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Against Posthumanism: Notes towards an Ethopolitics of Personhood

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Abstract

Are we humans destined to become 'posthuman'? In this paper, we question the claims of posthumanism, accepting some of its broader insights whilst proposing a more empirically and ethically appropriate 'vitalist' response. We argue that despite recent changes in styles of thought that question the uniqueness of 'the human', and despite novel technological developments for augmenting human bodies, we remain – fundamentally – *persons*. Humans, as persons, are constitutively embedded in and scaffolded by the material, social, semantic and cultural niches they have constructed for themselves. An 'ethopolitical' response to our present that recognizes this fact not only requires us to engage with the consequences of making lives in the unequal niches that restrict and stunt the personhood of so many human beings at present, but also requires us to broaden the bandwidth of those who are recognized fully as persons. In our conclusion we briefly develop the theme that this emphasis on personhood can be seen as a vitalist – rather than a humanist – stance.

Keywords

ethics, ethopolitics, personhood, posthumanism, vitalism

Have we become 'posthuman'? Have we crossed some kind of a threshold, consigning both the idea of human uniqueness and the limits of the natural born human being to history? Should we embrace 'posthuman*ism*' as the theoretical and ethical stance

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appropriate to our times? In this paper we argue that this way of posing the question of the human today forecloses crucial social, ethical and political debates, and that these debates are better framed in terms of the ethopolitics of personhood.

Of course there are many versions of posthumanism in both the academic literature and the popular media, and it is beyond the scope of this paper to review them all (Hayles, 1999; Herbrechter, 2013; Wolfe, 2009; Rosendahl et al., 2022). Nevertheless, for heuristic purposes, we can distinguish two main themes in the current debates.

In one version, which we call 'standpoint posthumanism', the idea of the human embodies the premises of those who framed it: the norm against which humans have come to be judged is that of the male, white, heterosexual, European and so forth (Braidotti, 2013). Thus standpoint posthumanism argues that we must reject the ideas and values attached to the idea of 'the human' along with all the other binaries bequeathed to us by phallocentric Enlightenment rationality: human/animal; man/woman; born/made; white/black; reason/passion, etc. The very idea of the human, it is claimed, embodies deeply prejudicial hierarchies and should be subject to critique by theory, philosophy, and ethics in the name of a posthumanism that transcends such divisions. Central to this normative project should be the emerging field of the post-humanities: studies that no longer chart the doings and achievements of male, white humans but explore the constitutive entanglements between humans, animals, material and technological artefacts and other entities (Braidotti, 2018).

In another version, the claim that we are becoming posthuman is not so much normative as diagnostic. From this perspective, we have finally escaped the limits of our biological bodies: we are becoming posthuman because of technological advances from genetic manipulation and brain-computer interfaces to neuroprosthetics and robotics (Halberstam and Livingston, 1995; Fukuyama, 2006; Mahon, 2017). We are no longer beings shaped by the long history of evolution; we have remade ourselves. From this perspective, we need to address the novel social, ethical and political challenges that these technological developments pose, whether these be limits on what is ethically or legally permissible, or the dilemmas of attributing responsibility to self-driving automobiles or robots.

In this paper, we argue that both these versions, whilst capturing something important in our present, are framed in such a way as to foreclose crucial debates. Standpoint posthumanism captures the implicit sociopolitical assumptions in many of the ways that the distinction between human and non-human has been deployed historically. But it shuts down crucial ethopolitical debates about the values that should shape relations between diverse ways of being human persons in our global present. As for technological posthumanism, as theorists like Serres (2019) have argued, humans escaped the constraints of Darwinian evolution from the moment of emergence of our species (cf. Sterelny, 2012). It is true that some posthumanists recognize that humans have always been 'more' than human (Mahon, 2017; cf. Haraway, 2006) but this mis-poses the issue. In Clark's (2003) resonant phrase, humans are 'natural born cyborgs' and have always augmented themselves with tools and scaffolded their forms of life with material, social, semantic and linguistic artefacts. Despite many technological advances, and the fashionable speculations of some popular science writers, the empirical reality is that the destiny of the vast majority of us, many millions of whose lives are constrained by the

corporeal consequences of brutal material inequalities in access to infrastructure,[1] is to remain human, all too human. Our bodies and souls may be decomposed into data points for algorithms or parameters for surveillance systems (Burrell and Fourcade, 2021; Roussi, 2020), but we bear the cerebral and corporeal consequences of these new governmental regimes as vital organisms who, for the foreseeable future, are fated to age, to suffer and to die.

This is not to deny that there are many changes in how some of us, at least in the Global North, understand our status as human beings, and what, given the resources necessary, humans are able to do to augment ourselves. But the claim that we have become posthuman evades the necessary empirical and historical debates in the social and human sciences about the many ways of being human in the past and the present and the highly differentiated sociopolitical implications of technological changes in the foreseeable future. Any empirically grounded history, sociology and anthropology seems to be lost in such ways of thinking, as is any genuine political awareness of the forces shaping human lives in the multitude of different human inhabitations, and enabling or stunting human capacities.

