

On the Concept of Person: The Social Nature of Persons

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1. Introduction

I define a 'person' as a subject with values, an entity that may, with greater or lesser ability, accede to values and accept them intentionally.¹ Unfortunately, discussion on 'personhood' comprises numerous confusions and suffers from a long-standing and serious lack of conceptualization. The necessary preliminary to any adequate theory of the person is clarification of its ontological structure and of the concepts that make up its content. I believe that it is heuristically useful for this purpose to draw a distinction among at least three different kinds of 'person', which for lack of a better terminology I shall call *person*₁, *person*₂ and *person*₃.

Given that these three types of person have essentially different ontological natures, it is reasonable to suppose that some of the traditional difficulties concerning the theory of the person depend on a failure to distinguish among them. Each of the three types of person has value, but each of the values differs from the others. *Person*₁ has the value corresponding to the dignity of a living being, *person*₂ has the value corresponding to the dignity of a psychological being, while *person*₃ has the dignity corresponding to the qualities of an authentically human biography. *Person*₁ is structurally conditioned and pertains to the sphere of biological reality; *person*₂ is structurally conditioned and pertains to the sphere of psychological reality; *person*₃ is structurally conditioned and pertains to the sphere of social reality.

For the moment setting side the case of *person*₁ (where the concept is declined in biological terms), the difference between a person as a bearer of moral values (*person*₂) and a person with a biography (*person*₃) rests on their differing capacities. *Person*₂ is constituted over and above the subject and is determined by the choice between good and evil, and then by the expression of virtues; *person*₃ consists of the capacities that constitute a biography. In the following, I'll try to articulate the main aspects of being a *person*₃.

2. Towards *person*₃

The following passage from Pareto helps in paving the way towards the theory of *person*₃:

A concrete body consists of a chemical body, a mechanical body, a geometric body, etc.; a real man consists of *homo oeconomicus*, *homo ethicus*, *homo religiosus*, etc. In sum,

¹ For more detailed treatment see Poli 2006a.

consideration of these different bodies, these different men, amounts to consideration of the different properties of the real body, and seeks only to divide the material to be studied into portions (Pareto 1968, p. 18).

The quotation from Pareto efficaciously describes the problem underlying the theory of the levels of reality (see Poli 2001, 2006a,b,c). On the one hand, it reminds us that reality as a whole, or one of its fragments which happens to attract our attention, and our experience of it, systematically transcends our cognitive capacities. The most effective strategy used to date has been to decompose the whole of reality into sections – what we call sciences – and analyse each of those sections separately (and, one hopes, satisfactorily). The chemical body, the mechanical body, the geometric body, *homo oeconomicus*, *homo ethicus*, *homo religiosus* in the above passage denote some of the categories used to understand the many nuances of reality – from those wholly embedded in the actual structure of reality to those that are so only partially, and which are explained by reference to dimensions that transcend it. On the other hand, it should be borne in mind that the analytic strategy of decomposition may not be self-sufficient by its very nature. The world is always a whole, and the various partial categorial frameworks extractable from it are always grounded in it. The analytic strategy must therefore be accompanied by a complementary synthetic strategy which recombines and unifies – synthesises in a word – the results obtained within the various frameworks. The theory of the levels of reality has precisely the purpose of articulating categorially the two forms of categorial analysis and synthesis.

For the theory of levels, the person is firstly a level category – a category, that is, which pertains to some (and not other) levels of reality. Secondly, the person is the fulcrum for the pertinent levels, the bearer of the corresponding categorial frameworks.

3. Person₃

I may now turn to the third type of person mentioned in the introduction, person₃.

One is able to become a person₃; whereas one is always a person₁ and a person₂ by definition. Person₃ is intrinsically fragile in its ontological nature because it is normatively oriented by its constitution. Keeping a person₃ in being requires constant care and enabling conditions. The realm of values embodied by person₃ has open borders: just as it is easily entered, so it is easily left.

For these reasons, the responsibility of person₃ is structurally different from the responsibility of person₁ or person₂.²

² Person₂ has the responsibility of taking a stance, of being good or bad. A bad person is always a person – in the sense of person₂. If person₃ is unable to access its constitutive values, it is simply not a person.

