

Abstract: Personalist and physicalist approaches to personhood fail to appreciate and consider the relational aspects of persons, and as a result, these approaches will fail to adequately include and protect all persons. To avoid the harms of improper treatment or exclusion of persons, an approach to personhood must consider not only the biological and cognitive attributes of an individual, but also the relational capacities and interactions of an individual.

Introduction:

Are the living and the dead worthy of the same rights and consideration? The obvious answer is no. The living and the dead do not have the same rights and are not worthy of the same consideration because the dead cannot appreciate and value the things that the living can. The living are worthy of special protections and consideration because the living can experience pain and pleasure, love and loss; the dead cannot. In the past, the simple distinction between the living and the dead was sufficient to distinguish between who possessed rights and who did not. In medieval times, an individual only lost moral status when the body started to putrefy. In much of the last century, the loss of moral status occurred only when an individual's heart and lungs stopped working.

These old standards for the designation of moral status fail in the modern state of knowledge and technology. Scientists now have the ability to observe changes in human development at an atomic level, from the moment of conception to birth. Modern medicine can keep a body physiologically viable after many organs have failed, including not only the heart and lungs, but also parts of the brain. Are blastocysts worthy of the same rights and consideration as you or I? Is an anencephalic baby, or an individual in a persistent vegetative state who is on life sustaining treatment? Are all human beings worthy of the same rights and consideration? In other words, what makes a human being a person who has a right to life, and a right to be treated like a person?

The answer to these questions will only be found in a definition of what it means to be a person. A definition of personhood is of great importance for at least two reasons. First, the ability to positively identify all persons allows us to protect all persons from harm. Second, an approach to personhood identifies what quality or capacity makes a human being a person, and as a result, an approach to personhood will illuminate qualities and capacities that must be protected and affirmed.

In response to the need for a definition of personhood, many ethicists and philosophers have proposed various approaches. Two general approaches to defining personhood have dominated the discussion: “Personalism” and “Physicalism.” Both of these approaches offer valuable insights into what makes a human being a person, and how persons should be treated. However, in spite of a great deal of sincere and thoughtful work towards defining personhood, there is still no consensus, and no generally acceptable framework for resolving the specific questions.

It is my contention that personalist and physicalist approaches to personhood are unsatisfactory because these approaches fail to consider the relational aspect of real, moral persons. I believe that an approach to personhood based on relational capacity is necessary to not only resolve the failures of personalism and physicalism, but also to adequately protect and affirm the relational and social experiences of real, moral persons. In this first section of this paper, I review the major physicalist and personalist approaches to personhood. In the second section, I attempt to illustrate the inadequacy of these approaches. In the third section, I attempt to explain that the reason why these approaches are inadequate is that they fail to consider the social and relational aspect of real persons. In the fourth section, I attempt to illustrate and explain how an approach to personhood that recognizes the centrality of the social, emotional, and relational element of persons will resolve the some of the inadequacies of personalism and physicalism.

Section 1- The prevailing approaches to the question of personhood: Physicalism and Personalism.

1.1 Defining the scope and content of personhood-

For centuries, people have grappled with the question, “What is a person?” This question is central to not only philosophy, but also to many other areas of human life including politics and the practice of law and medicine. For the most part, scholars agree that the question of personhood specifically deals with the “assignment of rights” or “ascribing of rights.” In other words, the question of personhood is asking who or what is worthy of special treatment and protection that only “moral agents” and “moral persons” are due. The question of “moral personhood” is not to be confused with the question of “humanhood” or “metaphysical personhood,” which is not concerned with the assignment of rights, but concerns “describing a certain kind of thing...which includes all and only human beings.”¹ As a result, an answer to the question of moral personhood will be distinct from an answer to the question of metaphysical personhood in several ways.

1.1.1 Moral personhood is a normative concept.

An approach to moral personhood will be values based and normative, whereas an approach to metaphysical personhood will be observation based and descriptive. For the most part, bioethicists and philosophers agree that an approach to moral personhood is fundamentally values-based. Tooley writes, “I shall treat the concept of a person as a purely moral concept, free of all descriptive content.”² Noonan writes, “To recognize a person is a moral decision; it depends on objective data but it also depends on the perceptions and inclinations and ends of the decision makers; it cannot be made without commitment and without consideration of alternative values.”³

The values originally held by an individual dictate the content of his approach to the assignment of moral status. An approach to moral personhood prescribes treatment of individuals based on moral arguments, and not based primarily on objectively observable

or scientifically discoverable phenomena. As a result, all approaches to the assignment of moral status are normative and prescriptive in nature; an approach to moral personhood is about “choice,” not “discovery.”