In short, each of these forms of posthumanism addresses a badly-formed problem; they are unable to give rise to a progressive conceptual and empirical research programme, still less a realistic politics. In this paper, we step aside from the language of 'posthumanism' to propose what we argue is a more empirically robust and ethically appropriate 'vitalist' response. Ours is an empirical vitalism that takes seriously 'the pathic aspects of life – pathology, sickness, error; in short everything that makes us, as living beings, potentially weak, without power' (Osborne, 2016: 185).

Such vitalism broadens the bandwidth of what it is to be a fully human person and draws our attention to the historically and culturally variable extent to which all human beings are accorded social, political and legal recognition as persons; a matter that includes, but goes way beyond, the matter of rights. Rather than posthumanism, we suggest, what is required is an ethopolitical response to such challenges to personhood in our present, that is to say, one that takes seriously the values and moral commitments that should inform our political and ethical responsibilities (Rose, 2007: 27). A focus on the reality of the vital existence of human persons moves our attention away from the often arcane debates about posthumanism to the reality of our present, to an understanding of the complex vital infrastructure that has been, and is, required to sustain personhood, and to support and sustain the differing modalities of living human persons.

In the first part of this paper, we consider the claims about the posthuman we have outlined above and set out our objections to these in more detail. In the second part, we develop our argument that we should formulate our investigations, not in terms of the human, but in terms of the variety of ways of being a person; we suggest that we can learn something from studies of what we term 'minority persons' about the ways, beyond the posthuman, that we might go about understanding what Amanda Baggs terms 'the many shades of persons'.[2] Finally, we briefly address our approach to vitalism, arguing that it is necessary to recognize the specific pathos of being a finite human person struggling to make a life, and to create and sustain a milieu for that life, in an often hostile and unforgiving world.

Part One: A Badly Formed Problem

The idea of 'the human' as the essence of a certain type of being has always been misleading. The evidence from neurobiology, cognitive science and evolution firmly supports the view that human capabilities, mental and physical, have always been 'transdermal' in John Dewey's terms (Dewey, 1958 [1925]). These are invoked with impressionistic verve by Serres (2019) when he argues that our exo-Darwinian status – inaugurated by the first tools, by 'culture' – has turned inward upon itself; in a world of extended technologies humanity has left Darwinism behind through novel technologies that do not just situate the body in extended networks but which actually transform that body and the person itself (pp. 40–41). These include what Serres (2019) describes as soft technologies, by which he means information technologies of various types (p. 176). These do not only extend the human outwards but fold into the human itself. With the mushrooming of information technologies, Serres (2019) suggests that we have 'returned to evolution', but perhaps this appears more Lamarckian than Darwinian as each generation passes on what it has invented to the next (p. 48).

Evolutionary and cognitive neurobiologists give empirical form to such arguments. As Clark (1997) argues, human capacities are not bounded by their 'skinbag' but extended by and embedded in the milieu that humans have carved out for themselves; as Sterelny (2008) puts it, they are 'scaffolded' by the material organization of the environment, the capacities for communication provided by language, and memory, and the semantic and symbolic worlds they enable, worlds not just embodied or embrained, but built into language and tradition and passed forward to each individual in the course of their development (Sprevak, 2019). Thus, as Hutchins (1995) showed so compellingly, cognition 'in the wild' is not a property of an isolated human brain but always distributed across and embedded in a complex milieu of tools, instruments, persons within a specific material environment. The distinctiveness of humans thus lies not only in the size and complexity of their neuronal equipment but also in their long apprenticeship in which language in action is taught anew to each generation, as are many other 'natural' human capacities such as control of urination and defecation, management of requirements for food and water, practices of mutual care and defence, especially of infants and other vulnerable conspecifics, and so forth, all embedded in historically and culturally shaped modes of individuation. Viewed from this perspective, the social history of humans in their different cultures – naming practices, the transmission of myths and legends, religious rituals and traditions, regimes of power and control, and indeed the very layout and architecture of human material niches – creates a further social scaffolding through which human animals become particular types of persons – with all their hierarchies and distinctions – at different times and places (Sterelny, 2021).

The ideas of 4E cognition – embodied, emplaced, extended and enacted cognition – may be recent and subject to internal debate and external criticisms (see Newen et al., 2018). But there is a much older body of scholarly research that has pointed to the way that language, writing, printing, and even such apparently simple practices as list making, have transformative cognitive consequences for humans (Goody, 1978; Latour, 1986). But there is much more to being human than the capacity to use these cognitive skills. Contemporary humanness depends on an immensely complex but often barely

visible infrastructure – from sewage systems and water supplies through networks of pipes and pipelines, the production and distribution of power through networks and grids, the development of national and international standards and regulatory regimes, the creation of global financial systems and much more, which extends way beyond any human life and structures, supports and constraints across human generations (see the articles collected in Collier et al., 2016).

Our scaffolding has certainly been transformed by recent technological developments, but it has been similarly transformed innumerable times in our past. The threshold, if there ever was one, from human animal to human being, was passed millennia ago, and those who dream of a posthuman or transhuman future do so only by forgetting what has made us human in the first place. If we need reminding of the consequences of the absence of such scaffolding, we need only to consider what it takes to be human in the slums of Mumbai or Dhaka, or contemplate the tragic reduction of the possibilities for human life occurring as we write during the massive destruction of critical infrastructure by the 'inhuman' Russian bombardment of Ukraine.

