

TOWARDS AN ALTERNATIVE APPROACH TO PERSONHOOD
IN THE END OF LIFE QUESTIONS¹

ABSTRACT. Within the Western bioethical framework, we make a distinction between two dominant interpretations of the meaning of moral personhood: the naturalist and the humanist one. While both interpretations of moral personhood claim to promote individual autonomy and rights, they end up with very different normative views on the practical and legal measures needed to realize these values in every day life. Particularly when we talk about the end of life issues it appears that in general the arguments *for* euthanasia are drawn from the naturalist interpretation of moral personhood while the arguments *against* euthanasia, for their part, are derived from the idealist and/or humanist understanding of the same concept. This article focuses on examining the metaphysical assumptions and internal contradiction found behind the opposing arguments presented by two prominent philosophers of these two traditions: Peter Singer and Ludger Honnefelder. The author claims that neither side of the debate succeeds in defending its normative position without reconsidering how to take the social aspects of moral personhood into account. The author holds that, despite our need to set individual's decision making into social context, the current communitarian narrative concept of personhood fails to offer a convincing alternative. Instead of merely trying to replace psychological and atomistic view of personhood with a collective understanding of an individual's moral identity, we need to discuss the normative relation between the concept of 'moral personhood' and the demand for respect of individual autonomy in Western bioethics within a wider philosophical perspective.²

KEY WORDS: personhood, bioethical framework, autonomy, euthanasia

INTRODUCTION

Despite the shared individualistic values in Western bioethics, there is still serious ethical disagreements on how these values are justified as well as on the practical measures needed to support these values. Particularly evident, these disagreements come in such end of life questions as the authority of advance directives, organ donations issues and the justification of physician-assisted suicide and euthanasia. The different sides of the issue appear to derive almost opposing normative conclusions from the concept of moral personhood which they both see as the source of the values of individual autonomy and rights.

In fact, at present within the Western bioethical framework we can distinguish two influential interpretations of the meaning of moral person-



hood. These are the naturalist and the humanist one. In the end of life issue, it can be noted that the liberal (and utilitarian) arguments *for* euthanasia (particularly if there is an advance directive available, but in some cases also when there is no such directive and the will of the patient is unknown) are often based on the naturalistic interpretation of moral personhood, while the arguments against euthanasia are based on the humanist argumentation. In the end of life issue, this distinction becomes particularly evident when we compare the often opposing ethical outlooks between the Anglo-American and German bioethicists.³

While this distinction and these normative positions cannot be generalized as presenting the overall views of these different countries or reflecting directly their cultures and legal traditions, in order to get to the heart of this problem in this context I shall focus on the works of two prominent bioethicists from both of these traditions and set the debate on the justification of euthanasia in the following theoretical framework.

My starting point is the Anglo-American liberal (and often also utilitarian) claim that even euthanasia can be considered as autonomy promoting measure, and the German counter-arguments which conceive euthanasia as a violation of individual autonomy. In order to discuss how these opposing conclusions can both be drawn for the different interpretations of moral personhood, I shall first focus on a debate on the justification of euthanasia fought between Peter Singer and Ludger Honnefelder. Honnefelder [13, 14] refutes Singer's [26, 27] arguments for euthanasia by claiming that Singer's naturalist interpretation of 'moral personhood' is metaphysically indefensible.⁴ In this article I want to show that while Honnefelder is correct in his claim that Singer's naturalist interpretation of moral personhood does not support the normative conclusions drawn from it, his own humanist view of moral personhood also fails to provide plausible counter-arguments against euthanasia. Quite the contrary, Honnefelder's own humanistic and metaphysically idealistic interpretation of moral personhood can actually be used to provide Singer with the philosophical support he needs to defend his normative conclusion; particularly in the cases in which an individual's consent is no longer available.

Second, after showing the inconsistencies that both the naturalist and humanist arguments have, I shall examine whether the recent, communitarian socially-contexted view of personhood could offer an alternative view of personhood; a view which could solve some of the philosophical problems discussed. My conclusion is that instead of seeing our 'moral personhood' as a narrative whose continuity is protected by the memory of our community as suggested by such communitarian bioeth-

icsts as Mark Kuczewski, we need metaphysically stronger concept of moral personhood. I claim that the problem with the communitarian view is that it merely repeats the same fallacies of the naturalist bioethics as the liberal individualism does and thus fails to help us to bring the opposing normative views any closer together after all. I argue that in order to find a normative solution both sides can agree on we cannot merely claim 'moral personhood' as a social construction, but we need to expand our perspective and pay more attention to the actual agents in making decisions in a social context instead of focusing merely on the theoretical construction of personhood.⁵

KILLING HUMANS AND SAVING PERSONS

In his defense of euthanasia, Peter Singer argues that we can justify both voluntary and non-voluntary euthanasia by appealing to the respect for individual autonomy.⁶ This respect for autonomy is based on the naturalist concept of 'moral personhood,' which makes a distinction between the terms 'person' and 'human being'. The concept of person is based on attributes or characteristics which are seen to have special moral value. 'A person' is a living being who is (or at least can be) aware of his own existence as an entity over a period of time and who can make autonomous choices for himself or herself.⁷ In other words, a person is a being who can recognize himself or herself as a moral agent.

