

## PERSONHOOD IN BIOETHICS

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**Abstract.** The concept of personhood has been recently strongly criticized by some bioethicists. The present article aims at refuting these criticisms. In order to show how the notion of personhood operates in bioethics, two understandings of it proposed by an Italian bioethicist Maurizio Mori are sketched: a person as a part of the cosmological order and a person as an autonomous-like entity. It is argued that none of the proposed understandings is adequate. The cosmological concept perceives the person as a derivative of the empirical processes. The autonomous-like, in turn, conceives the person as a freely acting subject. This paper endeavours to prove that both conceptions are one-sided. In order to do that, the thought of German philosopher Robert Spaemann is deployed. He convincingly points out that the person must be considered from a so-called 'modus existendi' stance. It means that to be a person is to possess a unique way of being. That being encompasses the material content (body) not as a casual factor but as an indispensable mean of expressing itself. The final thesis is that the person's being is man's life. Drawing upon such a conclusion, it is taken up a critical discussion with the views rejecting the usefulness of the concept.

### I. Back to the Notion of the Person

Contemporary discussions and debates taking place within bioethics seem to be utterly dominated by particular issues. It is due to the pressure coming from the rapidly progressing biomedical sciences. In order to keep pace with that, bioethics must deal with the constantly increasing number of problems and new aspects demanding to deliver 'right-here-and-now' outcomes. Therefore, one rightly gets an impression that this realm of human activity is so strongly involved in the quest for practical solutions that there

is no room within it for theoretical investigations. This atmosphere is somehow sustained and intensified by bioethicists themselves. Discouraged by the general theories, competing among themselves, they prefer to concentrate on the particular bioethical matters. Some of them are even convinced that the time of universal philosophical frameworks is irreversibly over. A good example of such an opinion is expressed by A. Smith Iltis. Making an introduction to a set of essays concerning the case method, she claims that „bioethics is not about theory. Bioethics cannot be about theory because there is no universally agreed upon and recognized theory of right and wrong” (Smith Iltis 2000, p. 272). Her position is that universal philosophical categories are yet overshadowed by a chase for a practical effectiveness. Therefore, what really matters is not right and true but useful (Smith Iltis 2000, p. 272).

Nevertheless, over the years such a strong stance has been seriously questioned. It has turned out that many ‘hot’ issues are deeply rooted in the wider philosophical projects. Trying to solve them without a reference to that conceptual background endangers the whole enterprise. It can easily cease to be an ethical quest but instead it can be made into a politically governed set of activities. When usefulness and pragmatics are taking the lead in bioethics, politics can easily replace an earnest philosophical thinking. Therefore, if bioethics is to remain a wise consideration, an escape from the general theories and philosophical frameworks is rather a mistaken idea. Looking for concrete solutions must reconcile, in one way or another, an adequate reference to general theories with a need of reaching quick results.

Among many general theories that circulate in bioethics (theory of principles, of virtue, of utility, and others.), the theory of personhood seems to deserve a special attention. I must contend, of course, that this conception is strongly criticised by some bioethicists. Basically, they consider the notion of the personhood as a vague concept. As B. Gordijn claims:

Although the concept of the person plays an important role in bioethical debates, it is not really clear what is meant by the term ‘person’, because it is used with such a wide variety of meanings. It seems as though every author has his own particular concept of the person. Because of this enormous variety of concepts, discussions constantly arise about which entities it does and does not include (Gordijn 1999, p. 348).

Meaning the notion which operates in present Anglo-Saxon bioethics, he makes strong accusations against the understanding of the person: the con-

cept is superfluous, it lacks pragmatic use, it leads to simplifications, and it can be used as a cover-up notion (Gordijn 1999, p. 348). These negative reasons lead straightforwardly to a proposal to „erase it [the concept] from normative analysis and replace it with more specific concepts and relevant properties” (Beauchamp 2001, p. 68). According to Gordijn, these specific elements are pointed out, for example, by such questions:

What is the moral significance of conception and nidation? How does the commencement of the nervous system influence the moral status of the foetus? Does the completion of the embryogenesis or the ability to survive independently of the body of the mother change the set of moral attributes of the unborn? What is the moral meaning of birth? What, if any, are the moral implications of being a human foetus instead of, for example, a chimpanzee foetus? (Gordijn 1999, p. 356).