The Ethopolitics of Persons

This is the approach that we label 'ethopolitical'. It is not so much to do with 'the human' but with *persons*, with the political, moral and conceptual schemas shaping who or what counts as a person at any time and place, and their consequences for the multiple ways of being persons at any one time and place (Rose, 2007: 22–7). Instead of invoking the binary terminology of the human versus the posthuman we insist on the multiplicity of modalities of personhood. Of course personhood is always a construct – but none the less real for all that. What or rather who does or does not qualify as a person is, and long has been, a political issue. Recall, for example, the well known facts that slaves were not counted as full persons in early US censuses (Finkelman, 2012); that in many jurisdictions women could not be fully persons at law until very recently; and that it has taken decades of political activism, including now the neurodiversity movement, to grant full person-ness to those deemed mad or intellectually differently abled. Perhaps it will be argued that this shows that the category of the person is no less difficult to pin down than that of the human – are we speaking of legal persons, of dramatic personae, and what, for example, is implied when people attribute some form of personhood to animals? But in all these cases, what is indeed involved are questions of value and values, and the political and ethical disputes around these. That is to say, these are ethopolitical issues, and the challenges raised in defining or delimiting personhood are unlikely to be resolved epistemologically or even philosophically. Indeed, rather than suggesting that the category of the human should be superseded, we suggest it is more productive to explore how ideas as to what or who counts as a person have been transformed in different historical and geographical domains, and in arenas ranging from the medical to the geopolitical.

The binary of human versus posthuman prematurely forecloses these investigations of the formation, maintenance and overturning of different modes of personhood, the scaffoldings and affordances that have made such forms of personhood possible, and the value and values attached to the varieties of persons, historically and culturally, for instance in relation to rank, race, gender, age, or sensory impairments. These are not

merely socially ascribed statuses but entail very different material, corporeal and cerebral modes of being. If we are to understand the mutations in our present that are bundled into the posthuman 'turn' then we will need to be realistic, in the sense of an attention to the ways in which our ways of thinking about, intervening upon and being human persons are changing in the light of research on human evolution, animal sentience, artificial intelligence and so forth and the specific questions of ethics and politics that these changes raise.

For example, we do not need to question human exceptionalism to recognize what is at stake in the campaigns of activists protesting against the cruel treatment of animals, whether it be the harsh violence of the slaughterhouse, the routinized violence of industrial food production, or even the constraining and moulding of animal biology in the everyday routines of the farmyard. Theirs is an idealistic but pragmatic ethopolitics, a rejection of practices that are cruel or hurtful to animals, based on the belief that they can feel pain and suffer, that is to say they have modes of sentience that should be recognized in particular ways. Those who wonder if robots equipped with artificial intelligence will develop sentience or consciousness do not suggest that this would make such entities human but that it would make them, at least in some respects, worthy of some of the rights and protections granted to persons, and also some of their ethical and legal obligations. An ethopolitical perspective enables us to extend our concerns to non-human others that demonstrate sentience, and even grant them some of the protections hitherto reserved to certain types of persons, while still recognizing what evolutionary biology and historical sociology have shown us – that, as far as our own planet is concerned, while humans are not alone in their capacity for sentience, they are indeed a unique species, albeit one that is constitutively entangled in much wider webs of life and indeed in the transformation of the materiality of our planet itself.

The Universal Human?

Whilst the hierarchies of raciology are all too familiar, we need no posthuman standpoint to underpin critical evaluations of these styles of thought and their consequences (e.g. Gould, 1981; Gilman, 1985). The movements towards universal human rights have been more ethopolitical than ontological, that is to say based on certain values and ideals about how a human person should be treated and directed against certain classes of harms that violate those beliefs. Take, for instance, three conventions: the charter of human rights, the idea of crimes against humanity and the convention on the rights of persons with disabilities. The UN Universal Declaration of Human Rights adopted in 1948 does not make much mention of 'the human' but refers in its preamble, for example, to 'inalienable rights of all members of the human family' and to 'the dignity and worth of the human person' and later refers throughout simply to 'everyone'.[3] The 11 categories of offences that are considered 'crimes against humanity' in the 1998 Rome Statute establishing the International Criminal Court refer to offences against civilian populations and persons, but not to any universal category of humans. It needs no ontological account of the human to define such crimes, and the history of the concept shows its pragmatic, ethopolitical status; the category of 'crimes against humanity' emerged because there was need for a notion that encapsulated genocidal behaviour beyond the 'laws of war' – a

crime against humanity is thus pragmatically distinguished from a ‘war crime’ (Jia, 1999; Osborne, 2003). The 2006 UN Convention on the Rights of Persons with Disabilities refers throughout, as the title suggests, not to ‘human rights’ but to ‘persons with disabilities’.[4] And while the politics of enforcement of these instruments and declarations is highly unequal, there is not much sign here of an underlying conception of the human as male, white, fully abled, heterosexual or any of the other attributes that some posthumanists believe is invoked by the term – indeed quite the reverse, the history of these endeavours shows very clearly the repeated attempts to extend their concerns to all persons.

