**ANALYSIS**

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# Reflections on the Concept of "Person": Analysis, Critique, and Reconceptualization

## Reflexiones en torno al concepto de «persona»: Análisis, crítica y replanteamiento

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**Abstract**

The concept of "person" is associated with normative characteristics and functions, implying the recognition of rights and obligations, but it is also linked to psychological, biological, and social factual aspects. This theoretical research work, through the techniques of bibliographic review and comparative analysis of content from philosophical literature and other fields of knowledge, aims to reflect on the concept of person. Firstly, some sociocultural and historical issues are considered. It is then linked with other categories. Later, some of the main philosophical ideas of the Western tradition on the concept of person are presented. Some traditional criteria are analyzed and criticized. The concept of person is redefined by integrating biopsychosocial and normative factual elements, and then some relevant theoretical and practical implications are reflected upon.

***Keywords:*** *Person, philosophy, philosophy of law, ethics, political philosophy.*

**Resumen**

El concepto de «persona» tiene asociado características y funciones normativas, implica el reconocimiento de derechos y obligaciones, pero también se vincula con aspectos fácticos psicológicos, biológicos y sociales. Este trabajo de investigación teórica, mediante las técnicas de revisión bibliográfica y el análisis comparativo de contenidos de la literatura filosófica y de otros ámbitos del conocimiento, tiene por objeto reflexionar sobre el concepto de persona. Se consideran, en primer lugar, algunas cuestiones socioculturales e históricas. Se lo vincula luego con otras categorías. Más adelante, se presentan algunas de las principales ideas filosóficas de la tradición occidental sobre el concepto de persona. Se analizan y critican algunos de los criterios tradicionales. Se replantea el concepto de persona a partir de la integración de elementos fácticos biopsicosociales y normativos, luego, se reflexionan sobre algunas implicaciones teóricas y prácticas relevantes.

***Palabras clave:*** *Persona, filosofía, filosofía del derecho, ética, filosofía política.*

## Introducción

The term **person** derives from the Latin **personae**, which was used to designate the masks of theatrical actors; this term is itself a translation of the Greek **prosopón**, with the same meaning. Possibly in antiquity, taking Greece and Rome as points of reference, the notions of human being, person, and citizen were often interchangeable—although most likely in a sense different from our own (Störig, 2015; Stagl, 2015). The ideas surrounding the concept of person entailed the recognition or denial of rights, depending on the fulfillment of certain requirements.

Moreover, the concept of person is not unequivocal; it is multidimensional and carries political-legal and ethical normative implications. It entails the recognition of rights and obligations, duties and responsibilities, but is also connected with factual elements. At different moments and in different places throughout history, a few simple criteria were put forward as necessary and sufficient, based on certain characteristics, properties, and/or capacities such as language, reasoning, sensitivity, or specific abilities (Ball, 2012; Störig, 2015; Gazzaniga, 2015). These criteria served as the basis for determining whether particular subjects were to be recognized as persons, with all the multiple implications such recognition—or lack thereof—entailed.

In everyday language, *person* is equivalent to *human being*. However, there are philosophical divergences concerning the specific criteria required for the attribution of personhood status, since many of the proposals based on certain exclusive criteria deemed self-sufficient lead to contradictions and to problems that appear irresolvable. Positive legal normative codes, at least in contemporary Western societies, establish the effective parameters of reference, yet they cannot provide definitive solutions. Furthermore, as will be shown, the idea that every human being is a person is not universal but rather one that was historically developed in particular times and places.

In today's public debates on issues such as *in vitro* fertilization, abortion, euthanasia, and others, philosophical, religious, and political assumptions regarding the concept of person are at stake. These assumptions are not usually considered explicitly, which creates difficulties for dialogue, rational discussion, and the practical handling of the problems related to the subject.

As Stevenson et al. (2021) point out, several questions arise from the concept of person, such as the following:

> Who or what is a person? […] Does one become a person at the very moment of conception, when the sperm unites with the egg, at some point during pregnancy (and if so, when?), or perhaps not until birth? What happens in the case of a human being with brain death or with brain damage or illness so severe as to cause permanent incapacity for any form of communication? Is such a being still a person? […] Can personhood gradually emerge or disappear? (p. 30).

This theoretical, qualitative, philosophical study seeks to reframe the concept of person. To this end, a review and comparison will be carried out of the relevant literature in philosophy as well as in other fields of knowledge.

First, some sociocultural and historical aspects of the concept of person will be considered schematically. Next, the relationships between the concepts of person, personality, and identity will be analyzed. Subsequently, the main philosophical proposals on the subject will be reviewed. The principal criteria employed to determine whether a given subject is to be regarded as a person will be evaluated. The concept of person will then be reframed, and finally, some theoretical and practical implications will be reflected upon.