Person₁ has the dignity of a living being by definition and enjoys the supplement of dignity which characterizes our species owing to our greater capacity to influence reality and its dynamics.

The dignity relative to person₂ is the dignity connected with recognition and acceptance of ethical values.

The concept of person₃ alludes to something different: to another level of reality which an individual may be able to access or which s/he may instead fail to do so. In short, person₃ corresponds to the idea of a fully developed and fully human person able to see the corresponding values and to adopt them.

If we consider the two extreme cases of person₁ and person₃, every individual is born as a person₁, no individual is born as a person₃, but some individuals become persons₃. If the difference that I am describing between the different kinds of personhood is correct, there ensue important consequences as to the nature and tasks of institutions and of politics more generally, which have the crucial duty of creating the best possible conditions for the largest possible number of individuals to become full and stable persons₃. This part of the discussion obviously transcends the boundaries of ethical discourse in the strict sense.

Probably the simplest access route to the concept of person₃ is via human rights, on which various theories have been put forward in recent decades. Here I shall restrict my discussion to only two of these theories, those that I regard as especially significant: they are the theory of natural rights proposed by authors terming themselves ‘neoclassical’, Finnis in particular,³ and Martha Nussbaum’s theory of capabilities.

4. John Finnis’s Natural Rights and Goods

Finnis’s neoclassical theory results from a methodology which resembles – surprisingly, some might think – phenomenology. Nevertheless, there is a fundamental difference between them: the neoclassical account lacks a theory of the *a priori*, which is perhaps the most significant component of the phenomenological approach to values (and not only). Finnis conducts his *a priori* analysis by adopting a principle of evidence – which, moreover, he states in very weak terms as “rational non-derivability”.⁴ Aware of this weakness, we may reconstruct Finnis’s theory as a strictly rational

³ These authors have developed a version of Thomism which seeks to distinguish itself from the better-known Neo-Scholastic theories. In short, neoclassicals like Grisez and Finnis grant full autonomy to ethical discourse and do not constrain it to anthropology or metaphysics. For an introduction to the main positions taken, see Grisez, Boyle and Finnis 1987.

⁴ Viola 1996, p. xiii. Finnis is aware of the problem. Indeed, he writes that “There are important objections to be made to Aquinas’s theory of natural law. O’Connor rightly identifies the main one: Aquinas fails to explain ‘just how the

theory of natural law and natural rights. To forestall misinterpretations, Finnis declares that the topic of his book “does not rely, even implicitly, on the term ‘human nature’” (Finnis 1984, p. 50). The reason is that: “the way to discover what is morally right (virtue) and wrong (vice) is to ask, not what is in accordance with human nature, but what is reasonable” (Finnis 1984, p. 36. Here Finnis is commenting Aquinas).

Whatever the case may be, for Finnis the natural law consists in the principles followed by the reason when it guides action. The rational principles of action are identified by working backwards from their actual use in actions to their subsequent distillation through rational reflection on the actions performed.

This reverse procedure produces a series of ultimate reasons or principles which underpin a corresponding series of natural goods. The goods thus identified are differentiated and mutually irreducible: that is, they cannot be organized into a hierarchy of ultimate goods.

Finnis describes the principles of natural law as follows. Firstly, they are “a set of basic practical principles which indicate the basic forms of human flourishing as goods to be pursued and realized”. Secondly, they are “a set of basic methodological requirements of practical reasonableness ... which distinguish sound from unsound practical thinking and which ... provide the criteria for distinguishing between acts that ... are reasonable-all-things-considered”. Finally, they are “a set of general moral standards” (Finnis 1984, p. 23).

The principles of natural law do not have a history (Finnis 1984, p. 24). Moreover, following Aquinas, Finnis points out that the principles of natural law are self-evident and indemonstrable”.⁵

In effect, “All human societies show a concern for the value of human life; in all, self-preservation is generally accepted as a proper motive for action; and in none is the killing of other human beings permitted without some fairly definite justification. All human societies regard the procreation of a new human life as in itself a good thing unless there are special circumstances. No human society fails to restrict sexual activity; in all societies there is some prohibition of incest, some opposition to boundless promiscuity and to rape, some favour for stability and permanence of sexual relations. All human societies display a concern for truth, through education of the young in matters not only practical (e.g. avoidance of dangers) but also speculative or theoretical (e.g.

specific moral rules which we need to guide our conduct can be shown to be connected with allegedly self-evident principles”. See Finnis 1984, p. 34. The reference within the quotation is to O’Connor 1967, p. 73.

