

Why Personhood Should be Removed from Ethical Theory

by Daniel Harris

Conceptual analysis is not an end in itself. Rather, the instrumental value of formulating necessary and sufficient conditions for a concept's application should be cashed out in terms of their power to clarify the way we use the concept. The concept of moral personhood¹ is no exception: any proposed analysis must be judged by its capacity to aid ethical theory in the correct assignment of praise, blame, rights, and duties.

The instrumentality of personhood to ethics is implicit in the methodology of those who have debated over its analysis. Writers have tended to argue for or assume a principle to the effect that an individual's personhood grounds his or her moral standing. That is, it is only in virtue of the fact that an individual is a person that certain

moral facts about that individual obtain. Thus, Mary Anne Warren begins her influential discussion of personhood with the following passage.

Imagine a space traveler who lands on an unknown planet and encounters a race of beings utterly unlike any he has ever seen or heard of. If he wants to be sure of behaving morally toward these beings, **he has to somehow decide whether they are people, and hence have full moral rights**,² or whether they are the sorts of things he need not feel guilty about treating, say, as a source of food. [Warren 1973, 54]

Likewise, Dennett isolates "the moral notion" of personhood as being that "of an agent who is accountable, who has both rights and responsibilities" (1976, 268). And Farah and Heberlein (2007)

¹ In general, I'll use 'personhood' in place of 'the concept of moral personhood'. Of course, ethics is just one of the domains in which the concept of personhood has been put to work, along with law and pure metaphysics. Most of the following argument has a parallel with regard to the legal concept of personhood, although I won't spell this out. For all I know, there might be good purely metaphysical reasons for talking about personhood. I wish to show only that, even if there is a metaphysically coherent concept of personhood, that this concept cannot be put to ethical use in the ways that have been attempted.

² Boldface emphasis is mine throughout this essay.

in ethics” (39) because persons are both moral agents and patients (38). Furthermore,

Persons, and not other things, are generally held responsible for their actions.... If a car revs its engine and moves up a steep hill,...we do not consider it a morally good car or praise its efforts. Similarly, **only persons deserve blame**”. [38]

Along the same lines, here is a passage from Gary Francione:

To say that a being is a person is merely to say that the being has morally significant interests, that the principle of equal consideration applies to that being, that the being is not a thing. [2000, 131]

Similar pronouncements pervade the personhood literature. I’ll call the principle which apparently underlies them *the grounding principle*. It is difficult to precisely articulate this principle because it tends to be presupposed rather than explicitly stated in the ethical literature. Without it, however, the supposed indispensability of personhood to ethics disappears.

Plausibly, the grounding principle states that all and only persons are eligible to be the subjects and objects of moral concern. All and only persons, that is, are the sorts of things that can have rights and duties, that should be praised or blamed for their actions, and that are the proper objects of moral concern. All and only persons have moral standing.

But, understood in this way, the grounding principle can be shown to make a mess of ethical theory. I’ll argue this, first by demonstrating how the methodology exhibited by participants in debates over the nature of personhood combines with the grounding principle to produce antinomies that undermine the foundations of ethical theory rather than bolster it. Then I’ll argue that attempts to weaken the principle empties personhood of any worthwhile ethical import. I’ll close by suggesting that, with personhood out of the way, we should construct an ethical theory accord-

ing to which moral standing is broken down into its parts, each of which is differently grounded and distributed.

Aside from personhood, a concept central to the following is that of moral standing. Intuitively, an individual has moral standing if it can be morally praise- or blameworthy, if it is the proper object of any intrinsic moral concern, or if it has rights or duties. Each of these kinds of property is a *moral property*. Any concept whose correct application to an individual would constitute the individual’s having moral standing is a *moral concept*. Predicates used to ascribe these qualities are *moral predicates*. Some examples might be ‘...has the (moral) right not to be tortured’, ‘...has a (moral) duty not to torture’, ‘ought not to torture’, ‘was (morally) wrong in torturing’, ‘ought not to be tortured’, ‘deserves (moral) praise for saving someone from torture’, etc.

