CONTEMPLATING MORAL PERSONHOOD

A Thesis
Presented to the
Faculty of
San Diego State University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts
in
Philosophy

by
Timothy E. Farson
Fall 2010
SAN DIEGO STATE UNIVERSITY

The Undersigned Faculty Committee Approves the

Thesis of Timothy E. Farson:

Contemplating Moral Personhood

Robert Francescott, Chair
Department of Philosophy

Darrel Mollendorf
Department of Philosophy

Sanford Bernstein
Department of Biology

12-2-2010
Approval Date
DEDICATION

I dedicate this thesis to my intellectual mentors—Dr. Deborah Smith, Dr. Deborah Barnbaum, Dr. Francescotti, Dr. Mollendorf and Dr. Bernstein. Without their continual guidance and support, this thesis would not be possible. I dedicate this thesis to my current, past, and present students in hopes that they will rise above their educational expectations and enjoy the learning process. Moreover, I dedicate this thesis to my family—parents, grandparents, Dustin, and Mimi.
In this thesis, I raise the question—what constitutes moral personhood?—to help solve or, at the very least, arouse dialogue concerning practical ethical concerns common in contemporary scientific and political ethics. This thesis is organized such that I first discuss how contemporary moral and legal complications arise because of a contradictory, indefinite notion of moral personhood.

The next chapter contains an analysis of personhood as presented by contemporary philosophers—Daniel Dennett, John Harris, Peter Singer, and Michael Tooley. While each view has promising components, I argue that none creates a satisfactory concept of moral personhood.

Furthermore, much of the academic literature regarding moral personhood deals with the moral status of the fetus. As such, this thesis analyzes the notion of potential and proximate persons. I illuminate counterintuitive consequences of several philosophical theories regarding potential personhood. I explore how potential and proximate persons’ worth relates to the worth of full-fledged moral persons. In the final chapter, I present the necessary and sufficient condition of moral personhood—a moral consciousness. I articulate a method to encourage dialogue regarding the treatment of moral patients. Furthermore, I provide a moral action plan for appropriately understanding entities which are not moral persons, but are moral patients. Lastly, I revisit the issues motivating the thesis in light of my analysis.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABSTRACT</td>
</tr>
<tr>
<td>CHAPTER</td>
</tr>
<tr>
<td>1 MORAL PERSONHOOD: WHY BOTHER?</td>
</tr>
<tr>
<td>Conceptual Clarification</td>
</tr>
<tr>
<td>Analytic Structure of Thesis</td>
</tr>
<tr>
<td>2 SOME CONCEPTUAL CLARIFICATIONS</td>
</tr>
<tr>
<td>Contemporary Inconsistencies</td>
</tr>
<tr>
<td>Issues Concerning the Beginning of Personhood</td>
</tr>
<tr>
<td>Species and Personhood: Coextensive?</td>
</tr>
<tr>
<td>End of Life &amp; Severe Medical Conditions</td>
</tr>
<tr>
<td>3 CONTEMPORARY VIEWS ON PERSONHOOD</td>
</tr>
<tr>
<td>Daniel Dennett</td>
</tr>
<tr>
<td>Dennett Analysis</td>
</tr>
<tr>
<td>John Harris</td>
</tr>
<tr>
<td>Harris Analysis</td>
</tr>
<tr>
<td>Peter Singer</td>
</tr>
<tr>
<td>Singer Analysis</td>
</tr>
<tr>
<td>Michael Tooley</td>
</tr>
<tr>
<td>Tooley Analysis</td>
</tr>
<tr>
<td>Potential Persons</td>
</tr>
<tr>
<td>4 MY PROPOSED METHOD FOR DETERMINING MORAL PERSONHOOD</td>
</tr>
<tr>
<td>Some Remarks on Moral Patiency</td>
</tr>
<tr>
<td>Accounting for Potential and Proximate Persons</td>
</tr>
<tr>
<td>Action Guide in Practice: Tackling Applied Issues</td>
</tr>
<tr>
<td>Applied Issues</td>
</tr>
</tbody>
</table>
What Can We Say About Abortion?.................................................................73
Eugenics & Stem Cell Research.................................................................75

5 CLOSING REMARKS.....................................................................................81

BIBLIOGRAPHY...............................................................................................82
CHAPTER 1

MORAL PERSONHOOD: WHY BOTHER?

The incessant progress of contemporary science has given rise to ethical and policy-making conundrums causing the concept of moral personhood to reassume a central role in the deliberation of “who, or what, is entitled to having rights.” The more scientists uncover what makes an entity biologically human, what societal relationships humans have in common with other species’ societies, and what science can do to prolong life, the more a consensus is needed for sound ethical deliberation. Throughout much of Western thought and history, the person has taken moral precedence over other beings—non-persons. Comparatively, the person is to ethics, what the cell is to biology. In fact, most of the reasoning behind moral and legal decision-making recognizes and utilizes this unique dignity and high moral worth of the person to protect and ensure her rights. However, concise reasoning in this debate is contaminated with questions such as: “What is a person?” “Is humanity coextensive with persons?” and “Are humans guilty of speciesism if persons are not co-extensive with the notion of personhood?”

The evolution of moral personhood’s importance is seen with the ancient Greeks’ hierarchy of beings. Under such a theory, persons were those entities with an exceptional ability to rationalize and consequently ranked superior to those that lacked that ability. Judeo-Christians, on the other hand, believe that mankind was created in the image of God. “Humanity’s uniqueness and qualitative superiority for the rest of creation was anchored in
the rational soul, which was both the source of biological life and personal individuality.\textsuperscript{1} The rational soul created in the image of God allows persons to act in accord with His commands. More simply, the Judeo-Christian view of personhood establishes the extraordinary status of personhood because (1) persons are made in the image of God as humans, and (2) God has blessed each life with a unique and rational soul.\textsuperscript{2} Under this view, one encounters the sacredness of human life and the consequent dignity of personhood since human beings were called by God to participate in a life that requires an absolute love for Him. That is He granted them a rational soul that may choose to act out a moral, God-loving life. This view remains influential in modern dialogue concerning the issue of personhood and has done much to assimilate the notion of humanness with the sacred dignity of personhood.

However, the demand for secularized ethical and policy decision-making has created juxtaposition in how one argues for the moral status of the person. It generates much confusion in how to approach a cohesive, contemporary concept of personhood. Because secularized policy and ethical decision-making do not appeal to the Judeo-Christian notion of sacred ensoulment, a conceptual clarification and thorough analysis of moral personhood is needed for subsequent normative claims to be reasoned beyond the scope of religious indoctrination.

Historically, arguments appealing to an entity’s personhood were used when abolishing slavery and establishing women’s and immigrants’ rights. Today, argumentation

\begin{itemize}
\item \textsuperscript{1} Gerhold Becker, \textit{The Moral Status of Persons: Perspectives on Bioethics} (Atlanta, GA.: Rodopi B.V., 2000).
\item \textsuperscript{2} Ibid.
\end{itemize}
concerning moral personhood is used in the contentious abortion debate, animal protectionism, the permissibility of stem cell and embryological research, as well as end of life and severely injured treatment. In the future, the notion of moral personhood may be used to appeal to the rights of machines, supercomputers, or even extra-terrestrial life.

Similar to James Rachels, I suggest that evolutionary theory coupled with the demand for secularized policy and ethical decision-making seriously undermine the traditional assumption that biological human life—that is, entities belonging to the species *Homo sapiens*—hold special value and dignity. Rather, human exceptionalism becomes deflated as science increases the way one analyzes the social, human animal. In fact, the more advances in the scientific understanding of the human animal, the more we struggle to ascertain the true moral “specialness” of humanity and moral personhood. This thesis, motivated by such argumentation, is an examination and constructive attempt to fully understand a workable notion of moral personhood.

**CONCEPTUAL CLARIFICATION**

An unclear frame of reference for moral personhood incites much of the philosophical confusion surrounding this issue. So, in order to better understand the contexts regarding the notion of personhood, this section will clarify and elaborate on key concepts used throughout this thesis. Academic literature typically contemplates personhood in 3 ways:

1. within the context of having a serious right to life,
2. moral agency, and
3. entities possessing autonomy.

---

For the purpose of this thesis, moral personhood is discussed in terms of moral agency.

Moral agency is foundational in the discussion of having rights (#1). Similarly, the notion of autonomy (#3) is dealt with insofar as it seems an essential component of an entity’s acting for moral reasons and being held morally accountable—that is, autonomy is such that it is inextricably tied to moral agency.

A second ambiguity in the discussion of moral personhood rests in the distinction of the metaphysical and the moral. Consider John Locke:

“Person stands for—which I think, 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.”

In this passage, Locke describes personhood in terms of cognitive capacities resultant of a special self-awareness. This is a descriptive and metaphysical account of what it is to be a person. Metaphysical personhood deals with the properties—cognitive and physical—that make a person what it is. Consciousnesses, intelligence, mind, and body, for example, are all properties commonly used to describe an individual’s metaphysical personhood. Beauchamp elaborates, “Metaphysical personhood is comprised entirely of a set of person-distinguishing psychological properties such as intentionality, self-consciousness, free will, language acquisition, pain reception and emotion.” Again, metaphysical properties of personhood are those properties that describe the necessary and sufficient cognitive properties of an entities’ personhood. Notice, in the discussion of personal identity metaphysical personhood tackles

---


the question of what properties are essential for a person to be considered an enduring person through time. This essay will elaborate on the properties essential to moral personhood—what properties are essential to an entity’s personhood qua agency.

Locke dovetails his notion of metaphysical personhood with the notion of moral personhood:

"Person" is a forensic term. Person, as I take it, is the name for this self. Wherever a man finds what he calls himself, there, I think, another may say is the same person. It is a forensic term, appropriating actions and their merit; and so belongs only to intelligent agents, capable of a law, and happiness, and misery. This personality extends itself beyond present existence to what is past, only by consciousness—whereby it becomes concerned and accountable; owns and imputes to itself past actions, just upon the same ground and for the same reason as it does the present. All which is founded in a concern for happiness, the unavoidable concomitant of consciousness; that which is conscious of pleasure and pain, desiring that that self that is conscious should be happy. And therefore whatever past actions it cannot reconcile or appropriate to that present self by consciousness, it can be no more concerned in than if they had never been done: and to receive pleasure or pain, i.e. reward or punishment, on the account of any such action, is all one as to be made happy or miserable in its first being, without any demerit at all.\(^6\)

Here, Locke utilized the cognitive (metaphysical) properties of personhood to make assertions regarding the basis of moral personhood. In essence, the metaphysical properties of the person—“the 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”—leads to a moral context of personhood—“whereby it becomes concerned and accountable; owns and imputes to itself past actions.”\(^7\) This type of analysis is the goal of this thesis. Ideally, I wish to establish a set of properties such that one is able to discern which entities – collectively X – possess the properties – P – such that having P

\(^6\) Locke, *Essay Concerning Human Understanding*.

\(^7\) Ibid.
entails the moral personhood of X. Simplified, X are persons in the moral sense because they possess P.

Moral personhood deals with the notion of person within an ethical context. In this thesis, we are examining the type of beings that we are to apply ethical rights and responsibilities. Consider the analogy I used in the introduction, “The cell is to biology what moral personhood is to ethics.” By studying the foundation of ethics – just as the biologist studies the foundation of life – I wish to illuminate the metaphysical properties of a thing that give it moral personhood.

Moreover, this thesis will explicate the differences that exist in a thing’s being a moral agent and a moral patient. This is another ambiguity encountered in the academic dialogue concerning moral personhood—moral agency vs moral patiency. Agency is the ability to act. Moral agency is a person’s capacity to mobilize herself into action for moral reasons. It is the capacity to carry out actions entitling it to both rights and responsibilities within the moral community. Moral agency, or the ability to act for moral reasons, is the foundation for all ethical systems. A system of ethics is able to work because persons are able to act for moral reasons. This is the grounding for the significance and elevated moral

---

8 Some philosophers have argued that the leap from metaphysical properties to moral conclusions is unwarranted (Beauchamp, *The Failure of the Theories of Personhood*). This seems highly counterintuitive. If some being X, possessed a certain set of properties, say rationality, capacity to act for moral reasons, self awareness, etc., it seems that it would be extremely unwarranted to say that such a being is not a person with respect to moral agency. Surely, these properties enable its capacity to act at a moral agent. In fact, it would seem that metaphysical personhood is in fact necessary for moral personhood. Later in the thesis, I will argue that those who have those capacities but have no knowledge of moral reasons, which is necessary for moral agency, are not persons but third degree moral patients. Examples of these are some children, the wolf child, etc.

worth surrounding moral personhood. Thus, a moral agent is such that, by its very nature, it derives her serious right to life and a life of non-interference. Without it, moral systems cannot work—no one is protected. This is the source of the person’s dignity and deserved moral respect.

Understanding moral personhood allows one to understand those beings with the highest moral worth. Because of this highest moral worth, they possess a right to life. Because of its foundational role in ethics, moral agents are those beings that possess the highest moral standing and a strong right to life. A right to life is such that it is a right of freedom coinciding with all others not to be interfered with in respect to remaining alive.\(^\text{10}\)

On one hand, moral patients have properties which make them morally relevant. However, it is not to the same degree as a moral agent. For example, in most cultures a dog is not expected to fulfill the role of a moral agent—its moral responsibilities are little or none. It does not seem to be such that a being has full moral worth (personhood) nor no moral worth (non-personhood). This is developed in detail by David De Grazia in “Great Apes, Dolphins, and the Concept of Personhood.”\(^\text{11}\) De Grazia disagrees with the notion that moral status is an all-or-none principle. Moral patiency is a step down from moral agency and provides an account for the way we treat beings that are not fully persons, nor are they rocks. It is a goal of this thesis to illuminate the differences that exist within moral agency and moral patiency by discussing the distinctive properties of a moral agent.