In contrast, an approach to metaphysical personhood is about observation and discovery. Saponitz explains that the distinction between metaphysical persons and other inanimate objects, machines, plants, animals and spirits is “made on the basis of both bodily shape and pattern of behavior, which must have a kind of organic fluidity and unity to it, express some purpose, and appear self-motivated and self-directed.”⁴ These qualities can be discerned and characterized by observation and study, and are useful in defining a unique ontological category. These qualities are not particularly useful to prescribing conduct.

All approaches to answering the question of moral personhood, are necessarily prescriptive, and cannot be descriptive. There is no objective, scientifically observable phenomena that will resolve the question of moral personhood. The dilemma of what individuals are deserving of rights and moral consideration cannot be settled by the discovery of some gene or organ that is determinative of personhood. How we define a person, and how define a meaningful and valuable life worthy of protection is fundamentally a moral choice based on values we hold.

1.1.2 Moral personhood may include and exclude human beings.

An approach to moral personhood may exclude human beings and may include non-human beings. Moral personhood is concerned only with the assignment of rights. The assignment of rights is in other words, the assignment of special protections. An approach to personhood identifies special qualities that should be affirmed and protected, and as a result, an approach to moral personhood may exclude human beings and may include non-human beings depending on whether a being possesses those special qualities that define personhood. For example, if an approach to personhood is based on the capacity to communicate using sign language, neonates would be excluded as a moral persons, but adult, higher primates would be included. In contrast, an approach to metaphysical

personhood is primarily concerned with an ontological category that specifically and exclusively includes human beings, and as a result, an approach to metaphysical personhood will include all human beings regardless of moral status, and will exclude all other beings regardless of moral status. For example, the category of metaphysical persons will always include blastocysts and anencephalic babies regardless of their moral status because they are genetically and biologically human beings. The category of metaphysical persons will also always exclude all other beings regardless of moral status, including higher primates and potentially even fictional aliens like Mr. Spock or Chewbacca the Wookiee, beings that arguably have a very strong claim to moral status.

1.2 Physicalism and Personalism- the two dominant approaches to the question of moral personhood.

Many ethicists have proposed many varying approaches to personhood. Two general ideas or principles have dominated the discussion. One position essentially asserts that only individuals with a certain level of cognitive ability are worthy of moral consideration. The other essentially asserts that all human life is worthy of moral consideration. Several other authors have also identified these positions in the philosophical landscape. In her article, Macklin identifies the approaches to personhood that align with the first position as “high-standard theories,” and those that align with the second view as “low-standard theories.”⁵ Similarly, in his book, What is a Person? An Ethical Exploration, Walters identifies the approaches to personhood that align with the first position as “personalism,” and those that align with the second view as “physicalism.”⁶ I adopt Walters’ terminology.

1.2.1 Personalist / High-Standard Theories of Personhood-

Personalist approaches to personhood are characterized by an emphasis on some degree of an individual’s higher brain functioning as a prerequisite for moral consideration and moral status. These approaches usually set forth functional criteria that must be met before an individual may have a serious claim to personhood. These functional criteria usually concern an individual’s ability to think and feel. Macklin characterizes these

approaches to personhood as those that set forth criteria that only permit, "...minimally, a neonate, but more typically an infant of beyond a few months or a year, to qualify..." as persons.⁷ Walters summarizes personalist approaches as those which "...essential claim is that only individuals with capacities for significant cerebral function possess a morally unique claim to existence."⁸ Personalist approaches include those proposed by Joseph Fletcher, Mary Anne Warren, Michael Tooley, Peter Singer, and Tristram Englehardt.