Such an approach creates of course the atmosphere of retreat from the concept altogether. But the reasons deployed to carry it out – I mean a critical assessment of these reasons – surprisingly encourage me to do something contrary: to retake up this topic.

For now, there may be a couple of initial positive reasons backing my approach, which I still find convincing and not damaged or outweighed by the critical sting. First of all, the understanding of the human person is somehow enshrined in many seminal international documents. It especially concerns bioethical declarations and conventions. Such expressions as „respect for the person” or „equality among persons” seem to be the labels of these official papers. Let us point to the only one but very recent example given by the Universal Declaration on Bioethics and Human Rights; it has been drawn up with the clear initial statement: „recognizing the dignity of the human person...” (The Universal Declaration 2005). Of course, this legal concept can disguise a variety of interpretations of the person itself, as mentioned. But despite this unequivocalness, the debates on the personhood are still taking place. For many thinkers, it is a key term, and a kind of universal presentation („a universal face”) of our Western culture. Secondly, the concept of the person is a firm foundation of the Christian thought. It takes its roots from the Christian revelation and still vividly operates in the Christian thinking. Nevertheless, what is interesting is that the general content of the notion (preciousness of human being) is available to all humanistic manners of comprehension, not limited to the Christian ones. Finally, when we ponder on the elements which bond all humanity, we can point to such values as rationality, tolerance, cooperation, peace and others. And it seems that all of them refer to an intuition, expressed implicitly or explicit-

ly, on the special importance and role of the person or the community of persons.<sup>1</sup>

Thus, whenever we are going to talk about man who transcends the realm of physical and biological structures, the concept of the person reveals its real usefulness. The experience of the person – as one of the personalists argues – is maybe the only ‘open passage’ giving us an access to the being. Or, that this kind of experience is a unique ‘place’ which, among the multiplicity of the empirical date, presents the being itself in the first person (Santinello 1992, p. 94).

The above-mentioned reasons are the main factors prompting me to explore this topic. I am fully convinced that they testify to the understanding of the person as a kind of axiom of our culture, and instead of getting rid of that, it would better to investigate it in-depth. Bioethics, in turn, seems to be an excellent field to do that. Many old philosophical problems have been reviving and even gaining ‘a new lease of life’ since hot bioethical discussions and debates were launched. Thus it is undoubtedly with the concept of the person itself.

Embarking on the presentation of the concept, it should be noticed that this task can be done in different ways. I will try to limit the realm of my analysis (at least the main thrust of that) to the one proposal put forward by M. Mori. Discussing the notion of the person adopted in the Catholic Church, he points to the classical concept of the person meaning by that the Boethius’s understanding of the category. Mori suggests that it is the notion strictly connected with the cosmological order of the universe. Man is to discover it and endeavour to respect it in many areas of his conduct (especially in the realm of morality). Further, Mori contrasts that traditional understanding with a recent notion of the person which – in his view – only emerged two centuries ago. That second understanding underlines that the person is a self-conscious, rational and an autonomic entity. Thus understood the person does not discover the order of the world in order to act upon it but such an order is indeed created by the person itself (Mori 1993, pp. 30-32).

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<sup>1</sup> S.C. Evans similarly claims that „personalistic framework permeates our everyday understanding of ourselves and our social relationships. Its importance can hardly be over-estimated. Many of our institutions, especially the older, more traditional-bound ones such as marriage and courtship, are tied very closely to the image of the personal and would no doubt change radically or perhaps even perish were that image to cease to be regarded as true. (...) The concept of a person is (...) central to our moral traditions; to seriously abandon the personalistic framework would necessitate fundamental changes in the way we treat each other, or at the very least a change in the way we talk about and justify that behavior” (Evans 1979, p. 11).