**Analytic Structure of Thesis**

In this thesis, I raise the metaphysical question—what constitutes moral personhood—to help solve—or, at the very least—arouse dialogue concerning practical biomedical issues. The thesis is organized such that I will first discuss contemporary moral and legal issues in which the indefinite notion of personhood plays a large role in our moral reasoning. The next chapter will analyze personhood per contemporary philosophers. Much of the academic literature concerning moral personhood deals with the moral status of the fetus. Thus, much of this section will examine how we view potential persons and their relationship to moral personhood. For example, when one examines the space-time worm of a person, he must discern the points at which the being metaphysically possesses moral personhood. More simply, he must examine at which points the entity possesses the relevant properties of moral personhood. Furthermore, he must examine how one should deal with the unique entity which is not yet a person, yet shows a strong tendency to become one. I will examine whether or not potential persons possess the same moral worth as moral agents. Upon completion of these analyses, I will end the thesis with a proposed concept of moral personhood followed by a revisiting of the practical concerns discussed in Chapter Two.
CHAPTER 2

SOME CONCEPTUAL CLARIFICATIONS

CONTEMPORARY INCONSISTENCIES

As previously noted, this thesis is motivated by several contemporary moral problems inadequately addressed without a clear, concise concept of personhood. This chapter is organized such that each section will analyze these moral problems within the context of moral personhood. These sections examine applied cases in which the involved entities entertain a contentious moral status consequently illuminating the issues and concerns necessary for the creation of a workable definition. I will revisit these problematic motivations to illustrate how my proposal paves the way for concise, constructive dialogue.

Conceptual contradictions arise as one examines the moral status given to the entities in existing legal and ethical systems. Examining argumentation deriving these contradictions allows one to better understand what may be unique about moral personhood—leading to a unique set of properties necessary and sufficient for moral personhood.

ISSUES CONCERNING THE BEGINNING OF PERSONHOOD

Abortion: The moral dilemmas concerning abortion, whose arguments are rooted in the concept of personhood, are diverse and plentiful. In contemporary dialogue, developing fetuses are argued to either possess or lack a right to life because of their moral status. Ethical and legal grounding for the permissibility of abortion and/or the relative status of its hosting mother, are inextricably tied to the moral status of the developing fetus. Consequently, understanding the moral worth of a fetus answers contentious questions about
how one should treat the developing embryo and/or its mother.\textsuperscript{12} For example, if a fetus lacks independent viability, should one grant it a lower moral status than the mother—is the mother or fetus “more of a person” than the other? Moreover, similar complex questions—e.g. “Is the morning after pill morally permissible?” and “Is RU-486 a godsend or an evil?”—rely on a coherent notion of moral personhood and the moral import of potential or possible persons.

This and upcoming sections use familiar, yet easily confused, vocabulary. To clarify, \textit{conception} occurs when a female germ cell, or \textit{ovum}, is penetrated by a male germ cell, or \textit{spermatozoon}. Each germ cell possesses half of the genetic code. Conception results in a single cell, containing the full genetic code from 46 chromosomes, called the zygote. The zygote then journeys down the fallopian tube, which carries ova from the ovaries to the uterus. This passage generally takes two or three days. During the journey, the zygote begins a process of cellular division that increases its size. Such knowledge concerning embryological development may arise as one considers the properties the embryo has developed at each stage of development. For example, is there a difference in moral status between the zygote and a 40 day old embryo? Aristotle, for example, argues that it takes approximately 40 days for a male embryo to possess ensoulment, while it takes 90 days for a female embryo to achieve the same status. Upon ensoulment, its moral right to life commences.\textsuperscript{13}

\textsuperscript{12} Use of the impersonal pronoun “it” is done with caution and awareness of the connotative implications. I do not wish to presume personhood of the fetus until I have deliberated its relationship to moral personhood.

When the multi-cellular zygote reaches the uterus, it floats freely in the intrauterine fluid and develops into what is known as a blastocyst—ball of cells surrounding a fluid filled cavity. By the end of the second week, the blastocyst implants itself in the uterine wall. From then until the end of the eighth week, the unborn entity is referred to as an embryo. At this time, organ systems begin to develop, and the embryo begins to take on distinctly human physical characteristics. The eighth week, or as early as the 54th day after conception, is typically significant in biological development and the abortion discussion because of detectable nerve synapses. From this point, the beginning of the ninth week until birth, the embryo is termed a fetus. However, much of the academic literature concerning moral personhood uses the term ‘fetus’ to designate the unborn entity during all stages of development.

‘Quickening’ denotes the moment after conception that the fetus begins to move. Typically, this occurs between the thirteenth and twentieth week. Viability is the point at which the fetus is able to survive independent of the womb. The fetus ordinarily reaches viability around the twenty-fourth week. Below is a simple guide to fetal development.

**Developmental Timetable:**

- **Zygote:** first through third day
- **Blastocyst:** second day through second week
- **Fetus:** ninth week until birth
- **Quickening:** thirteenth week through twentieth week
- **Viability:** around the twenty-fourth week

In 1973, in the case of Roe vs. Wade, the Supreme Court ruled a woman has the right to have an abortion without interference from the government. In this legal case, the majority of the Supreme Court found that a paradigmatic person—the mother—has moral rights that outweigh the rights of a fetus. More simply, the moral status of the fetus is sufficiently low enough that it remains justifiable to deny it a right of noninterference or right
to life at any stage of pregnancy. Interestingly, the Supreme Court justices also argued that
states have a “compelling interest” in the life of a fetus once it becomes viable. The concept
of moral personhood should appropriately hone in on why such an interest may be warranted.

However, on April 26, 2001 the House of Representatives passed legislation that
would make it a federal crime to harm a fetus during an assault on a woman. That is, the
criminal would be charged for double assault for not only harming the mother, but also the
fetus. This highlights the sort of inconsistencies US policy has concerning the moral status of
the fetus. In the first case, the fetus doesn’t even have a right to life. In the second case, it
seems to not only have a right to life but also a right not to be harmed. Those who oppose
the latter piece of legislation argue that it has done something at odds with previous legal
policies. It has given the fetus the same moral status as the mother.

Ethicists commonly argue that distinct physiological characteristics necessitate
certain rights for potential persons. For example, some ethicists believe neocortical
development, or development of the primary brain cells, necessitates a thing be given certain
rights. Others contend conception constitutes a zygote’s full moral status. According to this
view, an unborn child who is no less human than her mother and father, has an inalienable
right to life. Thus, abortion must be prohibited and/or restricted. Others attempt a
compromise and state that abortion should be permitted early in pregnancy and sharply
restricted afterwards due to some defining feature—neocortical development or observable
brain activity, for example. Such decisions need to be grounded in a clear conception of
moral personhood—one that can appropriately direct ethicists.

Consequently, if the embryo, or potential person, has a special moral status, it must
possess some property distinguishable from other living embryos. This thesis will further
elaborate on this property and compare the moral status of potential persons with persons. However, unless we have a more concise framework for personhood the debate concerning the morality of abortion cannot be appropriately deliberated.

Notice, in the aforementioned examples, one is considering a right to life within the legal context of personhood. However, it is a legal right whose application is grounded on an ethical principle. Sound ethical deliberation requires one inquire into the necessary and sufficient conditions for a thing to possess various rights. Consequently, this thesis will analyze the complex relationship that personhood has with having certain rights.

**Reproductive Technologies:** Moral conundrums arising from scientific advancement in reproductive research dovetail with the abortion issue. They both revolve around the rights of potential persons, and what makes them worthy or unworthy of certain rights. In vitro fertilization, or IVF, is a process of human reproduction in which the female sex cells, or ova, are collected and preserved for external fertilization and then eventual placement within the female uterine wall. In this practice, hundreds of ova are fertilized—the result of which is living human embryos. Usually multiple implantations are necessary in order to successfully plant a healthy, fertilized embryo into the female womb. Upon the uterine wall’s acceptance of an embryo, the embryo then develops normally inside the mother until birth. When an embryo is successfully planted; the remaining embryos are destined for death or frozen for future implantation. Ethical concerns arise as many embryos remain after the IVF process. Prima facie, several problems arise. First, do externally fertilized embryos have a different moral status than those conceived naturally? For example, do embryos developing in the womb have a higher moral worth than those incubated for future implantation? Moreover, are embryos being mistreated if they are allowed to die?
Cell therapies are also concerned with the treatment of potential persons. Cell therapy is a relatively new practice flooding contemporary bioethics textbooks and journals. New technology has created new understandings of cellular form and function resulting in new therapies. These therapies rely heavily on “replacing diseased or dysfunctional cells with healthy, functioning ones.” These new therapies have shown much promise in the treatment of cancer, Parkinson’s disease, and even spinal cord trauma. Prior to such therapies, these conditions had no satisfactory cure. Contemporary science illuminates the nature of the living cell and its possibility for widespread use for seemingly incurable medical conditions:

While cells are indispensable in performing vital functions for the body, they can also exist outside the body. They can live and divide in “cultures,” special solution in test tubes or Petrie dishes. This ability of certain cell types to live isolated from other cells under controlled conditions has allowed for scientists to study them independently of the organ or system they are normally a part of. Through the isolation and targeted manipulation of cells, scientists are finding ways to identify young, regenerating ones that can be used to replace damaged or dead ones in diseased organs. This therapy is similar to the process of organ transplant, only the treatment consists of the transplantation of cells rather than organs. The cells that have shown by far the most promise of supplying diseased organs with healthy new ones are called stem cells.

Stem cells are unspecialized cells that are able to reproduce continually to replace and regenerate any specified tissues for the human body throughout an individual’s lifetime. The most recent studies have been conducted on embryonic stem (ES) cells, which are found in the human embryo. This is where the ethical dilemmas revel. Controversially, ES cells are extracted by scientists from fertilized human embryos that possess the potential to be a

---


15 Ibid.

16 Pluripotent cells are those capable of becoming many, if not all, of the different cell types in the normal human body.
person. Nearly a decade ago President Clinton ordered the NBAC to study the ethical and legal issues involved in ES cell research.\(^\text{17}\) Consequently, the commission established ethical criteria for the collection of embryonic stem cells. Legally, it is impermissible for federally funded institutions to kill embryos for the sole purpose of research. ES cells may be harvested by the following methods:

1. Human fetal tissue following an abortion,
2. Excess human embryos created during IVF,
3. Human embryos created during IVF procedures for the sole purpose of experimentation and lastly,
4. Human embryos created by nucleic somatic transfer or other cloning procedures.

Notice, the entities in all four cases are the same—human embryos. However, the NBAC believes that only certain methods of harvesting are permissible—method 1 and 2. Therefore, it seems that unless the NBAC distinction is arbitrary, the entities being harvested in all four cases must somehow be morally significant in the first two cases. This is not the case, however. Thus it seems as though the NBAC takes a paradoxical stance on the moral worth of embryos. Embryos are not deserving of a legal right to life in the first two collection methods, but are deserving of that right to life when collected via the last two methods. Being that there is no difference in the entity itself, it seems odd to argue the same entities have a different moral status.

The federal government does not help ease this paradox. Upon the researched ES cell’s conception, the government does not give the ES cells moral status as persons because persons are “living individual(s) about whom an investigator... obtains data through

intervention and interaction.” Unfortunately, this is all the Bioethics commission states regarding personhood. Presumably, the intervention is what is done to the researched and the interactions are the responses to the experimenter or observer. This raises an abundance of questions regarding moral personhood as the federal government is concerned. Certainly, intervention and interaction as a requirement of personhood seems to create a large set of beings that may controversially be considered persons. A rat can interact when intervened with as well, if not better than Stephen Hawking without his computer support. So, this definition does not come intuitively close to a working concept of moral personhood.

Reproductive technologies, complimented by cloning research, allow for previously unheard of phenomena, such as the production of multiple, yet genetically identical persons, from a single person. During cloning, a somatic cell, a cell in which both chromosome pairs are present such as an embryo, child, and adult has a nucleus that is extracted and placed in an ovum that has been enucleated. This process, known as somatic cell nuclear transfer, allows for the possibility of multiple genetically identical persons. The issue of moral personhood arises as we consider how to treat such potential persons. Is the process of somatic cell nuclear transfer a misuse of a potential person? Does human intervention or agenda in the reproductive process allow for a different moral worth of the embryo? Is the human genetic code a precursor to moral personhood that instantly grants a thing the highest moral protections?

Upon the creation of Dolly, the first documented animal clone, the National Bioethics Advisory Commission (NBAC) examined the cloning process and, in many circumstances,
found the process to be unethical for humans.\textsuperscript{19} The concerns, however, were rooted in the “unacceptable risks” that may occur to the fetus during the process. Moreover, while such a report has been issued, more than a decade has passed and no legislation formally passed prohibiting the cloning of humans.\textsuperscript{20} So, while the cloning process remains morally ambiguous to the politicians, the NBAC’s belief about the entities involved does not sway. The NBAC believes that any child resulting from a cloning procedure is to have the same rights and moral status as a person formed by “natural conception.”

Does such reasoning imply that already existing genetic codes deserve greater moral protection than those that are newly created genetic codes—those created via IVF, for example? Moreover, what is it about the human embryo that is more morally valuable than another species being cloned? What is distinct about one species’ embryo over another? Are such distinctions such that they ground sound moral differences within the moral community? Discussions concerning the moral status of the embryo allow us to understand the interest in protecting human embryos. Consequently, they illuminate what may not be special or as morally relevant about other species.

**Species and Personhood: Coextensive?**

**Animal Protectionism:** “Equality beyond Humanity” is the motto of the Great Ape Project, a movement aimed at establishing the moral personhood of the great apes.\textsuperscript{21} Many

\textsuperscript{19} Ibid.

\textsuperscript{20} Although the United Nations has passed a treaty that human cloning should not take place, there has been no regulation or unanimous support to ensure this treaty is enacted.

\textsuperscript{21} I am equating human beings and persons since we are dealing with argumentation concerning species membership and it’s argued co-extensiveness with personhood. Opponents to animal protectionism state that all persons are human beings, so I provisionally grant this.
often inquire why nonhuman animals are marginalized from the moral community. Animal protectionists raise concerns for the ways in which animals are treated in relation to humans and other animal species. It is commonly believed among animal protectionists that some non-human animals have the same or a significantly similar moral status as human beings.