Such conventions function as part of what Judith Shklar termed ‘the liberalism of fear’ (Shklar, 1989), a set of beliefs about the equal worth of all persons, and *instrumentally* as one weapon, albeit limited, against cruelty and fear. Bernard Williams has called this a ‘negative universalism’, and the idea of all human persons as forming one family certainly has a place in such ethopolitical debates (Williams, 2005). Similarly, for a writer such as Gilroy (2001), a vision of a cosmopolitan ‘planetary humanism’ is not based in ontology but is a strategy for combatting the many varieties of fascism and raciology. It is, in our terms, an ethopolitical move, an ethical strategy to give shape to urgent demands in the politics of our present.

Uneasy Cyborgs

What, then, of claims that, even if we humans are only such because of our augmentations and scaffolds, recent technological developments, in artificial intelligence, robotics, prosthetics, brain-computer implants or brain-machine interfaces and the like, do mark a threshold, freeing us from the skinbags of our body, with its ailments and inescapable ageing, liberating our minds from those limited capacities bequeathed to us by the aleatory work of evolution? For some who think this way, age will be conquered by genetic engineering, babies will be born in artificial environments engineered to maximize their capacities, ailments will be all but eliminated as genomes will be edited at birth if not before to ensure longevity and eliminate the defects that lead to disease, humans will have chips implanted into their brains, using wireless technologies, not just to control prosthetic limbs but also to enhance their sensory capacities and manipulate distant robotic entities via the internet (e.g. Lee, 2019; Bohan, 2022). Yet one needs to be realistic about the limits of these augmentations. Our AIs can win at chess but have no idea what the game means to those who play it, our self-driving cars prove all too prone to ‘accidents’, Google strongly denies that its advanced language recognition and response system LaMDA has given rise to sentience,[5] and even though our sex aids and robot companions have got fancier since ancient times, as COVID isolation has shown us, we still yearn for the touch, taste and smell of another human body, and can die of loneliness (Cacioppo and Patrick, 2008). As for augmenting our bodies and brains, a growing literature has shown that it is not necessarily so easy to live with ones prostheses (e.g. Davies and Dattta, 2003) and the use of brain/computer interfaces requires extensive training and is exhausting for the user over any long period (Olaronke et al., 2018). Many who have electrodes implanted for deep brain stimulation to modulate mobility problems cause by Parkinson’s, and now to ‘treat’ depression, ask for them to be turned

off as they dislike the effects they have on their own sense of personhood (Bluhm et al., 2020; Dubiel, 2009). While some dream of uploading human brains into silicon entities, our understanding of the neural circuitry of even the most simple creatures is rudimentary, and despite multi-million-dollar research projects such as the European Human Brain Project, and similar endeavours in the US and many other regions, our understanding of the real time functioning – rather than the structures – of the normal human brain in everyday human activities, let alone in pathologies, remains rudimentary.[6]

We still have no mechanistic understanding of some of the most devastating neurological disorders, and decades of careful and rigorous brain research has not led to effective interventions in dementias (Mauricio et al., 2019). While gene editing using the technology known as CRISPR-Cas9 is now used in plant breeding, it is not generally accepted for humans, given the high proportion of failures, even in attempts to target well-specified single gene disorders (Zuccaro et al., 2020).[7] Genomics has certainly helped us to understand the mechanisms of some disorders, but the wholesale revolution in genomic medicine promised at the time of the sequencing of the human genome has yet to arrive (Coote and Joyner, 2015; McCarthy et al., 2013). Notwithstanding the gurus who tell us that immortality is just around the corner, we continue to age, suffer and die in grotesquely unequal ways. So despite the claims of technological post-humanism, and the hype of the entrepreneurs of Silicon Valley, we remain human, all too human.

Part Two: Shades of Personhood

Humans are animals, their capacities arise out of intelligible processes of evolution, and they share many capacities once thought to be unique to them with non-human animals – tool use, capacity for communication, transmission of modes of behaviour down generations by learning, active problem solving, awareness, experience and some form of sentience or consciousness, and, for some animals at least – dolphins, elephants, chimpanzees – the capacity for self-recognition (Ginsburg and Jablonka, 2019). These capacities are never just 'built in' to the organism, they are always realized in particular niches within which those creatures have evolved, developed, and co-constructed (Odling-Smee et al., 2013). Yet the human animal has long departed from other animal forms, not simply in terms of the size, complexity and plasticity of human brains, and the long period of development of humans outside the womb, but also by the almost inexhaustible variety of the milieus that they can successfully inhabit. Thus, we do not follow those who seek to break down the wall, apparently another Enlightenment binary, between human and non-human animals – and indeed between humans and the natural world more generally (Descola, 2014; Despret, 2016; Kohn, 2013).

But there is another difference. While there is debate about whether non-human animals can recognize different individuals, each individual human being, or each one that survives into infancy, is individuated by a name and recognized by their face (Ferretti and Papaleo, 2019). And in the moment of such individuation, the being becomes a person, *a person only in situ*, a unique form of being in its own landscape of being, the milieu in which it can make its way, for better or for worse, as a person enacting a particular mode of being in a particular material, linguistic, social, semantic 'umwelt' of signs and meanings.