It is also useful to distinguish between different variations on moral standing. Someone has *minimal moral standing* if she is the sort of individual who is eligible to have at least one moral predicate applied to her. *Maximal moral standing* is reserved for those individuals eligible for the ascription of all of the moral predicates. Of course, it seems unlikely that any individual could be correctly ascribed *all* of the moral predicates at any given time, so when I say that an individual is *eligible* to be ascribed a predicate M, I mean that it would be appropriate to ascribe M to that individual in the relevant applicable circumstances.³

Arguments about personhood tend to follow a common pattern. First, some proposed nec-

³ This phrasing is meant to evoke a Lewisian counterfactual-type analysis (Lewis 1973). Roughly: I am eligible to be praiseworthy for not torturing someone because, if I were in a situation in which I stood to benefit from torturing and I abstained, I would be deserving of praise. And I am eligible to be blameworthy for torturing because if I were to torture, I would be the proper object of blame. Thus, although some circumstances might be conceivable in which I torture and avoid blame because I, e.g. have gone mad, are irrelevant to the evaluation of the counterfactual because they are more distant possibilities than those in which I am sane and therefore responsible. This analysis of eligibility could probably use further scrutiny, but it should at least be intuitively clear.

essary and sufficient conditions for personhood are entertained. Next, it is argued that moral standing is grounded in personhood, and so all and/or only persons are the kind of things to which some/all moral predicates should be ascribed. Next, some individual or group of individuals is singled out which, according to strong moral intuitions, ought to be ascribed that moral predicate. Then it is argued that this individual does not meet the proposed conditions for personhood. From this it is concluded that the conditions on offer are defective. Typically, this line of argument is followed by the proposal of a new set of criteria that purports to amend the oversight.

Take ‘C’ to be a complex predicate conjoining some proposed necessary and sufficient conditions for personhood; take ‘M’ to be an arbitrary moral predicate; and take the set of F’s to be some group used as a test case. Arguments about personhood then typically follow one of two forms. I’ll call those fitting the first form *arguments from exclusion*, because they attack some conditions for personhood on the grounds that the conditions improperly exclude some individuals who should be considered persons.

- [E1] $(\forall x)(Mx \rightarrow x \text{ is a Person})$
[grounding]
- [E2] $(\forall x)(Fx \rightarrow Mx)$
[moral intuitions]
- [E3] $(\exists x)(Fx \ \& \ \neg Cx)$
[argument]
- [E4] $(\forall x)(Fx \rightarrow Cx)$
[from E1+E2]
- [E5] $\neg(\forall x)(x \text{ is a Person} \leftrightarrow Cx)$
[from E4]

Imagine, for example, that my interlocutor has suggested that an individual should be ascribed personhood if and only if it has an IQ over 100. I could then argue as follows. Since an individual’s right not to be tortured is grounded in its personhood, all individuals with this right are persons. And, intuitively, all humans have a right not to be tortured and are therefore persons. But at least some humans have IQ’s below 100. Therefore, some persons do not have IQ’s above 100. And so having an IQ above 100 is not necessary for per-

sonhood, and my interlocutor’s criterion is mistaken.

Arguments of the second form attempt to show the defectiveness of some conditions based on the fact that they include some individuals who should not be considered persons. I’ll call these *arguments from inclusion*.

- [I1] $(\forall x)(x \text{ is a Person} \rightarrow Mx)$
[grounding]
- [I2] $(\forall x)(Fx \rightarrow \neg Mx)$
[moral intuitions]
- [I3] $(\exists x)(Fx \ \& \ Cx)$
[argument]
- [I4] $(\forall x)(Fx \rightarrow x \text{ is not a person})$
[from I1+I2]
- [I5] $\neg(\forall x)(x \text{ is a Person} \leftrightarrow Cx)$
[from I4]

In this case, imagine that my interlocutor has proposed that all and only warm-blooded animals are persons. My retort could proceed as follows. Because our duty not to wantonly kill is grounded in our personhood, all persons have a duty not to wantonly kill. Intuitively, beavers are not bound by the duty not to wantonly kill, and are therefore not persons. But beavers are, of course, warm-blooded animals, so warm-bloodedness is not sufficient for personhood, and the proposed conditions fail.

Mary Anne Warren’s imagines her interlocutor positing a cultural criterion, according to which a group of beings engage in “things such as religion, art, and the manufacturing of tools, weapons, or shelters” (1973, 54). Warren responds by arguing that such a criterion would improperly exclude from personhood extraterrestrials for reasons of anthropocentrism, “since we can imagine people who have progressed beyond, or evolved without ever developing, these cultural characteristics” (55). There is a suppressed premise presupposed by Warren’s objection, in that she does not at this stage explain what it would be about these culturally foreign individuals that would lead us to imagine them *as people*. Without some

forthcoming explanation of this, Warren's objection risks circularity.

