

Book

Discussion

Section

REVIEW OF ROBERT SPAEMANN'S *PERSONS*

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ABSTRACT

This review presents the principal themes of Robert Spaemann's *Persons: The Difference between 'Someone' and 'Something.'* To be a person is not to be identical with one's teleological nature, but rather, to have that nature. Personal consciousness is necessarily temporal consciousness. Persons have a range of distinctively personal acts, such as recognizing and respecting one another, understanding their lives as wholes, making judgments of conscience, promising, and forgiving. All members of the human species, whatever their stage of development or limitations, are persons. The present review also briefly considers certain objections that have been raised against Spaemann's position.

KEY WORDS: *conscience, freedom, love, nature, person, recognition, responsibility, teleology, Robert Spaemann*

ROBERT SPAEMANN IS A prolific German Catholic intellectual historian, ethicist, political theorist, and public intellectual. Born in Berlin in 1927, he is the son of Heinrich Spaemann, a convert from unbelief to Roman Catholicism who, after the death of his wife, was ordained a priest. The younger Spaemann thus had the unusual experience of having a priest for a father. As a teenager in World War II Berlin, he grew up, as he says, "on the other side," evading military service and distributing Catholic literature (Spaemann 2001, 10; Schenk 2001, 159). After training in history, philosophy, theology, and Romance literature, he taught at the Technical University in Stuttgart, the University of Heidelberg, and the University of Munich.

In the Translator's Preface to *Persons*, Oliver O'Donovan writes:

I began translating selected chapters from Professor Spaemann's *Personen* for the purposes of teaching, finding nothing in the English language that would bring certain important questions and arguments so effectively to the notice of my students. But although many of the chapters are effectively free-standing and can be profitably used this way, I found that in order for them to make their full effect, I needed constantly to be explaining the rich and eclectic approach to philosophical anthropology that gave them their context. It began to seem a pity that

these explanations should not be given in the author's own way, rather than in mine [O'Donovan 2006, iii].

In the same spirit, after a survey of Spaemann's remarkable range of writings, this review will try to summarize *Persons*, quoting liberally from O'Donovan's translation, in the hope of conveying both Spaemann's main ideas and his style of thinking.

Spaemann's first major publication was *Der Ursprung der Soziologie aus dem Geist der Restauration* (Spaemann 1959), a study of the French traditionalist thinker L. G. A. de Bonald. This was followed by *Reflexion und Spontaneität* (Spaemann 1963, expanded edition 1990), which was a study of Fénelon, Bossuet, and the seventeenth-century debate over the pure love of God (that is, over whether human beings can or should love God to the point of not caring about their own happiness). In 1977, he published a volume of essays, *Zur Kritik der politischen Utopie*. The thread uniting these political pieces is a critique of the abstract utopia of the rule of pure reason. His next book was *Rousseau, Bürger ohne Vaterland: Von der Polis zur Natur* (1980), in which he argued that Rousseau used a non-teleological conception of nature as a standard for criticizing modernity. In *Die Frage Wozu? Geschichte und Wiederentdeckung des teleologischen Denkens* (1981), Spaemann—together with Reinhard Löw—surveyed the history of teleological thinking from the Greeks through the medievals and moderns down to the nineteenth century, offering a rebuttal to criticisms of teleological thinking and arguing for its revival.

In a series of talks on Bavarian Radio, published in 1982 as *Moralische Grundbegriffe* (in English as *Basic Moral Concepts*, 1989a), he discussed the concepts of ethical relativity, moral development, justice, conscience, and equanimity. This work remains the best introduction to Spaemann's ethics. He then published a collection called *Philosophische Essays* (1983, expanded edition 1994), bringing together his views on the nature of philosophy, natural teleology, natural law, and modernity. In 1987 he published *Das Natürliche und das Vernünftige*, a volume on philosophical anthropology. In 1987, he also published *Glück und Wohlwollen* (in English as *Happiness and Benevolence*, 2000), in which he endeavored to formulate an ethical position that goes beyond the familiar antithesis of eudaimonism and deontology while doing justice to both.