Repertoires of Personhood

In his famous essay on the notions of the person and the self, delivered in London in 1938, Mauss (2021 [1938]) argued that while the notion of the 'I' (*le moi*) is both recent and culturally specific, notions of the person are perennial but have varied over time from 'a mere masquerade to the mask, from a role to a person, to a name, to an individual . . . to a being with metaphysical value, from a moral consciousness to a sacred being' (p. 260). The *Oxford English Dictionary* tells a similar story. It finds its earliest usage in English in the 13th century, as in Old Occitan, Catalan, Spanish, Portuguese and Italian. All have an etymological reference back to the Latin *personae*, for a 'role or character' assumed in real life or in a drama or story, but also to the idea of 'an individual human being', sometimes with a qualifying word denoting rank (high or low). Later usages distinguish the person from his or her occupation, relate to the living body of a human being present at some place without reference to their dress or adornment, that is to say to be present 'in person'. By the 17th century, the word seems to have acquired the further connotation of a being that has reason, reflection and can consider itself as a self – which leads to the question posed in *The Humanist*, in 1994, and that we are still posing three decades later: 'Will artificial intelligence develop to the point that a computer or robot could qualify as a person?'[8]

Of course, there are many other senses, including the grammatical one, but the most important for our purposes is that of law, viz. whether an entity, individual or corporate body is recognized by the law as having certain rights or duties. As the influential English jurist William Blackstone puts it in 1765, in *The Common Laws of England*: 'Natural persons are such as the God of nature formed us; artificial are such as are created and devised by human laws for the purposes of society and government, which are called corporations or bodies politic' (Blackstone, 1765: vol. 1, i, 123). Thus, as is well-known, for many centuries in many jurisdictions, while women could be tried in the criminal courts, they were not independent 'natural persons' in other areas of law, could not own property or initiate divorce. In the US, in the censuses of 1850 and 1860, slaves were not enumerated alongside freeborn Americans and not counted as persons, and when they were counted at all, as required by the Federal Constitution, the Constitution 'stipulated that a slave counted as three-fifths of a person for purposes of taxation and apportionment of the House of Representatives'.[9] The question, then, was not who is human, subhuman or posthuman, but which living human being is counted as a person, by whom and with what consequences.

Minority Persons

The term 'minority persons' is increasingly used to refer to ethnic minorities or those with particular sexual orientations and, more recently, to those with physical disabilities (cf. Barnes, 2016). Activists for different minority groups have waged a long struggle for their constituents to be recognized as persons at law. But it is not only a question of law. Of course the law can be both an indicator of personhood and the grounds for claims to be made by those whose status as persons is not fully recognized. But behind the law the possibility of being a particular kind of person is constructed out of motley

materials – discourses, practices, objects – and always enacted *in situ*, that is to say in particular places, times, niches (cf. Hacking, 1995; 1998).

There is a tendency to consider persons, in their 'normal' state, as unitary, as essentially whole, distinct from other persons and coherent in themselves, and to think as non-unity as at least a potential pathology. In our view this is fundamentally mistaken. Non-unity does not constitute an ailment. Let us take Janet (1929) as our example here. In *L'evolution psychologique de la personnalite*, the person is understood as a *unity* of otherwise separate things: a *distinction* from other such unities (individuality), and as *integration* (actually Sherrington's term). *'Une personne . . . c'est un organisme humain, avec une tete, des bras, des jambes, mais c'est un corps unique*' (p. 11). A person – unlike an object such as a lamp or a table – has personality, which means that its distinctiveness is not imposed from outside but is self-generated. Janet thinks this is very important – it is surely a vitalist premise that only living beings generate their own distinctiveness. And it is the doctor's role, says Janet, to understand this self-generated distinctiveness. The sick person is still a person, but with a different type or level of integration. But, crucially, Janet sees the integration of the personality not as given but as *travaille* towards unity. It is always a question of a striving, a form of vital activity: '*nous appellerons d'abord une personnalite l'ensemble des operations, des actes petits et grands, qui servant a un individu pour construire, maintenir, et perfectionner son unite et sa distinction d'avec le reste du monde*' (p. 13). Janet's own terminology for these worlds did not adopt the romantic terminology of 'wholeness'. The belief in wholeness as the actual, desirable normal state of being a person is imposed upon us today, in part by our belief that our name indexes the unity of a biography, in part because of the multiple practices of individualization that hang on the name, from the courtroom to the tax office, the passport to the death certificate. Janet used the terminology of *equilibrium*; persons strive to attain equilibria, however temporary, both 'within' themselves, their varying conducts, impulses and forms of comportment, but also in relation to their 'environments', constructing milieus which they both adapt and to which they adapt. Persons, as such, are living beings, attempting to ward off the 'catastrophic' possibility of a level of disorganization that overwhelms their capacity to maintain their life (cf. Goldstein, 1995 [1939]).

Oliver Sacks is the most well-known example of this kind of approach. We can learn a lot from his studies of those who live in worlds we have come to think of as 'abnormal' about the vital struggles of humans to make lives for themselves in worlds scaffolded for other modes of being. The people whose lives Sacks documents live in worlds where time and space and movement have become completely different from those inhabited by 'majority persons', and yet some manage to live lives they would not forsake. In his Preface to the 1990 edition of *Awakenings*, Sacks (1990 [1973]) writes that 'what confronted one . . . was not just disease or physiology, but *people*, struggling to adapt and survive' (p. xxvii). Indeed, what Sacks provides is what one might term a 'clinical ethology' of what it is to be a person. He writes: 'We must be explorers in the uncanny realm of being-Parkinsonian, this land beyond the boundaries of common experience . . . to compare being-Parkinsonian with that mode-of-being that we agree to call "normal"' (Sacks (1990 [1973]: 8). Sacks, as a clinician, has no hesitation in considering the persons he is treating as disordered, for Parkinsonism is pathological. It is a difference from 'normal' response because it disrupts the *background* taken-for-granted aspects of