But given that her thought experiment begins with the question of when it would be wrong to eat members of a newly discovered alien species, it seems clear that the force of her presupposition must arise from the fact that we can imagine a clear case—i.e. a culturally alien individual whom it would *clearly* be wrong to eat, and who is therefore *clearly* a person. Let's call these culturally-foreign-but-clearly-persons extraterrestrials *Heinleins*. Warren's argument thus takes the form of an argument from exclusion: anything with the right not to be eaten is a person; intuitively, Heinleins have the right not to be eaten, and are therefore persons; but Heinleins do not meet the cultural conditions in question; so the proposed conditions are defective.

A similar argument is launched by Patricia Kitcher (1979) against David Wiggins' natural kind(ish) account of personhood. According to Kitcher's reconstruction, Wiggins takes any individual x to be a person just in case (a) x is a member of some natural kind N ; and (b) typical N 's are psychologically similar to typical humans in that they possess characteristics such as thought, intelligence, reason and reflection, self-consciousness, and mental continuity and connectedness.

Kitcher has several problems with Wiggins' proposal. Most explicitly, she argues that Wiggins' list of psychological similarity conditions is poorly delimited and vague in its application. She then argues that it should be replaced by a single similarity condition which is met by any individual who obeys the laws of common sense psychology. Her motivation for this move is implicitly ethical. She argues that vague and poorly delimited criteria would lead to a situation in which what counts as a person is partly a matter of social convention, and

...no one accepts the idea that the identities of persons could be a matter of social convention, or any conventional decision. **I think we are equally repelled by the suggestion** that convention or courtesy could determine whether a group of individuals are persons. [544]

When Kitcher says that "we are...repelled" by the idea of a conventional criterion for personhood, it

seems that she must be appealing to some notion of ethical repulsion. What grounds her assertion is the idea that some individual who is objectively deserving of the moral concern grounded in personhood might be denied that concern as the result of something as arbitrary, interest-relative, and perpetually shifting as a social convention. Kitcher thus leaves it up to the reader to imagine a situation in which some group, call them Eccentrics, who might be improperly denied personhood based on Wiggins' criteria.

Kitcher objects further to Wiggins' criteria in a way that more directly parallels Warren's arguments. Kitcher's paper, after all, begins with her assertion, "Most people believe that extraterrestrial beings or porpoises or computers could someday be recognized as persons" (541). But since artificial intelligences, such as computers, are not members of a natural kind, they would be excluded from personhood by Wiggins' criteria. For this and other reasons, Kitcher further amends her proposed conditions to remove Wiggins' relativization of personhood to natural kinds, with her final analysis stating that an individual is a person if and only if it obeys the laws of common sense psychology.

Given Kitcher's brief and nearly explicit grounding of moral standing in personhood, she can accurately be said to offer at least two arguments from exclusion. Since only persons are the proper objects of moral concern (which explains why it would be repelling rather than just a category mistake to deny personhood to a deserving individual), the fact that some artificial intelligences or Eccentrics deserve moral concern means that they should be considered persons. But Wiggins' conditions risk disenfranchising both of these kinds of individuals, and so his analysis must be mistaken.

Before moving on to other examples, it is worth noticing that Kitcher's analysis is susceptible to a reply from Wiggins that would itself rely on an argument from exclusion. For notice that, insofar as newborn babies do not obey the laws of common sense psychology, they do not meet Kitcher's conditions for personhood. But, intuitively, babies are the proper objects of at least some kinds of moral concern. And so if only persons are the proper objects of moral concern, babies should be considered persons. Now notice that Wiggins'

conditions include babies. The fact that arguments from exclusion can conflict in this way seems problematic for reasons I will address in detail later.

Harry Frankfurt (1971) begins his article with an argument which is strongly suggestive of an argument from inclusion, attacking Peter Strawson's (1959) analysis of personhood. According to Strawson's analysis, something is a person if and only if is the sort of thing to which "both predicates ascribing states of consciousness and predicates ascribing corporeal characteristics...are equally applicable..." (101-2; quoted in Frankfurt 1971, 5).