When defining personhood, a philosopher will identify certain properties an entity has in order to be a person. For example, consider some property, P that is said of some being, B, such that B is a person in virtue of having P. To reveal how such argumentation plays out, consider the property of language acquisition witnessed by Koko the gorilla. Koko has acquired nearly 1000 words.\textsuperscript{22} It is documented that she readily utilizes and understands sign language. Most interesting is her conversation upon the death of her pet kitten, All Ball, in which she signed “sad, cry, frown.”\textsuperscript{23} According to the principle above, one could argue that because Koko has acquired a working use of language, she exemplifies the sufficient property of personhood. Philosophers and the public commonly overlook other species when considering rights and resource allocation. While this is not the time in the thesis to argue for Koko’s personhood, the case challenges intuitions about the role other species play in the personhood debate.

It is the goal of this section, specifically, to show how the personhood issue arises within the context of animal protectionism. More clearly, understanding what properties are necessary and sufficient for a thing to deserve the moral status of a person will allow one to deduce how animals should be treated. For example, while animal protectionists are


\textsuperscript{23} Ibid.
plentiful, few, if any, argue for the personhood of insects or sponges. Thus, understanding what complexities are involved in having moral worth will allow them to better understand the morally relevant properties of an entity. Animal protectionists must come to understand what properties of a cow make it deserving of not being in a cheeseburger. Alternatively, those who oppose animal protectionism must come to understand what makes it permissible for the cow to be killed and served in a cheeseburger. Defining the members in the set of moral persons in terms of identifiable intrinsic features allows one to examine an entity’s moral status.

Concerning this issue, I find it particularly moving to use an example from my life. My grandfather has become very ill the past few years. At times he suffers major losses of locomotion and cognitive and physiological functions. He has severe memory impairments. In fact, there are many times when he cannot recognize me or my grandmother. I would even go so far as to say that he periodically loses some sense of self-awareness. At times, I would also say he has little autonomy or self-determination. Understanding personhood in terms of cognitive capacities would raise concerns that my human grandfather may not be a person. Is he still deserving of more human rights than other living things that do possess these properties?

The characteristics that I had mentioned above concerning my grandfather are those common to personhood dialogue—having various cognitive and physiological abilities, e.g. being self conscious, rationality, self-awareness, and autonomy. It may seem that a majority of *Homo sapiens* satisfy these conditions, however there are members of the species that do not possess these characteristics and are nonetheless given special moral status—seeming personhood.
Compare my grandfather’s situation with Koko. It would seem as though Koko has more cognitive and physiological control than my grandfather. What should this imply about the notion of personhood? Simply, much is needed to fully elucidate and direct one’s intuitions regarding the moral worth of these entities.

**Artificial Intelligence:** Within the past decade, much has been done in the area of robotics and artificial intelligence (AI). ‘Artificial Intelligence’ refers to the ability of a super-machine or computer to complete the functions of human thought. Hollywood blockbuster films, such as *Bicentennial Man* and Steven Spielberg’s *A.I.* have illuminated the ethical complexities consequent of the success of A.I programs. The possibility remains that scientists may be able to replicate the autonomy and ethical decision-making evidenced in paradigmatic persons. If an A.I. agent possesses a computer program that is able to make choices and plan actions independent of programmers, what sorts of rights will be given to the agent? As these machines become more autonomous and they begin to acquire the responsibility to behave ethically, will they be persons? How will policy makers and the moral community treat them? If the necessary and sufficient conditions of personhood were ever understood such that they are not species biased, but based on cognitive capabilities, and if such capabilities could be completed and carried out by a robot, then it seems that one must concede the robot’s personhood.

**End of Life & Severe Medical Conditions**

**End of Life:** Similar to the issues raised with potential persons who do not yet possess the cognitive properties of moral personhood, are the issues of those entities nearing death. Many times, as people approach the end of their life they become senile, unaware, lose the capacity to use language, and are no longer autonomous. The importance of these
properties for moral agency is highly evident. One will fail to be praise or blameworthy if she is no longer sane or self conscious. Understanding the moral status of those in end of life situation and understanding why they possess the moral status they do allows one to appropriately handle situations in which possible conditions for personhood have been lost.

One approach to understanding moral personhood may lie in how one understands death. Like arguments for the personhood of the embryo, some ethicists propose that personhood begins and ends upon the conception and death of the organism, respectively. This, however, has its own problems. The exact point of death in living things, especially complex organisms, is highly debatable. In the past, death has been defined as the non-functioning of one’s organs. However, organ transplantation and resuscitative devices/techniques can maintain the function of the heart, lungs, and visceral organs for a period of time after the life-maintaining centers of the brain stem tissue have stopped functioning. This results in a medical dilemma in which there is a dead brain in an otherwise living body. Presently, the medical community has taken a shift to brain death instead of organ cessation. Today, physicians are able to declare brain death whenever the entity has the following properties:

1. The entity is no longer responsive, and
2. Shows persistence of brain dysfunction, and
3. There is an absence of cerebral and brain stem function, and
4. The cause of brain death is specifiable and irreversible, while excluding the effects of CNS depressing drugs and muscle relaxers.24

Though this shift to brain death as the criterion for death of a patient is debatable (at what point death occurs is still highly contentious in contemporary medical practice) there seems a relevance of cognitive capacity to moral status. Something that the brain does, or allows one to do, is highly connected to the moral status of the person. Upon brain death, the body is no longer treated as a person. Kicking or calling a dead person a bad name is not nearly as blameworthy as when the body was alive. Which properties and to what degree do the properties need to exist for a thing to have highly regarded moral worth?

**Severe Medical Conditions**: The issue of moral personhood also arises when one encounters beings with a severe medical condition and/or who are approaching the end of life. Similar to the issues discussed in previous sections, these beings are such that their personhood is in question or at least no longer paradigmatic. This often places physicians and family members in difficult situations regarding the treatment of patients who no longer display or are rapidly losing the properties commonly associated with moral personhood. Many times the relevant properties were highly evident in the past, but because of deteriorating mental health or severe head trauma, the patient’s capabilities have, or are, declining. Many times patients in these circumstances do not display any obvious cognitive functioning at all. This loss of cognitive capabilities and personality raises serious questions concerning the loss of one’s personhood.

It is common practice in the discourse of issues concerning illness, death, and the severely handicapped to focus on issues of autonomy, independence, self-awareness, and the right to live and let die. In practice, these features are commonly reinforced as being essential for personhood—as evidenced in the structure of advanced directives and informed consent documents. Cognitive capacities, agency, and autonomy seem to surround the moral
status of the ill. Consider how the severely ill or incapable make wishes regarding certain
treatments- a do not resuscitate (DNR) or let die order, for example. The case of Terry
Schaivo, for example, remains a popular testament to the importance of having a clear,
concise, and working notion of moral personhood. How one should make medical decisions
for those in impaired states readily depends on the moral status of the impaired entity.
CHAPTER 3

CONTEMPORARY VIEWS ON PERSONHOOD

This chapter examines how the notion of personhood is approached within contemporary philosophical literature. More specifically, it explores the theories of Daniel Dennett, John Harris, Michael Tooley, and Peter Singer. Each proposes a necessary and/or sufficient condition for moral personhood. It is the goal of this chapter to provide a working conception of each philosophers’ theory to better understand what is necessary for a coherent and more adequate working conception of moral personhood given contemporary concerns. More simply, this section is not setting out to deconstruct, but rather extrapolate the components that yield intuitive conceptions of moral personhood. The tone of this section is constructive.

DANIEL DENNETT

In “Conditions of Personhood” Dennett argues that moral personhood is an ineliminable component to ethical theory. As such, he clarifies the ambiguous concept with a distinction between the metaphysical and moral conception of personhood. Metaphysical personhood involves the Lockean notion of “an intelligent, conscious, sentient being.” Moral personhood refers to an agent’s accountability—praiseworthy or blameworthy with respect to rights and responsibilities. He generates a list of “themes” or “interlocking conditions” that are wrapped up in a thing’s moral personhood. He argues the following properties are jointly necessary and sufficient for moral personhood:
1. Rationality,
2. Intentional states of consciousness,
3. Regarded as persons by others,
4. Capacity for reciprocating with others,
5. Capacity for verbal communication, and

Like many philosophers before him, including Aristotle and Kant, Dennett first cites rationality as a foundation for moral agency. According to Dennett, rationality is the ability to analyze courses of action and choose among them to serve one’s interests. In order to be a moral agent, one has to analyze actions and rationalize which actions are to be made.

The second theme Dennett explicates is consciousness. Persons have states of consciousness attributed to them—or to which mental or intentional predicates are ascribed. This is the ability to indicate individual wants, desires, expectations, hopes, etc. Third, Dennett notices that moral persons have a certain moral stance taken towards them. That is, persons have a unique attitude taken toward them and a stance adopted with respect to them—a moral stance. Thus, persons possess an ability to act and present themselves in such a way to be treated as persons.

Three of these listed conditions—rationality, consciousness, and stance—are believed to be interdependent by Dennett. For example, being rational is intimately connected to being intentional, which others very closely connect to being the object of a certain personal stance. This interdependency commences his dialogue on what he refers to as intentional systems. He writes that an “Intentional system is a system whose behavior can be (at least sometimes) explained and predicted by relying on ascriptions to the system of beliefs and
These predictions may be made by adopting certain stances regarding a things intentional system. For example, a design stance allows one to predict the actions of setting an alarm clock. It will buzz at 6 a.m. when programmed to do so. Talk of intentional systems allows one to make presuppositions about a thing’s mental states, beliefs, and desires. Adopting an intentional stance toward something allows us to make suppositions regarding a thing’s rational choices with respect to its beliefs or desires. This is critical to Dennett’s theory because, as intentional systems, persons are treated in a certain way by other persons, allowing them to be identified.

However, the goal of Dennett’s essay is to decide what a thing must possess to maintain moral personhood; he is not satisfied with the rather inclusive notion which holds that merely being an intentional system constitutes moral personhood. Plants, cats, and cows would be persons on this view and yet do not satisfy his intuitions concerning moral personhood—they are not held accountable for their actions. Thus, he proposes that one look to a subclass of Intentional systems—namely, second-order Intentional systems. This will be a more exclusive class of systems. Dennett continues, “An Intentional system, S, would be a second-order intentional system if the ascriptions we make to it are such that S believes that T desires that p. S hopes that T fears that q, and reflexive cases like S believes that S desires that p.”

More simply, he cites the capacity to have beliefs about other’s desires or beliefs as the criterion for second order intentional systems. From this, he ponders whether humans

---


26 Ibid.
are the only second-order intentional systems. To answer this question, he turns to empirical observation about the kinds of beings that he knows are persons. He writes:

We ascribe beliefs and desires to dogs, cats, lions, birds, and dolphins for example, and thereby often predict their behavior—when all goes well—but it is hard to think of a case where an animal’s behavior was so sophisticated that we would need to ascribe second-order intentions to predict or explain its behavior.27

Dennett’s notion of personhood requires a thing to have beliefs about beliefs, or desires about beliefs. Therefore, to understand if non-Homo sapiens are persons, animal psychologists need to prove what organisms possess such mental attributions.

Additionally, Dennett observes the capacity of reciprocity that may be observed in some second-order Intentional systems. Ultimately, this becomes the fourth condition of moral personhood. Dennett argues that persons must be able to reciprocate, such as one following the golden rule. This is the ability to treat other entities as persons are treated and to distinguish between persons and non-persons. It is the ability to appreciate how one’s conduct affects another’s conduct. He requires that persons be able to act in honor of other’s actions towards them.

This leads him to the next two themes he believes to be interdependent—verbal communication and a unique self-consciousness. Persons must be capable of verbal communication. This is the ability to employ a well-established system of communication. In addition, persons must be conscious in some special way that other entities are not. They have an ability to regard oneself as an agent, to employ “I,” “we”, “my”, “mine,” and distinguish these first person pronouns from other third person ones. Thus, persons have a

27 Ibid.
unique consciousness of themselves in relation to others and employ some form of language in order to refer to others and themselves. The sum of these six interlocking conditions is what Dennett deems necessary for a thing’s moral personhood. More simply, according to Dennett, personhood relies on three mutually interdependent characteristics: that a being is rational, intentional and perceived as such. When one ostensibly observes these three characteristics, the being reciprocates the perception by perceiving others as rational and intentional. A relationship of viewing other beings in a community is established. However, the being must also be capable of verbally communicating and being self-consciousness—characteristics Dennett believes rely on a being’s rationality, intentionality, and ostensible perception.

**Dennett Analysis**

When analyzing the work of Dennett it is important not to end up in a semantic dispute about what it is to be a person. Rather, it is important to focus on the consequences of his criteria. Empirical observations about the moral community, and its reasons for the members it admits need to be grounded in real metaphysical distinctions that allow for a real recognition of moral personhood—not merely issues of you say “potayto” I say “pototto.” Dennett avoids this semantic dispute by illustrating the ways in which each condition ties into the larger conception of moral personhood. He uses the first few themes to illustrate the role of intentional systems, and so on. However, the actual results of his conditions lead some philosophers to worry about intuitions regarding personhood that seem to contradict Dennett.

*In Defining Personhood: Towards the Ethics of Quality in Clinical Care, Sarah Bishop Merrill* notes that:
More than half the patients [seen in a hospital setting] have complete lapse of or relatively permanent impairment in rationality, verbal communication, self-consciousness, consciousness, ability to reciprocate, and especially in a being’s being perceived as a person by others.\textsuperscript{28}

According to Dennett’s set of interlocking themes, those who might not recover would not qualify for personhood for a large portion of their lives. Pragmatically, this remains problematic for medical ethicists. Merrill argues that Dennett’s notion of personhood remains juxtaposed to our intuitions about personhood in practical ethics. Just because an individual has a lapse (i.e. is in a coma) in consciousness, or any other theme, he/she should not lose the rights that persons possess.\textsuperscript{29} Merrill argues that on this counter intuition alone, we realize that Dennett is not adequately addressing the notion of moral personhood. It does not include an extremely large and capable part of the moral community.