This identity-based definition of 'person' results in a philosophical position that conceives that the concepts of 'person' and 'human being' cannot be used interchangeably.⁸ Instead, the concept of 'person' has a particular normative power and moral sense, while the concept of 'human being' is merely a descriptive reference to any biological member of the human species. Thus, when we talk about persons we refer to autonomous moral agents who have serious moral rights, such as the right to life, the right to avoid pain, and the right to decide on his or her life. According to this view there can exist also other non-human beings who are sentient, rational and self-conscious and should thus also be considered as persons in the moral sense (such beings could include, for instance, intelligent, alien life-forms, highly mentally developed animals like chimpanzees, whales, dolphins, and maybe even pigs and dogs). Vice versa, not all the genetic members of human species automatically fit in the normative category of persons and have rights. This would concern, for instance, the irreversibly comatose human 'vegetables,' the severely mentally disabled, the brain-dead, embryos, and even human infants.⁹

This distinction between the concepts 'person' and 'human being' is central to the naturalist normative argument. If 'humanity' rather than 'personhood' was taken to provide the normative standard, we would be stranded with a speciesism based on a tautology according to which 'the life of human beings has a special value merely because it is human life.' This tautology is a problem for the naturalists because, if we want to argue moral issues on a secular basis, that is, without appealing to any 'higher truths' (such as God's will or the inner purposes of nature), we have no plausible explanation for why human life is more valuable than any other form of life. Thus, in order to find an objective justification for 'individual human rights,' the naturalists had to create this conceptual (rather than metaphysical) distinction between empirical facts, that is, humans as biological beings, and values, that is 'persons' as the ideal moral agents.¹⁰

AUTONOMY AND PERSONHOOD

The relationship between autonomy, individual rights and moral personhood is central to the liberal defense of euthanasia, which is based on this distinction between persons and human beings. By making personhood a normative moral category, liberal naturalism derives individuals' rights from people's actual capacity to make autonomous decisions and choices for themselves. When individual human beings do not yet or no longer have this capacity to make autonomous decisions and/or cannot recognize themselves as continuous moral entities with particular identities, they are not to be considered as persons, and thus they no longer have any rights either.¹¹ In the case of abortion, for instance, embryos and fetuses, while clearly members of the human species in a *biological* sense, are not persons in a moral sense because they are not autonomous agents. Consequently, aborting them does not violate their rights, because as non-persons they have none.¹² On the other hand, the potential mothers who can make autonomous choices are persons and thus have a right to terminate their pregnancies if they so wish.

In the case of euthanasia, this distinction between persons and human beings then results in the following argument: first, those who can make choices for themselves are to be considered persons. As persons they have their say in the issues concerning their life and death. Voluntary euthanasia is therefore justified in the name of their personhood and autonomy. Second, those who no longer can give any consent, such as individuals who are in permanently vegetative states, comatose, or brain-dead, etc., are no longer persons. Consequently, killing them (or letting them die) does not violate anybody's autonomy or rights, because as non-persons they

have neither. Thus, non-voluntary euthanasia is justified in the name of non-personhood and the lack of autonomy. Third, if people have advance directives on their end of life treatment or living wills for organ donation, or if they have earlier (while still competent) requested euthanasia, these requests should be respected. We have a moral duty to follow the will of those who presently are unable to express their will but have done so earlier. This moral duty is derived from their 'earlier personhood' and their 'previous' autonomy as moral agents.

COMMUNITARIAN vs. HUMANIST INTERPRETATION OF PERSONHOOD

If we accept the fact-value distinction between human beings and persons, this naturalist argument in defense of both voluntary and non-voluntary euthanasia appears to respect autonomy and individual rights. However, those opposing this liberal argument for euthanasia claim that the naturalist argument can lead to the violation of both individual autonomy and individual rights in practice.

Here the arguments against euthanasia do not attack the values promoted by the liberals, but rather the premises on which their argument is based, that is, the naturalist interpretation of moral personhood. In order to find a way to promote the shared values of autonomy and individual rights properly in practice, the opposing side attempts to show that the naturalistic concept of 'person' is metaphysically unacceptable and thus, the conclusions drawn from it must also be invalid.

In this context I shall focus on one such attempt, namely that made by German bioethicist Ludger Honnefelder, who opposes particularly the liberal utilitarian arguments Singer has used to defend euthanasia. Honnefelder claims that if we equate personhood with an individual's actual, empirical awareness of his or her personal identity and moral agency, we reduce the moral value of individual human beings to particular, empirical human behavior (such as reasoning and/or communicating). Honnefelder argues that this reduction does not escape 'the naturalistic fallacy' and thus derives the values from the facts and 'ought' from 'is.' In other words, the naturalistic view, which inseparably ties together personhood with self-consciousness and the individual's actual capacity to make autonomous choices, merely replaces the tautology of speciesism with yet another one according to which an individual human being has moral value as a person whenever he or she is valued as a person.¹³

In addition, Honnefelder notes that the distinction between 'human being' and 'person' is based on a random choice of human characteristics.