## Methodology

This study is a theoretical or basic investigation of a philosophical nature, based on a qualitative approach (Krauze, 1986; Sautu et al., 2005; Garza Mercado, 2007; Chu García, 2021). Various positions concerning the notions, concepts, or ideas of person are analyzed, compared, evaluated, and reformulated in terms of natural language, including those related to its properties, characteristics, and traits.

The research method employed is that of logical conceptual analysis, grounded primarily in deduction and induction, as well as in the analysis and synthesis of content (Krauze, 1986; Sautu et al., 2005; Garza Mercado, 2007; Chu García, 2021). The research techniques implemented include bibliographic review and comparative content analysis.

The study draws on philosophical works, some of them classical, since they present—directly or indirectly—the principal ideas on the subject. Contributions from other fields of human knowledge, such as history, psychology, and sociology, are also taken into account.

The theoretical perspective adopted is inspired by what is often referred to as *scientific philosophy* (Romero, 2017, 2018; Teixidó, 2021), also known as synthetic philosophy or analytic-synthetic philosophy, based on systemic emergentist materialism (Bunge, 2012; Romero, 2018; Teixidó, 2021, 2022). This philosophy seeks to understand and explain complex material reality—or particular aspects of reality—and to address theoretical or practical problems precisely and clearly, drawing upon the best available knowledge from other fields such as the sciences and technology.

**Sociocultural and Historical Aspects of the Concept of Person**

Although certain common elements can be identified, the notions of person are neither universal nor immutable from a historical perspective. The recognition of a being as a person depends on judgments formulated within a specific social, cultural, historical, political, and legal context, by subjects situated in a particular time and place, and on the basis of certain interdependent criteria that may be satisfied, at least partially. For example, the legal recognition of a living member of the human species as a person depends on the prevailing legal provisions, which differ according to time and place.

In some legal systems, the recognition of a human being as a person begins at the moment of conception; in others, by contrast, it begins at live birth (Torres Vásquez, 2019; Moreno Ruffinelli, 2023). In certain contexts, the attribution of rights—that is, the recognition of a being as a rights-bearing subject—is subject to specific conditions such as live birth. This relates to the fact that, in general, virtually no attribution of rights is absolute, and conflicts often arise that must be analyzed and resolved (Mendonca, 2018). Thus, the attribution of rights is not absolute, and both the recognition and the legal status of personhood typically vary depending on the juridical framework[2].

Even the very notion of person has been reshaped with the development of legal frameworks designed to address societal needs (Torres Vásquez, 2019)—in many cases commercial or economic—making possible the creation of institutions and entities such as foundations, corporations, and companies. These, composed of human beings or *natural persons* (to use legal terminology), are recognized and designated as *juridical persons*.

Antecedents can be traced back to ancient Roman law, though similar entities also existed in the Middle Ages. However, it was in the modern and contemporary periods that a systematic theoretical framework was developed, capable of accounting for the dynamic characteristics of such entities (Torres Vásquez, 2019). These entities—legal persons—are fictionally attributed an identity of their own, independent from their physical members, as rights-bearing subjects with the capacity to acquire obligations and assume responsibilities through their representatives, with their own assets, of either finite or indefinite duration, and established to pursue specific purposes, whether for profit or not.

The ideas that all human beings must be regarded as free and equal persons are, therefore, modern and contemporary historical-cultural products (Stagl, 2015). In the past, there were human beings who were not recognized as persons—slaves—as well as human beings considered to belong to an inferior category or status, and therefore entitled to fewer rights, such as foreigners and women.

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[2] It should be emphasized that, when conflicts arise between rights, evaluations will be necessary to determine which rights should take precedence in specific cases, based on those considered most relevant and the particular circumstances.

Complex processes of political, legal, economic, and cultural change were required—including political revolutions such as the American and French, and transformations of legal frameworks such as the recognition of universal rights in constitutions—for the notion of person to be extended to encompass all human beings (Stagl, 2015; Torres Vásquez, 2019; Ceballos Rosero, 2021). It may be suggested, then, that there is nothing self-evident in the use of *person* as a synonym for *human being*.

### Person, Personality, and Identity

Ideas about person are also related to the concept of personality, as both refer to subjectivity. The term *personality*, however, has at least two distinct senses:

a. Legal-Political**:** In the legal domain, the terms capacity and personality are often used interchangeably. Although some authors prefer to distinguish between them, both usually refer to the aptitude to be considered a person and a rights-bearing subject, as well as a subject of obligations (Torres Vásquez, 2019; Moreno Ruffinelli, 2023). It is generally assumed that it is not possible—or rather, that one should not conceive—of persons without the capacity to be subjects of rights, as this would entail restoring slavery and civil death.

b. Psychological and Social**:** In psychology (Coon et al., 2019; Fortea Sevilla, 2021), personality is described as the relatively stable and distinctive characteristics of a subject over time, based on enduring patterns of thought, feeling, and behavior that develop from biological factors interacting with cultural factors[3].