In “What is a Person,” Goodman notes that Dennett maintains two distinctly ‘Dennettian’ conditions for moral personhood. In reference to Dennett’s condition of verbal communication, Goodman cites the practical application of a female who has had her vocal chords severed. Surely, argues Goodman, one would not lose her moral personhood status because she can no longer verbally communicate.

Furthermore, Goodman contends the third theme— \textit{regarded by persons as persons}— “seems … not only begging the entire questions of the conditions for personhood, but just plainly contrary to fact.”\textsuperscript{30} Goodman points to the woman who sets a place at the table for

\begin{footnotesize}
\begin{enumerate}
\item Sarah Bishop Merrill, \textit{Defining Personhood: Toward the Ethics of Quality in Clinical Care} (Atlanta, GA: Rodopi, 1998).
\item Notice that this idea is connected with Dennett’s notion that moral personhood is being entitled to rights and responsibilities.
\end{enumerate}
\end{footnotesize}
her dog, and the fact that millions of persons—Jews in WWII for example—are not always
treated as persons. Thus, Goodman argues that being treated in certain ways is not an
indicator of whether or not something is a person. One may ascertain a certain dignity may
be said of something that is a person, but observing how something is treated or not treated is
not an adequate way to determine whether something is a person. This raises some concern
for the conjoined properties Dennett believes are necessary and sufficient for personhood.

Thus, Dennett provides an interesting, yet seemingly problematic, analysis of
personhood. Several unsettling consequences arise when one applies his theory. Thus, it
seems as though more needs to be said regarding the notion of moral personhood.

JOHN HARRIS

Harris finds it highly improbable that a person can have a view concerning abortion,
euthanasia, human experimentation, and animal research, without having some sort of
opinion regarding the moral status of those entities. He believes that all of these issues
require that “we know both why and the extent to which, we have a moral obligation to try to
preserve the lives of the individuals concerned.”31 In “The Concept of Person and the Value
of Life,” Harris argues that the “concept of person has come to be intimately connected with
questions about the value of life.”32 Harris sets out to define moral personhood by
understanding the features of a thing that make it most valuable.

It is important to remember that what we need to identify are those features,
whatever they are, which both incline us and entitle us to value ourselves’ and
one another, and license our belief that we are more valuable (and not just to

31 John Harris, “The Concept of the Person and the Value of Life,” Kennedy Institute of Ethics Journal 9,
no. 4 (1999): 293-308.

32 Ibid.
ourselves) than animal, fish, or plants. In other words, we are looking for the basis of our belief that it is morally right to choose to save the life of a person rather than a dog, where both cannot be saved, and this choice is not merely a form of species prejudice, arbitrary but understandable.33

Harris desires to show what properties are necessary for a thing to have its needs prioritized. For example, what sort of properties are necessary for an entity’s needs to be prioritized over those of a rock, over those of a dog? Through his explanation, Harris sets out to develop a concept of person that is both coherent and useful.

From the onset, it is evident Harris rejects the notion that moral personhood is necessarily coexistent with being a member of the species *Homo sapiens*. He wishes to examine what makes a thing morally valuable.34 Before explicating his view, Harris elaborates on several problematic answers to questions concerning criteria for moral personhood. He criticizes views whose consequences imply that full moral value is:

1. immanent upon human conception,
2. exclusive to the species *Homo sapiens*,
3. derived from a potentiality or gradualism, and
4. established upon brain birth.35

After rejecting these views, Harris observes a set of attributes commonly found in things considered most valuable. These attributes are cognitive abilities that persons tend to have in common—rationality, self-consciousness, self-awareness, etc.36 These unique cognitive

---

33 Ibid.
34 From the start, Harris does not make the distinction I proposed as essential in understanding moral personhood—moral patients will have value to moral agents regardless of their personhood.
35 These are discussed in the section titled Potentiality.
36 Notice, these overlap with the conditions Dennett proposed for moral personhood.
abilities lead persons to an exceptional, and encompassing ability—the ability to value our existence.

A person will thus be any individual capable of valuing her own life. Such a being will, at the very least, be able to conceive of itself as an independent center of consciousness, existing over time, with a future that is capable of envisaging and wishing to experience.37

More simply, the capacity to value its own existence makes a thing a person. The ability to value makes persons inherently valuable. Consider an applied ethical issue—in vitro fertilization—to better understand Harris’ view. First, consider the moral status of all those involved—the healthy parents, eggs, sperm, embryos and neonates. Clearly, the parents are the only entities with capacity to value their existence. Neonates may or may not possess the capacity to value their existence, but eggs, sperm and embryos surely cannot. Harris denies the status of moral personhood to each of the other entities because they lack the ability to value their own life or the lives of others. He argues that one cannot possess moral personhood without the capacity to value his/her own existence. Additionally, he states that there is nothing morally relevant about the capacities of eggs, sperms, embryos and most neonates. While humans may value them, their capacity to value does not warrant them having moral consideration. That is, their lack of an ability to value does not warrant them having their needs prioritized.

The notion of potentialities is dealt with in the beginning of Harris’ essay. Essentially, he believes a thing’s potentiality in no way determines the way it is to be treated. For example, many citizens of the U.S. have the potential to be the president of the United States of America, yet one does not treat everyone as if he or she is the president. Similarly,

37 Harris, “The Concept of the Person and the Value of Life.”
one does not assign moral personhood to things which merely have the potential to possess moral personhood. After all, these sorts of beings have no unique capacities that are not found in other animals in similar developmental states. For example, the cognitive processes of a newborn human are no more interesting or complex than those of a newborn horse.

Harris explains that much of the dialogue concerning moral personhood deals with the ethics of killing and letting die. Harris argues that embryos, patients in vegetative states, and the severely mentally impaired, etc. are only morally relevant if they possess the capacity to value their existence. Each of these previously mentioned beings are in highly controversial positions regarding their moral personhood. Harris concludes that:

Characterizing personhood as involved with the capacity to value existence makes clearer why personhood is connected with a particular sort of moral value attaching to individuals and shows why it also answers questions about the ethics of killing and letting die. Personhood provides a species neutral way of grouping creatures that have lives that it would be wrong to end by killing or letting die. These may include animals, machines, extra-terrestrials, gods, angels, and devils. All, if they were capable of valuing existence, would…be persons.\(^\text{38}\)

Thus, those beings that lack this capacity to value themselves or others are not moral persons. In addition, those beings are not given the same moral status as a person—their needs are not prioritized over the needs of persons.

Each of the controversial beings he mentions above will most likely not be moral persons according to Harris. Each individual passes through various stages of moral development, says Harris. The first stage occurs upon fertilization, in which we have a potential or pre-person that will possibly become an actual person once she has the capacity to value her existence. Nevertheless, she is not a person until she develops the necessary

\(^{38}\) Ibid.
capacity to value. Prior to death, if she loses the capacity to value her existence then she ceases to be a person.

**HARRIS ANALYSIS**

Harris’ account of moral personhood raises some interesting concerns and questions. Many philosophers confront Harris with issues about the individuals who do not value their lives due to depression:

This is an extraordinarily confusing concept. Does he mean to suggest that only those who say they want to live, if asked, are to be held to value their lives and so to qualify? This would exclude not only infants, but those of suicidal tendencies as well. But if he means less than this, then it seems that newborn babies (whom he explicitly excluded) may well be thought to want to live, as indeed may all living creatures, even sea anemones, who after all do their poor best to preserve themselves in life.\(^{39}\)

Suppose a teenager, for example, is so depressed and down on herself that she cares nothing about herself as continuing to live, or for anyone around her continuing to live. Is she not a person, since she has the cognitive capacities that allow for valuing her existence even if she does not value it? Harris emphasizes that the *capacity* to value one’s existence is essential to moral personhood. Whether the individual actually values her life is irrelevant. This ties in with the Warnock’s newborn example as well. Warnock suggests, that there must be some sense in which the newborn desires its existence. However, according to Harris, that sense is not a morally relevant sense, since the newborn lacks the relevant cognitive capacities to *value* in a morally relevant way.

This raises issues concerning merely valuing life and desiring to live. Some critics have questioned the distinction between valuing life and desiring to live. One may wonder if

---

such a distinction is possible. For example, an ant will run from danger and swim for her life in a puddle. Per Harris, this would seem to make the ant a person, since it appears to be valuing its existence. To avoid such claims, Harris needs to further elaborate on the specific cognitive functions that are required for the type of valuing he wishes to make as a criterion. If merely valuing one’s own existence is the sole criterion, then Harris has a hard time responding to the above criticism. If, however, there is something more than just valuing one’s existence—say a certain set of complex cognitive features — that allow for a morally relevant sort of valuing, then more needs to be said. Moreover, Harris needs to further elaborate on why this capacity is any different from other capacities—why the importance of valuing, and not an ability to morally rationalize? Harris must further explicate the relationship between having highest moral status and having the capacity to value. Anyone may choose a unique characteristic for humanity, or personhood, but why a philosopher chooses that capacity seems critical in dialogue concerning moral personhood.

Additionally, philosopher Kevin Doran discusses some complex questions concerning the ability to value one’s life. He notes:

> Harris lays great stress on the importance of an individual being capable of valuing its own life in order to be recognized as a person. If we were to take this idea to its logical conclusion, we should ask, “What makes a person value his or her life?”

This reverts to having a better understanding of certain cognitive properties that are necessary for one to value oneself. It seems as though Harris needs to elaborate on the connection of various cognitive properties and their relationship to the capacity to value one’s existence. Additionally, it seems as though Harris must address the fact that such a

---

capacity may come in degrees, since many of the cognitive properties Harris discusses seem developmental.

**Peter Singer**

Peter Singer is widely known for his somewhat radical conception of moral personhood. Singer believes that sentience—the ability to suffer or experience happiness—is necessary for having moral worth. Singer lionizes the ethical foundations of Jeremy Bentham. Bentham writes:

> The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hands of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the inseparable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational as well as more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? Nor can they talk? But can they suffer?  

Similarly, Singer believes the ability to experience pain and suffering the only non-arbitrary property of a thing which deserves moral consideration—a right not to suffer. Notice, many living beings possess this capacity to suffer and/or experience happiness. A horse, for example, has a capacity to suffer as it toils with colic pains. It also is capable of experiencing happiness as it is left out to run in the open green pastures.

---

41 Like Singer, I believe this to be necessary for moral patiency.

The key to understanding Singer’s view is to understand that he takes on a highly utilitarian view—where the morally best action is that which brings about the greatest amount of pleasure or happiness to the greatest amount of beings. This moral reasoning notes that the most important feature of an action is the consequences it brings about, rather than the intention or motivation behind it. Singer finds that if a being has the ability to be affected—experience pain or pleasure consequentially from an action—then it should be included in the moral community. Thus, having the ability to be affected in such a way warrants a thing having moral worth.

In addition, He denies that just because one belongs to the *Homo sapiens* genus and species, one should not be assigned moral superiority. Moreover, he refers to any view that does not accept this view as ‘speciesist.’ Speciesism is comparable to other views such as sexism, ageism, racism, etc. Showing preferential treatment to a specific species is speciesist and therefore unwarranted according to Singer. He writes:

If a being suffers, there can be no moral justification for refusing to consider that suffering. No matter what the nature of the being, the principle of equality requires that the suffering be counted equally with the like suffering—in so far as rough comparisons be made—of any other being. If a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience using the term as a convenient, if not strictly accurate, shorthand for the capacity to suffer or experience enjoyment or happiness is the only defensible boundary for concern for the interests of others. To mark this boundary by some other characteristic like intelligence or rationality would be to mark it in an arbitrary way.\(^{43}\)

Thus, the horse is entitled to the same moral consideration as other things with the capacity to suffer in the same way, even a neonate.

\(^{43}\) Ibid.
Singer cites the Principle of Equality of Interests in the beginning of his work to illustrate the principle that considers all those beings that are sentient and thereby have a capacity to be affected:

The essence of the principle of equal consideration of interests is that we give equal weight in our moral deliberations to the like interests of all those affected by our actions. This means that if only X and Y would be affected by a possible act, and if X stands to lose more than Y stands to gain, it is better not to do the act... what the principle really amounts to is this: an interest is an interest whoever’s interest it may be.\textsuperscript{44}

Here, Singer connects the notion of having interests to the notion having a capacity to be affected, e.g. sentience. Sentience is required for anything to have interests. The capacity for suffering or enjoying anything is essential to having an interest. It would be incorrect to say that it is morally inappropriate for one to kick rocks or eat plants, says Singer, because they cannot have interests since they are not sentient beings. They cannot feel pain or experience happiness. In contrast, however, a mouse has a right not to be tormented, because it can suffer and experience enjoyment like all other sentient beings.

Thus, moral conclusions can be made with respect to the mouse. In fact, he argues that the mouse’s interests should be given equal consideration along with the rights of other beings that possess sentience. Consider the mouse used for experimentation in a cancer research lab. Singer notes one may argue the suffering and pain of a mouse incomparable to the suffering and pain found in a human. Thus, one should not equate the pain of a mouse with the pain of a human dying of cancer. Singer agrees and does not believe such a case undermines the principle of equality of interests. Rather, one should be cautious in comparing the interests of different species. In a Utilitarian framework, one should consider

\textsuperscript{44} Ibid.
the different sorts of interests of those involved. Though the physical pain may be similar, the human experiences more emotional pain than the mouse—all things considered. Thus, the human’s interest in relieving her suffering outweighs the interests of the mouse. Consider the slap on the rump of a horse, and the slap on the rump of a child. One would have to hit the rump of the horse much harder to inflict the same amount of pain inflicted on the child. Clearly, the calculation of pain is connected to the type of pleasure or pain that a being is capable of feeling. It is important, however, that one not perform experiments on things merely because they are of a certain species. He notes that experimenting on infants or the severely intellectually disabled is just as warranted as experimenting on a mouse because neither will really know what is happening to it and the pain is much less than that experienced by a cancer patient who also suffers the intense mental anguish.