If we set all the metaphysical connections aside, there really is no plausible explanation for why only particular human characteristics only are given inner moral values and used as the normative criteria for one's personhood and why others are not. When the moral value of personhood is based on a conceptual ideal of moral agency rather than on any metaphysical position, it is abstracted too far from the lives of actual human beings. Those in our empirical world who happen to meet the conceptual ideal of moral personhood at any given time are granted fundamental moral rights, and those who fail to meet these standards are denied all rights. In our social, political and legal practice this can be a serious threat to human equality and to the protection of both individual autonomy and human dignity.¹⁴

Honnefelder's arguments against the natural concept of personhood as such are neither novel nor surprising. The communitarian bioethicists such as Mark Kuczewski have raised similar critiques against the naturalist concept of personhood (to which we will return more in detail later on).¹⁵ However, it should be noted that what makes Honnefelder's argument different from the communitarian one in this context, is, first, that unlike the communitarians, Honnefelder attempts to refute rather than offer support to the liberal normative conclusions. Second, unlike the communitarians, he does not criticize liberal naturalism for being overly individualistic in its promotion of autonomy of the person in question. Quite the contrary, he argues that the naturalists fail to take the individualist respect for moral autonomy properly into account in their argumentation for euthanasia.¹⁶

Honnefelder's view towards moral personhood differs from the communitarian 'embedded self' in the following way: on the one hand, while the communitarians reject individualism in the naturalist liberalism by emphasizing the social context of personal decisions, Honnefelder conceives that the liberals are not taking requests for the promotion of individualism seriously enough. On the other hand, while the communitarians tend to agree with (or at least to come close to) the liberals on their normative views, Honnefelder comes up with almost an opposite conclusion.

WHY CAN WE NOT KILL PERSONS TOO?

Honnefelder wants to redefine the concept of moral personhood within metaphysically very different humanistic interpretation of individualist ethics. Honnefelder replaces the subjectivist and empiricist view of naturalist psychological personhood, that is the existence of a person as 'I,' into

an idealistic one that, according to his argument, takes the idea of human moral agency more earnestly into account.

Honnefelder's concept of moral personhood moves then from the first person account of 'I' toward an account of 'personhood' which sees the existence of a particular, identifiable human being who, as such, has at least a potential capacity for moral agency. Honnefelder's approach has clearly (Aristotelian) teleological elements in it (such as the idea of human potential). Honnefelder himself, however, relies rather on the Kantian interpretation of human moral agency as an end in itself. Thus, Honnefelder instead derives the moral value of personhood from the attributes given to the metaphysical ideal (or rather Platonic idea) of moral agency. This means that human beings have intrinsic value because of their potential capacity to be moral agents, not because their community has once seen them as such agents.¹⁷

Honnefelder's neo-Kantian turn allows him to use the concept of 'moral personhood' (or rather 'moral personality' as he puts it) as a normative criterion without abandoning the intrinsic value of 'humanity.' The human species as a whole has the capacity (or potential) to realize the attributes of moral agency. The intrinsic value of humanity is then in the moral capacities of the human species as a whole. But because these capacities can only be actualized in the lives of individual human beings, every human being should always be considered as a morally valuable person throughout his or her entire life, whether or not he or she happen to be unconscious, asleep, in a coma, or permanently in a vegetative state.¹⁸

Honnefelder argues that the naturalist distinction between 'person' and 'human being' is based on a Cartesian dualism that separates the mind and the matter, and which overemphasizes the existence of the subjective, thinking 'I'. Honnefelder rejects Cartesian subjectivism and dualism, according to which a person exists in a moral sense only as long as 'I' exists empirically. Instead he wants to reconstruct the concept of moral personhood in a manner in which the identity of a person does not follow directly from the identity of a subjective 'I' who recognizes itself. Neither does it directly follow from the social recognition of the identity of a particular individual. Instead, it is drawn from the value of human capacity for 'moral agency.'

In order to avoid metaphysical dualism of naturalism, Honnefelder notes that we should keep in mind that one's consciousness and memory are not always the most reliable sources of one's identity as a person. Sometimes other people can tell us more about ourselves – as in cases of our early childhood, loss of memory as a result of illness, accident or intoxication – and thus add to our identity some aspects that we were

not aware of ourselves. The identifiable person within us is then identical with individual human personality, with not only our recognizing ourselves as moral agents but with others recognizing this agency. In terms of the Kantian categorical imperative, every human being should be recognized as an end in itself. While our moral value is in our moral agency, our human individuality is what realizes this agency and as such is immediately grounded on the continuity of our existence, of our actual being, as humans with capacities for moral agency even when we may not be able to use them ourselves.¹⁹

The goal of Honnefelder's humanist criticism is to show that because our moral personhood is metaphysically a much more complex phenomenon than what the liberal distinction between 'person' and 'human being' allows, we should give intrinsic value to every human life, no matter what kind of life it is. Since even human beings who are comatose or in persistent vegetative states are still persons in the wider moral sense, they also have intrinsic value. Consequently, killing them would deny this value away and treat them as means to or objects for utilitarian purposes (organ supply for human spare parts, saving and/or reallocating the resources, etc.) rather than respect them as ends in themselves. Thus, euthanasia, and particularly non-voluntary euthanasia, cannot be justified.

Honnefelder's final conclusion is, however, more vague with voluntary euthanasia and with advance directives. In general, it appears that he fears that the legitimization of voluntary euthanasia may lead to social pressure which makes persons feel they have a duty to die (in order to avoid becoming a burden upon their families or society as a whole).²⁰ In other words, it might be difficult to detect whether the decision made is really an autonomous choice or whether it is a result of social pressure.

While philosophical views presented within a particular cultural and political order cannot directly explain the legal measures taken there, it might be of interest to mention here, that, for instance, the German legislation does not consider suicide or assisting in suicide illegal but rejects euthanasia, that is, killing on request, in all its forms. It would appear then that the respect for autonomy is really understood differently in social and political practice also and not merely in the theoretical speculation on the issue. This is an important difference, particularly when we discuss the fine line between euthanasia and assisted suicide – and especially their relation to the promotion of individual autonomy.

