Are all humans persons?

This handout follows the handout on ‘The characteristics associated with personhood’. You should read that handout first.

NOT ALL HUMANS ARE PERSONS

To be a human being is to belong to the species *Homo sapiens*, which we can specify in terms of having a particular genetic code. On this definition, a human being exists from the moment of conception.

By any of the characteristics of persons discussed in ‘The characteristics associated with personhood’, not all human beings are persons. Every characteristic involves having mental characteristics. But these are not present from conception. For instance, the most primitive form of consciousness that we know of is consciousness of sensation, pleasure and pain, called *sentience*. But as far as we know, this do not appear in the foetus until around the 20th week of pregnancy. So for 20 weeks, the foetus is human but not a person.

The capacity for consciousness is not something that every human being has even after this stage. Two examples: Some babies – called anencephalic – are born with much of their brain missing, including the part that supports consciousness. They may be capable of some reflex actions, such as breathing and responding to sound, but these are not thought to be conscious responses. Second, people can suffer terrible brain damage, e.g. as a result of an accident. Their body may perform regulatory functions (breathing, the heart beating, etc.) or it may need a life support machine. They may still show reflex responses, but again, there are medical reasons to think these aren’t accompanied by consciousness. Without any mental characteristics, they don’t qualify as persons. (Note that this is not a value judgment, but a judgment about the application of the term ‘person’.)

ALL HUMANS ARE PERSONS

There are several ways in which we may defend the view that all humans are persons.

Souls

First, it is a traditional religious doctrine that we acquire our souls at conception. If to be a person is simply to have a soul, then even anencephalic babies and people with brain death could still be persons if they have souls. However, they exhibit none of the characteristics of persons. If personhood depends on possession of a soul *only*, then the characteristics we have discussed are secondary to the definition of a person. We may not even be able to tell whether something is a person or not.
‘Individuals’

The New Oxford Dictionary of English definition of ‘person’ is ‘a human being regarded as an individual’. Do foetuses and brain-damaged adults count as individuals? Or do individuals need ‘individuality’, ‘personality’? Without a mind, it is hard to see how a human being will be a particular individual in this sense. A human being that displays only reflex actions does not display any personality. He or she is only an individual human being by being an individual human body, not by being a person.

Extending the term ‘person’

We can say that something is a person:

1. if it qualifies as a person according to the characteristics of personhood; or
2. if it has the potential to develop these characteristics under normal conditions; or
3. if it has qualified as a person under condition 1. in the past.

2. extends personhood to foetuses before they acquire sentience; 3. extends personhood to human beings with brain damage. However, those human beings, such as anencephalic infants, that do not have the potential to develop into persons under 1. are not persons at all.

This is a peculiar use of a concept. An acorn is not an oak tree, although it will become an oak tree under ‘normal’ conditions. And firewood is not an oak tree, although it was in the past. Why should we accept anything different for ‘person’?

The reason for extending personhood in this way are usually ethical, e.g. that we should accord potential and ex-persons with the same sorts of rights that we accord persons. However, it is perhaps better to make this argument separately, rather than extend the concept of a person. For example, we might argue that personhood is so important that the potential to be a person or the fact of having been a person gives a being the same rights as persons. This does not say that such creatures are, presently, persons.