## II. Person in the Horizon of the Cosmological Order

This approach to the notion emphasises an aspect of the unity of the person with the world. The human person is one of the things which exist in the perceived reality. And this is the very first statement which we ought to make about humans. Of course, further on we will perceive a set of different features testifying uniqueness of man. Man will be revealing his otherness gradually. But it seems to be done on the secondary level of investigation. The starting point, however, is that a person seems to be a thing-like entity. As an example of this approach, Mori and many other philosophers and bioethicists eagerly point to the Boethius's definition of the person. It conveys that the person is „an individual substance of a rational nature”. Especially the term ‘substance’ referred to the person is to prove – for the critics of this view – the qualitative connectedness between man and the world. It reveals that there is a vital bond between man and everything else. If we can consider everything in terms of substance – this way of investigation would claim – there is no essential difference among entities. Man-person can be termed a substance as much as an animal and a plant. What causes a difference between a person and everything else is a matter of degree of excellence. Mori directly points out that such an approach to the notion of the person draws upon „the concept of the world which sees the universe as a great chain of entities ordained according to the cosmological project for which man is at the top of creation and a human body is bestowed with an intrinsic natural teleology” (Mori 1990, p. 193). In this understanding of the person, ‘cosmological’ seems to approach ‘metaphysical’. The metaphysical analyses, then, embrace an every phenomenon of the existing reality.

I agree partly with this assessment. Conceiving the person as an entity (substance) only does not reveal its uniqueness and preciousness. These factors seem to vanish from the thinking. Nevertheless, I would like to comment that the Boethius's definition must be taken in its entirety. The notion of substance is amended there by the adjectives: individual, and having a rational nature. Then, it seems to depart somehow from a sheer non-personal, objective meaning. Therefore, I must say, it is not a good example of the pure cosmological perception of the discussed notion. I think that there is a ‘better’ example of the notion of this kind.

It finds its starting point in J. Locke's thinking about a personal identity. The British philosopher set out the notion of the person saying that it „is a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places; which

it does only by that consciousness which is inseparable from thinking, and, as it seems to me, essential to it" (Locke 1969, p. 466). Locke tries to avoid any ontological assumptions in formulation of the notion. Therefore, his definition – analytically understood – has nothing in common with the cosmological leaning. For him, to be a person means possessing consciousness and ability to thinking. Nevertheless, as Gordijn affirms, „Locke fails to clarify whether he views consciousness only as a necessary condition for personhood among others or also as a sufficient one" (Gordijn 1999, p. 353).

Hence, many interpretations and modifications have been developed afterwards. Basically, they sustain the important role of consciousness in defining the person but add further qualities and properties that the person must comprise of. A good example of a recent list of such factors is given by M. Tooley. Let us underline a few of them. In order to be the person, an entity must possess: the capacity to experience pleasure and pain; the capacity for having desires; the capacity to remembering past events; an awareness of the passage of time; the property of being a continuing, conscious self; the capacity for reasoning, etc. (Tooley 1983, pp. 90-91). These chosen examples show us that besides the ability of awareness and a capacity for reasoning (essential for Locke) there are rather non-mental properties, namely the capacity to feel pain and pleasure. It proves, in my view, that the Lockean (or to be precise, post-Lockean) definitions of the person have tendency to be interpreted and developed within an empirical philosophy, and with the support of the empirical ontology.

My suspicion is strengthened when I consider the character of the said consciousness. What is an understanding of that in the main line of bioethical analyses? It seems that this category is perceived as a pure derivative of the empirical processes. The consciousness is then radically dependent on the quality of these processes, becoming a kind of empirical epiphenomenon. When destroyed or impaired those processes, the consciousness disappears and thus the person. The logic becomes evident when we hear such statements:

Since the neurophysiological basis of any of the cognitive functions that typical person manifest is destroyed in the case of PVS (persistent vegetative state) patients (...) and non-existent in the case of anencephalics (...) there is a consensus among philosophers that they are not persons (Lizza 1993, pp. 355-356).

Tooley has a similar argument (to mention only two examples). He points to a possible destruction of the upper brain which is equivalent to the destruction of the person. It is thus because

[the] upper brain, consisting of the cerebral hemispheres, contains the neuro-physiological basis not only of higher mental functions such as self-consciousness, deliberation, thought and memory, but also of consciousness of even the most rudimentary sort, the destruction of the upper brain means the destruction of the capacity for any sort of mental life (Tooley 2001, p. 117).

Therefore, there is a strong identification of the brain and the nervous system (i. e. the manner they function) with the consciousness, and consequently the person; or to put it the other way, the person comes out only when the biological (neurological, cerebral, physiological) structures function well.

When I have to take into consideration those two said conceptions and point to a real cosmological one, I will undoubtedly choose the latter one. For me, it is a more convincing example of the cosmological approach to the notion of the person. Man is shown there rather as a materialistic entity which only on certain levels of his/her existence gains a special value and a status of the person. In one way or another, every facet of the personal life can be reducible to the empirical data.