The German view then conceives that, as long as you are the one who is in the end acting according to your own decision, it is your moral autonomy that is to be respected. As soon as there is any outside interference (even

if you have requested it yourself), you are not the one who makes the final moral decisions but the others are (whether doctors, friends or family members). When you request euthanasia, you are not an autonomous agent yourself but rather you hand over your autonomy to others, and there is always a danger that when this happens the others misuse this power.²¹

AUTONOMY, RIGHTS AND MORAL IDENTITY

I have shown that both the naturalist defense for euthanasia and its humanist refutation are based on the promotion of individual rights and autonomy. However, these opposing sides of the issue disagree profoundly in their interpretation of the concept of 'moral personhood.' The question that arises next is, which view of personhood is philosophically more plausible.

I shall claim that neither interpretation of 'moral personhood' supports exactly the conclusions drawn from it. While Honnefelder is right in his claim that Singer's naturalist interpretation of moral personhood fails to philosophically back up the liberal defense of euthanasia, particularly in the cases when we have to decide on the fate of those who no longer can consent, his own humanist interpretation of personhood does not give philosophical grounds for plausible counter arguments to Singer's conclusions. Quite the contrary, Honnefelder actually provides the meta-physical support Singer needs to make his normative view philosophically plausible.

First, let us return to Singer's defense of euthanasia. On the one hand, Singer justified *non-voluntary* euthanasia by claiming that a human being who can no longer make autonomous choices is no longer a person, and thus killing him or her violates nobody's rights. On the other hand, Singer insisted that in a case in which an individual who cannot presently give consent but has earlier requested euthanasia should get his or her wish.

It is evident that the respect for autonomy used in defense of euthanasia is interpreted here in both cases in two different and rather inconsistent ways. In the first case euthanasia is justified as non-voluntary by appealing for the lack of autonomy of the non-persons, while in the second case it is justified as voluntary by appealing to the earlier autonomy of the person. In summary, according to the naturalist view, it appears that killing or letting those die who no longer can give consent can be justified either as voluntary or as non-voluntary. This, however, means that individuals who no longer can express their will are in the first case considered as non-persons with no 'right to life' and in the second case they are considered as persons with the 'right to die.'

This is where Singer's naturalist, first-person view of 'moral personhood' fails. If we take the naturalist premises seriously, we cannot appeal to moral personhood in any of the cases in which the 'I' is gone and the personhood is lost. There cannot be requirements to respect the choices made by individuals in their earlier lives as persons, because after their personhood is gone there is no connection between the 'I' who made the choices and the unconscious body lying in the hospital bed. Thus, if I sign, for instance, 'a living will' or request for euthanasia now, these conscious choices made by me as a person have nothing to do with the fate of the non-person who may later on merely continue my bodily existence.²²

The non-person in the body which was earlier a particular person (a particular 'I') has now rights neither to live nor to die. We do not even have to agree with the fully reductionist view of personhood presented by Derek Parfit [22], according to which we are different persons in different times of our lives and thus cannot decide anything for the future. According to this naturalist approach, me as a person ceases to exist the very moment "I" lose my capacity to recognize myself as a moral agent and to make autonomous decisions; that is, when the psychological personhood is disconnected. The following question arises in the case of those who can no longer consent: whose autonomy are we actually promoting since they are no longer persons and thus have no autonomy.²³

In general the naturalist view tends to equate the discontinuity of psychological personhood to the discontinuity of 'moral personhood.' This merely repeats the natural fallacy and means that the normative distinction between 'person' and 'human being' is based on quantitative rather than qualitative characteristics of humanity. For the justification of euthanasia this means that when we discuss the treatment of those who cannot give their consent, in the end we can never plausibly defend euthanasia as an autonomy promoting measure. Instead we can merely claim (or agree) that some human beings in particular circumstances have less value than others and therefore killing them is not immoral. This argument, naturally, is (and probably should be) a lot harder to swallow than the one that appeals to respect for autonomy.

It is just this naturalist fallacy that makes the slope of the liberal (and liberal utilitarian) argument for euthanasia so slippery. On the one hand, the wishes of those individuals who have remembered to request euthanasia in time have to be respected in the name of their moral personhood, while those who may have forgotten or did not want to make any such request can also justifiably be killed, because of their lack of moral personhood.²⁴ We can then cleverly get rid of all of those human beings who are no longer useful members of our societies. And all this is claimed

to be done in the name of autonomy and individual rights, while, in fact, we are merely appealing to a verbal distinction we have made between the terms 'person' and 'human being.'²⁵

COMMUNITARIAN 'NARRATIVE SELF' AND SOCIAL RESPECT

Philosophically, it appears then that the traditional, naturalist interpretation of moral personhood is burdened with its in-built rationalist Platonic and Cartesian dualism. While naturalism attempts to use a scientific and empiricist method of moral explanation which derives its values from nature, it still appears to base the final justification of these values on a Platonic form of humanity (rather than on 'human beingness'), which is the Mind or Pure Reason. For naturalists, individual human beings are then merely imperfect copies of the ideal form, and the further away they get from the ideal form of Mind or Reason, the less human they become and the less value they have.

However, if we now return to Honnefelder's view, which emphasized the continuity of our personhood even after self-consciousness is lost and the ability to make choices is gone, we note that it actually provides the liberal position with an interpretation of personhood which supports the justification of voluntary euthanasia in those cases when an individual can no longer give his or her consent but did so earlier. If our personhood can be seen to continue after the 'I' is gone, the choices we have made earlier are still ours and our moral autonomy is to be respected. Nevertheless, while Honnefelder's humanistic concept of personhood supports the liberal conclusion on this part, it also has its problems. The emphasis on human potential appears in particular to involve teleological and even theological connections which tend to take away the plausibility from Honnefelder's own argument against euthanasia. Even if Honnefelder attempts to set the actualization of human potential in empirical circumstances as the goal of our moral reasoning, his own view remains too ambiguous in its integration of Kantian humanism and idealism and Aristotelian empiricist teleology, and thus fails to provide us with a plausible philosophical explanation of why it is the human potential that has intrinsic value.