comportment; a pathological speeding-up (festination) and/or a pathological slowing down (akinesia). But the pathology is experienced by the patients themselves, and Sacks' accounts leave us in no doubt about their sense of being very painfully taken out of the given, 'normal', background run of things. The version of Parkinsonism induced by encephalitis lethargica and transformed by the administration of L-Dopa was indeed a way of being a person, what Hacking might term a human kind, and we should not be blind to the looping effects of this as with other categories. But whatever the similarities between the persons that Sacks treated and those who live with Parkinson's disease today, the form of being a person that Sacks observed and treated could exist only in a particular time and space; it was a way of being a person in a specific niche, a milieu that no longer exists.

Normal Persons?

Sacks' patients raise the issue of normativity. What, after all, is 'normal' personhood? Our response is that the biologically normal is always relative to a milieu, and hence there are indeed many forms of vital normativity. But there are also disturbances to that normativity, whether caused by organic malfunction or other disruptions. Those minority persons who are challenged by forms of organic restriction or disablement, either from birth or by a disabling medical condition or what are is now termed a 'life changing' experience, are obliged to invent or enact strategies of normalization in relation to the milieu in which they live, reshaping both themselves and that milieu in the process (Dokumaci, 2020, 2023). Hence such kinds of 'disorder' are not merely a reduction from a norm that is passively undergone. As Sacks puts it, commenting on Jelliffe's work: 'Thus, post-encephalitic illness . . . needed to be seen as an individual creation of the greatest complexity, determined not simply by a primary disease-process, but by a vast host of personal traits and social circumstances; an illness, in short, like neurosis or psychosis, a coming-to-terms of the sensitized individual with his total environment' (Sacks, 1990 [1973]: 21–2). Sacks insists on the case-study method precisely for this reason: that it is not just a question of 'disease'. Thus, when patients take L-Dopa they often don't improve in terms of their symptoms but they do improve in terms of their sense of themselves as persons, able to reach a new compromise with their milieu. As, for instance, for Frances D. (Dokumaci, 2023: 63, footnote):

> In her long years of illness, she had observed her own propensities and symptoms with a minute curiosity, and had devised many ingenious ways of reducing, overcoming, or circumventing these. Thus, she had various ways of 'defreezing' herself if she chanced to seize in her walking: she would carry in one hand a supply of minute paper balls of which she would now let one drop to the ground: its tiny whiteness immediately 'incited' or 'commanded' her to take a step, and thus allowed her to break loose from the freeze and resume her normal walking pattern.

Perhaps in this 'compromise', this sense of improvisation, we can recognize strategies of personhood more widely; for what makes us persons is all the different compromises we make with our environment – our habits, our perceptions, our judgements and indeed, as

Sacks constantly emphasizes, our sociality: to be a person means to co-exist with others. It is to be able to improvise and be responsive to one's milieu and to others.

What can we learn from those persons who Sacks refers to as inhabiting a land beyond the boundaries of common experience, out of step with that mode-of-being that we – or the majority – agree to call 'normal'? We referred earlier to a phrase used by Amanda Baggs, an early activist for the rights of autistic persons, especially those deemed 'low functioning'. As she reminds us in her video, 'In My Language', there are 'many shades of persons'.[10] Baggs creates a circumscribed world and utters cries and shrieks and engages in repetitive motions to signal its qualities and boundaries, to bring about her own kind of equilibrium. In this world, Baggs is indeed intensely, vitally *normal*. For her, as she insists with such clarity, such behaviour is not irrational or senseless; it is a form of making sense, not necessarily for 'others' but for the intensely social world that *is* her own 'interior' world. If there is no-one else to speak to, after all, we speak with ourselves. But, as Baggs insists:

> The richness I experience of the world is not merely a more limited version of other people's experiences. My experiences have their own richness that other people may not be able to see, and they are far more than a mere lack of movement, conventional thought, speech, language, or perception. (Baggs, 2010)

Or consider persons who, for whatever reason, are deprived of one of the senses that are common to the majority of those who live in the land we call normal, but who hardly experience this as a 'deprivation'. Helen Keller became deaf and blind at the age of 19 months, probably as a result of a virus. She emphasized the importance of touch; not just that being deaf and blind she had necessarily to resort to touch, but the extent to which her sense of touch could replace and even better the other senses; how, for instance, she could read character traits in the hand and on the faces of those she met (Keller, 2010). To read her creation of a viable mode-of-being reveals that there are many ways in which personhood can be improvised, and it is that incessant necessity for improvisation that makes persons human.[11]

Personhood beyond the Human

So what of personhood beyond the human? The Nonhuman Rights Project (NhRP) in the US is trying to get legal status for chimps held in captivity in America and has brought a number of cases to court, but so far their claims have been denied by judges on the grounds that *chimps are not persons* (Andrews et al., 2019: 1). Following the traditional – though increasingly problematic – legal distinction between persons and things (Esposito, 2015), in US law, every entity is either a 'person' or a 'thing' – and chimps are deemed to be 'things' and so not eligible for *habeas corpus.*[12] In fact, in European history, the distinction of persons and things was not always so straightforward. As Edmund P. Evans shows us in enormous detail, from the 9th century to the 18th century, in many parts of Europe, animals – from woodworm whose chewing caused church beams to collapse, killing and maiming worshippers, to pigs and other animals who caused the death of innocent humans, to the weevils that destroyed French grapes around the French

village of St. Julien in the middle of the 16th century – could be brought to trial in the ecclesiastical courts, and if found guilty, sentenced to death (Evans, 1906). They were not thought of as humans, but in a certain sense they were considered as persons, as having intentions to commit wrongful acts, and therefore liable to the same obligations and punishment as persons with legal capacity.