### III. Person as a Self-Conscious and Autonomic Being

There is another way which gives us an insight into the understanding of the person. It seems to be the second dominant approach to the issue in contemporary bioethics (Hellsten 2000, pp. 516-517).<sup>2</sup> It renounces any metaphysical assumptions and endeavours to draw upon the intuition of the person as a moral subject. We can trace back that thinking to the ideas of I. Kant. He did underline that

man, and in general every rational being, exists as an end in himself and not merely as a means to be arbitrarily used by this or that will. He must in all his actions, whether directed to himself or to other rational beings, always be regarded at the same time as an end (Kant 1993, p. 35).

In the other place, the philosopher formulated the moral imperative based on such a presupposition: „Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means” (Kant 1993, p. 36).

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<sup>2</sup> Initially, she distinguishes three dominant conceptions: naturalistic, communitarian and humanistic one. Finally, Hellsten contends that the two first ones seem to have a similar character.

Drawing upon such thinking, the German philosopher and bioethicist L. Honnefelder rejected the naturalistic conviction that being a person depends on the possession of specific kinds of psychological characteristics. In his view, it is difficult to prove that some factors of this kind are more relevant than others, and should be made into criteria in establishing someone's personhood. He advocates the Kantian starting point, treating each and every human being as a moral subject (Honnefelder 1996, p. 144). It means that a person appears as a being which deserves a special protection because of his/her outstanding position. Honnefelder expresses his conviction claiming:

it is the belief that all living beings that we refer to by means of the sortal predicate «human being» have an intrinsic or unconditional value which bars them from being evaluated in comparison to other goods. This means that all morality is based on a fundamental practical judgement stating that a human, as a living being equipped with the natural capacities of reason and free will is an intrinsic or unconditional good, and that humans have this value simply for being humans, that is, regardless of all other properties except for the property of being human; in other words, for being referred to by means of the sortal predicate «human» (Honnefelder 2003, p. 211).

Moreover, the author – treating the person as a moral subject – does mean the whole man. That is, that fact of belonging to the biological species and being a person are inseparable (Honnefelder 1996, p. 144). As he puts it in the other place drawing a moral conclusion from that, „the human being is to be understood as a specific unity of subject and nature, then the natural dispositions, which must be regarded as necessary conditions for subjectivity, are to be protected as well” (Honnefelder 2003, p. 212).

Honnefelder conducts his analysis along the non-metaphysical route. He endeavours to distance himself from any ontological framework. It concerns the Boethius's notion of the person but also those understandings that operate within the empirical ontology. He emphasises very decisively that the notion of the person is not to be culled from metaphysics but it possesses its proper and original status (Honnefelder 1996, p. 146). The person is, then, a subject who is able to determine his/her own goals and can take responsibility for his/her own realization (Honnefelder 1996, p. 156).

This stage of Honnefelder's thinking seems to be the common ground with Mori's characteristic of the second notion of the person, namely the entity who does not discover the cosmological order, including the moral order, but actively creates it. Nevertheless, such a coincidence is apparent but in fact not real. The reason for that is in the Kantian thinking itself. To

be autonomous, and to set own goals does not lead straightforwardly to an unrestricted moral creativity. Kant himself limited such a conduct formulating the first imperative: „Act only according to that maxim whereby you can at the same time will that it should become a universal law” (Kant 1993, p. 30). Kant’s autonomy cannot be conceived as an existentialist one; it presupposes a kind of universal nature of the reason, possessed by all mankind.

However, I think, we can find a conception which will more faithfully live up to the Mori’s proposal. It is surprisingly connected with the mentioned above naturalistic project concerning man. In that, we can distinguish some proposals which are not pure representatives of that stance. There is, at least, one mixture of the empirical thinking with the Kantian ideas. That gives us H.T. Engelhardt who sets out two conceptions of the person. Let us begin with the second one. It is a perfect example of the naturalistic notion. It points to all human beings whose existence is underdeveloped or impaired. It means that if the main cerebral-nervous features of their organisms do not function well, they are considered as non-personal, but only human beings. Engelhardt declares: „not all humans are persons. Not all humans are self-conscious, rational, and able to conceive of the possibility of blaming and praising” (Engelhardt 1996b, p. 138). He points to a couple of examples of humans who cannot be classified as persons: embryo, severely defected newborns, mentally retarded people, people in irreversible coma, severely senile, etc. (Engelhardt 1996b, pp. 138-139, 149, 241).