Both naturalist and idealist/humanist interpretations of moral personhood appear to run into serious philosophical dilemmas in their attempts to find a way to promote such values as autonomy and individual rights in connection with the end of human life. In fact these problems they face suggest in order to bring these two normative views closer together and provides more plausible solutions to the questions of euthanasia as well as

other end of life questions, is to combine their argumentation. It is evident that in order to respect autonomy in situations in which an individual no longer can participate in the decision-making we need a much richer concept of 'moral personhood' than what Singer's and other naturalists' psychological personhood provides. Instead, we have to look for an interpretation of moral personhood which, on the one hand, takes into account the social context moral decisions are made in, and on the other hand, the intrinsic value of individual human beings as members of a species capable of moral reasoning. Despite Honnefelder's failure to support his own normative view, I believe, the metaphysical and ethical basis for such an interpretation might well be found from within the humanist tradition.²⁶

This humanist interpretation differs from the social construction of personhood suggested by communitarian bioethicists Mark Kuczewski.²⁷ In this context, the communitarian reconstruction of moral personhood merely makes a methodological shift from atomistic individualism towards more collectivist view of the theoretical structure of an individuals' moral personhood without leaving naturalist framework as such. The communitarian view conceives moral personhood as a 'narrative.' The communitarians then claim that individuals are not 'I's who are moral agents only as long as they are there to value themselves as such agents. Instead, the value and the will of an individual human being continues to be recognized by others (particularly, but not only, by those who knew them during the active part of their lives) after the self-conscious 'I' no longer exists. This socially constructed view of personhood sees 'moral personhood' as an individual's continuous, personal identity rather than as something we either have or have not in any given moment of our lives. This view of 'narrative personhood' has been used, for instance, to support the authority of advance directives and living wills. After all, it promises continuity to one's identifiable moral agency even after an individual is no longer self-conscious – and even after he or she is already dead.²⁸

While it attempts to avoid the problems of continuity of personhood that the psychological naturalist view runs into, there are other problems involved in this social reconstruction of the concept of moral personhood: first, it appears to reject the moral status of those who may never have been conscious moral and social agents during their lives and have not developed any recognizable identity and moral character (such as the mentally ill and severely retarded, or individuals who have been in any other way seriously ill or injured since their birth). Second, there is uncertainty on the moral status of those with whom we have no social contacts (such as for instance some homeless, poor and other socially isolated people).

Some of these criticisms could be refuted, if the communitarians more clearly noted that social construction of a personhood is not directly prescriptive, i.e. it does not necessarily ask us to change our normative framework from individualism to collectivism; its purpose is not to give a society the final say on the fate of its individual members, but merely to recognize their role in defining, accepting and maintaining our moral individuality. Even if they are now getting support to their normative views, individualists just tend to misunderstand that the idea of socially constructed personhood replaces the first-person account of personhood only methodologically not normatively. In other words, communitarians are not necessarily saying that of 'I' deciding for myself 'they' are deciding for the person 'I' was, but that 'I's decisions continue to make sense among them even after 'I's psychological and physiological existence ceases.

Thus, the normative views of those communitarian bioethicists who come from within the Western tradition are both rather liberal and individualist. This should not be a surprise, because, after all, in order to be true to their own methodological premises of 'embedded selves' and our social adoption of values, the Western communitarians themselves, are (and have to be) tied to the promotion of individualist rather than collectivist values. However, when we talk about bioethics in a global context communitarian views which are originated in more collectivist cultures would back up quite different normative views (again following the same logic).²⁹

SURVIVING INTERESTS AND SURVIVORS' INTERESTS

As long as we stay within the Western bioethical framework, even the communitarian social reconstruction of the concept of personhood attempts to find a more convincing way to promote individual autonomy in medical context. The communitarian view to personhood, despite its social setting, derives its individualist values from within naturalist framework: and since naturalism attempts to save an individual empirically rather than metaphysically (continuous and identifiable, autonomous moral agent), communitarians are also faced with the same naturalistic fallacy that tackled the atomistic individualists. Whereas the individualists give one's personhood moral value as long as 'I' was there to identify himself or herself as valuable and autonomous moral agent, the communitarians see an individual's personhood valuable as long as his or her community is there to identify him as valuable moral agent; that is, as long as he or she is remembered by her community. This means that from the communitarian point of view, one's personal identity continues its existence in rather naturalist terms: one's personal identity exists in the minds of others

(other reasonable and rational human beings). The communitarian view to continuance of individual's personal identity is then metaphysically not much stronger than the naturalist one. After all, when the memory of friends and relatives or the collective memory of community is lost, individuals' 'surviving' identity and 'moral personhood' connected to it is also lost.

Since the communitarians do not seem to be able to overcome the problem of the naturalist fallacy, Honnefelder's humanist attempt to reconstruct the concept of 'moral personhood' gives a philosophically interesting, new dimension to the debate. It involves a wider explication of metaphysical assumptions behind the value of moral personhood in a manner that the Anglo-American bioethical debates (which tend to be fought within the framework of naturalism) easily ignore. Even if Honnefelder appears to share some Aristotelian connections with the Anglo-American communitarians, his approach to personhood has its deeper metaphysical roots in teleological reasoning. The communitarian claim that the authority of advance directives and the idea of 'surviving interests' is continuing merely in the mind of the other collective members or in the 'collective memory' of the society would be indefensible position for Honnefelder.³⁰ Giving a community such a control over individuals' fate cannot be but dangerous. After all, what happens if the community has no memory or has particularly unpleasant and hostile memories of someone.