In “Should the Baby Live,” Kuhse and Singer present an analysis of moral personhood in which they analyze the terms ‘human’ and ‘having a right to life.’ Singer holds that it would be more wrong to kill a person than a non-person. All sentient things, notes Singer and Kuhse, possess a right not to suffer. All persons, according to Singer, are special kinds of moral patients (sentient beings) which possess a special sort of rationality and consciousness creating a preference to go on living. Singer notes the term ‘person’ is commonly understood in two ways:

1. a person is a being belonging to the species *Homo sapiens*.

2. A person is a being having the properties of rationality and self-consciousness.

---

As noted earlier, Singer argues (1) is completely irrelevant for any deliberation concerning moral worthiness.

The principle is ‘speciesist,’ and indefensible for the same reason that racism and sexism are indefensible. Those who hold the principle are giving great weight to something which is morally irrelevant—the species to which the being belongs. The traditional principle of the sanctity of human life elevates a morally insignificant characteristic into something of the utmost importance.\(^{46}\)

The second notion is relevant, however. Singer notes that it is generally permissible to kill things without a consciousness because they are not able to sense pain or pleasure. They are not sentient. Furthermore, there is something distinct and morally relevant concerning the capacities found in persons—the awareness of the continuity of a conscious life and desire to live.

When I think of myself as the person I now am, I realize that I did not come into existence until sometime after my birth. At birth I had no sense of the future, and no experience which I can now remember as ‘mine.’ It is the beginning of the life of the person, rather than of the physical organism, that is the crucial point so far as the right to life is concerned.\(^{47}\)

For Singer the awareness of the continuity of a conscious life is the distinguishing property of a person. Thus, a person is a “self- conscious being that is aware of itself as a distinct entity, with a past and a future.”\(^{48}\)

Consider an applied issue in light of Singer’s theory. Specifically, consider the issue of research conducted on mice. In order to understand how one ought to treat mice, one should understand the characteristics of mice:

\(^{46}\) Ibid.

\(^{47}\) Ibid.

\(^{48}\) Singer, *Practical Ethics.*
The answer must depend on the actual characteristics of the [entity involved]. The minimal characteristic which is needed to give the [mouse] a claim to consideration is sentience, or the capacity to feel pain or pleasure. Until the [mouse] reaches that point, there is nothing we can do to the [mouse] which will cause harm to it.\(^{49}\)

In light of Singer’s view on moral personhood, the mouse does not possess the relevant properties of moral personhood. It cannot think of itself as a “self-conscious being that is aware of itself as a distinct entity, with a past and a future.”\(^{50}\) The mouse is not a person, thus it is only a moral patient, with a right not to be harmed. Therefore, as long as the mouse is not harmed, research is permissible.

Singer elaborates on personhood as the possession of traits like the capacity of sentience, rationality, self-awareness and the ability to imagine a future. Singer has identified a category of humans who are not, by this definition, persons—newborns. He has also made conceptual room for nonhumans who are persons—possibly great apes and other complex mammals. All persons have equal moral status, whether they are animals or humans.

Suppose, for example, that parents knew in advance of a baby’s birth that it would be born without arms and legs. In such cases, Singer supports the parents’ right to terminate this life. Since no fetus is a person, Singer finds that no fetus has the same claim to life as a person. His view becomes more controversial, however, when he argues the same principle applies up to 28 days after birth. In the case of lives irredeemably difficult and painful, Singer condones not only abortion, but infanticide. Singer would ask, “What is the difference

\(^{49}\) Ibid.

\(^{50}\) Ibid.
between a seriously impaired fetus and a newborn?” The mere fact the latter is alive outside of the womb is trivial for him, since in either case this being has a painful life ahead of it that is not worth living.\footnote{Since the baby is sentient, we must kill it painlessly. The embryo is not sentient. Therefore, it does not matter how we kill it.}

**Singer Analysis**

Bonnie Steinbock criticizes Peter Singer’s claim that there is no difference in our obligations to human and nonhumans. She outlines different mental capacities humans seem to possess, distinguishing them from non-humans. She writes:

> It is not arbitrary or smug, I think, to maintain that human beings have a different moral status from members of other species because of certain capacities which are characteristic of being human. We may not all be equal in these capacities, but all human beings possess them to some measure, and nonhuman animals do not.\footnote{Vincent Barry and Jeffrey Olen, eds, *Applying Ethic* (New York: Wadsworth Publishing Company, 1996).}

She later identifies these capacities as follows: (1) responsibility for one’s actions and respect for people around them and (2) the ability to reciprocate for moral or altruistic reasons. Thus, Steinbock does not accept the equality principle that includes other species besides *Homo sapiens* because she believes there are morally relevant properties that seem exclusive to the human species.

I would argue, however, her capacities are not as clear cut as she believes. In light of modern research conducted on other Great Apes such as Bonobos, Chimpanzees, and Gorillas, Steinbock will have an extremely difficult time in showing her properties are exclusive to human beings since all of the species of great apes have been shown to display
each of her properties, for example. In fact, she may have a harder time showing that all humans have these capacities, e.g. neonates and the severely cognitively impaired.

Singer is a first to radically pull down barriers concerning species membership when considering moral personhood. He recognizes that systems of morality are intimately connected with the relief of suffering and experiencing happiness. Furthermore, it should be this capacity for suffering and experiencing happiness that demarks which entities are morally relevant, and which are not. The properties involved in having interests are caught up in the ability to experience pain and pleasure. Thus, all beings, regardless of species, which possess such properties, are entitled to a role in the equal interests principle. Moreover, he notes that a special sort of those morally relevant, or sentient, beings which posses the properties of rationality and self-consciousness possess a morally considerable preference over others to live.

Singer’s views are mostly widely debated because he threatens popular views concerning the treatment of animals, abortion, and infanticide. Singer believes research is completed on animals that may, in fact, be persons. Yet, these non-human persons possess the same moral rights as human persons. All persons, regardless of species membership, maintain an equal interest not to suffer. Research conducted on a newborn, for example, is to be no more challenged than research conducted on a chimpanzee. In fact, according to Singer, the chimpanzee may be entitled to more rights, since cognitive awareness and suffering is much greater for the chimpanzee than the newborn.
MICHAEL TOOLEY

In “Defense of Abortion and Infanticide,” Michael Tooley provides an analysis of personhood focusing on the features that make a thing intrinsically wrong to destroy.\(^{53}\) Tooley believes that, if it is intrinsically wrong to destroy the thing, then it is a person.\(^{54}\) Thus, he begins spelling out a notion of personhood that rests on some set of enduring properties it must have in order to possess a right to life. He writes:

> What relatively permanent, non-potential properties, possible in conjunction with other, less permanent features of an entity, make it intrinsically wrong to destroy an entity and do so independently of its intrinsic value...? A person is to be defined as an entity that possesses at least one of those enduring, nonpotential properties.\(^{55}\)

Tooley takes a different approach to the question of personhood than most philosophers. He first defines the criterion for moral personhood as a property of a thing on the basis of which it is intrinsically wrong to kill. He then analyzes what it is that makes it wrong to kill that thing. This is rights talk—most specifically talk concerning having a right to life.\(^{56}\) Tooley wishes to understand the metaphysical properties that entail the moral notion of having a right to life. Following most philosophers, Tooley begins with the importance of being conscious and then adds properties that many philosophers attribute to persons. For the sake of their potential use in upcoming sections, I have listed the features Tooley discusses:


\(^{54}\) To have a right, according to Tooley is to “assert something about the prima facie obligations of other individuals to act, or to refrain from acting, in certain ways.”

\(^{55}\) Ibid.

\(^{56}\) Ibid.
1. The capacity to experience pleasure and/or pain (e.g. sentience);\textsuperscript{57} 
2. The capacity for having desires; 
3. The capacity for remembering past events; 
4. The capacity for having expectations with respect to future events; 
5. An awareness of the passage of time; 
6. The property of being a continuous, conscious self, or subject of mental states, construed in a minimal way, as nothing more than a construct out of appropriately related mental states; 
7. The property of being a continuing conscious self, construed as a pure ego, that is, as an entity that is distinct from the experiences and other mental states that it has; 
8. The capacity for self consciousness, that is, for awareness of the fact that one is a continuing, conscious subject of mental states; 
9. The property of having mental states that involve propositional attitudes, such as beliefs and desires; 
10. The capacity for having thought episodes, that is, states of consciousness involving intentionality; 
11. The capacity for reasoning; 
12. Problem solving ability; 
13. The property of being autonomous, that is of having the capacity for making decisions based upon an evaluation of relevant considerations; 
14. The capacity for using language; 
15. The ability to interact socially with others.\textsuperscript{58} 

Failing to recognize an immediate response to “what entitles a thing to a right to life,” he begins to analyze the broad notion of having a right to anything. Since he wishes to establish

\textsuperscript{57} This is the feature Singer proposed as the necessary property of moral patiency. 

\textsuperscript{58} Ibid.
a concept of person that centers on that entity having certain rights, he will look at what it
takes to have a right at all. He finds that rights are generated from the ability to have
interests:

[Having interests is] a crucial principle for tentative use in the resolution of
other riddles about the applicability of the concept of a right, namely, that the
sorts of beings who can have rights are precisely those who have (or can have)
interests. I have come to this conclusion for two reasons: (1) because a right
holder must be capable of being represented and it is impossible to represent a
being that has no interests, and (2) because a right holder must be capable of
being a beneficiary in his own person, and a being without interests is a being
that is incapable of being harmed or benefited, having no good or ‘sake’ of its
own. Thus, a being without interests has no ‘behalf’ to act in, and no ‘sake’ to
act for.\footnote{59}

This is Tooley’s \textit{general interest principle}. In order a thing to have rights, it must have
interests. The general interest principle is somewhat lacking for Tooley’s purposes, however,
because it talks of things possibly having rights — not of things actually having rights —
including, in particular, a right not to be destroyed.\footnote{60} That is, it does not discuss having a
particular right—say a right to life. Tooley then elaborates on the \textit{particular interest
principle} in which he asserts “an entity cannot have a particular right, R, unless it is at least
capable of having some interest, I, which is furthered by its having right R.”\footnote{61} Tooley notes
that a person may have a right only if that person has the capacity to desire that to which she
has a right. Tooley considers some subject, \( A \), such that “…A has right to X means the same as

\footnote{59}{Ibid.}
\footnote{60}{Ibid.}
\footnote{61}{Ibid.}
A is capable of wanting x, and if A does want X, others are under a prima-facie obligation to refrain from actions that would deprive him of it.\textsuperscript{62}

First, Tooley has defined a person as a being with a right to life. Secondly, in order to have a right to anything, Tooley argues it must have the ability to have an interest in that right. Most simply, it must desire or have an interest in living—as a self-continuing subject—in order to have a right to life. He ultimately concludes that the right to life is embedded in a special sort of self consciousness—"the being must possess the concept of a self as a continuing subject of experiences and other mental states, it must itself be such an entity and it must believe that it is such an entity."\textsuperscript{63} He writes:

To have a desire for one’s own continued existence presupposes that one possess the concept of a continuing subject of experiences, and that one is aware of oneself as a subject of experiences.\textsuperscript{64}

This will help to explain why, according to Tooley, newborn kittens have a right not to be tortured but do not have a serious right to life. Kittens have a right not to be tortured because they can be said to have an interest in not experiencing pain. Kittens, however, do not have a serious right to life because they cannot be said to have an interest in their own continued existence. Tooley contends that kittens cannot have an interest in their own continued existence because they lack self-consciousness. Moreover, he argues that since fetuses and neonates lack self-consciousness, they cannot have an interest in their own continued existence. Thus, they do not have a right to life.

\textsuperscript{62} Ibid.

\textsuperscript{63} Ibid.

\textsuperscript{64} Ibid.
The notion of desire is usually vague and complex in dialogues concerning personhood. Here, the notion of desire serves a foundational role in his overall scheme. He writes:

What is in a thing’s interest is a function of its present future desires, both those it will actually have, and those it could have. In the case of an entity that is not presently capable of any desires, its interests must be based entirely upon the satisfaction of future desires. Then, since the satisfaction of future desires presupposes the continued existence of the entity in question, anything which has an interest which is based upon the satisfaction of future desires must also have an interest in its own continued existence. Therefore, something that is not presently capable of having desires at all—like a zygote—cannot have any interests at all.\(^{65}\)

Thus, Tooley has argued that to have a right to something, a being must have interests. Without interests, a thing can have no ‘behalf to act on’, and no ‘sake’ for which to act. In particular, Tooley is considering the right to life. The desire to live, the ability to want to live, and having an interest in living are important to Tooley and thus are critical for his moral conclusions. Tooley’s notion of moral personhood seems to encompass a few of the metaphysical criteria listed on the first pages of this section. Namely, it involves the first eight on the list. These, asserts Tooley, are the necessary conditions a thing must have in order to be a continuous subject that is self aware through experience.

**TOOLEY ANALYSIS**

Tooley equates having a right to life with moral personhood. This is “rights” talk that instantly leads one to wonder where such “rights” are grounded. His theory presupposes a coherent notion of the inherent value of rights. Before arguing an entity has a right to life, he must support having rights at all. He must have grounding for why rights exist..

---

\(^{65}\) Ibid.
Moreover, one’s desire for something does not seem reasonable enough grounds for one’s having a right to something. After all, if I were a poor teacher, I may have a desire to create ignorant youth in my classes. Certainly, it would not be a right of mine to do so.

Recall, earlier I argue the properties which cause a thing to act in accord with moral principles give moral persons their high moral value and probable right to life. Analyzing personhood from this perspective allows one to avoid the muddy waters of rights talk.

Furthermore, Tooley needs to further develop his notion of being aware of themselves as “continuing subjects of experience.” For how long and to what extent must a thing be aware of itself, thereby entitling it to rights? A mother cheetah, for example, runs from the hunters. If taking action is sufficient for showing a desire to live, then the mother cheetah desires to live. On the other hand, if merely taking action to avoid something isn’t sufficient for demonstrating a desire to avoid it, then one couldn’t be sure that the kitten desires not to be tortured. It seems as though the cheetah desires her continued existence, at least to the extent that she realizes she is escaping danger and is far enough away from the predator. Is she a moral person?

