

A Broader Concept of a Person

Open Letter to Dr. P.M.S. Hacker

Utrecht, 12-02-2010

Dear Mr. Peter Hacker,

You have become dear to me during the writing of this letter. At first I was under the impression we were on opposite sides. But your thoroughness and accurate descriptions always forced me to the depths of my abilities. You never made it easy for me to believe I was on the right track. During the work, most of the time the smallest consulting of your book showed me I had to dig deeper and more to the point. So you might say we wrote this letter together, and now that I am done, I consider you more a partner in a continuing discussion than an opponent. If you answer me, Mr. Hacker, I am sure you will correct me where I am mistaken and fill in the blanc spots I left open. To be honest, that is exactly why I do hope you will answer. So we can get our thoughts to a greater level of accurateness.

With that mutual goal in mind, I hope you'll forgive me my at times clumsy English and that I fail to quote the proper philosophers in the right places.

You personally introduced the concept of a person to me, Mr. Hacker, when you gave a lecture in my hometown in Holland.¹ During this lecture you talked about the origin of this notion of the person, and about what the word, according to you, means today. You told us what a creature must be or must be able to do, if it wants to be called a person. I remember clearly that such a creature needed a complex language, as people have. As a direct result, only people could be persons.

You probably spoke for about an hour, and it was very interesting to listen to you. But in the end I was left with a few questions, that were yet too premature to ask aloud. So the question round was mostly used by the Dutch professors, to state that they completely agreed with you and to make their little remarks to show you they were not stupid either.

Luckily I was not the only one with real questions about what you had said. The boy next to me

¹ So the concept of a person is relatively new to me, but I am fertilizing the breeding ground in which it fell for at least twenty years now. The person is a concept that fits perfectly into my descriptions of the world. To me the person is a very useful concept, which gives me a clearer view on things. I am very grateful you introduced it to me

wondered whether he was a person, according to your concept, when he was in a psychosis. This boy did ask his question aloud, and in our eyes you should have answered that in a psychosis he was not a person, because in such a state he was not capable to communicate at all, not with others and not with himself. That would have been the only consistent thing to say, so we had the feeling you gave him a political correct answer when you told him that of course he could count on the predicate person, even when he was in a psychosis. We thought that was a pity.

This incident, combined with my own amazement and questions, got me thinking in the days that followed, about the person and about what it means to be a person. In that first week I already wrote a text in which I clearly show that animals can be persons. But it did not end there. Months on end I kept repeating what I remembered from the lecture, and every single time I could refute all your arguments to get a clear win.

Of course that is the easiest game in the world, prove just to yourself that someone else, who can't talk back, is wrong. It simply is not fair. In this fight you had at your disposal strictly the arguments that I could remember, and with only those, you stood not a chance in a million. And of course for me, there was no fun in this fight either. Therefore I started searching for your book. At first I searched in Google for *The concept of a person*, but that book did not exist. It appeared to be the name of a subsection of a chapter in another book, *Human Nature: The Categorical Framework*. That same night I ordered it to be delivered.

The book I got was a very thorough analytical philosophical work of more than 300 pages, as you well know. I admit, for a while I was tempted to go directly to the chapter I was interested in, the last, the one about the person. But in the end I chose to start at the first page, so I would know where this concept of yours came from.

I started reading and it was an interesting read, although not an easy one, as each and every page needed my full and undivided attention. In the book you want to define all the concepts that you plan to use in your next two books, in which you want to describe human nature. That is your project. For that you need a lot of concepts, and all those concepts need defining, in all sorts of ways. But that is not all. About all those concepts and all those ways, there has been said and written a lot through the ages, for instance by your great predecessors. Great names have made contributions to the discussions. Much of those contributions though, you consider confusing and leading astray. So in order to get your own message across, you have no choice but to separate sense from nonsense. Descartes, with his platonic dualism, is the one you oppose most, mostly in favor of

the monism of Aristotle and Wittgenstein, if I read your book correctly.

But not only philosophy is your source for thought. Your richest to date is the common use of language. And besides that you make good use of common sense and your own experience in life. Actually you get your input from everywhere you can get your hands on it, and thus your book is an apparently endless parade of evidence for a certain way of looking at the world. And through all that, we, as readers, have to remind ourselves that this is only The Categorical Framework. This is only foreplay; the real game has yet to begin. When I first started to read your book, I was a little disappointed by that, because I was forced to be satisfied with a book in which you did not enter the core of your thoughts. But I soon realized this was not the case. In defining all these concepts, you showed more than enough about the way you describe the world and the human beings in it.

As a result I had a real good time reading your book. There were parts I did not agree with you, others I did agree about. But constantly during that first read, I anticipated the irresistible last chapter. And thus anticipating, I took in all your evidence about the different concepts, in fearful prospect of the flood of evidence you had waiting for me about your concept in that last chapter, with which you would blow my inferior little concept away. For you are the respected philosopher, and I only the simple boy from the province.