This also can help clarify the German view of the distinction between the euthanasia and assisted suicide. I am truly an autonomous agent only – not merely as long as I can decide for myself – as I personally can act according my decisions. If I kill myself, that is my autonomous decision executed by my own actions. When I am unable (physically and/or mentally incapable) to do something, we no longer can talk about my autonomous choice. It might be my wish, but it is 'the others' who can autonomously decide whether they want to or do not want to follow my wishes.

When we take a look at the naturalist approach to autonomy in the end of life questions (whether we talk about Singer's atomist or Kuczewski's communitarian view), it is evident that the concept of moral personhood is used mechanically as a means towards an objective measurement of one's moral values. This objectivistic perspective intrinsic in naturalism (naturalist rationalism as scientific explanation) looks for an easy way out and distances us from the complexity of actual situations.

It appears to claim that if we can find 'objective' enough definition to moral personhood, we can then categorize people as persons and non-

persons and make our decisions based on the categories, rather than on our independent and critical moral judgment. Particularly in the more Anglo-American pragmatic bioethical tradition, the concept of 'moral personhood' is used to give us the 'objective' standard for our ethical decisions.

Humanist approach with its innate teleological holism, however, is a shift in perspective which encourages us to acknowledge that no matter which way we look at the situation (in many if not most cases) in which an individual has permanently lost his or her consciousness, the final decision (whether their wishes are respected) is in the end always ours to make. According to teleological holism, matter and form exist together: humanity is realized only in the lives of individual moral agents, and moral agency, for its part, is realized in a social context in all our moral decisions. Our moral value does not diminish depending on what kind of life we might be living in any given situation, but in situations in which we are not in control, 'the others' must take even more responsibility as 'the surviving' moral agents themselves.³¹

Thus, the talk about 'surviving interests' means always interests of those who are surviving. The metaphysical status of these interests is not that of the Platonic forms, but they are merely the choices we make for ourselves and others. We may and may not follow the requests of those no longer making the decisions with us. If we decide to follow their wishes, in one way or another, this is in our own interests (interests of the relatives, community, following one's own principles or acting on one's own beliefs). Thus, the only real moral agents who matter in the end are the truly surviving ones.³²

HUMANIST AGENT-BASED INTERPRETATION OF MORAL PERSONHOOD

The normative implications of the humanist idea of moral personhood set in a social context are the following: the only way to really respect individual autonomy is to acknowledge everyone's status as moral agent as well as our own responsibility to this agency in all decision-making. This means a change in our ethical perspective: we need to move on from the abstract methodological and mechanical standard of 'personhood' into valuing human moral agency in practice. Admittedly, we can again end up with a tautology: human beings have whatever value we give to humanity. But recognizing the fact that the decision is always ours as autonomous and active moral agents, the authority of advance directives, living will and other expression of one's wishes can help us to make the

right choices in various, different situations. The only way to take individual's moral autonomy into account in the end of life questions, is to respect the decisions people have made for themselves while still capable of doing so. Why? Not, because there is an objective, measurable standards of personhood, but because it makes our own moral reasoning at least a little bit easier. Since it is often 'the others' who in the end decide whether my wishes will be respected. If my wishes are not known, it is 'the others' who are left with the difficult choices what to do to/with/for the body that once was me and they have to consider carefully all sides of the issue and discuss the interests of different parties who now are involved in or affected by the final decision. They also have consider over again what really are the values they are prepared to promote in a society as a whole.

The indirect normative implications, however, appear to be that if we (as individuals and societies) agree to respect individual autonomy in the end of life questions, voluntary euthanasia can be justified as an autonomy respecting measure in many cases. Non-voluntary euthanasia, however, can never be accepted as a general practice by appealing to any objective set of standards that can be given us by conceptually defining the true meaning of 'moral personhood' (or lack of it). Instead, our moral personhood is reflected in decisions we make on behalf of ourselves and each other in any given situation. Because we, the moral agents, and the community as a whole, have the final power over the fate of its individual members, the decisions on the end of life questions must always be the results of careful considerations. They cannot be adopted as a 'normal,' automatic or standard procedure.

CONCLUSION

The naturalist and rationalist interpretation of moral personhood is too technical and metaphysically narrow to give us means to decide how to handle the end of life questions. Thus, we need to set moral personhood (rather than identifiable moral persons, ex-persons and/or non-persons categorized as such) in a social context. However, this social construction of personhood is not meant to merely provide us with a new, improved standard of evaluation which helps us count the human value of our fellow beings. Instead, it emphasizes the value each and every one of us has as an individual; individual who simultaneously is a constructive part of the society and its values as a whole. Our moral agency has thus more important value than just our capacity to make decisions on our own fate.

This value of moral agency or moral personhood cannot be taken away when our capacities to make decisions for ourselves are lost. It lives on

in the decisions others have to make on our behalf; as shared humanity and respect for human dignity. We are never making choices merely for ourselves or by ourselves. We are making choices for others as well, and these choices we make for others also have implications on our own fate (as well as the fate of our off-spring) in the long run. And *vica versa*, others' views always affect our decisions, wishes and their implementation.