From a sociological perspective, it can be noted that human beings need social interactions with others in order to develop their personality. These interactions provide recognition and serve to affirm or disapprove of various members of society (Valero, 2019). Furthermore, the culture of a society establishes symbolic frameworks of reference through which members understand and express their personality, by assimilating content transmitted via socialization

Linked to all of the above is the idea of personal identity. Identity refers to the individual and social conception based on the particular traits of subjects that allow them to be recognized and distinguished from others (Coon et al., 2019; Valero, 2019; Fortea Sevilla, 2021). Thus, human beings who are socially recognized as persons can manifest their subjectivity and particular traits through interaction with others, at least in many contemporary societies. As persons, human beings develop a self-concept and self-esteem. Additionally, all of this operates through social mechanisms of identification and differentiation within a specific historical-cultural context, influenced by political, economic, and social factors.

Thus, it becomes evident that psychological aspects are related to social aspects in forming the identity of each subject considered a person. Personal identity is the self-representation or self-image, the "me", of a subject, constructed from their experiences and from the interactions they have with others, who develop representations of that subject that are mutually compatible.

In summary, from the complex interaction of these biopsychosocial aspects emerges, in an integrated manner, what refers to individual identity and personality—elements that combine with others in the process of recognizing a human being as a person.

### The Concept of Person in Western Philosophy

The development of the concept of person in Western culture, as noted, depends on the interplay of historical, political, economic, and cultural processes. Among the latter, the influence of underlying philosophical ideas is particularly noteworthy. Given the significance of these ideas, considering some of the main ones can help to better understand this development. The following presents several key positions:

Aristotle (2022), in the 4th century BCE, maintained that "the city is one of the natural things, and man is by nature a social animal, and the one who is unsocial by nature and not by chance is either beneath man or

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[3] Personality, then, is the result of the interaction among biological, cultural, and ecological elements such as genes, hormones, cultural patterns, social practices, ideas, and the physical environment. The cultural factor can modulate how biological traits are expressed, which may help explain human diversity.

above man" (p. 50). From this, it can be inferred that the human being—the person—probably referring exclusively to Greek citizens, is a sociopolitical and rational animal, who could only fully develop within the Polis, the city; outside of it, one could live only as a beast or a god. Subsequently, philosophers of the Stoic school generalized the recognition of humanity (Störig, 2015; Stagl, 2015), particularly Seneca and Marcus Aurelius, so that it would extend not only to Greek citizens but also to foreigners and slaves, based on their cosmopolitan ethics.

Concretely, it was the Stoics and their adherents who reinterpreted the term *person*, based on the notion of common rationality shared by all humanity, in order to include all human beings (Stagl, 2015). This was made possible through what later became known as *iusnaturalism* or natural law, understood as a set of normative principles considered universally valid and rationally deducible by any capable being. In the same way, they gave the term an anthropological sense, which later served as inspiration for its use and development in Roman law.

Boethius, later in the 6th century, influenced by Stoicism and Aristotelianism, proposed the classical definition of person as a rational individual (Störig, 2015)[4]. This formulation became one of the principal references in Western philosophy. During the 13th century, Thomas Aquinas (2001), in accordance with Boethius and grounded in Aristotelian philosophy, but without emphasizing the social aspect as much, also held that the human being endowed with a rational soul was an individual. From this Thomistic perspective, in line with Christian theology, a person is a being with the capacities for will, decision, and moral action, oriented toward faith in divinity and considered made in God's image and likeness.

With the development of Christianity during the medieval period, the human being came to be considered made in the divine image and likeness, endowed with a rational soul. This entailed the association of a sacred character and the idea that a person is a singular living human being, which also

contributed, later, to the development of the idea of the modern individual with certain specific Western connotations (Aquinas, 2001; Ball, 2012; Störig, 2015; Pro Velasco, 2020). This conception did not imply that all human beings were conceived of or treated as free and equal humans and persons, as it was quite common for the attribution of a rational soul to be restricted to certain human groups—a point that can be inferred, for example, from scholastic disputes on the matter (Maestre Sánchez, 2004).

During modernity, based on the idea that the human being is a special, singular being, distinct from other living beings and characterized by rational capacity—a fundamental idea for many philosophers—the notion of individuality and, subsequently, subjectivity was developed. First, there is the position of Descartes (2019), in the 17th century, who maintained that "[the] I […] [consists in] a substance whose essence or nature is nothing but thinking" (p. 66). He articulated the notion of individuality, the self, and the individual, based on rational thought and self-consciousness, but further relegated the social aspect of the human being in order to focus on the individual.

Similarly, Locke, in the same period, used the term person as a synonym for individual, a secular usage of the term that had been proposed by scholasticism in the Middle Ages. Locke's characterization of person (2019) also focused on a certain notion of rationality: the capacity for intelligence, consciousness, self-awareness, and will. In Locke's framework (2022), this was connected with an individualist sociopolitical conception foundational to political liberalism.