⁵ Finnis also points out that his perspective is very different from that of Rawls. Rawls’s primary goods (liberty, opportunity, wealth, self-respect) are primary because “it is rational to want these goods whatever else is wanted, *since* they are in general *necessary for* the framing and the execution of a rational plan of life”. The quotation is from Rawls 1999, p. 380, the emphasis is added by Finnis. The passage is from Finnis 1984, p. 82.

religion)”. Finnis then cites the values of cooperation, the common good, justice within groups, friendship, *meum* and *tuum*, play, the deceased and religion (Finnis 1984, pp. 83-84).

From this broad set of references Finnis derives seven basic natural goods:

- Life,
- Knowledge,
- Play,
- Aesthetic experience,
- Sociability (friendship),
- Practical reasonableness,
- Religion (Finnis 1984, pp. 86-90).

Each of these basic goods occurs in a wide variety of forms. It is also evident that there are many other values which pertain to none of the seven types listed. In this regard, Finnis suggest that “other objectives and forms of good will be found, on analysis, to be ways of combinations of ways of pursuing (not always sensibly) and realizing (not always successfully) one of the seven basic forms of good, or of some combination of them” (Finnis 1984, p. 90).

It should also be pointed out that there is nothing magical about the number seven. “More important than the precise number and description of these values is the sense in which each is basic” (Finnis 1984, p. 92). Put briefly, (1) each of them is a form of good like any other; (2) none of them can be analytically reduced to a simple aspect of one of the others, or to a mere instrument to obtain them; (3) each of them, when we concentrate upon it, can be reasonably considered the most important.

Each of us is free to balance the basic values as we wish, giving more weight to some of them and less weight to others. The pattern which emerges, the ordering of values, is the individual’s *life plan* (Finnis 1984, p. 93).

Two further points should be borne in mind. The first is that for Finnis virtues like “courage, generosity, moderation, gentleness, and so on, are not themselves basic values; rather, they are ways (not means, but modes) of pursuing the basic values” (Finnis 1984, pp. 90-91).

The second and final point concerns the *requirements of practical reasonableness*. In short, these are:

- adopt a rational life plan,
- consider all the basic values, without discounting or exaggerating them,
- avoid arbitrary preferences among persons,
- adopt a coherent life plan,

- maintain a balance between fanaticism and apathy,
- bring about good in the world,
- reject acts that impede the realization of goods (Finnis 1984, pp. 100-136).

I shall not analyse this list of requirements, but instead conclude this section on Finnis by noting that justice is not one of his seven basic values. Justice may be a way to realize goods, but it is not itself one of the basic goods.

5. Martha Nussbaum's Basic Human Capabilities

The theory of capabilities was first proposed by Amartya Sen, Nobel prize-winner for economics in 1987. Sen's theory was then taken up by Martha Nussbaum, who has developed a partially different version of it in several stages. Here I shall deal principally with two texts by Nussbaum. I shall first consider the version of her theory set out in the weighty *Upheavals of thought. The Intelligence of the Emotions* (Nussbaum 2001), a text which provides an interesting and detailed theory of the emotions and their rational components (whence the title) – discussion of which, however, I shall not make. I then supplement the ideas set out in this book with those in *Women and Human Development*.

The point of departure for Nussbaum's theory is the distinction between 'functionings' and 'capabilities'. Functionings are what agents actually do; capabilities are the spaces of possibility from within which agents select the functionings that they enact, "what people are actually able to do and to be" (Nussbaum 2000, p. 5).

Nussbaum's theory is intentionally presented "in a manner free of any specific metaphysical grounding. In this way ... the capabilities can be the object of an *overlapping consensus* among people who otherwise have very different comprehensive conceptions of the good" (Nussbaum 2000, p. 5).

Nussbaum provides the following list of the basic human capabilities:

- Life.
- Bodily health.
- Bodily integrity.
- Senses, imagination, thought.
- Emotions.
- Practical reason.
- Affiliation.
- Other species.