There are no standard answers (save 'humans,' kill 'non-humans'; protect a person's autonomy, disregard non-person's interests) to the end of life ethical questions, but each case needs special consideration. Thus, the relation between description of moral personhood and the normative requirement for the respect of individual autonomy needs an alternative understanding, which does not directly help us to find any standard justification for, for instance, what to do in general in the case of euthanasia. Instead, its purpose is to point out that if we are to respect autonomy, we have to focus more clearly on the moral agency of all those involved in the end of life decisions, not just the patient but also medical professionals, family, friends and sometimes even total strangers.

NOTES

¹ This article is based on my paper at the 20th World Congress of Philosophy in Boston, August 1998 entitled 'Why Can't We Kill Persons Too?' I am grateful to Professor Tristram Engelhardt for chairing the session and evoking an interesting discussion on the issue. I thank my colleagues from USF, Professor Peter French, Peggy DesAutels and William O. Stephens for their comments on the earlier versions of this paper.

² Practical examples of these disagreements are many: while in many of the European, as well as the Northern American countries, people assent that 'brain-death' as a criteria for death, respects individual rights of autonomy and human dignity, the German-speaking part of Europe is still somewhat skeptical about the plausibility of this ethical outlook. The same problems come up with questions involved in the justification of abortion and euthanasia. German legislation, for instance, gives an embryo full human rights, whereas the other European countries as well as the Northern American countries, do not usually see a human embryo as a right-bearer. Instead, the emphasis is given to the rights of the parents and other 'already' autonomous sides involved in the issue. See Bayertz, 1996: xi–xix; Bockenheimer-Lucius, 1996; Bondolfi, 1995; Honnefelder, 1997; Leist, 1993: 271–279; Schone-Seifert, Sass, Bishop and Bondolfi, 1995; Ricken, 1997; Rossler, 1996; Wachter, 1977.

³ See, for instance, Honnefelder, 1996a, 1996b; Ricken, 1997; Wald, 1996.

⁴ The main issue in this context is the justification of euthanasia, while the normative conclusion also have impact on such other related issues as the authority of advance directives, organ donations and physician assisted-suicide.

⁵ See for instance, Kuczewski, 1994: 27–48, 1997: 124–162; Emanuel, 1991; Emanuel and Emanuel, 1990.

⁶ By voluntary euthanasia Singer means euthanasia based on an individual's – earlier or present – consent or request, that is, the cases in which they would want to die but in

general are unable to kill themselves. By non-voluntary euthanasia he refers to euthanasia which is done without an individuals' prior or present consent, that is, the cases in which a human individual is not capable of understanding the choice between life and death and can no longer consent. This mainly concerns the cases in which the will of the patient is unknown. See Singer, 1993a: 178–181.

⁷ This is close to the Oxford English Dictionary definition of the word 'person' as 'self-conscious or rational being'; see Singer, 1993a: 85, 195–217, 1993b: 295–300, 1994: 159–183, 187–222. Other properties of personhood are the ability to reason and communicate with the rest of the world, the ability to feel pleasure and pain as well as the sense of future. For instance, see the different formulation of this view in Feinberg and Baum, 1993: 198–204; Fletcher, 1971: 1–4; idem, 1974: 4–7, Parfit, 1987: 199–209; Tooley, 1972: 37–65; idem, 1985.

⁸ The link between personhood and identity has impeccable philosophical ancestry already in John Locke's empiricism, which defined a person as "a thinking intelligent being that has reason and reflection and can consider itself as itself, the same thinking thing, in different times and places." See Locke, *An Essay Concerning Human Understanding*, book II, ch. 29, par. 9.

⁹ Singer, 1993a: 175–217; idem, 1993b: 295–300; idem, 1994: 159–183, 187–222; also Tooley, 1972: 37–65; idem, 1985.

¹⁰ In order to better understand the problem in the fact-value distinction here, we have to briefly return to the philosophical ancestries of this approach. These are found already in Hobbesian methodological individualism and Lockean empiristic proto-liberalism. Both of these individualistic philosophical approaches presented an attempt to leave behind the earlier Aristotelian teleology and Christian theological connections and replace them with a secular, scientific account to morality. See, for instance, Alasdair MacIntyre's *After Virtue* (1983). This attempt to supersede metaphysics with scientific method even today leaves promoters of the naturalistic view with serious problems in the fact-value distinction. Without any metaphysical connections to 'higher truths' (such as the will of God or the inner purpose of nature), there is no longer any 'objective' normative criteria that could be used to justify the promotion of human dignity, autonomy and individual rights. Also, this is in general related to the wider criticism of naturalism as presented also by G.E. Moore in his *Principia Ethica* (1903).

¹¹ The proponents of this naturalist view, such as Peter Singer, do not explicitly deny that we may still have duties towards the non-persons, but they follow the Lockean line of reasoning in their claim that only persons have any recognizable moral rights.

¹² The most radical proponents of this view, such as Michael Tooley, has argued that when this concept of personhood is used as validating our actions, we really cannot prove a moral distinction between abortion and infanticide, and thus both of them must be morally acceptable. See Tooley, 1972: 37–65; Singer, 1993.

¹³ Individual can then exist as persons only when they can identify themselves as persons, that is, when they are conscious. To face these problems we do not even have to go to such controversial issues as the moral status of embryos or human beings in persistent vegetative states. Instead, it seems that we face problems with individuals moral status every time they lose consciousness. If argument goes that P1 'personhood' gives moral value to the life of an individual human being providing him or her with particular moral rights; P2 this personhood is based on one's self-conscious identity. Conclusion: The value of individual life diminishes the moment one loses memory or awareness is lost, for instance, while sleeping, heavily intoxicated or unconscious during passing illness.