Frankfurt's immediate response to this argument is to say that "there are many entities besides persons that have both mental and physical properties" (5). He goes on to argue that using 'person' to describe the class delimited by Strawson's criteria would be "the misappropriation of a valuable philosophical term" which "[i]t does violence to our language" (5). Frankfurt does not properly explain the nature of this misappropriation or the harm caused by the violence involved. What he does say is that this misappropriation

gratuitously diminishes our philosophical vocabulary, and...increases the likelihood that we will overlook the important area of inquiry with which the term 'person' is most naturally associated. [6]

Frankfurt further isolates the sense of personhood in which he is interested when he says that the relevant criteria for personhood should

be designed to capture those attributes which are the subject of our most **humane concern** with ourselves and the source of what we regard as most important and most problematical in our lives. [6]

This characterization somewhat vague, but Frankfurt's use of the term 'humane concern' suggests that he takes the relevant dimension of personhood to be ethical. This interpretation is strengthened by Frankfurt's later discussion, when he distinguishes between persons and wantons and argues that all of the former should be held responsible for their actions.⁴

Given that a central use to which Frankfurt wishes to put personhood is ethical, then, it seems not too radical a stretch to interpret Frankfurt's problem with Strawson's conditions in terms of the fact that they include as persons some individuals who should not be held responsible for their actions. The "violence" thereby done to the language results from the fact that we have been deprived of this "philosophical term" which is indispensable in the realm of ethics.⁵

Frankfurt's argument from inclusion is clearly a source of inspiration for Dennett's (1976) ascending conditions for personhood. Dennett begins by considering several potential conditions for personhood in turn, and then applies something like an argument from inclusion to each before moving on to the next, narrower condition. He first entertains the idea that something is a person just in case we are justified in taking the intentional stance toward it. But then he points out that we sometimes properly ascribe intentional states to plants, and so "[i]t is obvious...that being an intentional system is not sufficient condition for being a person" (272). Dennett does not say what makes this claim obvious, but given that he explains moral personhood in terms of the fact that it grounds both rights and responsibilities, it seems reasonable to interpret him as taking it to be intuitively obvious that plants are not the sorts

⁴ Frankfurt's discussion of responsibility is vexing, and this aspect of it is not entirely clear. However, the fact that all persons are responsible for at least some of their actions clearly follows from his analysis of persons as individuals with effective second-order volitions together with his assertion that a person is responsible for his action if he "had done what he wanted to do...he did it because he wanted to do it, and...the will by which he was moved when he did it was his will because it was the will he wanted" (19). That is, a person is responsible for his action if the action is brought about by a volition which is itself brought about by a second-order volition.

⁵ It seems likely that Frankfurt also had other sorts of violence in mind—perhaps both in terms of clashing with our intuitions about ordinary usage and in terms of the resulting metaphysical implications. All my interpretation depends on is that Frankfurt is at least partly concerned with the fact that overly wide criteria for personhood might result in the uselessness to the concept to ethics. And given his employment of the term in his own ethical theorizing, this seems entirely reasonable, if interpolative.

of things to which we can properly ascribe the relevant moral predicates.

In similar fashion, Dennett rejects reciprocity as his condition because the behaviors of injury-faking birds can best be explained by attributing to them higher-order intentional states, and birds are just as intuitively as plants nonpersons (275–7). And likewise, he rejects the capacity for communication as a sufficient condition for personhood because wanton communicators, in not being capable of actually reshaping their own will, intuitively aren't the right sorts of things to have responsibilities (283–5). The implicit structure of each of Dennett's arguments makes it an argument from inclusion. Together, he uses them to move in the direction of the same robust and exclusive conception of personhood that Frankfurt adopts.

It should be obvious from the previous discussion that arguments from inclusion and exclusion are at tension with one another. They seemingly cannot all be sound. While one argument from inclusion might push for the defectiveness of some conditions on the grounds that they apply to newborns, and newborns ought not be ascribed personhood-grounded moral responsibilities; a similarly persuasive argument from exclusion might criticize other conditions on the grounds that they exclude newborns, who intuitively enjoy personhood-grounded moral concern.

And the writers discussed earlier bear this out. Whereas some, like Warren and Kitcher, push for widely-applicable criteria using arguments from exclusion, others, such as Frankfurt and Dennett, use arguments from inclusion to move toward selective conditions.

One way that we might try to keep the arguments from inclusion and exclusion from running up against one another would be to reject one type as typically unsound while accepting the other. Both arguments are classically valid, and so, assuming that this particular issue in the debate about moral personhood does not warrant recourse to alternative logics, we are left with examining their premises.