In Kant's philosophy (2007; 2017), of the 18th century, one can find a treatment of the person as an ethical subject, in which the individual is considered rational and autonomous, worthy of respect, an end in itself, capable of being a legislator of oneself—that is, of establishing parameters of action based on evaluative considerations, conceiving oneself practically as a rational being in an ideal realm of ends. In his deontological system, based on duty, this operates, for example, through the formulation of practical

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[4] It should be borne in mind that the very idea of the rational, of rationality, is problematic in the terms of ancient and medieval philosophy because it is associated with perfect cognitive capacities for handling information, developing absolute knowledge, and

disconnecting cognition from other properties such as emotions and feelings, which ultimately gives rise to a highly simplified or idealized view of human rationality.

universal laws that rational individuals impose on themselves, such as the categorical imperative: "Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means" (Kant, 2007, p. 42).

It can therefore be argued that the ideas of thinkers such as Locke and Kant regarding human beings as autonomous individuals recognized as persons laid the foundations of individualism in Western culture. This individualism is characterized by the consideration of the individual as a rational, autonomous being, worthy of respect and possessing inviolable individual rights, such as liberty and the ownership of oneself and of what corresponds to one as the fruit of one's effort[5].

In contrast to this earlier individualist characterization, one can consider Marx's ideas (2012, 2014a, 2014b) about the human being as a social being, constituted primarily by productive economic activity and general material conditions, embedded within a concrete society. The human being aspires to autonomy insofar as they are respected as a person, which entails justly rewarding the fruits of their labor and enabling their development or self-realization, in contemporary terminology. Marx emphasizes the conception of the person as an ethical subject but, unlike the previous approaches, he revalues the social aspect (connected with political and economic dimensions) of the human being by linking them to others in specific contexts[6].

Contemporary conceptions of the person are derived from the ideas outlined above. The following describes some of these conceptions, drawn from the philosophical currents of personalism and analytic philosophy.

First, personalism, based on Neo-Thomism (Pro Velasco, 2020), can be mentioned. Referring to Spaemann's proposal (1997), personalism holds that a person is *someone*, not *something*—a being who belongs, from the beginning of their life, to the human species. This is linked to the idea of the sanctity of life due to the supposed possession of a soul. The term *person* is not considered synonymous with *species*, which is justified by criteria such as filial relations, affection, unity of the subject, actuality, and unconditionality, all of which reflect the view that the person is the modality of human existence and consubstantial with it.

From the personalist perspective (Spaemann, 1997; Pro Velasco, 2020), the person is generally regarded as singular, possessing intrinsic value and dignity. This is also connected to the idea of striving for some higher purpose and, therefore, of being transcendent—not limited to biological, rational, and free existence. Implicit is the notion of the essence of the person as a human being associated with an immortal soul—a substantivist view of Neo-Thomist orientation based on Christian theology—which echoes the general ideas previously proposed by Thomas Aquinas.

From the perspective of analytic philosophy, H. Frankfurt (2006) proposed that the capacity to possess second-order volitions—i.e., the ability of a subject to want or not want something for oneself—is essential to being considered a person. This relates to the idea of an entity or subject for whom the free exercise of will may pose challenges: the freedom to will what one wants to will, while facing contradictory situations that require choosing a specific option.

Additionally, within analytic philosophy, Dennett's proposal (1989) can be highlighted. He maintained that, when discussing the concept of person, descriptive and normative aspects are interrelated—specifically, ontological and ethical dimensions: on the one hand, consciousness, sensitivity, and intelligence, and on the other, agency and the capacity for the assignment of rights and responsibilities.

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[5] This can be observed when contrasting the cultural differences with respect to non-Western societies, where it is more common to prioritize social or community aspects over the individual.
[6] Of course, within this framework, all of this is situated within a specific political-economic order in which the realization of human beings as persons is conditioned by the way in which the economic means of production are managed. Thus, it is assumed that in a society where a dominant minority group rules over and exploits a majority, the state apparatus would serve the former and subject the latter. Consequently, it would first be necessary to bring this apparatus under control with a view to socializing those means and, ultimately, creating a new social, political, and economic order that benefits everyone. Discussions on these matters, however, fall beyond the scope of this study.

According to Dennett, the ontological aspect is a necessary but not sufficient condition for the ethical domain. The normative aspect is the most relevant characteristic, but it is also not sufficient. This is because normativity implies ideal aspirations that can only be fulfilled approximately or partially. Both elements—the ontological and the ethical—form a fragile continuum upon which the concept of person is articulated.

For the attribution of personhood, Dennett (1989, pp. 9–11) considers the following interdependent conditions: 1) rationality, understood as intellectual capacity; 2) intentionality, in the sense that consciousness is always directed toward something other than itself; 3) attitudes, or dispositions to act in certain ways; 4) reciprocity, the capacity to recognize and respond to others; 5) communication, whether verbal or nonverbal; and 6) self-awareness regarding one's own actions and those of others.