Joseph Fletcher proposed a personalist approach to personhood based on 15 positive indicators and 5 negative indicators of personhood. Fletchers positive indicators of personhood are: 1) Minimum Intelligence, 2) Self-Awareness, 3) Self-Control, 4) A Sense of Time, 5) A Sense of Futurity, 6) A sense of past, 7) The capability to relate to others, 8) Concern for Others, 9) Communication, 10) Control of Existence, 11) Curiosity, 12) Change and Changeability, 13) Balance of Rationality and Feeling, 14) Idiosyncrasy, 15) Neocortical function. Fletcher's list of things that persons are not, are: 1) Man is not non- or anti-artificial, 2) Man is not essentially parental, 3) Man is not essentially sexual, 4) Man is not a bundle of rights, 5) Man is not a worshiper.⁹ ¹⁰As a result of his position, Fletcher has asserted that individuals who have an IQ of less than 40 are questionably persons, and individuals who have an IQ of less than 20 are not persons.¹¹

Michael Tooley proposed a personalist approach to personhood that emphasizes a list of cognitive capacities as the basis for moral status. Tooley asserts,

"... anything that has, and has exercised, all of the following capacities is a person, and that anything that has never had any of them is not a person:

- The capacity for self consciousness
- The capacity to think
- The capacity for rational thought
- The capacity to arrive at conclusions by deliberation
- The capacity to envisage a future for oneself
- The capacity to remember a past involving oneself
- The capacity for being a subject of non-momentary interests
- The capacity for language."¹²

The implications of Tooley's approach include the exclusion of fetuses and infants from the world of moral persons. Tooley describes himself as a "radical" in justifying limited infanticide.

Peter Singer maintains a similar position, proposing a list of "indicators of personhood," which include, "Self-Awareness, Self-Control, A sense of the future, a sense of the past, the capacity to relate to others, concern for others, communication, and curiosity."¹³ Singer's position leads him to conclude that infanticide and the non-voluntary killing of demented individuals who fail to possess the indicators of personhood may be morally justified. Singer also concludes that non-human beings such as chimps, monkeys and dolphins may have moral status.

Mary Anne Warren proposes an approach similar to Tooley and Singer that emphasizes the following capacities: Consciousness, reasoning, self-motivated activity, the capacity to communicate, and the presence of self-concepts and self-awareness. Warren's approach is essentially the same as Tooley's and Singer's approach, however, Warren asserts that infanticide is never permissible for 2 general reasons. First, it is wrong to kill infants because it harms people who would want the infant and because socially we value infants. Second, infants are "actual future persons," and all actual persons, both future and present, are worthy of moral consideration.¹⁴

H. Tristram Englehardt also accepts Tooley's basic approach to personhood, but also concludes that infanticide is not morally permissible. Englehardt begins by agreeing with Tooley and Singer that infants are not persons, but goes on to assert that in a social and cultural sense, infants are valued as persons and should nevertheless be treated as persons. Englehardt asserts that individuals who are not in the strict sense, "persons," may have a claim to be treated as full persons because of the social value that is placed on them. As a result, infants, neonates, and those with developmental handicaps or dementing illness should be treated as persons not because they are intrinsically moral persons, but because they are in a social sense.¹⁵

1.2.1 Physicalist / Low-Standard Theories of Personhood-

Physicalist approaches to personhood are characterized by an emphasis on an individual's physical and biological characteristics as a basis for moral consideration and moral status. These approaches usually assert that there is a dignity, or sacredness inherent in all human life that is due moral consideration. Most physicalist approaches are deeply rooted in religious tradition. Macklin characterizes these approaches as those approaches which set forth criteria that are low enough to include zygotes and blastocysts as full moral persons.¹⁶ Walters characterizes physicalism as the "view that the human individual is structurally constituted to live according to a pattern that is both essential and natural. To deviate from this pattern is sin."¹⁷ Walters' characterization requires some elaboration.

In his review of the various approaches to personhood, Walter traces the history of both the personalist and physicalist positions from their religious roots. Walters shows that origination the modern physicalist position can be attributed to the Catholic Church's interpretation of an Aristotelian concept. According to Aristotle, every living thing has a "final cause" or "natural end" ("*Telos*") that it exists to realize. This final cause dictates what all living things are to do; and as such, by observing what a living thing does, one can discern what the natural end or final cause of the living thing is. Thomas Aquinas, who Walters asserts is the original author of the Catholic approach to personhood, was deeply influenced by Aristotle's view of nature. Aquinas held that human life's natural end or final cause is to live, to reproduce, and to worship God. Catholic moralists following Aquinas went on to conclude that anything that actively or passively impedes a persons fulfillment of the human's natural end is sin. This position encompasses every aspect of human life. For example, the traditional Catholic position that birth control and sex for pleasure is sinful is based on the position that the *telos* of the reproductive system is reproduction, and any use of the reproductive organs outside of the purpose of reproduction or any interference with the organs succeeding in reproduction is sin. Similarly, human life is meant to live, and any interference with, or failure to affirm and protect human living is sin.