The second and third premise types of each schema resist generalized criticism for different reasons. Statements that could serve as instances of E3 and I3, for instance, exhibit a heterogeneity that makes them impossible to dismiss as a group. Although all the E3-type premises will be identical in terms of their logical form (likewise with I3-type premises), each one's truth must be established by a particularized argument. My argument that some humans have IQ's below 100, for example, would rest on a variety of standardized test results; and my argument that beavers are warm-blooded would rest on observation of their behaviors and physiological structures.

Attacks on either E2 or I2 are bound for a different sort of problem. Each instance of either premise type will be grounded primarily in moral intuitions—E2-type premises will rest on intuitions to the effect that some moral predicate applies to a group of individuals, and I2-type premises on intuitions of a similar but negative import. The problem is that if we wish to reject only one of E2 and I2, we must say what it is that makes one type of moral intuitions unreliable but not the other. But there is no salient difference between the affirmative intuitions grounding E2-type premises and the negative intuitions grounding I2-type premises that could allow us to attack one type but not the other. Of course, some might argue that moral intuitions are, in general, unreliable, but such an argument would presumably not distinguish affirmative from negative intuitions.

This leaves the argument schemas' first premises, and here things seem more promising. For these premises are asymmetrically justified, in that each derives its legitimacy from a different direction of the grounding principle's biconditional. Whereas arguments from exclusion depend on the general idea that personhood is a necessary condition for moral standing, arguments from inclusion rest on the sufficiency of personhood for moral standing. Given the distinction between minimal and maximal moral standing, we can therefore consider the following four principles (with 'M+' standing for 'has maximal moral standing' and 'M-' for 'has minimal moral standing'):

- [NP+] $(\forall x)(M+x \rightarrow x \text{ is a Person})$
 Everyone eligible for all moral predicates is a person.
- [NP-] $(\forall x)(M-x \rightarrow x \text{ is a Person})$
 Everyone eligible for some moral predicate is a person.
- [SP+] $(\forall x)(x \text{ is a Person} \rightarrow M+x)$
 All persons are eligible for all moral predicates.
- [SP-] $(\forall x)(x \text{ is a Person} \rightarrow M-x)$ ⁶
 All persons are eligible for some moral predicates.

SP+ entails SP-, and the full generality of arguments from inclusion seem to depend on the stronger version. For if only minimal moral standing followed from personhood, the fact that some moral predicate did not apply to an individual would be insufficient, on its own, to disqualify that individual from personhood. Similarly, NP- entails NP+, and once again the stronger version is needed for arguments from exclusion to go through. Otherwise, the intuition that *some* moral predicate applies to an individual would not be sufficient to establish the individual's personhood. So, for now, let's focus on the stronger versions.

- [NP-] $(\forall x)(M-x \rightarrow x \text{ is a Person})$
 Everyone eligible for some moral predicate is a person.
- [SP+] $(\forall x)(x \text{ is a Person} \rightarrow M+x)$
 All persons are eligible for all moral predicates.

It is puzzling to note that either principle can be made to sound rather intuitive at the expense of the other. Thus, NP- (but not SP+) is amenable to the view that while all humans are persons, and babies therefore have a right to life that is grounded in their personhood, some moral predi-

cates apply only to special classes of persons, so that, for example, only normally functioning adults have the duty not to harm others or the right to some kinds of freedom. SP+ (but not NP-), on the other hand, seems more readily to predict that, although many animals have the right not to be wantonly tortured, they should not be considered persons because this minimal right alone does not, on its own, qualify them as such.

In order to choose between NP- and SP+, then, we'll have to explain away or debunk something that I have just said, and in a fairly generalized way at that.

One way to do this in defense of NP- would be to argue that the sorts of rights and duties that intuitively apply only to sufficiently competent adults just don't count—that personhood only grounds these nonbasic aspects of moral standing in the sense they are sufficient for personhood but not necessary. This view would invalidate arguments from inclusion by rejecting SP+ in favor of SP-.

Notice, however, that this could result in a relatively ill-defined and heterogeneous set of persons. For there is not a single kind of moral predicate that applies to all of the individuals with moral standing, and which therefore confers minimal moral standing. Perhaps the most plausible candidate for such a predicate would be 'has the capacity to suffer'. After all, the capacity to suffer seems like the widest proposed measure of moral concern: (nearly) all humans have this capacity, as well as many animals. And it is difficult to think of a creature lacking this capacity to whom we have much inclination to extend any sort of moral concern.

