

Why is the Notion of Person also Descriptively Problematic?

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1. A Confusing Notion

Informally and on occasions formally, the notion of person seems to be indispensable in many walks of life. In philosophical debates, though, the notion oftentimes appears to play a subordinate role. Other notions—subject, self, individual, human being, or characteristic marks of persons: mind, consciousness, rationality, (individual or cultural) identity, autonomy, authenticity, responsibility—occupy center stage. There are exceptions: there is the venerable problem of personal identity through time; in certain ethical issues, e.g., in bioethics or political philosophy, conceptions of person figure explicitly; and there are some treatises of the "concept of person" itself. Yet, even here one can hear warnings, e.g., that the concept is fraught with dilemmas and should be avoided in bioethical debates (Birnbacher 1997), or warnings concerning the "vagueness" (Wils 1997, 37) or the "contemporary crisis" of the concept (Kobusch 1997, 263ff.).

The sciences, in turn, seem to have little use for the notion of person itself. Exceptions may be psychology, neurophysiology or evolutionary biology. But in their studies of conscious phenomena, e.g., they again only touch on characteristics of persons. Theological studies, I should add, presumably cannot do without the concept of person; also, we know that the question of divine trinity was influential in the rise of the notion of person in Western thought (cf. Gunton 1996, 639).

What are the systematic, especially conceptual or semantic, reasons for the rather confusing situation sketched above (for which there surely are intricate historical reasons)? This is my general question. Further, is this situation due to certain peculiarities of our notion of person - possibly reflecting the peculiar nature or, theologically, the "mystery" of the human person (cf. Kirschenmann 2001, ch. 13)?

Perhaps, we can only have particular *concepts* of a person, geared to particular issues or contexts? Regarding ethical issues, for example, the concept of person in political philosophy might always differ from the concept of person in medical-ethical issues (abortion, euthanasia) and again from the concept of person that might be relevant in bioethics. Are there possibly irresolvable tensions between such particular issue-dependent concepts? Is a general notion of person then pre-theoretical, eluding any attempt at theoretically conceptualizing it? Should we just take it as a "primitive concept" in our practices of ascribing both mental and physical properties to people (Strawson 1959)?

What one in fact encounters in ethics (and some other philosophical fields) are diverging and competing *conceptions* of persons, depending on diverging philosophical positions. Liberals conceive of a person as an autonomous being, an "unencumbered self", while communitarians regard persons as being constituted by their communal, social, cultural and historical relations (cf., e.g., Mulhall and Swift 1996). In bioethics, one position, opposing more traditional views, tends towards a conception of person as both Intensionally and extensionally distinct from the concept of human (cf. Ricken 1997), making it possible to regard also non-

humans as persons. In abortion debates, there are diverging answers to the question of whether the embryo is a potential person (cf. Reinders 1993).

Implications of explicitly formulated position-dependent conceptions of persons can be traced relatively easily. In this light, my questions suggesting that there should be one notion of person may appear absurd: there just are informal uses of the term, and there are diverse specified uses of it; and these specific concepts or conceptions pick out a few, prominent characteristics attributable to persons - as is especially clear in the case of the technical concept of the "legal person". I shall call such views 'criteriological views' of the notion of person. I would maintain, however, that especially disputes about diverging conceptions cannot be entirely disconnected from the question of a unifying notion of person, possibly capturing the nature of persons. Hence, the problem of accounting for the situation sketched remains.

2. A Suggestion Dismissed

One suggested answer might be that our notion of person is a rather mixed notion, intending to capture both common characteristics and the unique individuality of human beings. (These intentions can be attributed, respectively, to the Greek-Roman and the Judeo-Christian roots of the notion.) Thus, our conceptual, semantic uncertainties about the notion might stem from our wavering between these two intentional aspects.

We rely (tacitly) on general characteristics of human beings, maybe just on their unity and thus on their being units of their kind, when we simply state, for instance, that there is one person in the room. The other intention is perhaps best brought out in adverbial and adjectival usages: we state sometimes what we "personally" think and did or that we know someone "personally".