Finally, along similar lines, Rawls (2020) has emphasized that the concept of person, both in Law and Philosophy, continues to be linked to the idea of an agent. Such an agent can be a subject of rights and obligations, actively participating—or having the potential to participate—in a politically organized society to make decisions on public matters. In this framework, the normative, ethical, political, and legal aspects of the human being considered as a person are prioritized, while subjective and other factual aspects are relegated to a secondary role.

## Traditional Criteria on the Concept of Person: Analysis and Critique

The idea of *person* has implications not only theoretical but also practical. For example, in the juridical-political sphere, recognition as a person is associated, as has been mentioned, with the attribution of rights and, generally, also of duties and responsibilities. This makes it relevant to analyze what the main criteria are.

To understand the criteria on the basis of which the notion of *person* is defined, the most prominent proposals in the philosophical tradition and in the history of ideas are reviewed below. It should be noted that these approaches share in common the fact that

they are considered separately as unique, necessary, and sufficient criteria for recognizing some entity as a person.

Following some suggestions by Ball (2012) and Gazzaniga (2015), the criteria for defining, recognizing, or determining what a person is can be classified as follows:

1. **Basic Capacities.** According to many thinkers—among them, as noted, Boethius, Aquinas, and Locke—the distinctive and defining traits of persons lie in the possession of one or a few properties such as consciousness, reason, or language. Within this category fall most of the ideas of the Western philosophical tradition, which can be summarized in the following proposition: every rational being is a person.

2. **Potentialities.** According to this criterion, any living being capable of developing into a form that others may regard as elevated, superior, or admirable in comparison with any less complex form of life is to be considered a person. All of this presupposes the existence of a human social community and is based on an Aristotelian schema of act and potency, in which something exists in a given state but, by its intrinsic characteristics, contains the capacity to transform itself. If a living being, from its origins, shares the traits of members of the human species and has the potential to become part of it, then it must be recognized as a person.

3. **Genetic Singularity.** Genes are considered the distinctive trait of persons. Thus, if an organism shares the genetic attributes of members of the human species, it will be considered a person from the moment of gestation. It is often stated that from the earliest stages of embryonic development, the embryo acquires a specific genetic endowment.

4. **Discontinuity**: after certain periods, following the beginning of gestation, certain parameters can be established, based on milestones,

from which it is assumed that the being acquires a particularity that would justify a special consideration. For example, the onset of the development of consciousness or the formation of the heart. The criterion employed for this may vary, since, in some cases, it tends to be sensitivity: from the moment a human organism fully develops its central nervous system and can feel pain, it deserves another consideration, specifically that of being treated as a person.

5. **Evaluative intuitions**: the spontaneous emotions and feelings of members of human groups are the guides for recognizing a living being as a person. Thus, the emotions and feelings produced in members of a human group when they interact with a living being, which may or may not belong to said group, allow these individuals to regard the being in question as a person, even if this has not always occurred throughout history.

6. **Theological assumptions**: this criterion is based on the possession of a special, essential, immaterial characteristic, called the soul, to which cognitive and sensori-motor traits are linked, but which is distinct from the physical body. It is the supposed determining or constitutive substance of the person. The soul, considered immortal, is assumed to incarnate in an entity and give it life; specifically, the idea of the soul fulfills religious functions. It stands as a pillar of behavioral guidelines, rewards, and punishments for an afterlife.

All the criteria, considered independently as necessary and sufficient in themselves, pose problems. To begin with, regarding the establishment of capacities as requirements, it should be mentioned that not all human beings, at least at some point in their lives due to circumstantial reasons, possess such attributes (Ball, 2012; Gazzaniga, 2015). Newborns, children, those who suffer from mental derangement,

those in a vegetative state, etc., individuals who lack, either because they have not developed or have lost, the capacity for consciousness, language, reasoning, etc., are still regarded as persons by their fellow human beings, which indicates that in practice more than one criterion is presupposed.

Even if the capacities argument is accepted, other problems may arise: the unjustified transition from the descriptive to the normative sphere, from the "is" to the "ought." There is a gap between the possession of such capacities and the assumption that there must necessarily be a specific evaluative consideration of what exactly should be done or how one should proceed in certain problematic circumstances. Moreover, it could be the case that attributes such as consciousness and rationality may also be recognized in other non-human beings, and thus there would be no reasons to limit the consideration of personhood only to humans, although that would raise other questions.

With regard to potentialities, one of the common ideas is that there exists a potential continuity from fertilization to the becoming of a person, from which it is intended to guarantee the attribution of the category of person and the equal treatment of fetus and neonate, the full recognition of their rights. However, there is no unanimity regarding the specific stages and parameters (Ball, 2012; Gazzaniga, 2015). Continuity based on potentiality does not always occur on its own. For example, in specific cases such as in vitro fertilization, the organism is not self-sufficient, since as long as it is not inseminated, it cannot develop by itself; therefore, potentiality alone does not materialize. Similarly, there are cases of embryos developed for experimentation whose temporal viability or life span is brief[7].