But when I finally got to that last chapter, I felt a little confused. It appeared you did not give any proof there at all. In that last chapter you simply tell us how you think things are. It seems as if you put your trust in all the evidence you gave in the previous chapters to support also this part. But this part needs arguments of its own. And thus your concept of a person remains unproven in this book. That was very unsatisfactory to me, as I had studied exactly this subject. Also it is unsatisfactory, because this chapter should have been the crown on the book. You should have given it everything you've got, by which the book might have been twice or thrice as big. Maybe that is why you chose to write yet two more books, *Human Nature: The Cognitive and Cogitative Powers*, followed by *Human Nature: The Affective and Moral Powers*. With those books the game continues. Who knows what surprises you have in store for me in those. At least you can be sure I am thinking along.

In the last chapter, as it is now, you start with what the tradition tells us about the person. And the tradition starts with the Greeks, with whom the word persona first appeared as a word for the mask that was worn by the actor to signify the role he was playing. From there, the meaning of the word was broadened to the role of someone in society, and with the Romans it spread to the law courts and to men that had legal status, so that slaves were excluded from personhood. Only with Boethius,

in the sixth century, a person became an intrinsic value of the human being. According to Boethius a person is 'an individual substance of rational nature'.

Up until there it is alright, but after that the confusion starts in the modern philosophy of the seventeenth and eighteenth century, so you tell us. In those times an unholy trinity forms, as you call it, which consists of Descartes, Hume and Locke. Descartes confuses us with his dualism. He states that the human being consists of two parts, the body and the mind. Although here it must be mentioned² that Descartes in his writings never speaks about the person, but about the I, the mind or soul that he is.

In your book, you dedicate a lot of pages to the destruction of the image that Descartes has put up in the minds of people. But for my purpose it is not necessary to follow you in this. I only need to state that I am not a dualist and that I, just like you, believe that body and mind are inseparable. Locke, I think, is much more important in the wandering astray in the thinking about the person. This philosopher connects the identity of a person to the cartesian model of dualism. He does so by making a clear distinction between the identity of the human being and the identity of the person. The identity of the human being is, according to Locke, that of the living being. The identity of the person, on the other hand, consists of a series of connected memories. You oppose this claim. According to you the memories are not as important as Locke makes them to be. You say the memories are just part of the identity of a person.

But I think you fail to properly extinguish Locke's dualist way of thinking. I had expected you would overcome this dualism as you did with the dualism of Descartes. That is easy enough. You could have said that the human being only needs one identity, that of the living being with memories. If you strip Locke of his dualism, than there is no longer any need of the concept of a person. But you leave that be. I think probably because you want to make use of some of Locke's elements for your own concept of a person. These elements sound plausible enough: A person needs substance, it has to be a living being, it has to be self conscious, and conscious of it's identity and, of course, it has to have a memory.

Next on your hitlist is Hume, who in his *Treatise* included a chapter 'Of Personal Identity'. But actually Hume does not address the concept of a person or the personal identity at all. Hume rejects the self as a conception of an inner subject of experience. But when he rejected that notion, it led him to the extreme thought that there was no subject of experience at all, only independent experiences. That is a whole different kind, but even more strange way of thinking, which can in no

2 This time in the text itself, not only in the notes.

way be fitted in every day experience. A being is united with its experiences, the two cannot be differentiated. If one looks upon it with fresh eyes, that is quite clear for everyone to see.

All in all you did good to murder these fathers once and for all. It did not get you much further though. With your rejection of these three famous philosophers, you just handled the demolition hammer, but only little positives has been built up. And in the next paragraph, in which you speak of red herrings, it is not different. There you bring up strange cases from the classical literature, like brain transplantations, metamorphoses and androids. These thought experiments, as you point out, are the results of the mistakes Descartes had made. You reject them as futile, and according to you there is no other way than to start all over again. We should put aside the cartesian tradition and construct a complete new concept of a person, so you argue.

Exactly this you are doing in the last few pages of your book. So very much place is not left for your concept. As a starting point you explicitly take some commonplaces, in which you appear to have an unshakable trust. The first and most important commonplace, is that 'human beings are the only persons we know or are ever likely to know'. The concept of a person 'belongs to the moral sciences – to the study of man as a moral, social and cultural being. And it is at home in our daily discourse about ourselves and our fellow human beings',³ so you write. But you do not give any

3 HN:TCF p. 310-311. This is not the first time you mention the common use of language. In the chapter 'Causation' you write for instance the following: "It would be equally strange to suppose that our rich and variegated vocabulary of causal verbs is improperly applied to ourselves and to other substances." (HN:TCF p. 74)

With that sentence you express that we describe the causality that we see in the world around us fairly accurately in our daily discourse. It would even be odd to claim the opposite, for these words and our use of them are the only instruments we have to name and to investigate these relationships.