- Play.
- Control over one's environment (Nussbaum 2000, pp. 78-80, 2001, ch 8).

The set of basic capabilities is highly articulated, therefore. Nevertheless, “the list remains open-ended and humble” (Nussbaum 2000, p. 77).

Each individual capability occurs in a graduated form, from lower to higher degrees. Owing to the continuous nature of capabilities, Nussbaum gives especial importance to the idea “of a *threshold level of each capability*, beneath which it is held that truly human functioning is not available to citizens” (Nussbaum 2000, p 6). She stresses that “the notion of a threshold is more important in my account than the notion of full capability equality” (Nussbaum 2000, p. 12).

Secondly, for Nussbaum “all the capabilities are equally fundamental” and, therefore, there is no need of “a lexical ordering among them”. Moreover, the capabilities “should be understood to be valuable for each and every person” (Nussbaum 2000, p. 12).

The list does more than collect separate components together. Capabilities influence each other in many sophisticated ways. Their reciprocal influence also tells us that it is not acceptable to barter or to sell one capability for another (Nussbaum 2000, p. 81). Many capabilities require activation and constant exercise if they are to become fully developed abilities.

On one occasion, Nussbaum has described her theory as a “thick vague” theory. The thickness is due to the fact that the capabilities theory is not a formal, minimal theory; on the contrary, it is content-rich. The theory's vagueness is due to the fact that capabilities may be realized in numerous different ways. The theory does not lay down a specific recipe for the realization of capabilities. Every tradition, culture and social context, like every individual, may follow its own route. “Each of the capabilities may be concretely realized in a variety of different ways, in accordance with individual tastes, local circumstances, and traditions” (Nussbaum 2000, p. 105).

Capabilities are freedoms, not constraints. There is a fundamental difference between choosing to fast for personal reasons and having to fast because there is nothing to eat. The capabilities theory directs attention to the conditions that must obtain for people to be able to lead fully human lives. How life should actually be lived is not a problem of capabilities, but of functionings.

Before concluding, I outline the aspects that, according to Nussbaum, distinguish her theory from Sen's. Briefly, Sen:

- does not use the concept of threshold;
- “has never produced explicit arguments against relativism”;
- has never “attempted to ground the capabilities approach in the Marxian/Aristotelian idea of truly human functioning”;

- has never listed the basic capabilities;
- has never sought to derive general political principles from capabilities.⁶

The final point to make is that the capabilities approach resembles human rights theory in many respects. Nevertheless, Nussbaum draws a sharp distinction between them, on two main grounds. The first is that “the idea of human rights is by no means a crystal-clear idea. Rights have been understood in many different ways, and difficult theoretical questions are frequently obscured by the use of rights language, which can give the illusion of agreement where there is deep philosophical disagreement” (Nussbaum 2000, p. 97). Secondly, “the language of capabilities has one further advantage over the language of rights: it is not strongly linked to one particular cultural and historical tradition, as the language of rights is believed to be” (Nussbaum 2000, p. 99), and therefore may easily serve as a general theoretical framework independent of bias and particular points of view.

6. New challenges

Contemporary ethics is faced by numerous new challenges. On the one hand, radically new problems arise which have nothing to do with historically accumulated ethical experience: suffice it to consider the problems associated with the environment, the natural world, genetic engineering, the Internet, and the new information technologies. On the other, many traditional values are now viewed afresh and addressed in innovative ways.

The intensive exploitation and mismanagement of environmental resources have probably now reached a level such that natural dynamics are affected. Increasing intervention in the genetic heritage of vegetable and animal species yields results that may impact upon the earth’s capacity to host life forms. Without taking sides between the pessimists and the optimists, I shall restrict my discussion to a single problem: what in ethical debate is called the problem of future generations. In its most anodyne form, the problem can be stated as follows: for many of us it seems reasonably true that our world is liveable; it feeds us and shelters us, and it also enables us to develop our potentialities to a more or less full extent. But, in that we have a liveable world, do we have the obligation to ensure that those who come after us – the future generations – will have a world that is at least equally liveable? In slightly less anodyne form, the question becomes: do we have the *duty* to ensure that there actually *will be* future generations?

