A Catholic Case for Vegetarianism." *Faith and Philosophy* 15:210–222.
- Taylor, Charles. 1985. *Human Agency and Language: Philosophical Papers, vol. 1*. Cambridge: Cambridge University Press.
- Tooley, Michael. 1983. *Abortion and Infanticide*. Oxford: Clarendon Press.
- UNESCO. 1949. *Human Rights: Comments and Interpretations*. New York: Columbia University Press.
- Warren, Mary Anne. 1973. "On the Moral and Legal Status of Abortion." *Monist* 57:43–61.