Yet I have to place a comment on that. Amongst people, language is mostly used as a quick means of communication, in which may not creep too much nuance, for then the communication would become less efficient. That is why there is much left implicit in the different language games. Participants simply take for granted that the context is understood. But in the philosophical language game, which mostly makes use of the same words and concepts as the games in daily life, we will always have to describe the context clearly.

On the other hand, here you make use of the argument to make a very good point. The sentence is directed against the great philosophers that have tried to think of a general formula for causation. Schopenhauer for example insisted that only events can be causes of anything. I agree very much with what you say in the last paragraph of this chapter about causation. Those great philosophers tried too hard to reduce causation to a single form, while causation has an endless variation of forms.

Cause and result only get a meaning when they are noticed by people and when they are used in language games. Those language games are being played mostly in the human locality. A glass on the table does not move in human eyes, although it does move at a dazzling speed through space, as a result of the rotation of the earth, combined with the speed of the earth turning around the sun and the speed of the sun in relation to other stars. Also the molecules and electrons in the glass and the water are constantly moving, amongst others through interaction with photons. But all of this has no influence on the human idea of the glass of water standing still. A cause within the human world is an unexpected variety between constants. When the glass suddenly clatters on the floor, then there must be a cause for that. That may be a sudden move of the speaker, an earthquake, a fight or a bomb exploding outside. This you say on page 88 of your book. A cause is something abnormal or unexpected.

But what exactly is appointed the cause, depends on how one looks upon things. You say the ice on the road causes the accident. But according to the police the damage might be caused by the stubbornness of the driver, that got in his car, while everyone discouraged it. Is the rain the cause of me getting wet? Or am I responsible myself, because I went outside during a shower? And when I look at that a little more careful, then my wetness is only caused by the drops that

evidence for this. You leave that to the definition of a person you gave in the first section of the first chapter of your book.

'While human being is a biological category, person is a moral, legal and social one',⁴ you write there, which you have repeated at the start of the last chapter: 'The concept of a person is central to our thoughts about ourselves, our nature, and our moral and legal relations'.⁵ Broadly I agree with you on this. This definition indeed feels at home in our daily language about ourselves and our fellow humans. In our daily context it is completely accepted, that I shall not deny. It is only that a concept does not need to be at ease in daily speech. A concept as described in a categorical framework, should foremost be tailored for a discourse of a describing level.

To be considered a person, a living being, so you continue, should be able to perform certain tricks, abilities as you call them, like reasoning, speaking, being able to make plans and to remember what happened in the past. These are tricks that exactly match the abilities of man, and thus the list appears to have been prepared with man in mind in the first place. Still, you do not want to reserve the term person exclusively for humans. 'If there be other creatures possessing the appropriate range of language-dependent rational powers grafted on to an appropriate animal nature, then they too are persons',⁶ you write. But even after that, we can say that according to you persons must be equal to man. At the same time all people, with no exceptions, are persons. Even people who cannot perform the necessary tricks, like my neighbor in a psychosis, are explicitly included in the last sentence of the book. Finally you say that 'our concept of a person is sufficiently complex, multifaceted and flexible to accommodate such fearful deviations from the norm'.⁷

To my mind that is a very weak end of the book, I am sorry to say. You cover all variations with

fall on me. I cannot accuse the drops falling on the roof. In again other weather conditions not only the sun causes my skin to burn. I caused it as well, by sitting in its rays. Or my friends are responsible, because they wanted me to go along to the swimming pool. The stone causes the window to break, as you say, but when a form has to be filled in, then we very quickly add the nasty boy that threw it. His parents will have to pay. The volcanic eruption caused the destruction of the village. But the people living there, point the finger at the lava flow. Scientists find out that the eruption was caused by a certain working in the crust, which at its turn is caused by the complete composition of the earth, which is the cause of those villages being built in the first place.

All in all, within all language games the causation is the causing of something that is noticed by humans as a change in their world. How the causation is defined and what is marked as the cause, cannot be captured in a fixed form. It depends on the language game that is being played, and I think you have put this perfectly in your own words. Just that is why I think it peculiar you did not use this principle in your construction of the concept of a person. Apparently with that concept you do want a fixed form, while also the meaning of that word is very much linked to the language game it is used in.

4 HN:TCF p. 4

5 HN:TCF p. 285

6 HN:TCF p. 313

7 HN:TCF p. 316

the mantle of love, instead of investigating them thoroughly. You count on this flexibility of people, so you count on their ability to look at the world without eye for detail, in order not to see the things that do not fit into their world view. If you want to go along with that, to describe how people see themselves, then of course you are right to a certain degree. But I also do think a proper description of human nature needs you to think the concept completely thorough, up until it's utter consequences, as only a human being can. And then, you cannot put your trust in what people say in daily life, because a concept that is only based on the common denominator is irrevocably false.

