

CHAPTER IV

Persons as Ethical Subjects and Contingency¹

“An adequate understanding of what makes human persons intrinsically valuable ought to be broad enough to enable us to comprehend why it is that violations of human personhood of all kinds are in some sense transgressions against what makes human persons intrinsically valuable. Judged by this standard, rationality, which I take to be the leading candidate for what makes human persons intrinsically valuable in the history of Western philosophy, is too narrow to enable us to understand the full range of violations that transgress against the intrinsic value of human persons. There are violations that transgress against the intrinsic value of human persons that do not violate their rationality.”

*P. Quinn*²

“...we cannot discuss persons without making some assumptions about personal identity.”

*D. Parfit*³

Many thoughtful people today are raising difficult questions once again about the identities of persons. And these questions

¹ This essay is a revised and much expanded version of an invited paper first presented at an international conference in Paris at UNESCO in 2007.

² “On the Intrinsic Value of Human Persons,” in *Persons Human and Divine*, ed. P. Van Inwagen and D. W. Zimmerman (Oxford: Clarendon Press, 2007), p. 238.

³ “Persons, Bodies, and Human Beings,” in *Contemporary Debates in Metaphysics*, ed. T. Sider, J. Hawthorne, and D. W. Zimmerman (Oxford: Blackwell, 2008), p. 177.

concern not just philosophical but cultural and religious identities as well.

But why such questions now, and why are they “difficult”? Just what are at least some of the basic questions today about persons, and how might they be, if not answered, at least rearticulated in more explicit and more actionable terms? And how are we today to re-articulate fundamental issues about the identities and nature of persons in the light not just of general philosophical theories of personal identity⁴ but specifically of the very great sufferings so many extremely poor persons continue to undergo?

§1. Why Identity Questions Now?

Why questions about cultural and religious identities now? Such renewed interrogations today are not surprising. For just after the bloodiest of all previous centuries ended, the new century began spectacularly on September 11, 2001, with the gratuitous murders on real-time television of roughly three thousand persons in the twin towers of New York’s World Trade Centre. The perpetrators thought of themselves as bound by, among other things, both their cultural and religious identity as persons to murder thousands of other persons who did not

⁴ Parfit discusses the identities of persons mainly in terms of what he calls “the possible criteria for personal identity” (Parfit 2008, p. 177). In the same place Parfit summarizes his earlier and important investigations in his book, *Reasons and Persons* (Oxford: Oxford UP, 1984) as follows: “On the *Wide Psychological Criterion*, for some future person to be me, we must be psychologically continuous. On the *Physical Criterion*, which I shall here rename the *Brain Criterion*, we must have the same brain; on the *Narrow Psychological Criterion*, we must both be psychologically continuous and have the same brain.” Despite other substantial work in this area of metaphysics, Parfit’s work remains the most influential. His two-volume major work, *What Really Matters*, includes further sustained reflections on personal identity (ed. S. Scheffler, Oxford: OUP, 2011). Cf. Scheffler’s “Introduction” (pp. xix-xxxii) and two reviews respectively by S. Freeman, “Why Be Good?” *The New York Review of Books*, April 26, 2012, pp. 52-54, and by S. Darwell, “Critical Notice of Derek Parfit, *On What Matters*,” *The Philosophical Review* 123 (2014), 79-105.

share that identity. Something all too vaguely like an “identity politics” seemed also to be at issue.

Not long afterwards, the war in Afghanistan, the second Intifada in the Middle East, and the second invasion of Iraq, ethnic warfare and its terrible consequences in Darfur provided still more terrible instances of appeals to cultural and religious identities of persons as supposed justifications for the murders of many other people. Confronted almost continuously with such horrendous matters, some thoughtful individuals began asking just what sense and significance could be considered talk about “identity” properly have?