In 1996, Spaemann published *Personen*, a wide-ranging exploration of the notion of personhood and of its ramifications for ethics. The English translation of this work is the subject of the present review. *Grenzen: Zur ethischen Dimension des Handelns* followed in 2001. This work is five hundred fifty-nine pages long and brings together forty-six articles and essays dealing both with basic ethical questions and with

contemporary ethical issues such as atomic warfare, abortion, euthanasia, animal rights, the environment, and education. Most recently Spaemann has re-published *Die Frage Wozu?*, now under the title *Natürliche Ziele* (2005), as well as a collection of essays in the philosophy of religion entitled *Das unsterbliche Gerücht: Die Frage nach Gott und die Täuschung der Moderne* (2007a), and a shorter book, *Der letzte Gottesbeweis* (2007b). While publishing all these books, he has also been a prolific contributor to the op-ed pages of the German press.

Spaemann's formidably varied educational background makes it difficult to say who has had the most pronounced influence on his thought. In the Introduction to *Philosophische Essays*, Spaemann cites the following: Thomas Aquinas's *Summa Theologica*; the lectures of Joachim Ritter on the topic of past and future; the volume *Dialektik der Aufklärung*, co-authored by Max Horkheimer and Theodor W. Adorno; and C.S. Lewis's volume *The Abolition of Man*. It is evident from numerous references in his work that Spaemann is thoroughly familiar with Kant and Hegel, but also—and perhaps more significantly for fixing his own position—he is clearly influenced by a reading of Socrates's conception of philosophical activity, by Plato's ethics (especially the ethics of the *Gorgias*, *Republic*, and *Philebus*), and by Aristotle's teleological understanding of nature. Spaemann's more recent writings also indicate that he has studied the works of such English-language moral theorists as Harry Frankfurt and Thomas Nagel (on whom he draws), and Derek Parfit and Peter Singer (whom he combats).

In his attempt to understand modernity, Spaemann's project began as a venture in intellectual history. Modernity has developed in two directions (or what Spaemann calls two opposed abstractions): it has developed as a transcendental philosophy of consciousness, and as a reductionist naturalism. Modernity has also tended to interpret itself as a radical emancipation from an earlier teleological view of nature. However, a philosophy of consciousness that tries to proceed without reference to teleology falls prey to the objections of a reductionist naturalism that spells the end of philosophy and the death of reason. The second element in Spaemann's project therefore has been to rescue modernity from its own interpretation of itself as a radical emancipation, and to re-infuse it with a teleological outlook. To be sure, there is no question here of returning to a premodern point of view. The task is to take the great positive contributions of modernity—enlightenment, emancipation, human rights, modern natural science with its accompanying mastery of nature—into a kind of protective custody. *Persons* is to be understood in the context of this double project (both to understand modernity and to keep its errors from vitiating its positive achievements).

In his Introduction to *Persons*, Spaemann distinguishes two approaches to the understanding of personhood: on the one hand, the attempts of Descartes, Locke, and contemporary analytic philosophy to understand personality in terms of its predicates, in particular subjectivity and consciousness; and, on the other hand, the attempt—stemming from Fichte and Hegel—to understand the social character of personal existence. Spaemann points out that the understanding of what it means to be a person is no merely theoretical issue today, when some contemporaries argue that small children, the severely handicapped, and the senile are not persons and have no rights. In addition, he points ahead to one of the book's principal conclusions: specifically, that all members of the human species are in fact persons.

In chapter one, "Why We Speak of Persons," Spaemann argues that while "human being" is a sortal term (a name for a species), "person" is neither a sortal term nor a term for a property. Human beings are animals or living creatures. As such, they are marked by a teleological structure. That is, they "go out for" or "go after" things; and, as with all animals, there is a difference between what human beings actually are and what they properly are (that is, what they would be if they were in optimal condition). Nevertheless, the way in which a human being is an instance of the human species is different from the way in which other animals are instances of their species. Human beings are not simply identical with what they are. Of course we have our natural feelings and reactions, but we also have what Harry Frankfurt has called "secondary volitions" (volitions about our natural feelings and reactions) (2006, 13; see also Frankfurt 1971, 5–20). The point of this is to grasp "the self-differentiation of a human subject from everything that may be true *about* him" (2006, 14). The fact that we can speak about ourselves in the third person shows that we can adopt a point of view distinct from our own organic center. This ability to objectivize and relativize ourselves is the basis for both speech and morality.