In fact, so it appears to me, your concept seems a description itself, and it is inherent to descriptions that there are exceptions to it. These exceptions should have got you thinking, because the perfect concept knows no exceptions. With a perfect concept in hand you can describe all relevant cases. With a good concept you can describe more cases, cases that look like exceptions from the view of a poorer concept. Those exceptions, that people leave aside in daily life, should be considered very carefully. Because those exceptions can put one on the trail of the better concept.

Yet I must say your description of man is very accurate. In it, I recognize myself and my fellow man. Humans indeed do have certain powers that animals lack, powers that are very important to the moral, legal and social traffic between people, very important to human persons. And with your concept we can indeed describe most of that, I am sure you intend to prove that in your next two books. And maybe, as you only want to describe man as he sees himself, you do not need any more. But on the other hand, in a broader perspective we may have to cover also other areas than only the one of your interest at this moment. In those other areas we may want to make use of the concept of a person as well. Therefor I think we should keep those areas in mind when defining the concept.

For instance, I also think it very important to say that humans are not a power on their own. They stand in a surrounding. So I figure your accurate description should be fitted into the bigger picture. And then your concept is getting a little narrow. At once our daily discourse is less at home. No wonder, because in our daily discourse we usually keep the broader picture at bay.

The purpose of this first part of your triptych, is to define all concepts, so that everyone knows exactly what you are talking about and so there will be no misunderstanding. Your book can only succeed when all those concepts are defined as accurate as possible, in order for them to be used to describe as much phenomena as possible, not only the ones in daily life, but also the irritating exceptions. As we have seen, the definition of the concept of a person you are planning to use is too limited for this purpose. Therefore, in this letter I'll consult those deviations from the norm, which

feel ill at ease in our daily discourse amongst each other. I'll try to find out what can be concluded from the behavior of people in extreme situations, in which your concept fails us. I'll go looking for a better concept, that is broader, but yet can be accurately employed. Maybe you can use it to your advantage, and I hope you will be able to appreciate that.⁸

The logical start of this search is with the *legal person*, which is a legal entity other than a natural person having the normal rights and duties of an individual, such as the ability to sue or to be sued, or it is a human being recognized by law as having a separate legal existence with his own rights and duties. I choose this as a starting point, because I do not only skip Descartes and his mates, but also Boethius, for I suspect the confusion starts with him. I'll start all over again with the Romans, with whom the person was already away from the mask in a play, but was not yet inherent to man. People who had legal status, were persons. And that is where this modern notion of legal person comes from, which is in Dutch only one word: 'rechtspersoon'.

With the legal person we immediately bump into problems with your concept of a person.⁹ According to your concept, the legal person is not a person at all. The legal person can be a foundation or a company, which are no living beings and thus, according to your concept, not persons. But according to the word, they are indeed persons. They are persons under law. Of course you could see this as projection, as you do with other examples in your book,¹⁰ but I think that is not

8 As you say it yourself: 'the task of weeding the gardens of philosophy never ends.' (HN:TCF p. 29)

9 You do mention legal persons in the form of companies, universities and governments. (HN:TCF p. 207) You call them 'artificial persons', but strangely you do not involve this notion in your definition of the concept of a person.

10 When you discuss The Mind, you use such a phrase. You mention that English speaking people say that a dog or a horse has 'a mind of its own'. You call this just 'a natural extension of language from your own case.' In other words it is just a manner of speaking and projection.

In the same chapter you tell us that the mind does in fact not exist but in language. A wide range of things is meant by the word. There are even languages in which the word does not exist at all. Here you use the example of German, but in my native language the word does not exist either. We Dutch use concepts like thoughts, sense, memory and the back of our head. These are all words with very different meanings, but they all refer to language using, intelligent and rational beings. Therefor I do want to admit it indeed is projection, when we use those words in relation to animals.

Yet even here there are second thoughts, specially because the word 'mind' does not refer to anything real. To specify the meaning of it, you consult Aristotle, with whom you find the concept of *psuchē*, with which Aristotle points at all the things living beings – animate and inanimate – do and can do, the powers they have. Plants only have a vegetative *psuchē*. Besides that, animals have a sensitive *psuchē*. People have a rational *psuchē* on top of those. According to you the rational *psuchē* matches the mind.