But why is talk of identity today “difficult”? Several good reasons could be adduced. But at least one quite important reason for such difficulty today is the recurring failure of otherwise knowledgeable persons to disambiguate different ways of talking about identity. For we know but sometimes forget that reflective persons may use the word “identity” to refer to a number of quite distinct matters.

Thus, for brevity’s sake restricting ourselves here to English parlance, one may properly use the word “identity” mainly to refer either to a fact or to a close similarity. That is, “identity” may refer to “a fact of being who or what a person or thing is” (“She knows the identity of the bomber”), or to “a close similarity or affinity” between things or persons (“Although not the same, there is an identity between Hebrew and Arabic”).⁵

Focussing on the first main sense here, the fact of identity, proves helpful. For we may then distinguish a nominal sub-sense, that is, what determines the fact of identity, from an adjectival sub-sense, that is, from what modifies the fact of identity. Thus, we may distinguish nominally “the characteristics determining [“to determine” here means “to identify”] who or what a person or thing is” (“She wanted to understand his distinctive Israeli identity”), from what determines who someone or what something is “by bearing their name and often other details...” (“She examined his identity card”).

⁵ See the *Oxford Dictionary of English*, 2nd ed. (Oxford: OUP, 2003).

This, the modifying sub-sense of “identity” as a hard fact and not just as a close similarity, helps us understand better what many people mean when they speak, for example, of “identity politics” as “the tendency for people of a particular religion, race, social background, etc., to form exclusive political alliances, moving away from traditional broad-based party politics.”⁶ Thus, many questions today about such matters as identity politics and, we may add, cultural identity and religious identity also, are often difficult at least because of unresolved and recurring verbal ambiguities.

§2. Several Main Issues

When talk of “identity” is suitably disambiguated, what then are at least some of the main questions about such matters as cultural identity and religious identity?

Once again, a number of candidate questions come to mind. They arise when we reflect not just on everyday informed discussion of such matters or even on sophisticated contemporary philosophical reflections. Often they arise from reflection on more particular issues connected with the many practical uses of different senses of the phrases “cultural identity” and “religious identity.”

After considering some of the usual senses of historical, sociological, and anthropological studies of “cultural identity” that refer mainly to those general aspects of the modifying facts of identity that are “characteristics of a particular form of life,”⁷ we may take this expression here more narrowly.⁸ Let us say then that “cultural identity” here refers in particular to those hierarchies of values that contribute to give sense and significance to characteristic forms of life. Cultural identity on this narrow-

⁶ *Ibid.*

⁷ Cf. D. Cuche, *La notion de culture dans les sciences sociales*, 4th ed. (Paris: La Découverte, 2010), pp. 98-114.

⁸ See for example A. Sen, *Identity and Violence: The Illusion of Destiny* (London: Allen Lane, 2006), pp. 18-39.

er account is a causal agency that “permits the self-conscious evaluation of human possibilities in the light of a system of [cultural] values that reflect prevailing ideas about what human life ought to be.”⁹

Similarly, when reflecting on “religious identity” here, we may take this second expression more narrowly than in the usual broad senses of the religious identity of a person or a community deriving from central beliefs based upon both religious faith in revealed truths and human reason. Let us say then that “religious identity” here refers in particular to the fact of a person’s or a community’s identity deriving from central beliefs based upon natural reason alone.¹⁰ Again, “religious identity” understood in this narrower sense is also a causal agency permitting “the self-conscious evaluation of human possibilities in the light of a system of [religious] values that reflect prevailing ideas about what human life ought to be.”¹¹

§3. Two Distinctions

With these reminders on hand, we now recognize that several of the main questions concerning cultural and religious identities today arise not just from recurring ambiguities in our uses of these expressions. Important questions also arise from the conceptual tensions between such identities when these identities are made explicit.