Although counterfactual arguments are used to defend the idea of potentiality—that is, arguments of the type "if a certain event had not occurred, then something else would have happened"—the problems are not solved, since it is not possible to foresee all

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[7] The ethical and legal consideration of human prenatal and postnatal life varies across societies, just as it did in the past—for example, in cases of abortion. With respect to issues related to in vitro fertilization or embryo experimentation, what is required,

among other things, are special ethical criteria codified in medical bioethics frameworks, grounded in the best available scientific and philosophical knowledge and in rational democratic deliberation.

possible scenarios. Furthermore, the potential outcomes would remain uncertain.

Regarding the argument of genetic uniqueness, even if it is accepted, one may still ask how it can be reconciled with the fact that human beings share the majority of their genes with other living beings (Ball, 2012; Gazzaniga, 2015). Humans share a large percentage of their genes with other primates, who are not typically regarded as persons on the basis of the genetic criterion.

This point may also be connected to what was previously noted about capacities, but here in relation to genetic uniqueness: there is a logical gap between the fact that human beings possess certain specific genes and the normative claim that they must necessarily be considered persons in some concrete sense from the moment of conception. There is no direct way of deriving specific prescriptions solely from the description of a factual matter such as the identification of genetic traits.

Concerning the thesis of discontinuity, one of the problems lies in the uncertainty surrounding the establishment of boundaries, which, to a greater or lesser degree, may turn out to be conventional and therefore arbitrary (Ball, 2012; Gazzaniga, 2015). In this sense, they are not incontrovertible, since although factual references do exist, their selection ultimately depends on the evaluations and decisions made by human beings in choosing one parameter over another. Thus, even when certain milestones may be taken as reference points, their establishment would be variable, dependent on divergent criteria that may be conditioned by prevailing legal frameworks, influenced by specific values, ideas, and beliefs. Furthermore, privileging one parameter over another raises additional issues, insofar as developments such as sensitivity are not exclusive to human gestation.

In relation to the thesis of value intuitions as a parameter for determining personhood, the cultural diversity of human societies has given rise to a variety of parameters, many of them divergent (Ball, 2012; Gazzaniga, 2015). Taken on their own, subjective evaluative aspects do not seem to facilitate assessment, since one human group may hold strong convictions just as another group may do so in regard to a different matter. Social convictions and corresponding evaluations—such as ideas, beliefs, and attitudes toward what is considered human life and dignity—tend to change over time, which complicates the issue even further.

Approaches grounded in theological assumptions, such as those of Aquinas (2001), also present difficulties because they presuppose the acceptance of articles of faith and religious dogmas. These are not only varied but often opposed to those held by other human groups, which complicates public discussions and can be challenged from naturalist and materialist philosophical perspectives, such as those implicitly adopted in the factual sciences (Ball, 2012; Bunge, 2012). Although it is true that there are secular versions akin to many of these ideas—such as humanism based on natural law or *iusnaturalism*[8]—these too rest on the presupposition that there exists something like an essence, something inherent to the human being that renders it special and different from other living beings.

## Rethinking the Concept of Personhood

It could be said that, taking into account all that has been presented so far, the characterization of *personhood* requires the combination of several factual and normative elements (Dennett, 1989; Parfit, 2004; Bunge, 2012; Romero, 2018; Teixidó, 2023). Many elements are considered necessary, but none appears sufficient; moreover, they are not always fully present, and it is unclear where to draw a definitive boundary.

To rethink the concept of *person*, a mixed approach could be developed based on the consideration of both normative and factual elements in a systemic

[8] Even in the case of the secular humanist version, the problems are not resolved. While it is possible to argue that any rational agent could deduce certain maxims or normative standards—for example, Kant's categorical imperative (to act only according to that maxim whereby you can, at the same time, will that it should become a universal law)—this is entirely different from claiming that there exist specific supra-human or divine universal laws that can be intuited by human beings. When natural law (*iusnaturalism*) is invoked, it is often given concrete content through Neo-Thomist interpretations based on Catholic theology, which limits its acceptability outside the related contexts. See Muinelo and Muñoz (2016).

manner (Bunge, 2012; Romero, 2018; Teixidó, 2023). This would avoid committing anthropologically to any Platonic, Aristotelian, or Thomistic essentialism, and likewise avoid any exclusively positivist stance in the juridical-political realm, according to which relevance is reduced solely to the legality of a given prevailing order. Instead, it would assume a realistic, materialist, systemic, critical, and pluralist perspective.