That seems right to me, but here I also have to say that I think the way Aristotle classifies things is much more elegant than the way of speaking today. By using the same word with all beings, he stresses the similarities. That way he shows we are dealing with a sliding scale, although from our point of view we can see three principal forms. But even those principal forms are becoming vague at their ends. Celled animals, for instance, do have a sensitive *psuchē*, but that is nothing compared to the sensitive *psuchē* of more complex animals. The rational *psuchē* got a gigantic boost in people, when they started using language. At once they could think hierarchical. To us the standard of the rational *psuchē* lies therefor with man. But how far it advanced in certain animals, we do not know. We have to consider the possibility, that we cannot see their rational *psuchē* because their development is nothing compared to ours. On the other hand it appears that humpback whales do have a more complex language than people, of which at this moment we can

right here. The legal person stays too close to a very old meaning of the word to be merely projection. So I take it as a given the legal person is a person, and from there I will proceed. Which means the new concept must allow for a person to be not a living being. Not even substance is required.

When we examine this legal arena a little further for things that cannot be described with your concept, we also find that under law people are not always persons, not even now, now that slavery has been abolished long time ago. People without an official identity are no persons under law. The law undoubtedly requires that all people should be persons to her, but that only suggests that every human has the right for an official identity and has the duty to get one. So who has no official identity, has the right to be given one, but before that time, that human is no person under law, no legal person. Register first!

This demonstrates that (1) persons are not necessarily people, and that (2) there are people that are no persons. That is to say, under law. But when I meet those people, then they certainly are persons to me. And when I meet this foundation or company, then to me it is no person. So it seems to be sensible to incorporate a certain dependence from the surroundings in the concept of a person. Whether you are a person in a certain situation, depends on who you are dealing with. The communication as a requirement for a person we leave intact, because also legal persons must be able to communicate with each other.

Under law, people are not necessarily persons, but could the same be true in the eyes of other people? To put this clearer: is it possible that there are people that are no persons to me? An easy confirming answer I can find in the people on the other side of the world, of whom I do not even know the existence. I am in no way directly related to them, not morally, not legally, not socially.

Of course here springs into mind the image of people in poor countries that appear on television when there is a disaster or a famine. Suddenly they are introduced to us as persons. They are personalized. But then it still remains a question whether they are really persons to me. If I realize, in front of the television, that on tv only images can be shown, then those images will not become persons to me. But if I overflow with sympathy, then to me they do become persons. Although the

only understand the social part.

In that social part, there certainly is not an unbridgeable gap between humans and animals, like we think there is in intellect. In social life the powers of many animals are kind of equal to those of human beings. That shows why the word 'person' can also be applicable to animals, which is not necessary for the word 'mind'.

To this I want to add that, if you want to continue to use the word 'mind' as you defined it, then you will have to face the fact that certain incapable people do not have a mind. If you do not accept this, then you should also reconsider this concept.

communication in this case is one-way traffic. And with that last remark the communicative relationship has come under suspicion. That relationship clearly has to be examined further.

It is clear however, that it is possible people are no persons to other people. But this understanding might require a few more examples, to make it even clearer still. These examples take place in time of war, when the members of the enemy army are not regarded as persons. During fighting, one cannot think about enemy soldiers as persons, for then one cannot do the thing that is required in war.

The next example we find more specifically in the war of 39-45. It might well be possible that Jews were no persons at all to a German camp guard, although he was able to communicate with them. Such a camp guard maybe only could see a person in a Jew, when he was on his own smoking a cigarette at the fence, and a Jew came for smalltalk. They might even had some fun there. But afterwards this guard was the stereotype SS soldier again, that communicated foremost by shouting, as he might have done when he was driving cows. Only in this case it was convenient the cattle understood exactly what he was saying.

With your concept you can only condemn these kind of practices, Mr. Hacker. And if you want to tell us about human nature, then you should - that is my conviction - stay clear of condemning. For condemning is the job of the moralist, describing the one of the analytical philosopher.

Up until now the examples prescribe that a person is related to a persons relationship. But we also came to know that a communicative relationship is no guarantee for a person, as we saw in the example of the German camp guard. Moreover, a person can exist when there is only one-way communicative traffic. That is very confusing, so, as I said earlier, we should examine it further.

Luckily there are other confusing border cases, that can shed more light in the darkness. It is well known that one and the same man can be two persons. In fiction this is beautifully represented in the stories of super hero's. Don Diego does not tell the woman he is in love with, that he himself hides behind the mask of Zorro, in the series of the same name. And that woman, of course, has fallen completely for the masked hero, while she has only amicable feelings for the fearful young Don. To her, they are two separate persons, with each of which she has a different persons relationship. That is the tragedy of the story. And this example is easily transferred from fiction to reality. People can have two identities. A robber is one and the same as a well known friend of the family, but as long as he keeps his forage cap in place, the two persons remain separated.