Now among these several issues, two questions deserve particular attention here. The first question might initially go: Do individual persons have one or many not just identities *tout court*, but what we might call vaguely for now “basic identities,” whether cultural or religious? And the second might go: Must

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- ⁹ J. Kim, “Culture,” in *The Oxford Companion to Philosophy*, ed. T. Honderich, 2nd ed. (Oxford: OUP, 2005), p. 185.
- ¹⁰ Cf. W. J. Wainwright, “Natural Religion,” in *The Cambridge Dictionary of Philosophy*, ed. R. Audi, 2nd ed. (Cambridge: CUP, 1999).
- ¹¹ J. Kim, “Culture,” in *The Oxford Companion to Philosophy*, ed. T. Honderich, 2nd ed. (Oxford: OUP, 2005).

persons sometimes establish the priority of one or several basic identities, whether cultural or religious?

But how are we, if not to answer such questions, at least to reformulate them in such a way that they might more easily find their appropriate responses?

Several further distinctions prove useful. For to rearticulate even these two questions we need to distinguish between not just cultural and religious identities; we must also distinguish between singular and plural identities, personal and communal identities, and between first-person and third-person identities.

If we think mainly of cultural identities in the regimented senses specified so far, then we can easily recognize that, at least culturally, persons belong mainly to more than one group. Thus, you may be of English origins, a British citizen, an Anglican practitioner, a member of the Labour Party, a maritime lawyer, a regular weekend hockey team player, married to a French woman, the father of two sons, and so on. You are not just “English.” You have more than one cultural identity. Your cultural identity is plural. Correlatively, it is false for anyone to hold that you are just “English” and thereby reduce your plural identities to something strictly singular.¹²

A second distinction now comes into view. For if our cultural identities are ever more than just singular, then we still need to distinguish between our identities as individual persons belonging to multiple groups and our identities as individual persons *per se*. That is, some of our cultural identities are clearly less central to us strictly as individuals than they are to us more largely as also members of our respective societies.

We have then sometimes to rank our cultural identities in terms of our various allegiances both to ourselves and to others. Someone might want to claim, for example, that as a citizen of Great Britain a particular person in question is legally subject

¹² On “the illusions of a unique identity” see especially A. Sen (2006), notably pp. 32-36, 132-148.

to military conscription. But, as someone who rejects Ulster Unionism on strictly political grounds, and as a life-long resident of the Isle of Man, this persons no longer can recognize that legal claim for these and other reasons as binding on him.

Here we find the claim that a person's individual cultural identity may take precedence over his social identity, his being subject to English laws.¹³ That cultural identity may even in fact come to constitute the person's basic identity.

And, for now, a last distinction comes into view just here. For especially with regard to religious identity we often realize that, in trying to explain our value choices rationally to others and to ourselves, we tell different stories about our own strictly individual religious identities. Thus, we may sometimes talk about ourselves to others as being the kind of person (as having the identity of someone) who repeatedly chooses not to act in certain kinds of religiously unsatisfactory but strictly legal ways. ("That's just not me," we may sometimes overhear ourselves saying.)

And yet, at other times, we discover some of our inner monologues to be very much taking place in first-person terms only. ("Continuing to act up in that way is just not continuing to be you any more.") Call the first kind of stories about personal identity "third-person stories" and the second kind "first-person stories."¹⁴ Now, however plural one's cultural identities remain, unlike third-person stories about religious identity, first-person stories here may sometimes require establishing a unique

¹³ See, among others, M. Miegel, *Epochenwende: Gewinnt der Westen die Zukunft* (Berlin: Propyläen Verlag, 2005), pp. 229-237. I thank Hubertus Dessloch for this reference.

¹⁴ Some of the scientific and philosophical complexities here come clear in the multi-disciplinary contributions to the joint meeting of the French "Academie des Sciences" and the "Academie des Sciences morales et politiques," June 23-24, 2005, published as *L'identité? Soi et non-soi, individu et personne*, ed. E. D. Carosella et al. (Paris: PUF, 2006), especially pp. 69-91 and 101-110. Cf. E. D. Carosella and T. Pradeu, *L'identité, la part de l'autre: immunologie et philosophie* (Paris: Odile Jacob, 2010), especially pp. 185-213.

religious identity. Here, a person's religious identity may come to constitute the person's basic identity.¹⁵

Return now to our initial formulations of two main questions about cultural and religious identities: "Do individual persons have one or many basic identities?" and "Must persons sometimes establish the priority of one or several identities?"