Engelhardt then sets forth a concept of the current (full) person which is for him a ‘proper’ notion. Contrary to the previous one, the current person can be characterised by the adequately functioning psychological processes due to the mature and unimpaired biological body. These entities, as the philosopher puts it, are „individuals, living bearers of rights and duties. [They are] entities who can participate in the language of morals, who can make claims and have those claims respected” (Engelhardt 1988b, p. 175). In other words, to be a person is to have an ability to participate in resolving moral controversies, and to know how to reach a conclusion (Engelhardt 1993, p. 15); or to be just „a possible negotiator” (Engelhardt 1988a, p. 387).

Engelhardt conducts his analyses as an empirical thinker but at the same time as someone who is influenced by the Kantian ideas concerning man. In Kant’s thinking rational human beings are a source of morality. As he puts it,

In this way there is possible a world of rational beings (*mundus intelligibilis*) as a kingdom of ends, because of the legislation belonging to all persons as members. Therefore, every rational being must so act as if he were through his maxims always a legislating member in the universal kingdom of ends (Kant 1993, p. 43).

Engelhardt perceives in the German philosopher's thought a lack of precision. There is for him no clear account of who is a rational being. Engelhardt claims that that Kantian category should be referred only to persons but not to humans. Only persons do exercise an actual rationality and consciousness. Only then are they in a state that the somatic and psychological conditions enable them to manifest those potentialities. Therefore, for Engelhardt what really matters are the full persons; consequently, as he points out, Kant's „morality is concerned not with humans, but with persons. (...) Kant provides a morality for persons, not a morality for humans” (Engelhardt 1996a, pp. 207-208).

On this account, it is clear that the Kantian intuition about a special status of every man (shared by Honnefelder too) vanishes. It is replaced by the thinking which looks for qualitative, empirically verified factors as main criteria of the personhood. Therefore, to be the person is restricted to a certain kind of beings.

Such comprehended a person is then a starting point in any possible negotiations so as to make a common decision concerning what is right and wrong, and what is good, evil, praiseworthy or blameworthy. Persons taken as a community are a source of moral imperatives, and in this way they introduce the moral law binding all the members of a community. Therefore, there should be no hesitation in claiming that a contractualist founding of a moral system presupposes such a fundamental category which is a person (Honnefelder 2003, p. 211).

The further consequences of the normative role of the current persons reveal their power when we inquire into the relationship between them and the mentioned category of the humans-non-persons. Engelhardt explicitly points out, that there is „a social concept or social role of person that is invoked when certain instances of human biological life are treated as if they were persons strictly, even though they are not” (Engelhardt 1988b, p. 175). This category of beings is clearly subject to the group of the full persons. The humans-non-persons can, then, gain so-called a social status of the persons (future person or former person). Of course, they are not entitled to it automatically. The persons in the strict sense can indeed be-

stow that new status on the humans-non-persons, but they can also withdraw it. It all depends on such factors as: foreseen quality of life of the humans, their present health conditions, or just a psychologically understood relationship which binds (or not) the humans-not-persons with the current persons. In all these deliberations the moral agents, full persons play a main role.<sup>3</sup> Therefore, if the humans-non-persons are considered as not important (at least psychologically), then they can be stripped of their higher status and remain only on the level of the human biological life; and vice versa, if the humans-non-persons do not qualify (psychologically and somatically) as social persons, they nevertheless can be granted such status because of the desire of the full persons.<sup>4</sup> The creative power of the moral agents, current persons is exercised then in its entirety.

The Engelhardt's position sketches the best example of the person as an entirely autonomous being. The autonomy is here understood in its widest extent. The full persons not only determine the moral order but also do they create or annul the fundamental membership of the humans-non-persons (to be considered temporarily, or not, as persons). Therefore, they have an 'authority' to produce moral values and to lay the foundations of the new moral law.