This brings us the insight that a human can be multiple persons. The first is the person someone

sees as he looks upon himself, like only Don Diego knows he and Zorro are the same. To him nothing really changes when he puts on his mask. Another person is the person someone else sees. These persons exist in others, and have no substance. So persons originate and exist in relationships between people and in the relationship with oneself. The person is foremost a social concept.¹¹

A fictional border case that you put aside in your book, can even get us brighter light here. One of the more interesting aspects of *Die Verwandlung* by Franz Kafka is the changing attitude of the family. The parents and sister of Gregor Samsa are aware of the fact that he is transformed, and thus of the fact that the monster in Gregor's room really is Gregor himself. Even though they know this is the case, they dissociate themselves further and further from Gregor, who becomes less and less a person to them. And it is very important here that the communicative relationship is completely broken in one direction. Gregor has no way of making contact. But the other way round, painfully enough, the communication is quite clear. Gregor understands very well what they are saying about him. He even sympathizes with them. To him they remain persons. That it is still very understandable that they are relieved when he finally perishes, shows again how different the persons are that apply to one and the same being. Besides, here we can see how important the communicative relationship is.

But Gregor Samsa is a fictional character, so we do not really have to care about his tragic situation. Let me take therefore a more gruesome example from real life, which came to me lately. With that we find ourselves in the surgery, where a surgeon operates a patient. This means he cuts the patient open, rumbles in his guts and stitches him up again. The patient has no knowledge of this, because he is anesthetized. But there is a case known in which a man was anesthetized, lost the control of his muscles, but remained fully conscious and felt everything that was done to him during surgery. You will understand that this was a traumatizing experience. To the doctors however, nothing out of the ordinary was happening at the time. They were in the illusion that they were not able in any way to get through to the patient. That person was suspended by the anesthesia. Under their hands only was a body that did not function properly and needed fixing. That is the one way they can do their job properly.

The patient was a person to himself, like Gregor was a person to himself. But to the surgeons he was not a person. Like Gregor wasn't a person to his sister and parents in the end. The surgeons remained persons to the patient, like the family remained persons to Gregor. Gregor could still

¹¹ As far as I am concerned the moral and legal aspects are included in the social. Moral and law are features of the human community, and thus of human relationships. Just like semantical language, they are human peculiarities.

understand them and in kind of the same way the surgeons kept communicating with the patient, as they hurt him badly. And from this appears how a one-way traffic can be enough to constitute a person. Furthermore, from this, one would say that indeed a person cannot exist without any communication at all. But that is a bridge too far, as can be demonstrated with the next example.

For this border case I must go back to a small but shameful period from my own life. In my early adulthood I drank a great deal at times, which sometimes resulted in unbridled drunkenness. Once I had drank a few glasses too much wine with a friend, after which we went into town. But in the club we ended up in, my light was extinguished by the alcohol, so I was told afterwards. They dragged me through the entire place and poured beer in my neck. I did not notice. To myself I was not a person. I was in no state to communicate or otherwise to take part in social traffic. But to my friends I remained a person.

At the moment you answered the question my neighbor put to you at the lecture, I thought you only wanted to be political correct. But the example from my own past, shows that you were absolutely right. In my unconsciousness I remained a person to others, although I was not a person to myself, just like my neighbor in his psychosis remained a person to others. In these cases the communicative relationship was suspended, but other people remained aware of the fact this relationship would be restored when times changed for the better. So to be able to see a person, there is no need for a communicative relationship, but at least there has to be the possibility. This would explain how the images of people on the other side of the world can be seen as persons. One can imagine one goes there to meet these people. A relationship is possible. It also can explain how it is possible that the relatives of Gregor Samsa are completely estranged from him. A communicative relationship was never possible again. To the surgeon this relationship was also impossible at the moment of surgery. The surgeon is a professional that separates this moment completely from the moment that personal contact is possible again. It might even explain the German soldier, but to do so would probably take several pages extra.

At the end of the first part of this list with exceptions, I can, by way of experiment and to make it a little more personal, ask myself whether you, Mr. Hacker, are a person to me. At first sight this looks the case, because I do have a communicative relationship with you. You have told me how you look upon things, in a lecture and a book, and now I let you know, by way of this letter, what my vision is. But are you thus really a person to me? By further consideration we can put a question mark there. I only have a communicative relationship with the image I have of you, as I have seen

and heard you and as I have read the words in your book. That image is the person I have to deal with, not you as a man. The man is related to the person that I am dealing with, but he is certainly not the same. And now one can think this is splitting hairs, but such distinctions cannot be ignored when we want to talk about human nature. Apparently human nature is such, that we can create an image of another human being as a person, without too much information. That person we can carry around and we even can communicate with it, as this letter shows in abundance. It seems special enough to mention, that for a human being a person can even exist in a text, as to you my person only consists of this letter. This must say something about our nature.