In chapter two, "Why We Call Persons 'Persons,'" Spaemann moves on to survey the development of the notion of personhood in Plato, the Stoics, Roman law, the Bible, the Council of Chalcedon, Boethius, and later Christian theology. Spaemann argues that the biblical concept of the human heart is the basis of the later conception of person. He interprets Boethius's definition of person (*naturae rationalis individua substantia*) in the sense that a rational nature exists as a self whose name can never be replaced by a description, a self that is never just an instance of an essence. Persons have natures, to be sure; but they are also something deeper than their natures. They are free to take a stance toward their natures:

With the concept of the person . . . we come to think of the particular individual as being more basic than its nature. This is not to suggest that these individuals *have* no nature, and start out by deciding for themselves what they are to be. What they do is assume a new relation to their nature; they freely endorse the laws of their being, or alternatively they rebel against them and ‘deviate.’ Because they are thinking beings, they cannot be categorized exhaustively as members of their species, only as individuals, who ‘exist *in* their nature.’ That is to say, they exist as persons [Spaemann 2006, 33].

Spaemann criticizes, in chapter three, the view found in Descartes, Locke, and contemporary philosophers of mind that personal identity is essentially consciousness of personal identity. Spaemann argues that the concept of person overcomes both the implicit solipsism and the “instantialism” (the view that past and future are merely extensions of the present moment) that characterize the modern philosophical tradition. A person is unique and incommunicable, but a person is also defined by a unique “place” that it alone occupies (a place defined in relation to other places, and so in relation to other persons). Personal identity is a matter of having a unique place among other persons, and this uniqueness of place is mediated primarily not through consciousness but through the body. “Solipsism, then, is incompatible with the concept of the person. The idea of a single person existing in the world cannot be thought, for although the identity of any one person is unique, personhood as such arises only in a plurality” (2006, 40). From here, Spaemann argues that persons are determined by a moment of negativity or nonidentity.

The basic structure of subjective experience is pursuit, or ‘going out for’ something, that is, ‘drive.’ Drive imports a twofold difference: between the inside and the outside, the difference that lies at the source of space-perception, and between anticipation and anticipated, between the ‘already’ and the ‘not yet,’ the difference that lies at the source of time-perception [2006, 42].

As beings with drives, human beings have a certain attunement (Heidegger’s *Gestimmtsein*) towards the world; and yet they are also subject to pain. The interpretation of pain as a mechanism to promote survival is inadequate, inasmuch as pain can outlast its warning function. While human beings can have reasons for enduring pain and even for seeking it out, pain is irreducibly negative in itself: “If 90 per cent of a population suffered from chronic headache, no one would attempt to bring the remaining 10 per cent in line with the statistical norm. It is the essence of pain to be abnormal, irrespective of statistics” (2006, 46). Here Spaemann sees the answer to Hume’s dichotomy between Is and Ought: if someone is in pain, that is both a fact and a reason for helping the person to be rid of the pain.

In chapter five, “Intentionality,” Spaemann argues that materialist monism depends on a prior dualism.

In contemporary discussion the monist alternative to dualism is predominantly materialist. But the important thing to see is that every variety of monism starts from a description of the phenomena and a formulation of the problem that have originally been determined by dualism. The starting-point, in monism as in dualism, is the existence of two different spheres of experience, conceptually distinct. The disagreement touches only how this difference is explained ontologically . . . [2006, 49].