In view of the previous distinctions perhaps we may now reformulate our first question along some such lines as these. "Among the plural identities that persons exhibit when considered both as members of different cultures within society and as strict individuals, in what senses, if any, may any one of these plural cultural identities be properly called 'basic'? Could poverty ever constitute an essential element in the basic cultural identity of unaccompanied, immigrant, extremely poor children?"

And perhaps we may also reformulate our second question similarly. "In order reasonably to make certain basic life choices, must religious persons establish a unique personal religious identity so as rationally to articulate a properly ordered hierarchy of values that makes possible a suitably self-critical assessment of what an authentic human life ought to be? Could habitual attitudes towards the poverty of destitute children ever constitute an essential element in the religious identity of certain resourceful elites?"

§4. Two Claims

First, a not inadequate understanding of sovereignty today in the contexts of the EU's continuing searches for consensus about an eventual EU constitution needs to make more explicit the "inviolable and inalienable rights of the person" already en-

¹⁵ I leave aside here important considerations about personal identity that derive especially from ethical considerations not about the distinction between first and third person accounts but those about second person accounts. See for example S. Darwell, *The Second Person Standpoint: Morality, Respect, and Accountability* (Cambridge, MA: Harvard UP, 2006), especially pp. 3-38.

trenched in the preamble to the rejected EU draft constitution of 2005 and in the preamble to the subsequent Lisbon Treaty of 2009.

And, second, a not inadequate understanding of sovereignty today in the contexts of the EU's continuing searches for consensus about an eventual EU constitution needs to begin neither with the political nor with the social understandings of sovereignty broadly understood, but with individual, indeed with personal ones. This is a need for explicitness.

The need for explicitness does not mainly concern the "inviolable and inalienable rights of the person." For the 1948 United Nations Universal Declaration of Human Rights had already made explicit many of these rights. Later, the 1950 European Convention on Human Rights, the 1961 European Social Charter and its additional protocol of 1988, and the 2000 European Charter of Fundamental Rights made some of these rights even more explicit. And the EU's Charter of the Fundamental Social Rights of Workers of December 8-9, 1989 particularized many of these fundamental human rights.¹⁶

Still more, much excellent philosophical work in the last generation has focused sharply on the nature and kinds of human rights in very explicit ways.¹⁷ And excellent philosophical work continues to appear also on the issue of human dignity.¹⁸

Rather, what needs making more explicit is the idea of the person.¹⁹ For behind all too much talk and even much critical discussion of rights and values lies an undifferentiated appeal to a general notion of the person that too often remains strongly ambiguous. That is, we need to see the arguments for just what

¹⁶ In general, see the various publications of the European Council on Human Rights at www.droitsdelhomme.coe.int.

¹⁷ For two examples only see Griffin 2008, esp. pp. 29-56, and Beitz 2009, esp. pp. 96-159.

¹⁸ See J. Waldron's Berkeley Tanner Lectures with critical comments and replies in Waldron 2012.

¹⁹ For example, Carrithers *et al.* 1985.

we are to understand by the person before we can decide on just what bases we are to construct our foundations for human rights.

Are we – to take a quite basic issue – to understand the person in exclusively physicalist terms? Or are we rather to understand the person in at least partly non-physicalist²⁰ terms also? Just here is where the already ambiguous appeal to the cultural, religious, and humanistic heritages of Europe needs specification if we are to talk sensibly about sovereignty.