Up until now I limited myself to human society, just like you do. You explicitly exclude animals, I think because animals in human society are generally not considered as persons. This is true, but in my eyes it is no reason to exclude them in advance. It might be the case, that only beings in the own society can be seen as persons, because only with them one socializes. So the only persons that are seen, are of the own species. As a result in human society, which is an intensive social affair, only people are seen as persons. That is mostly a case of practice, not of concept. My early concept does not exclude animals yet in any way. I not even touched the subject. So it is my task to explore the possibility to describe animals with it as well.

To keep me away from this experiment, you can say that only people can understand the concept of a person. If I present the concept to my cat, for instance, then the cat will be completely indifferent. An animal is not interested in concepts. A concept is typical for humans. But that does not say anything about the scope of a concept. The concept of an animal is also unknown to animals, so can we not even use that in our description of them? That would be very strange.

So I go ahead, and my first experiment on animals, I take directly from you. During your lecture you put an old woman to stage, that treated her little lap dog as a person. With that you created an image in your audience of a lady that talked to her dog, gave it clothes, maybe even let it eat from the table. That was an excellent rhetorical trick, with which you got the smirking approval of the audience, without being forced to explain. But now let's take a better look at this example.

You led your audience to believe that the woman was a little strange, and that she treated her dog unjustified as a person. But if we look closer, this is not the case. What in reality is so strange about the woman, is that she treats her dog like a human being. And that is indeed unjustified, because the little lap dog is no human. It is a dog.

So the woman is indeed ridiculous and we can snigger at her. But your conclusion is wrong. It

does not say anything about whether the little dog is a person or not. When we see the social communicative community as a basis for the persons relationship, then the two are indeed persons to each other. They form a neat community of two. They are always together and communicate all day long, react on each other, the dog on the woman, the woman on the dog. That is social communication, you do not need any semantics for that. So they are persons to each other, although the woman indeed is a little bit of a freak.

Luckily one can think of less bizarre examples. I, for instance, live with two cats. Those cats I treat as cats, but yet there is a constant communication between the three of us. We live in a community of three in the same house, and within our community they are persons to me, I to them.

Now it is clear that persons exist within social communicative communities, and that the persons in those communities are not necessarily recognized as such from the outside. That given we can easily project on communities of animals, in which we ourselves do not recognize persons. Yet we see them on television. We see troupes of elephants that can talk to each other over miles distance, dolphins and wild dogs that can hunt very efficiently in groups and are very social, which also goes for meerkats, wolves and so on. And these are only animals in whose communities we can still, to some degree, easily recognize ourselves. For other animals, down until the smallest, like ants, we have to make a little more effort to imagine the kind of communities they have. But that does not say there is no social communication there, and thus no persons.

However, before we apply the concept of a person to animals, we have to deal with another set of requirements you pose upon the person. The most important requirement you give in this case is that the person must be a thinking being, and that it has a will.

Let me rephrase this requirement in the form of the well known sentence of Descartes: “I conceptualize and will, therefore I am a person”. But in my eyes this can be easily replaced with “I conceptualize and will, therefore I am a human being”. That is trivial, because of course I am a human when I conceptualize. A concept is typically human. As is going to the bakeries to buy a bread. “I am going to the bakeries to buy a bread, therefore I am a human being”. “I am sitting on my couch watching tv, therefore I am a human being”.

With intellect and will I do not come closer to a solution, so I'll try something else. Previously I said, like you, the person is foremost a social concept. We could adapt Decartes' phrase to this. “I'm keeping myself within the law, therefore I am a person”. “I am stating my point of view in this social issue, therefore I am a person”. “I am chatting with the bakers wife, therefore I am a person”.

These sentences are probably true, but they do not get me to the core of the problem. In them, those persons are still easily replaced with humans, as we can't any more separate the social behavior from the being, than we can separate the soul from the body.

To continue with our experiment we can find out what the constants are in all those different variations of the sentence of Descartes. The constant factor in this endlessly expandable row is of course: "I, therefore I am a person". And just that seems to me the missing piece that completes the puzzle, the I.

And with the I, I do not mean anything cartesian, like a separate unity in man. I mean the consciousness of a being that it is a first person. With which I do not allude to the cartesian selfconsciousness itself. The first person does not come out of nowhere. Just like the person, the I is a social concept. In the case of the I, this seems a little contradictory, for in this individual society the I is not seen as necessarily social. Yet without interaction with other beings, there cannot be an I. First there has to be a social context, the family, the group, the pack, the herd, in which the new being is born. At a certain point in time, the other beings create a mirror experience with the youngster, after which the pup understands there is a distinction between him and the other beings, but nevertheless he is one of them. They are the same as he. They become persons, he himself an I.