⁶ Nussbaum 2000, p. 13. Nussbaum also points out that here distinction among three types of capability (basic, internal and combined) has no parallel in Sen, and that she does not use distinctions robustly employed by Sen, in particular that between well-being and capability to act.

If it can be proved that we are bound by a duty of this kind, it is obvious that this has major implications for the decisions that individually and socially we are obliged to make. Unfortunately, it seems that the principal formulations of our duties towards future generations are intrinsically fragile.

Before I suggest a solution to the problem, a brief juridical digression will be useful. Both European civil law and Anglo-American common law recognize that only actually existing, or previously existing, agents have rights and duties. The most extreme case is probably inheritance law. This states that entitlement to inherit attaches even to subjects who, although they are not yet born, had been conceived before the moment when owner of the property died. Those subjects with an even lower level of actuality, those who will be conceived at some time in the future, do not have inheritance rights. They will have them when they begin to exist. If they have no rights, then we obviously have no duties towards them.

If we assume the categorial framework of positive law, the discourse goes no further. There obviously still remains the possibility that a change in the law's categorial structures will lead to rights being granted to future generations. This is a possibility, and it is not a remote one; but for the moment the situation is obviously different.

Perhaps bluntly, but efficaciously, we may ask: what have the future generations done for us? If, as is obvious, they have done nothing, then we have no obligations towards them. Aside from the crudeness of the example, it shows that it is very difficult to defend the rights of future generations from a contractualist point of view.

As pointed out by Jonas, one of the scholars who has most forcefully called attention to the problem of future generations, "the nonexistent has no lobby, and the unborn are powerless", also because the future is not represented in any collegial body (Jonas 1984, p. 22).

There is a fundamental difference between individual choices and the global ones which involve or may involve the whole of humanity: "we may risk our own life—but not that of humanity" (Jonas 1984, p. 11). In other words, "an imperative responding to the new type of human action and addressed to the new type of agency that operates it might run thus: 'Act so that the effects of your action are compatible with the permanence of genuine human life'; or expressed negatively: 'Act so that the effects of your action are not destructive of the future possibility of such life'; or simply: 'Do not compromise the conditions for an indefinite continuation of humanity on hearth'; or, again, turned positively: 'In your present choices, include the future wholeness of man among the objects of your will'" (Jonas 1984, p. 11).

On the other hand, Jonas himself acknowledges that to underpin our obligations towards the future theoretically is by no means easy and admit that it is perhaps impossible without religion

(Jonas 1984, p. 12). In any case, “its ultimate grounding can only be metaphysical” (Jonas 1984, p. 11). For these reasons, we assume a duty of responsibility towards the future generations “without proof, as an axiom” (Jonas 1984, p. 12).

Jonas tries anyway to furnish some justifications for this duty of responsibility towards future generations. One argument in support of this thesis is that the prophecy of doom is to be given greater heed than the prophecy of bliss (Jonas 1984, pp. 31). We must, that is, allow “more weight to threat than to promise” (Jonas 1984, p. 32).

Prophecy of doom must take priority over prophecy of bliss because we have total responsibility for humanity; a responsibility that “must continually ask: ‘What comes after that? Where will it lead?’”.⁷ A responsibility of this kind “must ... not so much to determine as to enable” (Jonas 1984, p. 107).

Jonas sees responsibility in this sense as “the moral complement to the ontological constitution of our *temporality*” (Jonas 1984, p. 107).

I believe that Jonas’s analysis is substantially correct. However, the way in which it is conducted makes it essentially inconclusive. Jonas himself acknowledges that something is lacking from his analysis. I mentioned above his assumption that the responsibility principle must be taken as axiomatic. Yet the most profound reason adduced by Jonas in defence of his principle is that “there is ... an *unconditional* duty for mankind to exist, and it must not be confounded with the conditional duty of each and every man to exist” (Jonas 1984, p. 37). The ellipsis consists of the following words: “as has yet to be shown”.

The problem is that the proof that Jonas seeks to provide is constructed along the lines that I have just briefly outlined.