In the second case, the need to begin with considerations about personal sovereignty rather than with those of political sovereignty seems rather evident. For beginning with the political leaves us stuck not just with deciding about the validity of particular arguments, which is pre-eminently a rational matter; it also leaves us stuck with the realities of power, which are far more difficult to adjudicate. Such realities are all too often, as the much-abused phrase goes, “non-negotiable.”

After reflection, we may grant that deciding the issue between accounts of the person in exclusively or non-exclusively physicalist terms is difficult enough.²¹ But once the arguments have been rationally assessed and a reasonable decision is rendered at least as rationally plausible, the decision is consequent. That is, even if later defeasible and hence requiring amendment, such a decision usually leads quickly to action.

But much more difficult is deciding the issue between realist and legalist accounts on the nature of the state. For such a decision is often doomed to inaction; what carries this kind of decision are not the internal logical matters of argumentative soundness and validity but the external pragmatic matters of relative force. But of course to agree on the kinds of sovereignty – broadly speaking, political, social, and individual – that

²⁰ For a recent way of making this distinction based on the rather technical notion of information causation see Pawlowski et al. 2009, pp. 1101-1104; see the brief discussion in the following sub-section below.

²¹ See especially the excellent discussions in Pereboom 2011 and several critical issues raised in Hill 2013.

the preamble to an eventual EU constitution should entrench, should not depend on force but on argument.

My suggestion throughout has been that we take several steps back to some of the central origins of European civilization and remind ourselves of just how the notion of a reasoned and critically measured restraint in all things arises.

Accordingly, we need to look at just what this movement from the consideration of the personal to the social and then to the political might look like in terms of the kinds of sovereignties that a preamble to any eventual new EU constitution might rightly and durably entrench.

§5. Persons' Natures

We need now to spell out a rationally defensible and persuasive understanding of the person. And then we need to draw the consequences from that account for a certain idea of persons as essentially sovereign.

Regarding the nature of the person, it proves helpful to begin with the main differences between what we called above physicalist and non-physicalist conceptions of the person. The basic division turns on whether some predicates – say, being 1.5 meters tall – apply both to persons and material things, or whether other predicates – say, being self-conscious – apply to persons only.

The first are often called material, or M-predicates, whereas the second are called personal, or P-predicates. Thus, M-predicates apply both to material bodies and to persons, whereas P-predicates apply to persons only. In this sense, P-predicates are not “reducible” to M-predicates. Accordingly, P-predicates are thus said to be “primitive.”²²

When we choose, however, to set up the discussion of persons in terms of predicates categorized this way rather than in some one of various other cogent ways on view in contemporary

²² The debate in this form derives from Strawson 1959.

philosophical debate,²³ we need further specifications. Suppose then we simplify and turn to one major account only of both kinds of predicates.²⁴

On this account, the claim that P-predicates are primitive opens out onto a larger account of persons in terms of what is usually called “substance dualism.”²⁵ For persons exhibit characteristics of both psychological and physical substance.

More specifically, one might hold that a person is a distinctive kind of substance distinguishable by its characteristic existence and identity conditions, including their persistence.²⁶ Persons, that is, are simple psychological substances that are inseparable yet fully distinct from the physical substances in which they are incorporated.

As a substance, a person is an individual, “an ontologically independent entity that bears properties, stands in relation to other substances, persists through time ... undergoes qualitative change over time ... [and] possesses [as dispositions] causal powers and liabilities.”²⁷

Moreover, as specifically individual psychological substances, persons are “conscious, thinking beings ... possessed of distinctive and irreducible psychological powers, including the central powers of perception, thought, reason, and will.”²⁸

In short, persons are pre-eminently psychological substances in the senses that they bear properties, persist through change, and exercise genuine causal powers.

²³ See for example the various positions in Van Inwagen and Zimmerman 2007.

²⁴ Here, I rely mainly on the comprehensive account of Lowe 2008, esp. pp. 165-171. See however my critical account of several other current views in McCormick 2011b, pp. 205-240.