They illustrate our point: that these are ethopolitical issues, and such issues of personhood cannot be foreclosed in ontological or epistemological terms. Is Happy the elephant, who is the subject of another test-case for the Nonhuman Rights Project, actually deserving of some of the rights of personhood because she has demonstrated self-awareness and hence a form of sentience deserving of respect? The NhRP filed 'a petition for a common law writ of habeas corpus in the New York Supreme Court, Orleans County, demanding recognition of Happy's legal personhood and fundamental right to bodily liberty and her release to an elephant sanctuary'.[13] Sceptics might reasonably respond that while Happy should be treated well, it is absurd to confer personhood upon her in order for her to be freed from restricted confinement. But the NhRP garnered support from legal scholars, theologians and many other experts in their bid to extend the rights and safeguards of personhood to a sentient non-human being. And why stop with animals? In Ecuador, legal status is given to forests and nature; and this aligns with some of the recommendations of Michel Serres to ordinate a new 'natural contract' (Khandelwal, 2020; Serres, 1995). The idea of environmental personhood is not a posthumanist notion; it is rather an event in contemporary ethopolitics – the seeding of an idea derived from human personhood to non-human forms of the living.

Personhood presupposes the possibility of ethology, an interpretation of conduct and behaviour of sentient entities within given milieus (Williams, 2005). Persons do not enact what an earlier generation of animal behaviourists, following Konrad Lorenz and Nico Tinbergen, termed 'fixed action patterns' in which a given stimulus evokes a fixed chain of behaviours (see Hinde, 1979). But actually, as a host of contemporary ethological studies have shown, most animal behaviour is not of the 'fixed action pattern' type. Animals shape their behaviour in relation to their milieu; they form their milieu – construct it – out of their environment in order to make a world that they can live in (Tomasello, 2022). They confront situations and predicaments in given social and material space and react to those in ways that may be habitual and non-conscious but are not automatic or pre-given. We can extend this line of thinking to AI equipped robots. The question is not so much whether they can think, but whether they can have some kind of sentience or awareness of their situation, a critical awareness which entails not only inventing novel responses to unpredictable changes in their milieu, but also a capacity to reshape their milieu itself in relation to their goals. If so, their behaviour should be understood through an ethological rather than a merely mechanical account. At present it is only in fictional representation that such accounts are possible – one thinks of Ishiguro's *Klara and the Sun*, or the movie *Ex Machina*, both of which seem to us to be precisely about this issue. Some years ago, Georges Canguilhem remarked that we were not quite at the stage yet when we could imagine finding a volume in a bookshop entitled *A Computer's Autobiography* or *A Computer's Self-Critique* (Canguilhem, 2008: 12). Yet, beyond the binaries that the posthuman imposes on our thinking, we now are indeed at the stage when we can engage in the ethopolitical debates about what kinds of entities have potential personhood.

Conclusion

For some Kantian philosophers – such as Christine Korsgaard – only humans have genuine autonomy because only humans have language and self-consciousness so as to define their own ends and be aware of them at all (Korsgaard, 2006). Such philosophical discussions are highly normative, based on idealized conceptions of what it is to be a person, and assuming that, if we are persons, we are constantly aware of what we are up to, we are aware of our ends, and we act – or should be allowed to act – consciously and autonomously in order to achieve them. But this criterion for personhood would rule out almost all human beings, given that most act according to ends that they have not consciously chosen or willed, and are not autonomous in Korsgaard's sense, but shaped and constrained by their social, symbolic, unequal milieu.

It is not just Kantians who like to draw hard and fast lines between humans and others. We might contrast Baggs's pluralist appreciation of the multiple varieties of personhood with that epitome of European philosophy, Martin Heidegger, who insisted that there were, so to speak, barrier-like distinctions between dead things, mere animals and genuine humans; that stones were without world, that animals – and presumably those humans who, whether for medical or perhaps 'racial' reasons – were 'poor in world', and that only genuine humans were 'world-forming' (Heidegger, 1995: 177). Others take an ostensibly less hierarchical view and yet still subscribe to a narrowly anthropocentric prejudice. Charles Taylor contends that personhood can only apply to humans since only humans have language and so only humans can 'respond' to each other. 'A person is a being who can be addressed and who can reply' (Taylor, 1985: 97). For Taylor, only humans can be respondents. One might suspect that only 'responsive' humans would qualify, and that the severely autistic or those with sensory impairments restricting their capacity to hear or to speak might be categorized as non-human or less than fully human.[14] Whether Heideggerian or post-Hegelian, philosophers have tended to see non-human matters in terms of a presumed 'lack' of world. But, as we have already argued, it is persons that are 'world-forming', not just humans. And the essential problems of ethopolitics will tend to turn around what is a 'normal' type of world-forming and what is not.