Tooley’s analysis is valuable in that he illuminates how rights come into play with desires, interests, and personhood. More needs to be said in order to make such a theory work. I believe it is possible to have a more coherent and useful concept of moral personhood that is more appealing to intuitions regarding the set of persons, and moral worth of potential and proximate persons.

**Potential Persons**

I have previously noted that the term ‘person’ refers to the moral agent that is praise and blame worthy. In our review of contemporary philosophical literature, one quickly
notices the notion of potential persons manifests many ambiguities. To clarify the concept, I will define potential persons as follows: ‘X’ is a potential person if ‘X’ is an already existing entity that has the capacity to acquire the necessary and sufficient conditions of personhood within the normal and obvious course of events.66

This definition follows Mary Ann Warren, in that it focuses on entities which presently exist.67 At this point in the essay, we are not discussing the future potential persons that may exist at a later date, e.g. in the 35th century, because they do not already exist. This definition of potential persons, allows one to ponder the moral status of currently existing entities with potential personhood—the moral status of the fetus or neonate, for example.

Moreover, it is important to note there may exist some instances in which entity X, even if human, will never actually possess the status of moral personhood and will always remain a potential person. For example, frozen embryos may never be allowed to reach fruition, if they are kept in an in vitro fertilization clinic, thus causing some potential persons not to be actualized. Alternatively, a human in her youth may develop severe mental retardation that prohibits her from possessing the necessary cognitive features of an actual person. It is also important to understand the difference between merely having the potential to be a person and having the capacity to be a person. The latter is what is said of any entity that does not currently possess the attributes of an actual person, yet has undergone the necessary development so that at any moment it could currently exhibit the properties of personhood. One who has the capacity for personhood is thereby distinct from a potential

---

66 These criteria have yet to be determined by this thesis.

person who has not undergone the development necessary for moral agency. For example, one has a capacity for personhood while she is sleeping and not currently exhibiting the necessary and sufficient conditions for moral personhood. This capacity is the basis for proximate persons. She will awake and be a fully functioning person. Proximate persons are those that may be lapsing in and out of personhood.

Some ethicists, such as John T. Noonan, and other religious philosophers have generated arguments that contain premises or conclusions in which potential persons receive the same moral status as persons. In some arguments, they equate ‘person’ with something like a ‘being with full moral status’ or ‘human’. They predicate highest moral standing, or equivalent moral standing to persons. They argue that all persons are humans immediately upon conception—the uniting of the male and female sex cells or other pre-agency development stages. They believe that knowing when human life commences constitutes knowing when moral personhood begins. Remember, this is not congruent with my view on moral personhood predicated by moral agency. Such discussion allows one to better understand how potential persons might derive their value in the moral community.

As such, I will analyze several arguments of this flavor—arguments supporting the claim that the fetus has the highest moral standing. Many believe potential persons deserve the same moral status as persons in virtue of their potential to be persons. Clearly, these arguments utilize the observation that potential persons possess a unique predetermined tendency for the potential person to become a person in the fullest sense. For example, in

---


most cases if a fetus is not aborted and is nurtured after birth, it will become a moral agent.
Examining argumentation that brings into play these intuitions allows one to better understand what may be metaphysically unique about moral personhood—thus leading us to a distinct and essential set of necessary and sufficient properties.

In dealing with arguments concerning potentiality, it is important to understand that one is frequently dealing with the concept of personhood within the context of having a right to life. Such “right to life” arguments are crucial to the popular abortion and infanticide debates. Typically, potentiality arguments argue that some entity, X, has a right to life because X will be a person. I will begin by analyzing arguments with less compelling claims and progress to those that I believe to have promising or appealing characteristics.

The key to arguments concerning potentiality is to show why the potential person is morally relevant. Effective arguments of potentiality show some unique property or relation which makes the potential person morally significant. Many of the views discussed in this section deny there are non-human persons. In previous sections, I discussed the unwarrantedness of moral personhood exclusively belonging to the species *Homo sapiens*. Effective arguments concerning potentiality should illuminate the characteristics making potential persons more morally relevant than other living entities. They should address why a life of a particular sort is more morally significant than other sorts of lives. More simply, if we examine reasons for thinking that potential persons are more morally significant than other non-persons, this may help shed light on the necessary and sufficient conditions for being a person.

---

70 Harris, “The Concept of the Person and the Value of Life”. 
First, we will consider an argument, the *Organic Compound Argument*, which trades on a very inclusive notion of potential persons. The argument goes something like this:

Because all organic things are made up of the organic molecules that may make up a person, all organic things are potential or future persons; therefore, they have a right to life.\(^{71}\)

Clearly, the implications of this argument are extremely broad and therefore exhaustive. Organic molecules are all those that contain the element carbon and all living things contain the element carbon. It seems counterintuitive that the carrots from my garden, which contain organic molecules, are potential persons. If this argument were cogent, simply eating anything organic, even weeding the garden, becomes morally impermissible. Even writing with the carbon in my pencil would be immoral since the carbon is the very base of organic molecules. In fact, we have now given a right to life to something that is non-living. This seems highly counter-intuitive and ends up taking us in a direction that does not make sense if taken to its full effect. A more plausible view is supported by the following *Genetic Code* argument:

Upon conception, the entire human genetic code is forever present. This genetic code includes all the information that is necessary for a fetus to mature into an adult human being--the paradigm person. Therefore, the fetus is a person.\(^{72}\)

In this argument, ‘person’ is used to designate being human with the highest moral status. It is based on an empirical tendency for the continual development of a fetus into a paradigmatic person. In *Deciding Who is Human*, John T. Noonan uses the above argument

\(^{71}\) This argument is my extrapolation of the one presented in Michael Wreen’s article “The Power of Potentiality.”

\(^{72}\) Notice that this type of argument is only applicable to *Homo sapiens*. It is important to realize, though much will be discussed on this topic in another section of this thesis, that being human is not a necessary condition of an entity’s being a person.
to support the claim that the conceptus is a being with high moral worth. He states that the moral status of the conceptus is equivalent to that of a person because of the high probability that it will become a person in the fullest sense. He notes that there is an 80% chance that a developing zygote will develop into a person. Noonan observes that the possession of a human genetic code is the sole non-arbitrary property in the determination of the ontological status of the developing zygote. It remains throughout the entire life of a human, and given its high probability of being a person, it should be treated as such. Noonan believes the fetus possesses the same rights as a person because there is an 80% probability the fetus will become what one typically refers to as a person.

Clearly, there are many difficulties with this argument. The primary concern is the use of the probability concerning the embryo’s survival rate. Contemporary science has shown that the 80% chance of survival rate Noonan uses as a key component in his argument is not an accurate statistic.

At the time Noonan wrote, the estimate of pregnancy loss was based on clinical recognition of pregnancies at six to eight weeks after fertilization. At this stage, the chance of losing the pregnancy through spontaneous abortion is about 15%. Recent technical advances allowing earlier recognition of pregnancy, however, provide startlingly different figures. If pregnancy is diagnosed before implantation, (within 14 days of fertilization) the probability of a birth resulting is 25-30%. Post-implantation this increases initially to 46-60%, and it is not until six weeks gestation that the chance of birth increases to 85-90%.

---

73 Noonan, *Deciding who is Human*.

74 Ibid.

75 Noonan also considers social viability, quickening, etc. These will be discussed in another section.

76 Singer, *Practical Ethics*. 
Noonan claimed that his argument for the sacredness of the person at conception rested on real existing probabilities—an 80% chance that the embryo would become a person. It has been shown by contemporary medicine this is not the case. In fact, it is as much as 55% lower than Noonan had thought. The 80% that Noonan uses as a crucial probability does not occur until at least six weeks after fertilization.

Moreover, there is much confusion as to why Noonan uses 80% as the relevant percentage of probability for establishing a fetus’s high moral worth. It seems arbitrary to attribute a right to life to a fetus because it has an 80% chance of developing into a person. Why 80% and not 20, 30, or 79%? Surely, in ethics one should prefer to err on the side of caution. Thus, it seems evident that citing percentages of potentiality becomes arbitrary and unhelpful when determining the ontological and moral status of a potential person.

Consider a similar argument which trades on the notion of potentiality. This argument is outlined in the beginning of Judith Jarvis Thomson’s “A Defense of Abortion” It begins as follows:

The development of a human being from conception until birth and into adulthood is continuous. To draw a line, and choose a point in this process of continual development is to make an arbitrary choice, a choice for which in the nature of things no good reason can be given. Therefore, it must be concluded that the fetus is a person from the moment of conception. 77

To prevent this argument from equating Homo sapienship and moral person consider my non-genetically exclusive formulation:

The development of a thing’s conception—biological or mechanical—into a mature moral person is a continuous development and process. To draw a line from the beginning to the end and denote some morally relevant point on that

line, which makes the thing a person, is purely arbitrary, thus from the moment of conception the thing must be a person.

This type of argument is often referred to as a slippery slope argument. Following the same line of thinking, the acorn is an oak tree and to pick a point at which the acorn stops being and the oak tree begins to be would be to pick a purely arbitrary point. Is this truly the case? One may contend the acorn is definitely not an oak tree and at the decisive moment the acorn becomes an oak tree there exists a real and relevant distinction—say when the acorn begins to develop outside the acorn shell. The acorn is an early stage of tree development, but even so, being an acorn does not imply being an oak tree. Moreover, the existence of a fuzzy border between things does not entail that there are not two distinct things. First, think about the stripes in a rainbow. The borders between the stripes are fuzzy. However, that does not entail that there exists no difference between red and orange. Secondly, almost all natural borders are fuzzy. When I rest my arms on the desk as I type, there is some binding between the electrons in me and the electrons in the desk. It would be impossible to draw a hard and fast line between the electrons that are a part of me and the electrons that are part of the desk. It does not entail, however, that my arms and the desk are one and the same.

Consider an implication of the above arguments for the highest moral value of the conceptus. John Harris raises an insightful point concerning the issue of potentiality and the way in which one treats something with a potential to become something else:

It does not follow logically, even if we accept that we are required to treat X in certain ways, and even if A will inevitably become X, that we must treat A as if it had become X at a time or at a stage prior to its having become X.\(^{78}\)

---

\(^{78}\) Harris, “The Concept of the Person and the Value of Life”. 
If one accepts this, and there seems much reason to, then it becomes rather odd to argue that an entity should be treated as X because it may become X. More specifically, because something has the possibility to become a person does not mean that one should treat is as a person. I believe this has some intuitive appeal. Note, both the Noonan argument and the argument cited by Thomson make a different sort of claim. They do not merely say that A, the potential person, must be treated as if it has become X, a person. They claim that A is an X! This is the difference between saying that a fetus is a person and saying that, while only a potential person, it must be accorded the same moral status and/or rights. Agreeing with this sort of argumentation yields some difficult consequences most would not accept. For example, all persons are going to inevitably die. If we are to treat things like the things they have the potential to be, then there exists no reason why we shouldn’t have to treat persons as if they were dead. As constantly changing entities, we all have a seemingly infinite amount of potentialities—dead, alive, crippled, sleeping, etc. In practice, one does not treat someone as the President of the United States until he/she has been inaugurated as the President of the United States. Moreover, one does not let a person destined to be president begin being the commander in chief at the moment it is destined. This seems to be true of most potentialities in the world.

Additionally, one could easily ask why the conceptus is any more relevant than the sex cells involved in its creation. The gametes, after all, have a potential to unite and become a conceptus. Given this fact, practices such as using contraception and masturbation could be declared morally impermissible, since they are harmful to potential persons. Moreover, it is theoretically possible to start meiosis in female egg cells without the presence of sperm as evidenced in pathogenesis. Because of this potentiality, one could contend that all female egg
cells should be given the same moral status as persons because of their potential to be a person. This leads us to a very counter-intuitive ethic. After all, it would seem morally impermissible for a woman to menstruate, since she is not allowing potential persons to survive. Furthermore, when a woman goes through menopause, she may have hundreds of remaining eggs that will never be fertilized. Following through with this ethic would require a woman at the end of her childbearing years to have painful surgery to salvage her eggs to remain in good moral standing.

Contemporary science adds more complications to the issue of potentiality. Cloning technology and genetic research has shown that it is possible for anything with DNA—a hair or drop of saliva—to be given the thrust of life and begin on the path to personhood. Theoretically, a scientist could extract the DNA from a strand of hair, and implant the DNA into a developing blastula or conceptus resulting in a developing embryo with the DNA identical to the strand of hair. According to the previous arguments for the highest moral status for potential persons, our hair and skin cells, saliva and blood—all potential persons—should be given highest moral status as well. Is one obligated to protect her skin cells like the way she is obligated to protect moral agents? This seems very counterintuitive. In fact, a logical inconsistency of infinite regression arises. Seemingly, many things have the potential to be a person. Practically, a gamete has the potential to be a potential person, and the potential person a moral person, and a moral person a dead person. Which potential is relevant, and where does the relevance begin?

It is crucial to remember that potential persons are not just those that are fetuses or pre-born humans. Those in severe medical conditions and neonates are potential persons, or proximate persons, as well. In fact, most children do not fully possess the cognitive attributes
commonly argued for in moral personhood—awareness and moral consciousness. Thus, they are not yet persons, rather potential persons. Ethicists that argue for the moral irrelevance of the fetus and potential persons because they lack some cognitive capacity are often left with grave consequences regarding newborns and young children. To state that potential and proximate persons have no moral relevance is to also say that children have no moral relevance and this is cause for much disruption concerning societal intuitions, and rightly so. The following chapter will provide an analysis of moral personhood and discuss the treatment of potential persons.
CHAPTER 4

MY PROPOSED METHOD FOR DETERMINING MORAL PERSONHOOD

In this section, I will argue none of the conditions discussed so far are sufficient for moral personhood. However, I propose there is a necessary and sufficient condition for moral personhood—moral consciousness. Recall personhood is understood in terms of moral agency. The thesis examines the necessary and sufficient properties that make thing praise and blame worthy—namely properties that make a person accountable for her actions. Moral personhood is necessary for persons in a moral community to develop a relationship for what is morally acceptable within that community—a consensus for the sorts of behaviors that are praise and blame worthy. Consequently, a moral person is accountable for her actions and is therefore entitled to certain responsibilities and/or rights.