Cardinal Joseph Bernardin affirms the traditional position of the Catholic Church in his approach to personhood. Bernardin asserts that there is a sacredness of human life, and an “inherent value and dignity in every human person, even if unwanted or undervalued by others” that must be respected.¹⁸ Bernardin proposes a “comprehensive and consistent ethic of life” that protects and affirms all human life from the unborn to the terminally ill. This “ethic of life” concerns not only the question of abortion, which is traditionally a major point of concern for the Catholic Church, but also hunger, homelessness, education, and health care. While Bernardin calls for respect and protection of all human life, he is unwilling to take his position to the logical end of vitalism. Bernardin makes it clear that he does not support “... an idolatrous worship of human life as an absolute good.”¹⁹ Bernardin makes it clear that the use of extraordinary measures or the spending of scarce resources to keep all persons alive is not morally obligatory in all circumstances, and that in the real world there must be compromise and consideration of other values.

William May proposes a physicalist approach that share some unique qualities with personalist approaches. May makes a distinction between “moral beings” and “beings of moral worth.” Moral beings are “minded” entities, and are “capable of performing acts of understanding, of choice, and of love.” As such, May concedes that not all human beings are moral beings. However, May holds that all human beings are beings of moral worth. May asserts that all humans are beings of moral worth because there is something that all human beings possess: “the principle immanent in human beings, a constituent and defining element of their entitative makeup, that makes them to be what they and who they are: beings of moral worth capable of becoming minded entities or moral beings; it is a principle of immateriality or of transcendence from the limitations of materially individuated existence.”²⁰

John Noonan proposes a simple approach to personhood based on genetic identity. Noonan asserts that, “If you are conceived by human parents, you are human,” and therefore you are due full moral status.²¹

Section 2- The Inadequacy of personalism and physicalism.

It is my contention that the prevailing physicalist and personalist approaches to personhood are inadequate because they are either inconsistent with the experiences and convictions real persons in the real world, or they are internally inconsistent and ambiguous.

2.1 External Inconsistency- Failure of the approach to affirm or be consistent with the experiences and convictions of real people-

An approach to personhood should lead to a definition of personhood that is consistent with, and affirms the experiences and convictions of real persons in the real world. Most moral philosophers and ethicists agree that conceptions of right and wrong do not originate from reason and argument. Rather, our conceptions of right and wrong ultimately come from the everyday life experiences of real people. Reasoning, analysis, and discussion are only ways of characterizing, refining, and organizing an inherent capacity or sense that all normal people possess. A code of morality or an approach to ethics does not dictate what is right and wrong, it is merely a product of our reasoning; a rational framework that attempts to characterize or define the preexisting moral sense or capacity that all persons inherently possess. Richard McCormick writes,

“The first thing to be said is that moral convictions do not originate from rational analyses or arguments. Let us take slavery as an example. We do not hold that slavery is humanly demeaning and immoral chiefly because we have argued to this rationally. Rather, first our sensitivities are sharpened to the meaning and value of human persons. We then *experience* the out-of-jointness, inequality, and injustice of slavery. We then *judge* it to be wrong. At this point we develop “arguments” to criticize, modify, and above all communicate the judgment. Reflective analysis is an attempt to reinforce rationally, communicably, and from other sources what we grasp at a different level. Discursive reflection does not discover the good but only *analyzes* it. The good that reason seems to discover is the good that was already hidden in the original intuition.”²²

Similarly, John Rawls writes,

“Let us assume that each person beyond a certain age and possessed of the requisite intellectual capacity develops a sense of justice under normal social circumstances. We acquire a skill in judging things to be just and unjust, and in supporting these judgments by reasons. Moreover, we ordinarily have some desire to act in accord with these pronouncements and expect a similar desire on the part of others.” “Now one may think of moral philosophy at first as the attempt to describe our moral capacity; or in the present case, one may regard a theory of justice as describing our sense of justice.” “A conception of justice characterizes our moral sensibility when the everyday judgments we do make are in accordance with its principles.”²³

An approach to personhood should include individuals who most people agree should be given moral consideration, and an approach should protect and affirm the “person-like” qualities that real people value.