²⁵ For a recent discussion and application of substance dualism see Swinburne 2013. Cf. however the distinctions between substance dualisms and property dualisms in Zimmerman 2007, pp. 15-20.

²⁶ For the details of this ontology see Lowe 2006, esp. pp. 20-33.

²⁷ *Ibid.*, p. 165.

²⁸ *Ibid.*, p. 171.

As psychological substances, persons are not essentially biological beings, for biological beings are essentially physical entities.²⁹ That is, persons are not essentially animals. They are not essentially human animals persisting through only those stages of their existence in which one is conscious³⁰ and capable of thinking, reasoning, reflecting on oneself, and not through others where one is not, such as infancy, severe mental disability, extreme senility, and so on. But exactly why are persons not essentially human animals?

On this view persons are not essentially human animals just because the properties of essentially biological animals do not exhibit the characteristic existence and identity conditions of persons including their persistence. That is, essentially “biological substances ... do not possess identity conditions suitable for the attribution to them of psychological powers.”³¹

But if not human animals, persons as distinctive psychological substances are not essentially immaterial entities either. Why? Because unlike immaterial entities, persons have mass and occupy both spatial and temporal dimensions.

Nor is a person as a distinctive psychological substances constituted by the physical substance that is their body. Why? Because a person is not a complex substance but a simple substance.

Nor are persons as distinctive psychological substances mere collections of psychological properties occurring in the physical substance that is the body. Why? Because persons as distinctive psychological substances are more than just aggregates of such properties; persons are holistic entities that are more than the sum of their parts.

Persons then may be plausibly understood as simple psychological substances distinct from but not reducible to the

²⁹ For quite recent reflections on the central philosophical issues here see for example Godfrey-Smith 2014.

³⁰ Cf. Prinz 2012 and Bayne 2012.

³¹ Lowe 2008, p. 169.

physical substances of their bodies. That is, persons are entities that exhibit distinctive existence, identity, and persistence conditions. Their essential properties are primitive and irreducible to their material properties.

If this may represent a philosophically plausible conception today of persons, what consequences might then follow from such a conception for a certain idea of what we might call here personal sovereignties? But before taking up that issue, the one that most concerns us here, we should first consider at least one plausible alternative conception of what persons essentially are.

§6. An Alternative Account

One may very well agree that the nature of persons cannot be satisfactorily considered just as a function of the biology of persons. For, at least on another quite plausible alternative account of the nature of persons,³² understanding persons necessarily involves understanding not just the physical life of persons, which is the realm of the natural sciences, but also persons' mental life. And, arguably, persons' mental life cannot be reduced exclusively to the proper concerns of the sciences.

On the same account, however, the nature of persons cannot be satisfactorily considered either just as a function of any particular "anthropology." For understanding persons necessarily involves not just understanding the question "what is the person?" in terms of the place of persons in the world, which is the domain of the social sciences. Understanding persons also involves understanding the two further questions, "who is the person?" and "how do persons exist?" which is the domain of a certain kind metaphysics.³³

³² Here, I rely mainly on the French phenomenological accounts of E. Husserl on the concept of the person and the history of that concept. See especially Housset 2007 and Housset 2008.

³³ Among the key texts here are the phenomenological works of Scheler, especially Scheler 2008a and Scheler 2008b, together with those of Husserl, especially Husserl 1970 and Husserl 2001.

Such a phenomenological metaphysics sees its general task as the elucidation of the person neither exclusively as a rational animal nor exclusively as the resultant of certain causal forces. Rather, the metaphysical task is to elucidate the person as pre-eminently an entity whose unique ways of existing in the world comprise actions defined by an “originary” freedom prior to and basic for any political, social, or moral activity.³⁴

More particularly, this kind of metaphysics does not attempt to formulate any new definition of the person that might displace the historically central definitions of either a Boethius or of a Kant. Rather it focuses mainly on two objects of philosophical investigation.