These two possible ways at which the person can be explored show at least two kinds of conclusions. On the one hand, both the objective (cosmological) interpretation and the subjective one, if conducted separately and influenced by some kinds of reasoning, can lead to the obvious simplifications and malformations, as far as the reality of the person is concerned. Therefore, the analyses prove that the discussed issue is not easy to deal with, and we should proceed carefully. On the other hand, the mentioned approaches are both needed and worth developing because they reveal the vitality and the complexity of the concept. Claiming that, it should however

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<sup>3</sup> In this we can, then, distinguish more precisely two factors governing the action of the full persons while they bestow, or not, a status of 'social personhood' on the humans-non-persons. First, there is a range of empirical (biological and psychological) features; if they are exercised then a human being can be classified as a person. The full persons must carry out discernment and determine if a human being meets required conditions. But the actions of the full persons concern one more activity. They, and only they, are in position of fixing of what exactly contains a set of required features-criteria (controversies what should be included to such a set remain). Secondly, the will of the full persons plays a decisive role. It is a more subjective element but in the complicated cases this factor will be a decisive one.

<sup>4</sup> As Engelhardt's argues, „One treats certain instances of human life as persons for the good of those individuals who are persons strictly” (Engelhardt 1988b, p. 177).

be excluded any extreme stance, namely a sheer materialist and a sheer spiritualist one. The person can be adequately comprehended neither within a materialist approach nor within a spiritualist one. There is indeed a real necessity of including as the objective as the subjective considerations in pondering on the issue, but it must be done in a way using a new non-reductionist synthesis. The reason backing this thesis is that the genuine personal life reveals itself in a grand range of phenomena. This richness is a clear sign that what is coming into play is of new quality and paramount importance. Let us present a plausible framework which can include adequately these postulates and demands.

#### IV. Towards an Integral Understanding of the Person

Initially we must reiterate that the person exists as a complex reality. It is a multidimensional being. Limiting our considerations to the data set out by the said interpretations, we can however follow their sketched routes. The attempt to enclose the core of the personal life to a set of the empirical processes leads to understanding of the person as an empirical constellation, as a psychological personality. It is changeable, variable, and presents itself rather as a momentary phenomenon.<sup>5</sup> It appears at certain moments, and is likely to disappear later on. The person, in this view, is radically dependent on the empirical qualities. The doubt which arises is whether we can really grasp the personal identity drawing only on this profile of human life. The person – in this view – is rather immersed in the material reality and seems that his/her identity is built up by the specific characteristics of the experimental processes. Moreover, his/her uniqueness and preciousness is a sheer derivative of the empirical domain. Although – we must acknowledge – the person is somehow a material reality, such thinking is too shallow, and it does not live up to the genuine reality of the person.<sup>6</sup>

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<sup>5</sup> K. Doran carried out an interesting critique of such understanding of the person. He convincingly pointed out that in this approach we have a kind of the false identification of two notions: personality (which is variable and has empirical character) with personhood (invariable, preceding any empirical data) (Doran 1989, p. 41).

<sup>6</sup> In other place, I pointed out that it is plausible to argue that the material dimension – even in the light of the recent scientific discoveries – is an essential part of the human, personal nature. But at the same time, I argued that it is merely one of the aspects of that human nature (Hołub 2005).

Let us consider in turn whether we can identify fully the person with a spiritualist reality, or if we can claim that the person is entirely 'the ghost'. This interpretation goes in the opposite direction but similarly emphasises the sole aspect of the personal life. Of course, the spiritual factor of the person seems to form more deeply the human identity. It is beyond such disadvantages as variability and momentariness; and the spiritual element cannot be measured by various degrees. If, however, we adopt fully this line of investigation, we have to face a couple of difficulties. The problem which still remains is how such a factor manifests itself outwardly. Given the fact that the human body is here a heterogeneous element, we must figure out a positive status of the human body itself (is this a prison of the soul?). Furthermore, we must establish what kind of the relationship is between the body and the spiritual factor. It is a vital issue which must be positively addressed lest we fall into the Cartesian trap connected with 'the ghost in the machine' concept.

We will proceed rejecting the conviction strongly suggested by the cosmological stance, namely that the person is a feature of man (or, one of the features of man). According to that, man has a stable existence, whereas a personhood comes to being in special and specified periods or moments of that existence. To the contrary, to be the person is not to manifest a certain qualitative sign or a constellation of signs. This essentialist approach seems to be prone to the empirical misuse. It treats the person, in its material content, as 'something'. Be that empirical or psychological qualities. Our conviction is that the personal identity goes beyond these factors. The person must be indeed investigated within the 'modus existendi' (Spaemann 2001, p. 50).<sup>7</sup> To be the person means to have a special way of being. To be the person is, first of all, to be 'someone'. And this alters considerably the sphere where we look for the core of the personhood.