From the onset, it should be understood that my thesis challenges the pervasive belief that all humans are special among living things, and thereby entitled to preferential or exclusive moral consideration. I am concerned with the specific properties that lead to accountability within the moral community. I am seeking what it takes to be a moral person regardless of species, race, sex, etc. I want to provide a coherent and practical understanding of moral personhood. I desire to know the sorts of beings that possess the necessary capacities for being a person because of the important role personhood plays in ethical theory. Recall, the high moral worth of a person is implied by the person’s role in establishing and maintaining a moral community.
I propose that a moral consciousness is the necessary and sufficient condition of moral personhood. A moral consciousness is such that:

1. It is the capacity to conceive of right and wrong.
2. It allows one to act from a belief that something is right or wrong, praise or blame worthy.

Moral personhood, defined in terms of agency, is intimately connected to being praise or blame worthy. This moral consciousness coupled with the ability to act from a belief that something or other is right or wrong is necessary for a moral community to function. Thus, when answering the question, “What is necessary and sufficient to make one praise or blameworthy?” one can see that a moral consciousness allows one to act in a way that is morally praise or blame worthy. Thus, it seems essential that, in order to act for moral reasons and be praised or blamed, a thing must be morally aware of what he/she is doing.

Recall the following story from the beginning of this thesis:

A mouse feeds on the un-purchased candy bar at the store. The mouse is neither praised nor blamed for stealing. It is a mouse with no conception of right and wrong. A 23-year-old woman, however, just stands in line and begins to open and eat an un-purchased candy bar. She does not intend to buy it. She is blamed but the mouse is not.

The woman possesses the crucial ability to act for moral reasons. She is accountable for stealing the candy bar because she knows better; the mouse is not held accountable because the mouse has no conception of right and wrong. The woman’s moral consciousness is sufficient for her personhood because it encompasses all that is necessary for a thing to act for moral reasons. Thus it seems evident that consciousness, self-consciousness, rationality, and social awareness, are necessary for moral personhood, but the awareness of rightness and wrongness and then acting in accordance with rightness and wrongness are sufficient.
Therefore, moral consciousness is intimately connected with the conditions discussed in previous sections of this thesis—namely, consciousness, self-consciousness, rationality, etc. Notice many of the properties discussed by Dennett, Singer, Harris, and Tooley seem necessary for moral personhood. The philosophers fall short by not realizing the overarching sufficient condition—a moral consciousness. Arguably, their proposed criteria coupled with the capacity to have a moral consciousness create a complex and interdependent relationship.

Also, notice that most of the properties necessary for a moral consciousness are developmental. That is, they are developed abilities that, over time and under certain conditions, are heightened or lessened. They come in degrees. This seems true in the case of moral consciousness, as well. It appears to be a developed property. For example, a one year old has less self-awareness and less moral consciousness than a typical adult does. Interestingly, these properties vary in degrees as moral consciousness varies in degree. Children exhibit a less developed moral consciousness than most paradigmatic adult humans do. As such, I will contend that moral consciousness comes in degrees.

Thus far, I have discussed the property that gives a thing moral personhood—moral consciousness. Nevertheless, this notion falls short of telling one how she should treat the many beings that possess impaired cognitive states. It turns out that many of the types of beings discussed in the beginning of the thesis are not moral persons. Recall that moral patients are those beings that a person has moral obligations to, even though they lack the capacities for moral personhood. As my conception of personhood stands, it fails to adequately tackle most of the applied issues raised in the beginning of the thesis because the applied issues deal with potential and proximate persons. While fully content with my definition’s consequences, (1) I do not want to say potential and proximate persons have no
moral worth,\(^7^9\) (2) I also do not want to ascribe the same moral status to potential and proximate persons as to full persons, (3) nor do I wish to say proximate and potential persons are equivalent to all other moral patients. I believe I can adequately address the applied issues with further elaboration on moral patiency. Importantly, my further analysis is not a last minute \textit{ad hoc} clause in which I give certain arbitrary moral patients a special moral value. A real and distinct property exists in the moral patients that are potential and proximate persons. Thus, an adequate solution to the applied issues will require more analysis of the concept of moral patiency and potential/proximate persons.

**Some Remarks on Moral Patiency**

This was not an original section of the thesis. However, when I realized the large amount of marginalized morally relevant beings that exist and their being the root of almost all of the applied medical issues raised in the beginning, I found it necessary to propose a necessary condition for moral patiency—\textit{sentience}. There is more to be said about the sorts of beings with a special moral value. Following the argumentation found in Singer, I believe that sentience is the only non-arbitrary property a thing must possess in order to have moral worth.\(^8^0\) Following Singer, I believe that \textit{interests} serve as a primary force behind morality. By interests, I mean the physiological capacity to desire well-being of oneself and/or others. In order to have interests, a thing must be sentient. It must have the capacity to experience happiness, pleasure, and/or pain—physical or emotional.

\(^7^9\) Obviously, there is no reason why one should assume this line. I stress its importance, however, because of the common tendency of incomprehensive reading that would say I argue for a much stronger conclusion than I really do—e.g. that I think that babies are worthless.

\(^8^0\) Singer, \textit{Practical Ethics}.
Sentient beings that are not moral persons are moral patients. Moral patients are sentient beings that are still entitled to rights and responsibilities while not possessing the capacity for a developed moral consciousness. At the very least, all-moral patient have the right to avoid needless suffering and harm. No arbitrary lines should be drawn to distinguish between one moral patient and the next. If a being is sentient, then it is living and may suffer. Persons understand the effects of unnecessary harm and pain and should, at the very least, help to cease or alleviate unnecessary pain in other beings.

I will now elaborate on some morally relevant differences among moral patiency. This will allow for a more practical and operational understanding of the morally relevant beings that are not paradigmatic persons. I am not drawing an arbitrary line. Real observable properties ground my distinctions. First, I propose two types of moral patients:

1. those beings with the potential to be persons and
2. those beings that, if all goes naturally, physically cannot develop a moral consciousness.

Potential and proximate persons are those that are at issue in a majority of the applied cases presented in the beginning of this thesis. These beings fall into the first set of moral patients. This capacity to become moral persons entitles the entities to more rights than just sentient beings.

Ethicists sometimes argue for the complete moral irrelevance of potential and proximate persons because they lack some cognitive capacity. My conception of moral personhood denies personhood to potential persons; however, I will not conclude that such beings are morally irrelevant. This notion that proximate and potential persons possess no

---

81 It is not the purpose of this thesis to go into the specific rights of specific types of beings. I just make mention of the fact, to allude to a possibility of a potential person’s higher moral relevance.
moral relevance creates grave consequences regarding fetuses, neonates, and even young children—consequences that do not logically support a continuing moral community. More simply, to state that potential and proximate persons have no moral relevance is to say many children (assuming many children do not have a fully developed moral consciousness) have no moral relevance and this is cause for much reasonable unrest. After all, moral persons should have a moral interest in fostering and continuing a moral community. As such, I must elaborate on the properties of those beings that still seem to have a plausibly high moral worth in the moral community, despite their cognitive inability to have a fully developed moral consciousness.

ACCOUNTING FOR POTENTIAL AND PROXIMATE PERSONS

I believe it is possible to create a coherent and practical understanding of the moral worth of those beings that are potential or proximate persons. Consider a situation from Mary Anne Warren in “On the Moral Status of Abortion”:

Suppose that our space explorer falls into the hands of an alien culture, whose scientists decide to create a few hundred or more human beings, by breaking his body into its component cells, and using these to create fully developed human beings, with, of course, his genetic code. We may imagine that each of these newly created men will have all of the original man’s abilities, skills, knowledge, and so on, and also have an individual self-concept, in short that each of them will be a bona fide (though hardly unique) person. Imagine that the whole project will only take seconds, that its chances of success are extremely high, and that our explorer knows all of this, and knows that these people will be treated fairly.82

I am inclined, following Warren, to hold that the space explorer would not have an obligation to allow the cloning procedure to occur, thereby allowing the explorer the right to “deprive

all of these potential people of their potential lives.” Claiming that he has the right to prevent the creation of these potential persons raises interesting questions regarding the moral status of potential or proximate persons relative to actualized paradigmatic persons.

I am able to think of many circumstances, such as the one above, that discourage one from ascribing full moral status to potential persons. One does not treat entities like the things they have the potential to become. I do not treat a person as if he/she is the president of the United States, merely because he/she has the potential to be the president. Moreover, I do not treat persons as though they are dead, since they all have the potential to be dead! Actualized persons take precedence over potential and proximate persons because of their capacity to act for moral reasons. In a moral community, acting for moral reasons is crucial to the moral community’s survival. You cannot have a moral community if there is no one with a capacity to act for moral reasons. This precedence of actualized persons over potential and proximate persons, however, does not mean that they (1) have no moral status, or that (2) they are the equivalent of other moral patients that are not persons and never will be.

**THE METHOD: AN ACTION GUIDE FOR PROXIMATE AND POTENTIAL PERSONS**

Similar to properties required for moral agency, moral patiency comes in degrees as well. As such, the beings that are potential or proximate persons will have approximations of personhood. There is something important to persons in recognizing the importance of the potential moral community. Once again, being a non-person does not mean having no moral status—it just means not having the moral status of persons. Rights of the actualized person outweigh those of the non-person because of the person’s role in the moral community as a

---

83 Ibid.
moral agent. I propose, much like James W. Walters, that the following criteria are most important when understanding the moral status of the entities involved:

1. the **potentiality** it has to become a moral agent

2. the **stage of development** it has achieved, and

I also add another component important when considering the course of action for potential and proximate persons:

3. the **will** of a former moral agent.

I suggest that the above components lead us to a *method* that serves as a valuable moral action-guide for determining the moral relevance of potential and proximate persons. It is a method that I believe appropriately addresses the relevant information for making sound ethical decisions. It is important all components be adequately addressed when assessing the treatments of proximate and potential persons. The method I present is more inclusive than those views that rely solely on certain cognitive properties as the sole criteria for a moral patient’s or person’s moral worth. On the other hand, it is much more exclusive than any view that rests on the fact that everything that has the potential to be a person should be given full moral status and treated as a person. Once again, it is my hope that such a way of understanding proximate and potential personhood allows for a commonsensical approach to how and why physicians, or other health care providers, should treat potential and proximate persons. While my method is a guide, it is not the “end all” for moral deliberation of how one should treat all moral patients. It should serve as a starting point for dialogue when addressing the moral relevance of moral patiency. The following sections comprise the

---

84 James Walters, *What is a person?: An Ethical Exploration* (Chicago: University of IL Press, 1997).
explication of these components in developing an understanding of the moral significance of potential and proximate persons.

**Potentiality:** First, I would like to end the infinite regression problems encountered earlier when analyzing arguments concerning potential persons. This is achieved with an understanding of the distinction between having an active or passive potential. By passive potential, I mean the feature of an entity to be incapable of initiating its own goals under normal circumstances. For example, a stone has a passive potential to be ran over by the car. By having an active potential, I refer to something that possesses an energetic thrust towards something—in our case, the maturation of fetuses, or any other being which might have the natural capacity for moral personhood.

To better elucidate the distinction, consider the following analogy. A ball tied to a string is fastened to a hook in the ceiling. It is rigged such that only if I were to press a button, would the ball swing down from the ceiling and sway back and forth. While the ball is fastened to the ceiling, I say that the ball possesses a passive potential. It cannot swing unless I press the button. Now, suppose I press the button. The type of potentiality has now changed. It now has the inherent drive to fall and swing. Once the ball is released and begins to fall, it possesses an active potential. Pretend for a moment, I am standing in the path of the ball. The ball now has the passive potential to hit me when I am standing in the path of the ball prior to anyone pressing the release button. However, once someone presses the release button the swinging ball now has an active potential to hit me. In fact, the ball has an increasing (in degrees) active potentiality, until it actually collides with my body. That is, the ball has an increasingly higher chance of hitting me the closer the ball comes toward me.
How does this apply to potentiality arguments? Unimplanted cloned cells and spermatozoa have only passive potentiality to become a person. Our skin cells and our hair may have the makings to provide genetic material for our clones. However, under normal circumstances they do not have the ability to undergo any maturation processes towards becoming a person. In other words, a frozen embryo will not become a person until implanted in the female, in which case only then will its passive potential become an active potential. A fetus or infant, on the other hand, takes on the properties of an active existence that will, if all goes well, result in a person. Just like the chances of the ball hitting me as long as I am in its swinging path, so are the chances of a fetus becoming a person. Thus, a developing fetus has the active potential to be a person.

Additionally, potentiality appears to be an increasing and/or decreasing attribute. If one examines the zygote, for example, its potentiality increases as it becomes an embryo, fetus, and so on. Many young children are potential persons, yet more actualized than a neonate, etc. That is, they are learning and developing a moral consciousness. Moreover, the elderly begin to lose moral consciousness as their mental capacities become hindered by the aging process or disease. Potentiality admits of degrees. It is not always a positive progression towards moral personhood. Nor, is it in constant digression for the elderly. That is, the active potential for a being’s moral personhood is something that comes in degrees and varies dependent upon each being’s circumstances. In the case of a severe brain injury, for example, the active potential for the being’s personhood was assumingly much higher before the accident, but greatly lessened upon injuries. Her injuries will lessen the potential she has of becoming a full moral person.
The importance of distinguishing between active and passive potentiality is that it ends the infinite regression problems that commonly arise in potentiality arguments. Some ethicists argue potentiality is incoherent, because of the technicality that everything has the potential to be a person. The carbon in my pencil, for example, has the potential to be a component in a person. The distinction allows one to consider the beings actively on their way to becoming a person. They have begun the direct path to personhood. It accounts for the differences that morally exist between the fetus and carbon graphite found in a pencil.