The suggestion could explain the absence of the notion in the sciences: they are at best concerned with general characteristics. Theology, however, cannot avoid speaking of personal relations. Philosophy, again, primarily deals with certain general characteristics (subjectivity, self-consciousness), thus mostly adopting criteriological views. Different concepts of persons in ethical fields could become plausible: political philosophy is about certain general characteristics (freedom, autonomy), while the issue of euthanasia requires attention to the uniqueness of persons.

Yet, this suggested answer faces objections.

- (A) Material things are unique, too.
- (B) If concrete uniqueness is to be stressed, why not turn to the most unique elements, particular experiences, as done in Lockean conceptions (with personal identity becoming highly problematic).
- (C) Uniqueness (paradoxically?) is itself a general characteristic.

- (D) In ethics, we much rather have different *approaches*: rule ethics concerned with general characteristics of people and actions, contrasted with care ethics stressing people's particular circumstances.
- (E) At least one other reason explains the absence of the notion in the sciences better: it at once is a normative or dignifying notion, methodologically not falling within the purview of the sciences. At least, it expresses respectfulness, while a "scientist" will count just *human beings*. More is at issue when being considered a person or not may decide about one's right to life. Typically, too, we take a person to be a moral agent, capable of entering into binding agreements or being accountable for his deeds.

3. A Normative-Descriptive Notion

So, the notion of person should rather be considered a mixture of descriptive and normative, evaluative or prescriptive components—although such normative ascriptions as the 'dignity of the human person', in contradistinction to the 'dignity of man', may foremost concern the uniqueness persons. Part of the elusiveness of the notion is certainly due to that problematic mixing relationship.

The descriptive components, of course, should provide conditions of application of the notion and grounds for its normativity. Yet, there are conceptual dangers. A naturalistic, e.g. neurophysiological, characterization of human beings might provide no adequate basis for our self-consciousness and accountability (cf. Wils 1997, 30). Conversely, a stress on the normativity of the notion might neglect or bias its descriptivity (cf. Birnbacher 1997, 11; Wils 1997, 30). Descriptive uses may be crypto-normative (cf. Birnbacher 1997, 24).

In what follows, I shall mainly investigate to what extent the descriptive components of the notion can already account for its elusiveness, even though its normativity and their interrelationship are most controversial.

4. Descriptive Elusiveness

Older conceptions of persons, philosophical and theological, used to indicate that descriptive core of the notion in terms of an essence of a person. Think of Boethius' definition "Persona est naturae rationabilis individua substantia".

In modern, anti-essentialist, times, it has become more uncertain how the notion of a person should be "positioned" in semantic and other respects (cf. Wils 1997, 38). The descriptive components have since been put in terms of features of human subjectivity: cognitive capacities—intentionality, self-consciousness, transcendence of the presence, rationality; and moral capacities—responsibility, critical self-evaluation, autonomy (cf. Birnbacher 1997, 13). Clearly, some characteristics state minimal, others ideal conditions. Philosophers have selected—and ontologically elevated—different ones, engendering different criteriological views of the notion of person.

If one does not want to just follow some traditional approach and its particular ontological answer, one can turn to more or less phenomenological characterizations of

persons. In this regard, persons appear to be unified centers of all their acts - physical, social and primarily mental - and bearers of values and disvalues. As N. Hartmann (1933, 108) stated it:

Im Leben pflegen wir diese Einheit des geistigen Einzelwesens als "Person" zu bezeichnen. Wir unterscheiden sie damit schon im Alltag von der Sache, dem Organismus, ja dem Seelenleben und dem Bewusstsein. Unter Personen verstehen wir die menschlichen Individuen, sofern sie als handelnde, redende, wollende und strebende, als Vertreter ihrer Meinungen, Einsichten, Vorurteile, als Wesen mit Ansprüchen, Gesinnungen und Wertungen im Zusammenleben mit anderen ebensolchen menschlichen Individuen dastehen und deren Behandlung, Äusserung, Wollen und Streben erfahren, ihren Meinungen, Einsichten, Vorurteilen begegnen, zu ihren Ansprüchen, Gesinnungen und Wertungen irgendwie Stellung nehmen.