The act of being cannot be characterised by any kinds of features. It is always beyond any objective descriptions. In this sense, it is a unique in-itself. It is of course dependent on the somatic foundations but only in a negative sense. The latter ones provide at most the basis for it, which we can at most 'switch off'; but we are unable to construct a bio-mechanism which out of necessity initiates an independent being. All procedures of the genetic engineering draw upon the ready 'bio-components' in a case, for instance, of transgenic organisms. Here, what we do is just a 'switching on' of the poten-

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<sup>7</sup> In this section I will draw upon the analyses and remarks set forth in this book.

tial reservoir of nature. Therefore, that attempt must be considered rather as a secondary activity. The being of any living creature, and especially of the person, is beyond our – whatever understood – reach (abilities, powers).

The particular act of being is a decisive factor, as far as the singularity of the person is concerned. It is not a sheer example of the general being (the humanity), but it is a genuine kind of this-subject. In such a form, it is given always in the first person as ‘me’; because only I have a real, direct access to it. If we can argue about the ‘me’ of the other person, it is thus always in the objective, indirect manner. It has been, surprisingly, emphasised by the thinkers who by themselves are representatives of the divergent philosophical currents. Therefore, it can be somehow traced in the Aristotelian-Thomistic tradition but also in the thought of M. Heidegger or K. Jaspers (even though Heidegger can hardly be labelled as a personalist).

The being is always unique and does really go before any essentialist content. What is more, the being-factor is not only before any ‘material’ content but also does it transcend and encompass the latter one. It means that this factor although in an essential need to possess the material content cannot be identified with that. The being is intrinsically able to distance itself from this or that constellation of the essentialist features. Although it is scattered through the lived organism and active in all its members and processes (Sokolowski 2000, p. 127), it is not fused with that whatsoever. It can always ‘elaborate’ a new reference to the material aspect of the person. That is why the person feels the same existence even after undergoing serious illness deforming her/his physical appearance. That spiritual self encompasses a whole of man, every part of it, but at the same time is not a real, material predicate. It is like the Heideggerian being merely ‘touched’, partly known, but yet departing itself. Therefore, from the epistemological point of view, it seems ungraspable in its entirety.

The person cannot be identified fully neither with the inwardness of its being (the subjectivity) nor with the outwardness (the objectivity). The integral view of this category does emphasise the indispensable, complex connectedness of these two facets of the person. The inner factor does really need the outer one in order to have ‘means’ to manifest itself. Moreover, that outer factor is not only a neutral (or passive) transmitter but also participates actively in the process of forming of the person. The outer factor introduces, then, necessary corrections and modifications to the inner one. Thus, these two instances seem to be strictly interrelated with each other.

Although the inner factor seems to be a primary one, it is only from the point of view of origin. The final ‘shape’ of the person is being formed on

the level of the bodily dimension. Thus the person is not solely 'the ghost', though that aspect is a part of his/her constitution. Still, the person is not only the body but the organism is his/her essential facet, a medium through which the spiritual self can be realised. Such logic consequently leads us to put a thesis that to be man and to be the person means the same; or, to express it succinctly: „the person's being is man's life" (Spaemann 2001, p. 305).

### Conclusion: Indispensibility of the Concept of the Person

The above presented analyses prove – in my view – that the concept of the person is still a vital issue, and it invests a lot of attention of different bioethicists. From what has been exposed, it would be difficult to claim that the notion is a secondary one. On the contrary, it seems to have the foremost importance. To put it another way, I tend to claim that the discussions on the personhood refer to the heart of bioethics itself. Unless we are able to deal adequately with the issue, we are still bogged down in many essential bioethical details. Nevertheless, it does not change the situation that we are facing a delicate and complex matter, and the final comprehension of that is still subject to the different philosophical approaches (the variety of approaches can be even found in the personalist stance itself).

Nonetheless, we can draw some final and specific conclusions. It seems that both the cosmological and the autonomous-like notions show some important characteristics of the personhood. These factors reveal partly who the person is. However, they themselves do not provide enough data to depict the adequate picture of the person and therefore they must be completed. Moreover, it would be dangerous to draw only upon either the materialist interpretation or the idealist one. We can avoid these extreme leanings when we adopt the initial intuition of the person which seems to encompass naturally those aspects, and at the same time is not prone to be interpreted within the monistic framework.<sup>8</sup> Although such a non-reductionist proposal has been set forth, it is still open for the further elaborations and clarifications.

