# Personhood: Crash Course Philosophy

I bet you think you know a person when you see one. For example, I am a person, right? But was I always a person? Was Johann Strauss a person? Or Freddie Mercury? Are they still people? What about a nine-month-old baby? What about a fetus? Or Chewbacca? Or C3PO?

To philosophers, ‘personhood’ is a technical term. ‘Person’ doesn’t equal ‘human.’ “Human” is a biological term – you’re human if you have human DNA. That’s it. But ‘person’ is a moral term.

For a philosopher, persons are beings who are part of our moral community. They deserve moral consideration. This distinction is really useful, but it kind of complicates things. Because there might be non-humans that we think deserve moral consideration. And there might be some humans who don’t. But the determination of who’s a person and who’s not, is tricky. And the slipperiness of what constitutes a person is at the core of almost every major social debate issue you can think of. Abortion. The death penalty. Euthanasia. Whether your passion is human rights or robots, science or sociology, you have to get to the bottom of personhood.

[Theme Music]

We’re going to do something a little different today and head straight into the Thought Bubble. Because I think there’s some Flash Philosophy that’ll help us a lot when we start thinking about what constitutes a person.

Is Superman a person? I mean, if you encountered Superman on another planet, the question wouldn’t even cross your mind. The way he acts and talks certainly indicates that he’s a person. But Supes definitely isn’t human – he’s Kryptonian. He lacks human DNA and is affected by the sun and by kryptonite in a way that humans are not. So, calling him a human is incorrect. But most of us would disagree with anyone who wanted to deny him personhood. Superman’s non-humanity is one of the reasons Lex Luthor hates him. And part of why we hate Lex Luthor. Just because Superman happens to be from another planet doesn’t make him different in any moral way, just like skin color doesn’t make a moral difference among humans.

For the people who really know him – Lois and Jimmy and Ma and Pa Kent – there’s no question that Superman is a person. In fact, if anything, Superman might be more of a person than Luthor is. Because Luthor is fueled by hatred and prejudice and a lust for power. He’s less deserving of moral consideration than Superman. So, if Superman is more of a person than Lex, then humanity definitely isn’t what makes someone a person. So, yeah.

Is Thought Bubble a person? Bye-bye, Thought Bubble! Now, there are plenty of candidates for non-human persons. Aliens like Superman, as well as artificial intelligences like WALL-E, or Samantha from the movie Her. Many people think some non-human animals are persons too – great apes like Koko are a good example. But is it possible to be human, yet not a person? Some people believe that fetuses, though clearly human, are not yet persons. Others think that bodies in persistent vegetative states,

or that have experienced a complete and irreversible loss of brain function, are no longer persons, either. Still others argue that a human can surrender his or her personhood through grossly inhumane actions, like rape or murder.

Many careful thinkers disagree about what personhood really is – where it starts and stops – which explains why we disagree about abortion, and euthanasia, and capital punishment. And I’m sure no one in the comments will be shouting their opinions on the matter at all. But it seems to come down to this question What must one possess to be part of our moral community, to be deserving of our moral consideration?

A contemporary American legal scholar named John Noonan gives us one option – he calls it the genetic criterion. This view says you are a person if you have human DNA, and you are not a person if you don’t.

The virtue of this view is its simplicity. But its implications are so problematic that most philosophers dismiss it.

If all you need to be a person is human DNA, then like my mouth cells are persons. And so are corpses.

None of our favorite androids – or aliens, like Superman – meet the genetic criterion, even though they seem more like persons than, like, you know some of my cells.

Consciousness, reasoning, self-motivated activity, capacity to communicate, and self-awareness. These five factors are known as the cognitive criteria for personhood. Warren argues that some humans just aren’t persons, either not yet, or not anymore. In her view, if a being is incapable of communicating,

isn’t aware of itself as a self, can’t think, or move around on its own, or isn’t conscious, then she says that’s not a being that we call a person, even if it happens to have human DNA.

Now you might have noticed that Warren’s criteria definitely rules out fetuses. But it also kind of rules out young children. Kids don’t become self-aware until at least 18 months. So, Noonan’s criterion seems to allow some obvious non-persons into its definition, like the cells in my spit, but Warren’s criteria may kick out of the personhood club some beings that to you, are clearly people.

Then maybe you’d find the social criterion more palatable. This view says that you’re a person whenever society recognizes you as a person, or whenever someone cares about you. This one seems pretty intuitive. It says that you matter, morally, when you matter to someone. It allows for society’s understanding of a person to change over time, which seems good when we’re thinking about something like expanding rights to protect primates, for example. However, if you think carefully about this view, it also means that, if no one happens to care for a particular being, that being simply isn’t a person. It would mean that fully rational, healthy, functioning adult human beings might not have personhood – just because no one happens to care about them. And we probably want inclusion in our moral community to be something more than a popularity contest.

So, then there’s contemporary Australian moral philosopher Peter Singer, who says that the key to personhood is sentience, the ability to feel pleasure and pain. This criterion ignores the whole idea of species altogether, and instead looks at a being’s capacity to suffer. This view says it’s wrong to cause unnecessary pain to anything that can feel, but if it can’t feel, well, we do no harm by excluding it from the group of beings that matter. So, fetuses younger than at least 23 weeks are not persons, nor are humans in persistent vegetative states. But any animal with a developed central nervous system is a person.

Now, some people think that personhood is a right, a sort of ticket to the moral community that you forfeit when you violate the laws of society in a major way. In this view, you can surrender your own personhood through grossly inhumane actions. This line of reasoning is one way that people justify capital punishment. Yes, killing people is wrong, they might say, but if a criminal has surrendered their personhood through their actions, then they’re no longer a person anymore. So, we, as members of the State, would think ourselves justified in killing them.

Now, so far, we’ve been talking about personhood like it’s a toggle switch – you have it or you don’t. But a more nuanced option is the gradient theory of personhood, which says it’s not all or nothing – it’s more like a dimmer switch. So, personhood comes in degrees, and you can have more or less of it.

In this view, a fetus would slowly grow in personhood throughout pregnancy, as cognition develops.

So, a 26-week old fetus would have less personhood than a 34-week old fetus, which would have less personhood than a newborn baby, who would have less personhood than a toddler. And likewise, personhood can be lost as gradually as it can be gained. A lot of people think this is a reasonable way to look at the issue. For instance, you might think a fetus has some degree of personhood, and so deserves moral consideration. But when the fetus is compared with its mother – a being with far more personhood, by this logic – then the interests of the being with more personhood gets more weight.

So, this doesn’t deny the personhood of either being, but it allows that some beings have more personhood than others.

This stuff is hard to talk about. But that’s why we’re talking about it. Because it merits your attention. Not only does it matter now, as we’re studying the concept of personhood for its own sake, but the answers you give to these questions are going to be important later, when we’re studying ethics.

So, give it a good long think and try to figure out what you believe constitutes personhood. As you consider the factors that you think are most important, be careful how you cast your net. Make sure you include everyone you think should be included and exclude those you think should be excluded.

It’s harder than you might think. Good luck.

Today we talked about personhood. We considered several criteria – genetic, cognitive, social, sentience, and the gradient theory – for determining what constitutes personhood. And we explored how the definition of personhood informs some important social debates.

This episode of Crash Course was filmed in the Doctor Cheryl C. Kinney Crash Course Studio

with the help of these awesome people and our equally fantastic graphics team is Thought Cafe.