As we have argued, human responsiveness is a much wider matter than the possession of language and is dependent on a lifetime of experience within all sorts of material and social scaffolding beyond the skin of the individual. Gerard Quinn has argued in this context that we need a more 'three-dimensional' understanding of disability and rights of personhood; that human personhood is not just atomistic but shared, part of a surrounding and enabling – if not restricting – world (Quinn, 2012: 40). As such, personhood is a category with politicized – or rather, ethopoliticized – boundaries. Its parameters are not fixed by ontology, biology or even culture; they have to be negotiated via ethopolitical effort. Persons might be defined in terms of their latitudes of responsiveness. A person might be defined as an entity endowed with responses that are not just reflexive but, to various extents, open-ended, improvised. Persons do not just react; they respond. Animals have various shades of responsiveness, and even – at least potentially – certain sophisticated kinds of artificial intelligence. It is true, as Canguilhem observed, that the condition of existence for all forms of artificial intelligence lies in the extended evolution of

living creatures capable of making them. There is no primeval soup from which any AI could emerge. But nonetheless, such entities may be considered to have the capacities that warrant the attribution of personhood if they show sentience and open-ended improvisation to manage their existence in a milieu that has not been artificially created for them: if they are niche constructors, engaged in milieus in which they have a certain degree of latitude in the face of threats which they negotiate, using what is at hand from the affordances of their situation, whether these are artefacts such as Frances D.'s minute balls of paper or signs, symbols and theories. What is in question is not simply 'adaption' of an entity with fixed capacities to a given environment but the engaged activity of a sentient creature creating its life through negotiating fields of experience of different kinds. Perhaps the Helen Kellers of this world or Sacks's patients are exemplary in this regard, because of the degree to which they have sought to negotiate the kinds of catastrophic situation that confronted them.

We have seen how the concept of personhood, derived as it is from specifically human experience, can be seeded and transferred into non-human context. This is what much contemporary ethopolitics is about. Debates about the extension of personhood are not anthropomorphism – attributing to animals, and even to the environment, qualities of human personhood. Nor is it a question of deriving personhood from some foundationalist ontology or epistemology. It is more akin to what Paul Ricoeur once termed the 'contextualism of the universal' (Ricoeur, 1998: 61; Osborne, 2003: 529), using the improvised variability of human experience *in situ* as a kind of template. Personhood is not an ontological category but it is a transferrable one; it is a condition of our own personhood that we can debate the politic and ethics – the ethopolitics – of extending the concept of personhood again and again beyond the limits that are taken to circumscribe it.

If our approach is vitalist, it is a vitalism as much of pathos as of affirmation (Osborne, 2016). To be alive, to emphasize the import of vitality, is not necessarily to celebrate or 'affirm' life, but to be aware equally of the challenges of life, the catastrophic situations in which many people – and non-human animals – find themselves. It is to be attentive to the extent to which to be a person is not to be 'normal' but always to be, as Janet puts it, striving to get beyond incompleteness, or what he calls the sense of 'emptiness', working towards different kinds of equilibria, however localized and precarious (Janet, 1929). This, then, is more the 'pathic' vitalism of Samuel Beckett's characters, struggling with their milieu, counting stones in their pockets, a vitalism whose slogan might be 'try again, fail again, fail better'.

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Notes

1. This way of phrasing this issue was suggested by one of our anonymous reviewers.
2. https://www.youtube.com/watch?v=JnylM1hI2jc
3. https://www.un.org/en/about-us/universal-declaration-of-human-rights
4. https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html#Fulltext

5. https://www.washingtonpost.com/technology/2022/06/11/google-ai-lamda-blake-lemoine/
6. https://www.technologyreview.com/2021/08/25/1032133/big-science-human-brain-failure/. One of the authors of the present paper was a member of the steering group of the social and ethical division of the HBP for over a decade.
7. https://royalsociety.org/news/2023/03/statement-third-international-summit-human-genome-editing/
8. Quoted in the *Oxford English Dictionary* definition of the word *person*: 'In general philosophical sense: a conscious or rational being'.
9. https://www.archives.gov/files/research/census/african-american/census-1790-1930.pdf
10. https://www.youtube.com/watch?v=JnylM1hI2jc&ab_channel=silentmiaow. Temple Grandin, in her book *Animals in Translation* (Grandin and Johnson, 2005), aligns autistic personhood with that of animals to the detriment of neither. But 'autists' are undoubtedly persons, with a vital normativity very different from non-human animals, even if they inhabit landscapes of being that are beyond the bounds of the experiences that, in our societies, we have been brought to take to be normal.
11. For another telling example, see Tito Mukhopadhyay's (2000) account of the way that, though completely non-verbal, he is able to write the story of his life and his inner world, and communicate fluently through prose and poetry.
12. On this particular case, see the documentary *Unlocking the Cage.* As is the case more generally with attempts to break down barriers between human and non-human animals, anti-racism activists in the US have been very critical when animal rights campaigners liken the treatment of chimps to the treatment of slaves in US history.
13. https://www.nonhumanrights.org/client-happy/
14. Presumably Taylor's criterion would exclude Tito Mukhopadhyay, referred to above.

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