7. Between Hope and Responsibility

Justifying the rights of future generations requires something not to be found in Jonas. Put briefly, needed for the purpose are arguments of various kinds which, for reasons that I shall make clear, can be grouped within the category of anticipation. By ‘anticipation’ I mean the ability to take decisions at the present time in relation to the future state of ourselves or of our environment.

⁷ Jonas 1984, p. 106. Total responsibility for humanity is matched by numerous forms of local responsibility: “The ship’s captain does not ask his passengers what they did previously or what they will do later—whether they undertake the journey with good or evil intentions, to their salvation or damnation, to the advantage or detriment of third parties. None of this is his concern. As his business is transporting them safely from one place to another, his responsibility begins and ends with their presence on the ship” (p. 105)

The description just given is formulated in anthropomorphic terms. However, it is not at all difficult to propose a ‘neutral’ formulation: an ‘anticipatory’ system is one containing a predictive model of itself and of its environment which allows it to assume a certain state according to the model’s predictions relative to a later state (Rosen 1985, p. 341. See also Rosen 1991 and 2000). An anticipatory system is one that decides what to do now in relation to a prediction about the future.

Research on anticipatory systems is a leading-edge sector of current scientific inquiry.⁸ A minimally acceptable description of it would require a depth of detail which here I certainly cannot provide. However, I would call attention to two main considerations: the first has direct ethical significance; the second more generally concerns the structure of reality.

The ethical consideration has two aspects. On the one hand, among the person-constituting values, anticipation (meaning the person’s broad or narrow outlook on the future) and purposefulness (the capacity to set goals and find the means to achieve them) play a major role for *both* person₂ and person₃. These values are structurally future-oriented. Both person₂ and person₃ are therefore forward-looking entities. Leaving apart the differences between person₂ and person₃, one can state that assuming responsibility for the future is constitutive feature of the person (without pedices): an inability to look forward debases and falsifies the person.

If the person, as we have seen, is constituted by future-sightedness, the theory of anticipation entails development of forms of understanding acknowledging that reality is not exclusively determined by the past.

8. References

- Finnis, J. M., *Natural Law and Natural Rights*, Clarendon Press, Oxford, 1984.
- Grisez, G., Boyle J and Finnis, J, “Practical Principles, Moral Truth and Ultimate Ends,” in *American Journal of Jurisprudence*, 32, 1987, pp. 99-151.
- Jonas, H., *The Imperative of Responsibility*, The University of Chicago Press, Chicago, 1984.
- Nussbaum, M. C., *Women and Human Development. The Capabilities Approach*, Cambridge University Press, Cambridge, 2000.
- Nussbaum, M. C., *Upheavals of Thought. The Intelligence of Emotions*, Cambridge University Press, Cambridge, 2001.
- O’Connor, *Aquinas and Natural Law*, London 1967.
- Pareto, V. *Manuel d’économie politique* (Vol. 7 of the complete works), Geneva, Droz, 1968.

⁸ See e.g. the special issue of *Axiomathes* 2006, 1-2, devoted to Rosen and the development of his ideas.

Poli, R., "The Basic Problem of the Theory of Levels of Reality", *Axiomathes*, 2001, **12**, 3-4, pp. 261-283.

Poli, R., *Fra speranza e responsabilità. Introduzione alle strutture ontologiche dell'etica*, Polimetrica, Monza, 2006 (a).

Poli, R., "First Steps in Experimental Phenomenology," in A. Loula, R. Gudwin, J. Queiroz, eds., *Artificial Cognition Systems*, Idea Group Publishing, Hersey, PA., pp. 358-386, 2006 (b).

Poli, R., "Levels of Reality and the Psychological Stratum," *Revue Internationale de Philosophie*, special issue on Ontology, 2006 (c), 2, pp. 163-180.

Rawls, J. *A Theory of Justice*, Oxford University Press, Oxford, 1999 (revised edition).

Rosen, R., *Anticipatory Systems. Philosophical, Mathematical and Methodological Foundations*, Pergamon Press, 1985.

Rosen, R., *Life Itself. A Comprehensive Inquiry into the Nature, Origin, and Fabrication of Life*, Columbia University Press, New York, 1991.

Rosen, R., *Essays on Life Itself*, Columbia University Press, New York, 2000.

Viola, F. "Introduzione" to the Italian translation of Finnis 1984 (1996).