Considering these issues, and noting that there were previous, more limited approaches focused exclusively on specific aspects and therefore reductionist, it is tentatively suggested that, to be considered a person, one requires:

a.1) A physical body, as the basic unit of a living being, which possesses:

a.2) Complex properties of:

a.2.1. Sensitivity: perception of stimuli from the environment and from one's own body, which in turn allows the development of emotions and feelings.

a.2.2. Consciousness: awareness of the environment, of other beings, and even of oneself.

a.2.3. Reasoning, symbolic thought, and the capacity for abstraction.

a.2.4. Language and communicative abilities, whether verbal or non-verbal.

a.2.5. Sociability and capacity for reciprocity, from which develops:

b) Membership in society, or the ability to be connected to it at some place and time.

c) Recognition by members of society through:

c.1. Identification as subjects of rights and obligations.
c.2. Normative provisions, generally written, especially in contemporary societies, contemplated and integrated within some legal system.

The importance of the body is emphasized because it is the basic material structure of a living being that forms its unity, distinguishes it from other existing entities, and allows it to interact with the environment and other beings. Higher cognitive functions are emergent and dependent on biochemical and physical bases; they are not reducible to them due to their more complex characteristics. All of this must also be linked to the social aspect, which emerges from interactions among such beings; the social cannot be reduced to the physical-chemical, yet it emerges from it.

It is considered that, thanks to their higher cognitive capacities, human beings—without necessarily excluding other living beings—can engage in symbolic representations, abstractions, and evaluations for the purpose of making decisions and executing actions. Although this aspect is often presented as the principal or sole criterion, by itself it is insufficient. The social, cultural, historical, and normative aspects are also emphasized; those subjects recognized as persons are not isolated but are immersed in concrete contexts where they interact with other subjects. This helps explain, for example, why some human beings were not recognized as such throughout history. Moreover, by linking this to the normative element, it is also possible to account for how ideas evolved and different normative instruments were developed through historical and cultural developments.

Regarding potential problems, such as the possibility that a subject may not meet all the criteria, it should be noted that none of the criteria alone is necessary and sufficient; furthermore, they are interdependent. It could therefore be proposed that even if not all the properties (a.2) are fully satisfied, or if they are only partially satisfied, as long as conditions (a.1), (b), and (c) are met, recognition and attribution of personhood should operate. This approach better addresses the difficulties encountered by traditional, isolated criteria, which are considered independently and reductionistically as self-sufficient, such as (a.2.1), (a.2.2), (a.2.3), etc.

It seems more appropriate, in order to adequately address the complexity of the issue, to attempt to integrate the different aspects within a broad and coherent theoretical framework, such as the emergentist systemic materialism of a scientific philosophy (Bunge, 2012; Romero, 2018; Teixidó, 2021, 2022), a perspective adopted here to consider both factual and normative elements.

This approach, while incorporating diverse elements from different perspectives, does not constitute a mere eclectic combination. Rather, it is a formulation based on an emergentist systemic materialist scientific philosophy that seeks to consider biopsychosocial elements within a complex conceptual framework grounded in the best current knowledge from the factual sciences (including certain technologies) and philosophy itself.

## Discussion

It is necessary to recognize that the concept of *personhood* is neither unequivocal nor universal. By itself, its analysis and clarification do not resolve the complex problems that must be addressed in the world. At most, it helps to understand some of the ideas that form the background supporting different positions and their potential theoretical and practical implications. Problem-solving requires rational, critical, and objective evaluations, whenever possible based on philosophical knowledge—especially in ethics and political philosophy—as well as current factual sciences such as psychology and sociology, in addition to consideration of potential effects on individual and social well-being.

It is possible that the notion of personhood may be expanded, as demonstrated by some trends in various contexts (Ceballos Rosero, 2021). Recently, discussions have emerged regarding whether robots with integrated artificial intelligences can be recognized as "electronic persons" (Petrasek, 2018). It is also worth noting that, relatively recently, Ecuador's Constitution (2008) incorporated in Article 71 the recognition of nature, called *Pacha Mama*, as an entity and subject of rights.

Another case related to the expansion of the concept of personhood involves recognizing non-human animals as subjects of law, and even as persons rather than things, contrary to what is stipulated in different legislations. Relevant examples include the Toulon Declaration (2019), as well as certain judicial precedents in some countries—for instance, the

recognition of an orangutan as a person (UNCiencia, n.d.; González, 2019).

Nevertheless, the concept of personhood is, in principle, markedly anthropocentric. Its extrapolation to other entities is made by analogy to human beings[9]. Often, it is not clearly distinguished whether one is speaking of, on the one hand, subjects of rights and, on the other, persons. There have been—and still are—subjects of rights who are not considered persons, but there are no persons who are not considered subjects of rights. As noted, in the past there were human beings who were treated as things, property, or domestic animals, both within legal systems and ethical frameworks.

## Conclusion

The term *person* carries normative, factual, ethical, political, and legal implications. Some traditional philosophical ideas as well as others that continue to influence contemporary discussions have been presented. It has been shown that the notion or concept of personhood is neither universal nor unequivocal. It has a significant historical, cultural, and philosophical component.