A comparable circumscription of a "concept of person" is given by what D. Wiggins (1987, 68) calls his "neo-Lockean account" of personhood:

x is a person if x is an animal falling in the extension of a kind whose typical members perceive, feel, remember, imagine, desire, make projects, move themselves at will, speak, carry out projects, acquire a character as they age, are happy or miserable, are susceptible to concern for other members of their own or like species...conceive of themselves as perceiving, feeling, remembering, imagining, desiring, making projects, being susceptible of concern for others..., who have and conceive of themselves as having a past accessible in experience - memory - and a future accessible in intention....

Given such characterizations, what kind of notion is the notion of person then descriptively, and do its descriptive peculiarities provide reasons for its elusiveness? There at least are two noteworthy points not captured by criteriological views of the notion. One is that the notion is *open-ended*, as Wiggins emphasized and indicated by those dots. Hartmann (ibid.), too, stated that the weight of the characterization fell on the plenitude of mutual relations. This could explain part of the elusiveness of the notion. One would ask, however, whether such characterizations could not be brought to a close; for, clearly, this open-endedness is not without some definite directedness (an issue to which I shall return). By the way, this open-endedness can shed light on the problem of personal identity (cf. Brüntrup und Gillitzer 1997): the open-ended characterizations are gradualist, whereas identity is not gradual.

Another point is related to the simple question of why, next to the notion of person, we also have those of man and human being and others. Normatively speaking, should we indeed distinguish between the 'dignity of the person' and the 'dignity of man'? The characterizations quoted provide clues for an answer: the notion of person considers human beings in certain respects (indicated by Hartmann by "sofern", and by Wiggins by his strategy of characterizing a "concept of person" and not the nature of persons). Surely, we also use it as a plain discriminating notion, when we distinguish persons from things. Yet, above all, it is a *correlative* notion: it expresses our involvement with matters of all kinds and, foremost, with other persons, though also with ourselves.

One can mention a third point. Clearly, the acts and activities referred to in the characterizations quoted are things that persons *can* do ("typically" do, according to Wiggins), but do not do all the time. As in many traditional accounts and thus already in many criteriological views of

the notion of person, the emphasis is on *capacities*, not on actual performances. This circumstance surely adds a particular openness to the notion. And it requires subtle considerations of potentialities, well-known from the debates about abortion.

Concerning the first two points mentioned, Wiggins (1987) proposes that the relation between 'human being' and 'person' should be conceived of as that between 'Venus at dawn' and 'Venus at dusk'. People have had different conceptions thereof, those of evening star and morning star, or those of Hesperus and Phosphorus. Likewise, we have different conceptions of the concepts of person and human being. The analogy is meant to suggest, not only a way of continuing the task of characterizing what a person is, but also its direction and goal. The goal, for him, is the convergence of the two conceptions, since the two concepts ultimately have the same referents, men (in the sense of 'homines'). The way to approach this goal is by further interpreting what a person is for us, by coming to "understand what forces us to account that creature not only as a subject of consciousness and a subject of interpretation but also, consequentially, as an object of reciprocity, or (in more Kantian terms) as a member of the kingdom of ends" (Wiggins 1987, 70).

5. Conclusion

I would maintain that the open-endedness, the peculiar correlativity and the built-in potentiality of the notion of person can account for much of the situation sketched in the beginning. Whether we should follow Wiggins' proposal about how to continue and possibly complete the characterization of persons - which would mean adopting his particular conception of persons - is another question. If we adopt it, we will have ruled out the possibility of regarding animals as persons, although this need not prevent us from having moral consideration for them. (The question of the status of embryos might still linger on).

While the diverse conceptions of person can thus be very influential or even decisive, for instance in ethical issues (if, e.g., one would also adopt the rule that only persons have a right to life), the conceptual elusiveness of what persons fundamentally are, remains - just as much as the elusiveness of what non-humans are.

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