Clearly, this distinction does not entail moral personhood for entities with an active potentiality. It merely shows the differences in potentiality which I wish to deal with—the potential for becoming a person or re-becoming a person. Recognizing a thing’s active potential to becoming a person comprises the potentiality component of my method.

Notice, the reasoning behind the potentiality component of my method is purely conceptual. It carries its weight in the reasoning for the importance of the actively potential person and its relationship to paradigmatic persons—namely that under normal conditions potential persons will become paradigmatic persons. The more actualized or higher the active potential a thing has the more moral worth it possesses. Consider the following instance in which potentiality plays a big part in understanding the moral worth of an entity.

Say that an individual knows prior to the birth of an actively potential fetus, that the developing fetus lacks the necessary brain development for rationality and other specific cognitive capabilities, and will not be able to physically develop the physiological requirements before birth. More simply, most of the brain will not be physically developed before birth.

Understanding the potentialities at hand allows physicians and family members to take into account the possible consequences facing the child, the likelihood that it will develop into a moral person, and its relation to other beings in the moral community. Knowing, or getting an idea of the potentialities a thing has in order to become a person, allows one to consider a
crucial aspect of the moral worth of potential and proximate persons. Active potentiality is considered in such a way that, as it is increasing, or as it is more actualized, its moral worth increases and becomes more morally relevant.

**Development:** Given contemporary medicine, it is possible for a woman to take a morning after pill, or have an abortion within the first few weeks of pregnancy. However, we are not so eager to take the life of a newborn—even a severely disabled newborn. Such practices confirm the importance that the ethical community places on the physiological development of potential and proximate persons.

Cognitive abilities develop over time. Self-consciousness is usually not accomplished until a child is past the age of two. Brain functioning and capacities are said to begin around the 45th day after conception. Typically, these cognitive functions increase over time and allow the entity to become a moral person, if all goes well. The more developed the entity is cognitively, the higher its moral status. This part of the method includes the physical capacities of a potential person that yield psychological reasoning and moral agency. In other words, the more cognitively developed the potential person is the more moral worth and rights it possesses. The way one treats a potential or proximate person should be based on the properties she possesses—say consciousness or sentience. It is important, while discussing this part of the method, not to confuse intellect with cognitive capacities. I am interested in the possession of various cognitive capacities, not necessarily a thing’s intelligence. An implanted conceptus and a sixth month old embryo both have an active potential to become a person. However, since the embryo is more developed, it has more moral.
**Former Will:** This component recognizes the wishes of a former person who has willed a certain course of action for her existence after losing her moral personhood. Advanced directives are an example of the sorts of wishes a former person may establish. This is a crucial factor to consider when a being is no longer able to make adequate and rational decisions regarding her treatments. Note, this is an component to consider when dealing with potential or proximate persons. While not directly influencing the moral worth of the entity, it allows one the grounding for a certain course of action. A living will, for example, is extremely relevant in considering the moral worth and course of action for a being with diminished personhood. If, for example, my grandfather had requested that he should never be fed intravenously, then when we are considering treatment options, we should address his former will.

**ACTION GUIDE IN PRACTICE:**
**TACKLING APPLIED ISSUES**

Given that potential and proximate persons are:

1. instrumentally crucial to the moral community—agents and patients—as the community benefits from a constant influx of new moral agents,

2. unique in that they will more than likely possess the same capabilities and capacities as paradigmatic persons,

3. such that they often play pivotal roles in the social well being of persons, and

4. one ought to use extreme care in how she treats those beings with the active potential to become a person—since all the capacities for moral personhood are developmental.

one should not forget that:

1. Potential and proximate persons are not persons, thus are not necessarily entitled to the moral treatment of full-fledged persons.

2. Rights should be given to a potential person based on the properties it possesses. The higher the active potentiality, the higher the stage of development.
It is important that my moral action plan for dealing with such potential and proximate persons does not establish the quantitative moral worth of something. In other words, it should not end up with a group of professionals assigning points to certain potentialities, developmental stages, and what not. Rather the moral action guide should serve as a guidepost for addressing the relevant issues for medical treatments, or courses of actions regarding potential or proximate persons. It should serve as a method of reflecting on a morally sound course of action.

**Applied Issues**

In this section of the chapter, I revisit each of the previously raised applied issues and discuss moral personhood as it pertains to each. If the entities are not persons, we will then examine how my moral action plan allows one to make decisions regarding their well-being with respect to the moral community.

**What Can We Say About Abortion?**

The highly contentious debate concerning abortion can be analyzed via my method as well. In the case of abortion, we have two entities--the actively potential developing embryo and a moral person, the mother. The zygote and blastocyst stages will involve an entity who is on the road to moral personhood, yet is not sentient. A developing human is not said to be sentient until around the eight week or 54th day after conception. It is around this time that one sees the first identifiable post-mitotic neurons forming the early stages of the brain that will later function as human cortex.\(^85\)

In the discussion of abortion, one brings in the rights of a moral agent and the rights of a moral patient who has the active potential to become a person. Abortion presents a challenge of whose rights take superiority—the moral agent or the moral patient. Remember as long as the fetus has developed enough to possess sentience, then it is a moral patient. Before that time, it is not a moral patient and thereby not included in the moral community. Upon the necessary physiological developments for sentience, the cessation of the moral patient’s life should be critically examined. Death, or cessation of the pregnancy, may be a case of unnecessary harm.

After establishing whether one has a moral patient, she can move on to the application of my course of moral action. One should consider the entities’ potentiality and development. A former will is not relevant in this case. I propose that, in the case of abortion, one examine the relevant properties of the mother and the fetus. More specifically, one should consider the health and physical condition of the mother. Is the mother able to care for the child? If not, the fetus has a lower potentiality for becoming a moral agent. Moreover, one should account for the known or suspected birth defects, mental incapacities, which may be present in the child. Is it the case that the fetus will never be able to develop the necessary cognitive capacities for moral personhood? Each of these is a warranted area of concern and should play a part in considering the rights of the fetus.

Next, it is important to consider the stage of development. Surely, an eight-month old fetus is more developed than the three-week-old embryo. The earlier the stage of development, the less problematic the cessation of pregnancy should be—its moral consideration for this criterion of my method is less. Moreover, the development of the
person should be considered as well. Is the mother a sound moral agent? Is she able to make sound moral judgments and actively participate in the moral community?

Again, it is important not to use my method as a means to establish a quantitative moral worth of something. That is, one should not end up sitting around a table assigning points to certain potentialities, developmental stages, and what not. Rather, my method serves as a means to address the relevant issues for continued medical treatment, or permissibility of ending a thing’s active potentiality. It should serve as a method of reflection for a plan of moral action.

**Eugenics & Stem Cell Research**

Once again, this applied issue involves the rights and protections of potential persons. The first thing to consider in determining the allowable treatments for embryos involved in eugenic and stem cell research is the potentialities involved. Does the entity possess and active or passive potential? Is it frozen and already implanted? Is it likely that it will ever be implanted? If the potentiality is active, the embryo has been implanted and is developing, then the potentiality will increase with the actualization of the entity until personhood. It is also important to consider whether the embryo is even a moral patient. In the case of stem cell research, most research is completed before sentience is present. Thus, I find no moral qualms regarding research completed on passively potential, un-sentient embryos.

Next, we need to consider the developmental stage of the potential persons. In most of these research cases, most of the entities involved in this research are at a minimal stage of embryonic development. Research is normally completed between the 4th and 8th week after conception. The development of the embryo is minimal. There is no cortical brain activity.
Animal Protectionism: In answering questions concerning animal protectionism, we need to understand the behaviors in which the species engages. If it can be shown that a certain species has a moral consciousness, then it deserves the same protections that all persons do. If a cow was shown to have a moral consciousness, then it should possess the same rights and protections as you and me. Hence, because the necessary and sufficient condition for moral personhood is the possession of a moral consciousness, we need only examine (1) whether the non-human species has the necessary capacities for moral consciousness. Animal behaviorists are in a difficult position because the other species probably cannot communicate in human languages. Thus, we must rely on what we know about the species’ cognitive abilities, and the behaviors we observe in their communities.

Chimpanzees, gorillas, and orangutans solve social problems in their free, everyday life, e.g. by forming coalitions over access to power or food, or by withholding information from others through concealment in order to have “forbidden” sex. If kept prisoners, they find appropriate solutions both to experimentally devised problems like reaching objects through a series of predetermined steps, and to their actual problem of escaping, for example by using a trunk to climb over walls, or screwdriver to dismantle their cages. The proper application of a strategy of tit-for-tat-helping helpers and dismissing cheaters- is not only a case of correct belief/choice relation, but also a proof that they know that principle of reciprocity whose key role for morality has been particularly stressed within in the present revival of the social contract theory in moral philosophy. Inferential reasoning- that is clearly implied by many of the described behaviors- is also revealed by, e.g., the ability to make the appropriate choice between informed and uninformed cooperators in artificial settings, or by such natural activities as the identification and clever use of medicinal plants. Finally, all those who are acquainted with linguistic non-human great apes, know how meaningfully and creatively they use language—telling stories about past events, asking for absent things, telling lies and appropriately generalizing even evaluative signs like good, bad, or dirty.86

The behaviors observed above are the types of capacities and behaviors that I would believe would serve as evidence of a primitive form of moral consciousness. Moral consciousness relies on the fact that there are belief systems whose rules will vary within the same and different species. Thus, the development of moral consciousness and notions of right or wrong actions will vary in extraordinary ways throughout different non-human species. Therefore, each suspected case should be researched with open-mindedness and care.

Humans, in particular, with their great mental capacities, need to be cautious of how to treat other complex animals which demonstrate many of the tendencies associated with the possession of a moral consciousness—other great apes, and dolphins, for example.

Moreover, I propose that moral patients that are not able to become persons due to physiological and biological restrictions—say a frog for example—be treated with respect to the capacities they do have. A frog, for example, has no moral consciousness and will never achieve one. However, it is a sentient being. Because of this capacity, it should be respected as a being that has an interest in not suffering. I believe it would be a duty of persons to protect moral patients of this sort because of their ability to understand the pain and harm caused by unnecessary suffering.

**Artificial Intelligence:** This case is unique in that it remains rooted in the hypothetical notion that robots may possess some sort of sentience and rationality programming that allow them to act for moral reasons and in accord with some right or wrong. Like all applied cases, one starts her moral deliberation by uncovering whether the A.I. entity has a moral consciousness. Certainly, one must have an open mind to accept the ways a robot may possess or alter preconceived notions of moral consciousness. Still, an ability to act for moral reasons because it is aware of right and wrong are essential to its
personhood. If it is possible for a robot or super computer to deliberate and act for moral reasons, then it is a person in the moral sense.

**End of Life:** As full--fledged persons approach their end of life, they will often have lapses of moral consciousness. Most of these beings will fall into the proximate person category. If the end of life entity (ELE) is not conscious at all then no moral consciousness can be present and the ELE is not a person.⁸⁷

However, such an ELE may have a unique moral status because he/she will lapse in and out of moral personhood. At this point, we need to understand the ELE’s moral worth via the method I presented earlier in the chapter—in terms of potentiality, development, and former will. In most end-of-life cases, the patient’s potentiality is decreasing. As time goes on, the patient will more than likely lose the cognitive capacities necessary for moral personhood. He will lose self-awareness and, sometimes, even consciousness. Concerning the second element of moral worth, development, one notices the patient’s physiological and cognitive development is mostly completed and perhaps slowly depleting. The developmental features of a being approaching the end of life are usually downward spiraling. Proximate persons with a lessening potentiality, lessening development, are not as morally relevant as those who possess similar cognitive capacities that have strong familial and community ties.

The final component to the action plan seems most influential for this type of being. If the entity was a former moral agent who has willed a certain course of action for her being, that course of action should be followed and considered by a review committee when

---

⁸⁷ This does not refer to temporary unconsciousness, such as a nap.
discussing a course of action for the former person. For example, if a former moral person willed that she not be placed on life support for a period of more than 7 days it should be brought before and honored by the review committee when deciding a course of action.

**Severely Handicapped:** These practical cases will involve proximate and potential persons. The type of sentience in this case may be one of emotion, rather than direct physical pain or pleasure due to paralysis or severe spinal injury. The specific cases for the severely handicapped will vary extensively. I place this practical issue last, because I can only provide an outline of the things to consider. Details will be individually suited to each case and medical condition.

The potentiality to become a person and level of development of a severely handicapped entity will be resultant of the physiological abnormalities present in the proximate or potential person. Does the entity have the potential to become a moral person? Are the cognitive capacities present for a moral consciousness? What form of development has the entity undergone? Is it a degenerative condition? Is it treatable? These areas of the method are set up to address the capacities and possibilities that the entity possesses.

My notion of moral personhood and patiency does not necessitate nor deny that such handicapped entities have a right to life. In fact, as a side note, I tend to agree with Singer’s controversial view that in some cases it may be a relief of suffering to allow severely handicapped entities to die if they choose. However, if the entity is able to carry on a life in which she can be properly cared for and the necessary health resources are not taken away from actualized persons, then she is more than welcome to continue necessary care. If a physician were in a position to care for an actualized person, with limited medical supplies, it
would be justifiable for that physician to care for the actualized person with the necessary resources first.
CHAPTER 5

CLOSING REMARKS

I have presented a notion of moral personhood whose necessary and sufficient condition is a moral consciousness. Moreover, I have presented a method of discourse for moral patients that hold a unique capacity to become moral persons. As with any academic project, this thesis is a continued work in progress. I have, at the very least, aroused an awareness and dialogue concerning the moral personhood debate. Beyond that, I believe I have discussed a coherent and practical conception of moral personhood and moral patiency. I have also elaborated on a moral action plan that allows one to consider the relevant attributes of a thing’s moral worth.
BIBLIOGRAPHY

WORKS CITED


**WORKS CONSULTED**