External inconsistency in an approach to personhood exists where an approach to personhood leads to conclusions and recommendations that are practically intolerable and repugnant to most people. This means that an approach either logically excludes individuals from moral consideration that most people value as moral beings, or an approach logically values or affirms a quality that leads to practically intolerable or offensive treatment of persons. For example, Tooley’s approach to personhood logically excludes infants from moral consideration, and as a result infanticide is morally permissible. Infanticide is practically intolerable and morally repugnant to almost all real people in the real world; no modern society approves of infanticide. As such, Tooley’s approach is inconsistent with the experiences, beliefs and convictions of people in the real world.

2.2 Internal Inconsistency- Failure of the approach to maintain a logically consistent basis for moral personhood-

An approach to personhood should lead to logically consistent outcomes and recommendations regardless of the subject of the analysis. In other words, the conclusions of the approach should not change depending on whether or not we are looking at babies, animals, adults, or even fictional aliens. If the conclusions change depending on who the subject is, there must be a conflicting alternative basis for personhood that is inconsistent with the main premise or basis of personhood. The asserted concept of personhood leads to conclusions or recommendations that are logically inconsistent with what the author ultimately recommends. This is inevitable when one refuses to accept the logical consequences of the approach or the principles they assert as the fundamental basis of moral status. For example, Bernardin's approach to personhood logically leads to an absolute moral obligation to affirm human life, and as a result, there should be a moral obligation to use all available resources and measures to preserve and sustain all human life. However, Bernardin rejects the logical conclusion of his position, which is vitalism. Bernardin concludes that there are circumstances where it would not be immoral to stop preserving and prolonging human life.

2.3 Inadequacy- Internal and External Inconsistency undermine the meaningfulness and usefulness of an approach to personhood-

An approach must be consistent with real life. An approach that is internally consistent, but which leads to practically intolerable and offensive conclusions defies the whole purpose of defining personhood. It makes no sense to define personhood in a way that is inconsistent with the way real people live. The purpose of this discussion is to find a system of reasoning that helps us protect the people that we all want to protect, and to help inform us of how best to protect and care for them. A rational system that leads to the injury and harm of people we care about is at the very least, useless. At the worst, an approach to personhood that excludes people who should be protected might lead to institutionalized genocide or even worse. We cannot tolerate an approach that is logically

and rationally consistent, but justifies genocide, eugenics, and infanticide. We need an approach that affirms and promotes the common values and virtues in life that all people share and appreciate.

An approach to personhood needs to be internally consistent before it can be useful in informing or addressing issues in ethics, medicine and law. An approach to personhood should be based on a unified basis or theory; there should not be inconsistent or conflicting reasons for assigning moral status within the same approach to personhood. The inevitable consequence of internal inconsistency is ambiguity. If there are conflicting bases for assigning moral status, then the approach to personhood will not be able to clearly indicate who is a person or not in new situations because the inconsistent bases of personhood will conflict with each other. Internal consistency is necessary before an approach to personhood can meaningfully and clearly answer the question of what individuals have moral status and how those individuals' rights can be best affirmed and protected.

The problem with both physicalism and personalism is that there is an inherent flaw that causes them to be either internally or externally inconsistent. The logical consequence of a physicalist approach to personhood is vitalism. If the basis of moral status is biological life that possesses human genetic identity, then the logical conclusion is that there is an absolute moral obligation to preserve and protect all life with human genes. To maintain logical or internal consistency, one must accept vitalism, and thereby one accepts a position that is inconsistent with, and often offends the convictions and experiences of real people. To modify the position to become consistent with real life is to introduce alternative and inconsistent arguments into the physicalist approach, resulting in logical and internal inconsistency and ambiguity. Noonan's approach is an approach that maintains internal consistency at the expense of consistency with real life. Bernardin's approach is an example of an approach that sacrifices internal consistency to avoid offensive recommendations consistent with vitalism.