He then argues that materialist monism is counter-intuitive as an explanation of mental states. While the materialist-reductionist program is apparently motivated by a desire to control and manipulate our mental states, it actually does away with the very idea of action. Most importantly, even if psychological states can be understood in material terms as brain states, the same cannot be true of intentional acts such as thinking, knowing, judging, and willing. The meaning of the claim that the square root of 16 is plus or minus 4 is not a brain state or a state of mind. To think something while at the same time believing that one’s thinking it was merely a subjective state would not be thinking at all; at most it would be imagining. A being whose intentional acts were all of one kind (for example, theoretical thought), might be no more than the sum of those acts; however, a being with different kinds of intentional acts transcends them all. The fact that persons are the subjects of different kinds of intentional acts may be the clearest sign of their personhood. “It is the differentiation of different types of act . . . that makes personal existence possible. Persons exist by being present in each of their acts, but not so inseparably fused with any one of them as to disappear into it altogether” (2006, 61). At the same time, persons transcend their own consciousness—that is, they push beyond or behind the objects of their intentional acts in order to get at how things really are (2006, 90). Persons make contact with a reality that is other than themselves, and in particular with the reality of other persons. According to Spaemann,

The elementary form of such absolute encounter with reality is the intersection of the other’s gaze with mine. I find myself looked at. And if the other’s gaze does not objectify me, inspect me, evaluate me, or merely crave for me, but reciprocates my own, there is constituted in the experience of both what we call ‘personal existence.’ ‘Persons’ exist only in the plural. . . . Persons are beings for whom the self-being of another is real, and whose own self has become real to another [2006, 77].

The “metaphysical realism” that he contends is essential to the very notion of persons is not, Spaemann says, a particular theory of knowledge:

No particular theory of knowledge is specially favoured by metaphysical realism. No conclusions can be drawn from it about the relation of the 'thing in itself' to its 'appearance', or about the ontological status of our categories for understanding the world. It amounts simply to this: if we cannot transcend appearance and get through to the being that reveals and conceals itself, there can be no persons. For persons are themselves beings that reveal and conceal themselves. They are not simply subjects in a 'subject-object relation'; they are essentially subject and object at once [2006, 79].

"Fiction," the title of chapter seven, argues that human beings create fictions and "stylize" themselves by assuming various roles. Their ability to create fictions is a particularly clear illustration of the fact that they are not simply identical with their natures. Human beings also distinguish between the signs and symbols that they use to interpret the world and the things that those signs and symbols signify. Signs are not purely human inventions but rather products of a symbiosis of the person and the world. Furthermore, the metaphorical or poetic use of words is not something secondary, much less inauthentic; it is something primordial, prior to the strictly natural-scientific use of language.

Human beings can create a kind of art that is conscious of itself as fiction but also a kind of art that treats itself as reality. This latter kind of art places the human being at the center of its world, as though it were merely an animal rather than a person.

'Virtual reality' cannot actually replace reality. But what it can replace is art, the fiction of alternative reality experienced as fictive. Art can be supplanted by simulation that is bound to be felt as real, since reality, and with it life itself, has long since been understood technologically as simulation. The new form of fiction understands human beings in a radically objective way, which is to say, understands them as animals not living in an *open* world but at the centre of their own self-referential environment. We think that as transcendent beings we are always one step ahead of the game; but this kind of self-mutilation merely confirms that we human beings are what we are, i.e. capable of resisting what we are. In other words, we are persons [2006, 91–92].

To be a person, capable of mistaking one's fictions for realities, is a perilous thing.

This brings Spaemann to religion. He speaks of the human encounter with the Absolute, the Unanticipated, as subjective personality, an encounter that is mediated in different ways in different religious traditions. This encounter with the Absolute is fundamental to morality. Since human beings are not identical with their human nature, but rather have it, that nature cannot be ultimately normative.

A person has a nature, nature does not have a person. Human activity is not prescribed by the system of human instincts. Precisely for this reason nature as such has no normative significance for human beings. Textbooks in evolutionary biology are wont to conclude with urgent appeals that we should take responsibility for the survival of species; but those appeals have no logical connection with the contents of the textbooks [2006, 96].