Traditional criteria for determining whether a subject should be considered a person, as noted, are based on the identification of a few attributes, characteristics, or capacities considered self-sufficient: reasoning, language, consciousness, genetic uniqueness, potentiality, sociability, among others. However, when considered independently, these criteria are inadequate because multiple interrelated aspects are not taken into account. Most importantly, they fail to consider social recognition, the associated normative dimension, and the interdependence of the related elements. It is not sufficient to consider only factual aspects; normative elements must also be included.

The relationship between the concept of personhood and personality—psychological, social, legal, and political—was also briefly addressed. It is important to remember that persons are part of a society, which develops at specific times and places.

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[9] Eventually, discussions may arise regarding the determination of human status itself—specifically, from when a living being is considered human—although this seems more readily addressed using factual criteria, such as genetic uniqueness established at the formation of the zygote. However, this is entirely distinct from the attribution of personhood and its associated status.

A tentative proposal, rethinking the concept of personhood from a systemic, materialist, critical, and pluralist philosophical approach, suggests that its attribution and recognition depend on the partial fulfillment of the following aspects:

**a)** a body with complex capacities such as consciousness, sensitivity, reasoning, language, etc.;

**b)** integration within a society; and

**c)** social recognition accompanied by normative provisions.

The corporeal component is important because it constitutes the unity of a being, distinguishing it from others and its environment, with which it can interact. Its properties are material and emergent, enabling the being, at least partially, to represent and navigate the world. The social aspect, linked with historical, cultural, and normative dimensions developed in particular contexts, is relevant both for interaction and recognition. In principle, this applies only to human beings.

A theoretical or conceptual framework such as the one proposed—characterized as mixed because it combines factual and normative aspects—seeks to overcome the limitations of reductionist approaches and offer a broad, integral, systemic perspective informed by available knowledge in multiple domains (especially factual sciences and philosophy). It is not merely an eclectic approach, since it attempts to address biopsychosocial elements coherently and consistently from a scientific philosophy (also referred to as analytic-synthetic or synthetic), based on emergentist systemic materialism. This excludes, for example, conceiving persons without a body, defining them solely by some special immaterial property, or assuming that simulating certain properties suffices, for reasons discussed above.

There are already precedents for expanding the concept of personhood beyond human beings, applying it to other entities, which raises a series of problems. Difficulties arise when extrapolating analogically to other living entities due to their differentiated constitutive characteristics—for example, non-human animals. They could be designated as subjects of rights, but reciprocity in terms of fulfilling obligations (legal or ethical) would be lacking, except through legal representatives, at least for some of them, which would raise further issues. Similar considerations apply to personified nature, robots, or artificial intelligences.

It could be argued that, depending on the prevailing legal system, recognition as a person may or may not occur, implying a legal notion of personhood. A similar point applies to ethical systems, for instance, Kantian deontology or Christian Thomism, which provide an ethical notion of personhood. Likewise, one could conceive of a purely descriptive characterization of personhood for contexts such as scientific or philosophical research based on factual traits—e.g., intelligence, consciousness, language—which in the past were presented as necessary and sufficient requirements. However, insofar as they are not related to social and normative, i.e., practical, elements, they do not appear particularly adequate or relevant.

It may be appropriate to develop new categories similar to or alternative to *person*, taking into account all that has been previously discussed. This, of course, includes the possibility of redefining the concept of person itself—something that, as has been seen, has already occurred in certain times and places. Eventually, there might also be the possibility of abandoning the category entirely; however, this seems impractical given its practical implications, for example in normative frameworks, laws, codes, constitutions, declarations, and so forth. For these reasons, the most prudent course may be to continue analyzing, critiquing, and reformulating the concept.

This reflection helps us understand that discussions based on single criteria can hinder the treatment of practical problems in which the concept of personhood is implicated. There appears to be no simple, absolute, or incontrovertible solution that can resolve all issues. It may be necessary to consider contextual aspects and consequences when making decisions.

From reflection on the various theoretical and practical implications, different questions arise. One might ask what the possible consequences of expanding the concept of personhood would be, given that it is originally anthropocentric. What would happen if the concept were extrapolated to recognize non-human

living beings as persons? Would it be appropriate or feasible to extend it in this way? Would expanding the concept so broadly render it empty? Is it possible to separate normative elements from factual ones? What utility does a purely descriptive characterization based on factual elements have?

Despite the absence of predetermined simple solutions, it is possible, through conscious consideration of problems and conditioning factors, to make evaluations, take decisions, and execute actions based on rational, objective, fallible, and improvable criteria grounded in available knowledge, primarily philosophical and scientific, which cannot be ignored if favorable outcomes for individual and social well-being are to be achieved.

It is hoped that this work may contribute, in some measure, to reflection on the topic and to further research, since, as has been shown, it has implications not only theoretically but also practically, and is therefore of utmost relevance.

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