The logical consequence of personalism is the exclusion of babies, the demented elderly, and developmentally handicapped individuals from the world of, and the protections

given to moral persons. To maintain logical or internal consistency, one must conclude that infanticide and limited involuntary active euthanasia of the demented and developmentally handicapped are morally permissible, and thereby one accepts a position that is inconsistent with, and often offends the convictions and experiences of real people. To modify this position to skirt the morally and socially repugnant conclusions, injects logical and internal inconsistency and ambiguity into the approach. Tooley's approach is an example of an approach that maintains internal consistency but proposes an approach that condones infanticide. Englehardt's and Warren's approaches are examples of authors who compromise internal consistency to avoid the problems of infanticide, and the killing of the demented and developmentally handicapped.

Section 3- Particularism- The failure to consider the relational aspects of persons is the fundamental cause of the inadequacy of personalism and physicalism-

3.1 Particularism- The failure to adequately consider the relational dimension of moral persons.

Physicalist and personalist approaches to personhood are opposed in many respects; however, both share a quality that may account for the problems of internal and external inconsistency. Physicalist and personalist approaches both look for some specific quality or characteristic in an isolated individual as the basis for the moral status of that individual, and both approaches look for this quality or characteristic in a social and relational vacuum. Physicalism looks to a particular individual's genetic and biological characteristics. Personalism looks to a particular individual's mental capacities. Neither gives any significant consideration to the individual's relational and social capacities and circumstances as a basis for an individual's intrinsic moral status. The only time where relational capacities are considered, they are evaluated only as indicia of, or proxies for the determination of cognitive capacity, and not as the fundamental basis of moral status. Walters has also identified this as a quality of the physicalist and personalist approaches, but does not go so far as to say it is a problem. Walters simply notes that these approaches fail to consider social and religious aspects of human experience. Walters calls this quality "particularism."²⁴ I will stick with that term.

Failure to consider the relationships and relational capacity of an individual in an approach to personhood is a problem for two reasons. First, it permits the exclusion of individuals from the protections given to moral persons even though the individual may be in meaningful relationships with other moral persons. Second, it leads to a definition of a good and meaningful life that does not consider relationships, and as a result leads to recommendations that fail to affirm and protect relationships. It is my belief that particularistic approaches cannot adequately protect and reflect what full moral personhood is.

3.1.1 The exclusion of relational non-persons

All particularistic definitions of personhood fail to consider the relationships an individual may have as a basis for that individual's intrinsic moral status. One consequence of this is particularistic definitions of personhood will allow the exclusion of individuals from the realm of moral persons regardless of whether or not they are in a relationship with others. In other words, it allows for individuals who are able to experience love and care, who are loved and cared for by others, and who are able to show love and care, to be denied the protections and rights that are due to moral persons. Once the particularistic criterion definitive of personhood is lost, the individual loses claim to protections and rights in spite of the relationships that may still exist.

This specific problem arises in most clearly in applying personalist approaches. The moment an individual falls below the requisite level of mental capacity necessary for personhood, the individual loses claim to personhood and the protections and rights due to moral persons. In application, individuals with advanced dementia who lose mental capacity eventually lose moral status. However, it is clear that individuals with advanced dementia may maintain the capacity for meaningful relationships long after other mental capacities have failed. A personalist approach would allow for the killing of an individual with advanced dementia in spite of the fact that they may be able to perceive and communicate love and care. A personalist approach fails to consider that a person who

does not possess full mental capacities may be harmed by a lack of love, care and affection.

Personalist approaches also exclude neonates from the realm of persons. However, several personalist approaches have been modified to confer protections to neonates in spite of their lack of intrinsic moral status. Warren and Englehardt are two authors who have tried to address the problem of infanticide by conferring protections on neonates and other non-persons on the basis of their social value. The basic premise seems to be that harm to neonates is not wrong because the neonates themselves are intrinsically due protection, but because harm to neonates harms the interests of other moral persons who care about them. The problem with this approach is that it makes protections and treatments of these socially valued non-persons a function of the interests of other moral persons. As a result, how neonates may be treated is not based on their intrinsic moral status, of which they have none, but on the rights and interests of other moral persons who have some interest in them. Logically this means that infants may be used as organ farms for other children or used in medical experimentation that benefits other children or moral persons. This means that the only time its wrong to harm neonates is when it harms the interests of other moral persons. The obvious problem with this is almost all would agree that babies should not be valued only as instruments or tools to be exploited by other moral persons, but should be valued because of some intrinsic quality. The failure to find an intrinsic value in infants reduces them to tools and allows them to be treated like beings without moral value, even if they shouldn't be killed.