The first is the person’s “principle of individuation in his ways of understanding himself and his relations with the world.” With respect to this first main object of philosophical inquiry, this phenomenological metaphysics focuses its investigations on the major supposition that the person’s principle of individuation may be properly grasped by means of reflection on what it is in the events of the world, the encounters with other persons, and the transcendence of the divine that ineluctably summons the person to question himself.

And the second object of metaphysical investigation is the person’s “‘social sense’ ... that can properly be understood only as a ‘we’ that is neither a simple intersubjectivity nor a dialogue between autonomous subjects.”³⁵

With respect to this metaphysical inquiry’s second main object, investigations focus on the social sense of the person as, far from any sense of the person as an all powerful, absolutely

³⁴ Cf. Housset 2012, ms., pp. 1-3. Hereafter, page references to Housset 2012 are to this manuscript copy. Note that I cite Housset work in my own translations. And note also that, except in the case of direct quotations, I sometimes modify the sense of Housset’s own views so as to strengthen and thereby accommodate some of my own sympathetic criticisms which, here, remain implicit only.

³⁵ Housset 2012, p. 5, with modifications.

individual subject who is its own creator,³⁶ a plural “we” that is prior to any social, political, or individual “I.” Such a “we” is even prior to any moral dimension.³⁷

In short, in this alternative view a not improper understanding of the nature of the person is founded neither on natural scientific nor on social scientific inquiry but on philosophical reflection. On its own terms this metaphysical account of the person may not unfairly be described as turning fundamentally on a series of what we might call summary basic intuitions.³⁸

One of the primary summary basic intuitions is that the person is pre-eminently not “a pure self-presence to itself of the reflective subject,” but a promise ... the response to a summons.” Another basic intuition here is that the person is “a conscious individual who cannot unify himself solely by his own powers...” And still another is that the unity of the person, “always in movement and always in a situation of departure, is inseparable from the [co-ordinate] task of rendering its proper unity [not just to itself but] to the world itself.”³⁹

Of course, summary basic intuitions like these are not uncontroversial. Still, once worked out in philosophical argument, these intuitions make it possible, this account continues, to understand the person neither as a universal entity nor as a singular entity but as an entity “that individualises itself in universalizing itself and does so by its own free actions.”⁴⁰

Accordingly, the person is not what the etymology suggested to its ancient theorists, namely, a static mask (recall “the Mask

³⁶ Historically, this understanding is said to go back to Duns Scotus’s voluntaristic understanding of the subject as an entity prescribing for itself both its own purposes and its own laws (cf. Housset 2007 and Housset 2008).

³⁷ Cf. *Ibid.*, with modifications.

³⁸ Besides the work of E. Housset, similar basic intuitions are also on exhibit in the phenomenological metaphysics of J. Chrétien (see for example Chrétien 2007) and J.-L. Marion (see Marion 2007).

³⁹ *Ibid.*, pp. 6-7.

⁴⁰ *Ibid.*, pp. 5-6.

of Agamemnon”). Rather, the person is, as much of the work of the French phenomenologist, Emmanuel Levinas,⁴¹ has tried to show, a face, an always changing visage, a moving face (remember the face of “The Kritias Boy”).

§7. Persons as Essentially Sovereign

In the light of these two quite contrasted accounts of what a person is, our question here is not to ask which of these accounts is the more rationally warranted one. Rather, given our quite different concerns, the question arises as to what are the major ways in which a person may properly be said to be essentially sovereign? I think we may be able to agree reasonably on at least three such ways.

First, a person as an individual psychological substance is essentially sovereign in that some of his or her decisions may arise from the will⁴² precisely as a power of the person and not of the person’s body. Further, some of these decisions may arise not just in exclusively rational ways. That is, some such decisions may be understood as coming about in spontaneous ways. And finally such ways “are not characteristically brought about by prior causes. To this extent we may call the will a ‘spontaneous power.’”⁴³

To clarify, consider a simple example. Take the case of a radium atom’s power to undergo radioactive decay.⁴⁴ An atom of uranium decays by the emission of radiation. Radiation is “energy travelling in the form of electromagnetic waves or photons.”⁴⁵

⁴¹ See for example Levinas 1984 and Levinas 2008.