¹⁴ Honnefelder also points out that this view ignores the fact that the most fundamental 'human behavior' is staying alive, without life there are no capacity to be a person. Living is then the presumption of any other more highly valued behavior and not vice versa. See Honnefelder, 1996a: 139–160.

¹⁵ The same type of debate has been going on the authority of advance directive. In this debate, the authority of advance directives is challenged by undermining the naturalist, Parfitian notion of disconnected personal identity by John Robertson and Rebecca Dresser, while their authority is defended by communitarian 'narrative personhood' by Mark Kuczewski. See Dresser, 1889, 277–302; 1990: 155–170; Robertson, 1991: 6–9; Kuczewski, 1994: 27–48, 1997: 125–137.

¹⁶ See for instance Kuczewski, 1994: 27–48, 1997: 124–162.

¹⁷ See for instance Kuczewski, 1994: 27–48, 1997: 124–162.

¹⁸ Honnefelder, 1996a: 140–160, 1996b: 1–5.

¹⁹ This view considers every individual per accidens, every human being as an actualization of the metaphysical idea of a person as a moral agent. Honnefelder, 1996a: 139–159; also Ricken, 1997: 5–16; Wald, 1996: 79–89; deWachter, 1997: 19. This seems to suggest that even after our deaths our 'moral personhood' remains in the deeds we did and also in our personality and character as in other's memories; in what kind of persons we were.' However, despite his criticism of Cartesian dualism in naturalist argumentation, Honnefelder moves from Aristotelian teleology to the Kantian metaphysics making himself every human being as a member of two worlds: the metaphysical *noumenal* world and the empirical *phenomenal* world. Ibid., 140–158.

²⁰ On the duty to die, see also Battin, 1994: 41–49, 58–63.

²¹ On the German attitudes towards euthanasia and assisted suicide, see Battin, 1994: 254–270.

²² Medical personnel therefore have moral obligations to respect any wishes that 'I' as a person might have made earlier. This is interesting because Singer explicitly emphasizes the importance of the respect for one's autonomy in this context by noting that, if we can be sure that our advance directives or living wills are executed, many people who are afraid of a long and painful death could live their lives more happily. Singer, 1993: 192, 199.

²³ On the discontinuity of psychological personhood and the authority of advance directives see also Buchanan and Brock, 1990: 152–189.

²⁴ It could, for instance, be tempting to save resources and let elderly people who have lost their memory or consciousness (maybe even just temporarily) die – even if they could sometimes be rehabilitated with the proper care. For instance, individuals who are suffering from Alzheimer's disease or dementia would not have to be considered as 'morally valuable' persons, and they could be 'terminated' anytime they lose their memory and/or could not identify themselves.

²⁵ The discontinuity of personhood would not matter here, if we were ready to accept the fact that the issues of euthanasia could be discussed in the same way as property rights (right to own one's body). If we conceive that deciding on the end of our life is no different from deciding on the disposal or redistribution of our physical body, advance directives on our death and use of our bodily material could be equated with the wills we make on our other material property. Using property rights in the issues of life and death is, however, problematic, as the latest debates on genetic research (particularly in the case of embryos) and organ transplantation questions (high demand on organs as 'spare parts') have already proved. The danger is that, euthanasia would then become a mere means to other materialist and utilitarian ends such as efficient redistribution of the health care resources and/or human body parts.

²⁶ I do not want to discuss in this context whether or not these traditionally individualistic values are always the only best values for bioethics.

²⁷ Kuczewski, 1994: 27–48, 1997: 125–137.

²⁸ Empirical evidence from our everyday life supports this social view of personhood: when we, for instance, discuss infants, it is clear that they are not yet self-conscious agents, and even small children are clearly not autonomous and rational decision-makers, and thus not ‘moral persons’ in the naturalist sense. However, their parents and people around them definitely see them as identifiable personalities, as persons with particular, unique moral identity. Moral personhood and autonomy is a life time process: we are sometimes less and sometimes more autonomous moral persons, but we are still moral persons even when our choices are limited or we lack the capacity to express them.

²⁹ See for instance Hoshino (e.) 1997 and *Journal of Medicine and Philosophy*. ‘Critical Care Ethics in Asia: Global or Local?’ 23(6), December 1998.

³⁰ Buchanan and Brock, 1989: 152–189; Dresser, 1990: 155–170; Dworkin, 1993: 273; Kuczewski, 1994: 27–48, 1997: 125–137.

³¹ Of course an objection can be made here by saying that this makes the moral value of individual human beings random, since people tend to give different values to each other in different social contexts. This claim, however, is a return to the ‘naturalist fallacy’: people are to be given the value they are given. We, however, can formulate the argument the other way around: while there may not be any ultimate and objective moral values (that is, the ‘metaphysical’ nature of values, or the final truth), we can still say that, at least in the West, we have chosen (as individuals and as societies) to respect autonomy and individual rights. In order to do this, we *should* value each other as morally valuable persons throughout our lives.

³² Buchanan and Brock, 1989: 162–169, use an example that it can be ‘my surviving interest’ to see my grandchildren getting good education even after I have, for instance, lost the continuity of my psychological personhood as a result, for instance, of Alzheimer’s disease. I claim here that these ‘surviving interests’ are no longer mine (since ‘I’ do not exist), but they are always interests of others. Same with advance directives, whether or not it is given the authority I hope it will be given usually depends on the interests of others involved and the interests of the society as a whole.

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