Difficult, perhaps, but not impossible. It is fairly intuitive to think of moral duties as applying only to a subset of the individuals who have moral rights. But we can imagine (and we may not be far from engineering) artificial intelligences

⁶ Depending on our constitution, we might want to upgrade the indicative conditional in these principles to something stronger, in order to make clear the idea that the grounding of moral standing in personhood is not just an extensional accident. The strict conditional is one candidate: ' $\Box(\forall x)(M-x \rightarrow x \text{ is a Person})$ ' entails that it could not have been the case that an individual with a right or duty was not a person. On the other hand, the way in which writers argue for these principles often seems to ground them in stipulation or conceptual truth, so it may be preferable to label the principles as analytic. I have refrained from any specific such treatment in order to protect the lunch of those who become nauseous at the mere thought of these special forms of truth, but given the role played by NP and SP in the literature, these points should be kept in mind.

who are incapable of suffering, but who possess rationality, self-awareness, the capacity to learn and alter their behavior accordingly, and the ability to thus base these behaviors on intricate motivational structures. At a certain point—for example, if and when they meet Frankfurt’s or Dennett’s conditions—it seems intuitive that we would ascribe certain moral duties to such individuals. And yet it would be nonsensical to ascribe a right not to suffer to creatures who lack nervous systems or emotional states requisite for the ability to suffer.

Moral predicates cannot be fully ordered in terms of their inclusiveness, such that the most inclusive predicate applies to all of the individuals to which less inclusive predicates apply (and perhaps more). In fact, ranking moral predicates in terms of inclusiveness will result, at best, in a partial ordering, with all those moral predicates which can be applied in isolation at the bottom.⁷ This explains why Wiggins and Kitcher can use arguments from exclusion to attack each others’ positions: each proposed analysis excludes individuals that the other includes, and since neither equates the set of persons with the set of individuals with minimal moral standing, arguments from exclusion can always be launched against them both.

Call any theory which validates NP- and SP- (but not SP+) a theory of *minimal personhood*. The resulting proposed set of persons would be the union of all of the extensions of predicates of the form ‘is eligible for M’ where ‘M’ is any moral predicate. What necessary and sufficient conditions for personhood could delimit this set (keeping in mind that, since personhood is supposed to ground moral standing, moral predicates couldn’t factor into the conditions for personhood)? Undoubtedly, these conditions would be heterogeneous, convoluted, and ad hoc.

But more importantly, any ethical theory in which minimal personhood is an ingredient will lose nothing by its removal, and would instead

gain perspicuity and perhaps greater explanatory power. For consider the alternative: an ethical theory in which each right or duty is grounded in an independent set of necessary conditions, without the detour through personhood. In this case, the fact that a very intelligent robot has the duty not to torture (but no right not to be tortured) can be grounded directly in his intelligence (and lack of capacity to feel pain), and the fact that a baby has the right not to be tortured can be grounded in the physiological and psychological facts about it that allow it to feel pain (and lack of intelligence). This seems to get the distribution of moral predicates right, and to ground their applicability in the right sorts of attributes. What could the fact that both infant and robot possess minimal personhood add to this theory? Certainly there is no sense in which their minimal personhood grounds the moral predicates that apply to them. If it did, why wouldn’t personhood ground the ascription of both predicates to both individuals? I can think of no answer to these questions, and I can think of no way in which theories of minimal personhood would improve on their non-personhood counterparts.

What about SP+? We can call any theory that combines it with NP+ a theory of *maximal personhood*. According to such a theory, persons are all and only those individuals who are eligible for the ascription of all moral predicates, but there may be non-persons who are eligible for some subset of the moral predicates. So although my dog has the right not to be tortured because it has the physiological and psychological capacities to feel pain, it is not a person because there are many moral predicates that don’t apply to it.