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<sup>8</sup> As a personalist, what I am really interested in is a possibly wide exploration of the phenomenon of the person. The person in its uniqueness is, then, at the centre of attention and not any strict adherence to a certain philosophical system. Therefore, I refer both to the intuition of the person and to the metaphysical foundations of it. Nevertheless, a kind of the intuition of the person has always a primary importance for me, and it has been accompanying all my analyses undertaken in this paper.

Having done the analyses, we can evoke some objections to the theory of the personhood, set out at the beginning of the paper. It seems that from the new elaborated horizon, we can take up a kind of discussion with those critical voices.

First of all, we can plausibly claim that from the humanistic (personalist) perspective it is rather clear that all entities called men, or human beings must be included into the world of persons. That identification does not seem to be superfluous whatsoever; it is solidly grounded. It is thus because it draws upon the clear metaphysical premises which do lay the firm foundations for the personhood.

Secondly, I do not think that the personhood must be devoid of the pragmatic use. A certain amount of pragmatism remains in the final picture of the person. Of course, it has nothing in common with the pragmatism understood as a tool dividing some human beings as entitled to live and be protected from the other ones as excluded from such a protection. It enables rather a clear-cut distinction between the human-personal life and the other life forms.

Thirdly, I do disagree with the claim that the personhood can be a kind of a cover-up notion. Maybe it is true within the adopted post-Lockean interpretations but not in the humanistic one. Now I present the reasoning backing my thesis. Within the personalist perspective, the problems concerning: the moral significance of conception and nidation; the influence of the nervous system on the moral status of the foetus; the moral implications of being a human foetus or a chimpanzee one are indeed unresolvable by themselves. It is thus because on the sole level of biochemical and physical processes there is indeed a slim difference between the human organism and the animal one (e. g. in a case of apes the slim difference stems from the fact that there is the comparable number of genes). More importantly, the somatic constitution itself does not give us any stronger moral indication unless we clearly know of whom or of what it is.<sup>9</sup> Furthermore,

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<sup>9</sup> Setting out the third objection, I draw upon the stance of L. Honnefelder, who – from the final perspective – seems to me to approach the personalist position. He himself made a presupposition that the human being-person is to be seen a priori as a subject endowed with the intrinsic and unconditional value. Hence, his comprehension of the person includes a kind of the axiology of the person. In general, my analyses in this final section make that ontology and axiology of the person overlap. However, I do not want to embark on the complex and hot discussion on the relation between ontology and axiology of the person. There is no space here to prove whether the person appears first as an existing entity or as a value. From the personalist stance, however, both approaches seem to be somehow indispensable.

it seems to be dubious (or at least questionable) whether the certain stages of these processes can be borderlines for the ethical judgments. Is it really an easy passage from the biological vitality and functionality to the ethical imperativeness or importance? If it is thus, we will have to infer values from the empirical facts. And then it is nothing more but the known definist fallacy („Moore, G. E.” 1999, p. 583) – the fallacy of attempting to define ‘morally good’, or ‘valuable’ by any naturalist means. Further, if we are interested in the moral solving of the single bioethical issues taking into account only their nearest context, we proceed as if we did not have any reference to any wider axiological background; which seems to me rather impossible. We naturally perform any moral evaluation against a kind of the axiological background acquired through the process of socialization, upbringing, or conscious moral choices. This is a dynamic but relatively stable part of our personality. The more mature person becomes, the firmer profile of such an axiological net (sphere) is formed. Therefore, denying the existence of such a phenomenon leads rather to hiding some important premises in our theoretical proceedings. And undoubtedly, it triggers much more cover-up conduct.

To overcome such an awkward situation, we would rather presuppose directly a kind of non-naturalist axiology. And the concept of the person is then an excellent focal point for the moral weight coming into play. It actually gives a protection against any cover-up notions. Clearing and ordering axiologically the field of investigation, the concept introduces thinking in terms of the non-naturalist value and good. Therefore, any monistic (materialist) or unclear stance becomes inadequate from the very first moment.

To sum up, I am aware that this personalist account does not give us a simple tool to resolve all bioethical controversies. I am fully convinced that it should be further built up as a fundamental, theoretical framework. But for now it is encouraging and quite helpful. Therefore, I must say that the notion of the personhood – even if a little bit troublesome – is still indispensable.

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