3.1.2 A definition of life that fails to value and protect relationships

A second consequence of particularistic approaches they lead to an interpretation of the meaning of life, and to definitions of good and bad, that fail to take into account personal relationships. As a result, relationships will not be affirmed and protected as an important part of a moral person's existence; relationships will be excluded from the definition of a good and meaningful personal existence. The basis for moral status, the question of personhood is much more than a question of including and excluding individuals from the world of moral consideration. As Walters puts it, "The person and our definition of a

person as having full moral status, possess great symbolic significance beyond any individual. From this we construe all of life and its meaning or lack thereof.”²⁵

We assign rights, and we grant moral status to lives that we feel are worth protecting. We feel they are worth protecting because they have some good or value in them. As stated previously, the fundamental question of personhood is not only who should be protected, by why should they be protected and what about them should be protected. A life that has moral status is a life that is worthy of being protected. It follows that it is worthy of being protected because that life possesses some sort of value or quality that makes that life meaningful and good. The ultimate conclusion is that taking away or injuring that value and that quality is wrong. Rights are there to protect that value, that good, from being injured. The question is what is that good. Different approaches assert different goods, or bases for the assignment of rights, and thus different approaches assert certain values for which there is a moral obligation to protect and affirm.

Physicalism assigns rights based only upon physical characteristics, specifically genetic identity and biological viability. The basic premise is that if it has human DNA, and it is biologically alive, even if its just one cell, it has full moral status. The ultimate implication is that what is of value, the essential good that defines personhood and must be protected, is genetic identity and biological life. As such, there is a moral obligation to affirm and protect all biological life with human DNA. The good and meaningful life is construed only in terms of genetics and biological viability; there is no consideration of relationship. Good is only in terms of genetics and biology.

Personalism assigns rights based only upon mental capacities. The basic premise is that if an individual has the sufficient mental capacities, it has moral status. The ultimate implication is that what is of value, the essential good that defines personhood and must be protected, is capacities such as choice and the ability to reason and remember. The result is a moral obligation to affirm and protect all beings that are able to choose, reason, and remember. Good is only in terms of mental capacities, like the ability to reason.

Both approaches fail to consider the need to affirm and protect relationships. Both would allow for harm to relationships to occur because they are not part of the calculus. Pure physicalism would demand the extraordinary prolonging of an individual's life no matter how poor the quality of life, and no matter the heartache it causes. Pure personalism would permit the killing of a demented grandparent no matter how much he is still able to share and appreciate love and affection.

3.2 The fatal flaw inherent in particularist approaches to personhood.

The reality is that we do not live as isolated individuals in a social and relational vacuum. We cannot live entirely alone; we are fundamentally social, relational beings. Relationship defines much of the human experience and creates profound meaning for all of us. To look for the basis of moral status without taking into account the social and relational dimension of persons is folly, and I would maintain the fundamental flaw in physicalism and personalism. The reason why these approaches fail is that when they are taken to their logical ends, they result in recommendations and conclusions that offend our relationships. They offend what we care about. We think it is wrong to kill babies, and we think it is wrong to prolong the misery of our terminally ill grandparents because we care about them. It is wrong to us because it offends our relationships. Failure to protect relationships, leads to the injury and offense of relationships, and ultimately the injury to relationships harms individual people.

Section 4- Relational capacity as the basis of moral status- The benefit of an approach to personhood based on relational capacity and relational context.

4.1 The real world: People are neither purely rational beings nor purely material beings.

In the real world, people care about neonates and infants. While I have no empirical data to justify my claim, I am confident in asserting that most people intuitively believe that not only is it wrong to kill neonates and infants, but also that they can be harmed by a lack of love and care. Furthermore, I would be confident that the same assertions and line

of reasoning apply to developmentally handicapped individuals and those with dementing illness. Often these individuals are in significant and meaningful relationships in spite of clearly diminished cognitive capacities. They are loved, they can experience love, and they can express love in return; they can also be harmed by an absence of love and care.