So in this social traffic, arise first, second and – in the case of more complex animals – third persons. With this in mind there is no need to maintain the strange distinction between humans and animals, that Descartes put up and that you, for some reason, want to uphold. Indeed, human beings have a more complex perception of the person. Humans can apply the person in a broader sense. They expand their view outside conspecific in their direct surroundings. We can recognize almost anything as persons, as long as we have a certain feeling we live in community with it, and that we can communicate, at whatever level.

Animals probably cannot see that many persons, but at least they too have a consciousness of the I, in relation to others. In front of the mirror magpie, dolphin and even spider show they recognize themselves. In the trees and in the water they are busy with their companions. As is the wolf, which clearly knows its place in the pack and is accountable when he does something wrong. We look at the meerkat, the wild dog, the elephant. And so I can go on endlessly, although I do not think I can end up with the celled animals, because a being probably needs a nervous system to be aware of the separation and unity between itself and the rest. About earthworms I have serious doubts, but much less about ants and flies. Flies can distinguish a lot of fly patterns. Such a thing already starts to

look very much like a language. So there are persons flying around your living room.¹² But that only means that we apply the same concept to flies as we do to ourselves. Still, to us flies are not recognizable as persons, because a communicative relationship with a fly is positively ruled out. To us they are only irritating animals, that we whack dead without hesitation. About which I shall not judge morally. I do not throw any stones.

The concept of a person is extended quite a bit now. But still we have to go on, because up until now I only described beings that really exist, although they did not always have an awareness. Still there are even persons that are not in any way related to the material world. They exist only within the persons relationship. Think about gods. This may seem a strange example, but let's take a look at it anyway. Because I think here we can find strong evidence for the proposition that your concept falls fundamentally short, Mr. Hacker.

I think you and me can agree on the thought that gods are not real. The personal god is created by man himself. The god does not exist. But yet He is a person to many people around the world. And in this discussion, it is not enough to say that these people imagine things, that they are irrational and misinterpret the facts. Who wants to speak of human nature, must describe behavior and make it understandable. The relationship between man and gods should be made clear in the description, and for that one needs a concept that makes this possible.

One cannot say to someone who sees something as a person, that he is wrong about that, just because it cannot be called a person according to your concept. By doing so you go outside your jurisdiction as a analytical philosopher that wants to describe human nature. In describing the concept we should not take a stand in the question whether God exists or not. That is a theological question, a complete different discussion. Bottom line is, that you cannot deny there are people that address God as a person. Belief in gods is a phenomena as human as can be, so the concepts you handle in describing human nature, should be equipped to describe it.

This throws the person completely back to the persons relationship. There is no need for the person itself to be a cognitive being, no need even to exist at all. What is needed for the person is a being that is conscious of it's own I, and thus is a person to itself. That person enters relationships with entities in the world. Those entities with which he feels a real or possible communicative

12 In the chapter about agency you also mention the fly (HN:TCF p. 131): '[T]he concept of pain can perhaps get a foothold on insect behavior, but the concept of pleasure can get little, if any, purchase', with which you refer to Wittgenstein who wrote about pain getting a foothold with flies.

But have you ever studied a fly that is cleaning its wings and head? The little animals can spend a lot of time doing this. Is it not possible then, that also pleasure gets a tiny paw on the floor? Or can you get me the absolute assurance this is not the case?

relationship, he considers as persons. Those persons exist in that considering.

In other words my proposition looks as follows. Persons are not defined clearly, and depend on the interpretation of every being individually. Persons originate in a community and in the interaction between the I and the outside world. How a human defines persons, depends on the social context in which he finds himself, and on how he experiences this context. What a human being recognizes as persons, tells us more about that human than about the phenomena outside that human.

You on the other hand, want to put up a few strict rules, with which we can determine what persons are. To you a person is tailored on the human scale. Who fits that bill, can participate, the rest cannot. However with that, again in my eyes, you do not describe the concept of a person, but the common human perception of a person.

Of course you are quite right when you say that in human society only people are considered persons, for only humans can be held socially, morally and legally accountable in human society. To you that is reason enough to try to reserve the concept of a person for ourselves. But I think it is not wise to apply a concept only on humans. In doing so we put man apart from his surroundings, and thus it gets harder to study man in that habitat. With my concept you can still investigate the social, moral and legal behavior of humans amongst each other, just like you plan to do in your project. But at the same time you can describe them within their surroundings. For instance you can set their behavior off against that of animals, how it differs and how it is the same, on a sliding scale. Furthermore with my concept there is no need to indicate unconscious people, or people in a psychosis, as exceptions. And if one meets people that consider gods, dogs or trees as persons, one does not have to call them idiots. The purpose of concepts is to describe the world with them. Using those descriptions we can determine our positions. Using those we construct our moral, and only after that we can support our judgment.

Yours sincerely,

Sander van der Meijs