⁴² For the key notions here see O’Shaughnessy 2008, *passim*. O’Shaughnessy also includes a useful glossary of technical terms for understanding better some of the complexities in speaking today of the will.

⁴³ *Ibid.*, p. 176. To preserve philosophical continuity I continue to follow here Lowe 2008.

⁴⁴ This is Lowe’s instructive example of “spontaneous powers” in the inanimate world.

⁴⁵ ODS 2010.

Now, this radiation is said to be rational in the sense that, given the structure and properties of the atom, the radiation naturally flows from such an individual substance. But the radiation is also spontaneous in that there is no prior substance or event that explains it, neither any beliefs or desires or reasons of the radium atom, which of course has none. In similar but not identical ways we may argue analogously, as in fact some contemporary philosophers have, that, just as the radium atom exercises a spontaneous power, the will is also able to exercise a spontaneous power.⁴⁶

Note however, a crucial difference. When the radium atom decays, “it does so without any cause [in the sense that no individual substance acts upon the radium atom with causal influence] and ... for no reason at all. The difference with the will is just that, although its exercise has *no cause*, it is characteristically exercised *for a reason*, which the person in question is aware of and normally is able to articulate.”⁴⁷

Perhaps we may call this first kind of personal sovereignty “spontaneous personal sovereignty.”

A second way in which a person as an individual psychological substance is essentially sovereign is that sometimes such a person may choose to do otherwise.⁴⁸

To see this second point return for a moment to the example of the radium atom. This example is especially important because it shows that some spontaneous powers exist in nature. One consequence is that some physical events do not result from the sufficient causation of some prior physical events.

Further, this means that the frequent scientific claim that the world is causally closed in the very strong sense that all physical events are necessarily the results of prior sufficient

⁴⁶ Cf. Lowe 2008, pp. 150, 155-156, 176-178.

⁴⁷ Lowe 2008, p. 177.

⁴⁸ The capacity “to do otherwise” remains a much debated topic in the contemporary metaphysics of free will. See for example Fischer in Kane 2011, pp. 243-265, and related articles.

causes is not correct.⁴⁹ Possibilities for at least some understandings of free will thus remain very much open.⁵⁰

Another way then in which persons may properly be said to be sovereign is in terms of their free will. Some persons, we may say more carefully, are sovereign in the specific sense that they sometimes may choose to do otherwise than they actually do choose.⁵¹ This is not the idea of personal sovereignty as spontaneity. Rather, the idea here is the additional notion of personal sovereignty as the power of free choice.

It seems to me that there is still a third way in which we may not improperly speak of personal sovereignty. We may speak of personal sovereignty, while real in the sense of being actual, as nonetheless necessarily limited. Here the basic idea is that of contingency.

For unlike for example an individual number, a person as an individual psychological substance does not exist necessarily. Persons come and go, they are born and they die. What they lack is not just necessity; persons also lack permanence. We might say that persons essentially lack ontological independence.

⁴⁹ Cf. Nagel 2012.

⁵⁰ Pesaran *et al.* 2008, pp. 406-409.

⁵¹ “More carefully” because much current philosophical reflection continues critically refine such talk. See for example the three papers in Part Five on so-called “Frankfurt-Style Examples” in Kane 2002, pp. 281-334, and the revisions and additions in Kane 2011.

Envoi

In the light of these reflections I believe that we need to conclude that, although persons are essentially sovereign, the essential sovereignty a person has is always a contingent and never a necessary personal sovereignty. This means that personal sovereignty itself is necessarily limited in the senses that personal sovereignty, while essential, is both unnecessary and impermanent. Or, in other words, personal sovereignty is necessarily limited because it cannot be other than contingent.