In the real world, people also care not only about their own pain and about suffering, but also the pain and suffering of the people they are in relationships with. While I have no empirical data to justify my claim, I am confident in asserting most people would not want to be kept on life-support if they are in significant pain and they are suffering from a terminal condition. Furthermore, I am confident that most people would not want to force the people they care about to endure those same circumstances. In general, people don't want to treat people they care about in ways that they themselves would not want to be treated. People want to treat people they care about in a way that demonstrates that they care.

In the real world, who we treat as persons, and how we treat them is based neither on the cognitive capacities nor on their genetic and biological characteristics. Love is not a function of cognitive ability; if that were so, only smart people could truly love and be in meaningful relationships. Love is not a function of genetics and biology; to say that we mourn death of loved ones because we miss the organs and tissues is grotesque. We miss and we mourn the loss of a person, not merely a body. An approach to personhood must be consistent with the real world, and must affirm and reflect the experiences of real people. As such, a realistic definition of personhood cannot forget the centrality of relationship in the human experience. I would maintain that an approach to personhood that is based on relational capacity would solve the problems presented by particularistic approaches in two very clear ways. First, an approach based on relational capacity would assign intrinsic moral worth to individuals that can be in relationship, and therefore includes all individuals that are valued and loved in spite of a lack of cognitive capacities. Second, an approach based on relational capacity inherently values relationship as the basis of personhood, and as a result, beneficence is construed in terms of what promotes and affirms relationships; good is defined characterized by what we would do for people we care about.

4.2 Relational Capacity Applied

An approach that assigns moral status based on the capacity for relationship would include individuals who may not possess other higher cognitive capacities. Individuals with advanced dementia who have lost the capacity to think rationally and to keep track of time may still be able to appreciate and express care and affection. Similarly, infants who lack the ability to reason and communicate, nevertheless bond with their parents from the moment they are born, and perhaps even prior to birth. As such, neonates and the demented elderly would be assigned the rights and protections of moral persons based on their capacity to be in and benefit from relationships. Individuals who lack certain cognitive capacities will no longer be excluded under an approach based on relational capacity, as they would be under the prevailing personalist approaches. Furthermore, neonates and other individuals who lack cognitive capacities would be given the full protections and rights of persons because of intrinsic moral worth, not imputed or socially credited moral worth.

An approach that designates protections and rights to people who possess the capacity for relationship fundamentally values relationship. It follows that what is good for beings defined by relationship and protected because of relational capacity, is to be in good relationships with one another. As such, actions that tend to affirm and protect relationships are good, and actions that tend to deny and injure relationships are bad. In other words, the best thing people can do for other persons is to do what affirms relationships; it's good if it is something you would do for someone you care about. Such an approach would lead to recommendations regarding the treatment of the terminally ill and neonates with terminal congenital defects that is far more consistent with real life than the recommendations that follow from an approach based on genetic identity and biological viability. There is moral obligation to do for those individuals what you would do if you cared for them, and sometimes that means letting them die. There is no longer a moral obligation to keep them alive at all costs.

An approach to personhood based on relational capacity would not include human beings and entities that do not possess the capacity for relationship. As such, blastocysts, anencephalic babies, and individuals in a persistent vegetative state would not be included as moral persons under an approach based on relational capacity. The results of a practical application of an approach based on the capacity for relationship will be similar to the results of personalist approaches in many respects because the capacity for relationship does require a certain minimal level of neocortical function. The critical difference is that where personalist approaches use relational capacity as an indicator of cognitive function and thereby moral status, an approach based on relational capacity defines moral status based on relational capacity alone. Another similarity between an approach based on the capacity for relationship and a personalist approaches, is that both are severely limited by our scientific understanding and powers of observation. At this point in time, it is impossible to know exactly at what point in development a fetus gains the capacity for relationship. Similarly, it is impossible to know exactly at what point in development a fetus gains the cognitive capacities necessary to satisfy the criteria of various personalist approaches. As a result, we have no idea at what point in fetal development abortion would be permissible. The problem is not the approach to the assignment of moral status; the problem is in our ability to evaluate the physical conditions necessary for, and indicative of the capacities that determine moral status.

4.3 Concluding thoughts.

I hope that I have made a convincing case for an approach to personhood based on relational capacity. The purpose of my paper is not to present a complete and comprehensive approach to personhood; I only attempt to point out a few problems with how we view personhood today, and suggest that there might be a better way of going about it. The purpose of my paper is merely to encourage others to seriously think about defining persons in terms of relationship.

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