This view suffers from the same problems as theories of minimal personhood. First, given that the various moral predicates are not related in a structured way, the conditions we would have to formulate in order to have them extend over all and only the maximal moral persons would be equally as heterogeneous and convoluted as those

⁷ And really, it probably won’t be a partial ordering. It might be that the set of individuals with a duty not to torture are a subset of the individuals with a right to autonomy. And perhaps the duty not to torture cannot be ordered with respect to the right not to be tortured (for reasons argued above), but it also seems plausible, and for similar reasons, that the right to autonomy cannot be ordered with respect to the right to suffer. So although there may be some non-accidental inclusion relations among the various moral predicates, I am not optimistic about their exhibiting any interesting structure.

for minimal personhood—just with conjunctions in place of disjunctions. Secondly, it seems that there is no interesting sense in which maximal personhood can be said to ground moral standing. The ascription of each individual moral predicate, after all, cannot be grounded in moral personhood, for moral predicates may apply to non-persons. But given that many or perhaps all of the moral predicates may be ascribed in isolation, and that eligibility for each in isolation must be grounded in something other than personhood, what could an ethical theory gain from ascribing maximal personhood to some individuals *in addition* to ascribing to them eligibility for the application of every moral predicate? It is not as if, once an individual becomes eligible for all moral predicates at once, the eligibility suddenly becomes grounded in personhood rather than in whatever was its prior basis. And so, personhood, in such a theory, plays no significant role.

The only kind of ethical theory in which personhood could play a significant role, then, would be one incorporating both NP- and SP+. Such a theory would entail that persons are the only entities eligible for any sort of moral standing, and that all persons are eligible for all sorts of moral standing. And on such a theory, it could accurately be said that personhood grounds moral standing, insofar as there are some uniform conditions for personhood

As I have already shown, however, any such position would be susceptible to arguments from both exclusion and inclusion. Moreover, I submit that this susceptibility issues from a more deep-seated defectiveness in the idea that moral standing is grounded in personhood in any meaningful way.

To see what I am getting at, consider James Rachels' well-argued assertion:

There is no such thing as moral standing *simpliciter*. Rather, moral standing is always moral standing with respect to some particular mode of treatment.

A sentient being has moral standing with respect to not being tortured. A self-conscious being has moral standing with respect to not being humiliated. An autonomous being has moral standing with respect to not being coerced. And so on. If asked, toward whom is it appropriate to direct fundamental moral consideration? we could reply: It is appropriate to direct moral consideration toward any individual who has any of the indefinitely long list of characteristics that constitute morally good reasons why he or she should not be treated in any of the various ways in which individuals may be treated.⁸[2004, 170]

Rachels, I think, is obviously and refreshingly correct about the fact that to place undue emphasis in one's ethical theory on moral standing simpliciter is to miss out on the trees for the forest. I take much of the upshot of the preceding arguments to be that the application of individual moral predicates must be grounded in diverse criteria rather than a single set of necessary and sufficient conditions which would establish moral standing.

This view seems obviously incompatible with any view which seeks to meaningfully ground moral standing in personhood. For when SP+ and NP- are combined into a single theory, the concept of personhood acts like a moral bottleneck. On one side, we find a various (and probably convoluted) necessary and sufficient conditions, and on the other side, we find the entire collection of moral predicates, eligibility for the ascription of which is an all-or-nothing affair.

So the real problem with the grounding principle is that it funnels all of our heterogeneous varieties of ethical concern through the concept of personhood, confusing them and diluting them amongst one another.

But once personhood is removed from the picture, and our different sorts of moral intuitions are allowed to ground different sorts of moral standing, this convolution, confusion, and dilution of our ethical concern disappears. As Rachels proposes, eligibility for the ascription of each moral predicate—each aspect of moral standing—can be grounded in only those qualities which can rea-

⁸ Rachels here seems only to be interested in predicates used to ascribe moral concern for their subject, or to attribute rights. To bring his discussion completely in line with my own, we would also have to include those predicates used to ascribe duties, praise, and blame. I don't see how this would change anything about Rachels' points, however.

sonably be said to determine whether the individual in question is the right sort of entity to be ascribed that predicate. As Rachels suggests, the right not to suffer ought to be grounded in sentience, and the right not to be coerced should be grounded in autonomy. But also, individuals' eligibility for praise, blame and duties should be grounded in whatever capacities make them the right sort of creature to be assigned moral responsibilities.

Rather than blindly asserting that moral standing is grounded in personhood, and then arguing ourselves in circles about the nature of the latter, ethicists should be focused on articulating the various sorts of moral standing an individual might possess, and then identifying the particular characteristics which ground each such variety. The result will be a great deal more perspicuity in ethical theory, and a great deal less spilled ink in the service of pointless debates about who should count as a moral person. ●

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