So why should we accept nature as a moral norm? “Taken as a whole, nature is ‘creation,’ and its teleological structures allow us to discern the creator’s will for humankind. Nothing less than a personal will can be the source of normative ‘natural right’ for persons” (2006, 96). As for the idea that our ultimate moral responsibility might be to ourselves, rather than to a personal Absolute, Spaemann argues that if it were, we could always extricate ourselves from responsibility. “Unless it is a religious idea, responsibility for oneself is vacuous. But if it is a religious idea, there is something *to whom*, not merely something *for which*, we are responsible” (2006, 97). Further, and here Spaemann is criticizing utilitarianism, moral responsibility can only be real on the assumption that it is limited (thus, if we are relieved of universal responsibility). However, this is a religious assumption. Religion is also what makes it possible for us to be forgiven, to be relieved of our failures, guilt, and despair.

It is what has gone wrong in a life, its guilt, that locks us into situations that deprive us of personal freedom to engage, as it were, freely and immediately. Only the consciousness of forgiveness unlocks these situations, ‘so that your youth is renewed like the eagle’s’ [2006, 100].

According to Spaemann: “Forgiveness is the force that resists entropy. Religion is the hope that the Second Law of Thermodynamics does not have the last word on reality” (2006, 101).

In chapter nine, “Time,” Spaemann argues that consciousness of being a person is more than a momentary or instantaneous subjectivity; it is necessarily temporal. Persons are beings that recognize the difference between what is internal to themselves and what is external to themselves, but they only recognize this difference because of their temporality. This is why personal consciousness has to be more than Cartesian subjectivity. Locke went beyond Descartes in defining personal identity as continuity of memory; nevertheless, Locke then made the mistake of understanding memory as an immediate identity with oneself, when memory is in fact the recovery of a past self.

The subject that becomes certain of itself by reflection and so realizes its personal being, can do so only by recalling its past self into the present. This way of putting it, however, is misleading, beginning from an initial, immediately self-present self, which then proceeds to externalize itself

through time and become a person. Beginning with the subject in this way has the effect of reconstructing a complex reality that was actually there behind subjectivity from the first. The instantaneous *cogito* is an abstraction [2006, 105–6].

Further, “it is memory that really reveals us to ourselves”; “momentary subjectivity is merely a limit-concept” (2006, 107). Temporality is not something accidental to human persons. “To think of a person is to think of one’s own existence as a form—not a form that maintains itself through time as an unfluctuating object of timeless knowledge, but a form that is itself a formation of time, a ‘temporal form’” (2006, 113).

Death is a particular form of temporal consciousness, namely, our consciousness that we will die and that our life will come to an end. “Knowledge of our own death is not just one more piece of knowledge like others, not an item of information to be slotted into the framework of understanding that permits us to conduct our lives rationally. Knowledge of death is incommensurable with every other knowledge that we have” (2006, 116). While the knowledge that we will die calls into question all the meaning (*Bedeutsamkeit*) that we derive from our vital impulses, it also discloses another whole level of meaning. “‘Significance (*Sinn*)’ is meaning ‘toughened’ by the consciousness of finitude—by which is understood that it asserts itself in the face of death, and is thus emancipated from time” (2006, 119). Spaemann cites the example of someone about to die sharing a last meal with a friend. From the point of view of vital impulses, one might think that the meal was hardly worth the trouble, but one might also understand the meal as having enduring significance: “It is, and will remain, good that this fleeting moment occurred and that its significance is unveiled” (2006, 120). The anticipation of death shifts our life into the timeless dimension of the future perfect tense. The fact that we can project ourselves into the future and look back on our life as something past is what makes it possible for us to envision our life as a whole, as something precious, something that can have not merely the immediate meaning or relevance that pertains to particular projects but rather an overall sense or significance. “Anticipating death puts us in the position to relate to our lives as a whole, the position in which we *have* our life. And that is how persons exist” (2006, 122). Death is something that happens to a person but dying is something that a person does—a paradox that illustrates what it means that a person has a nature: you can only give up a life that you have. “If surrender is the true proof of possession, dying is the supremely human act. Anticipation of death, knowledge of inevitable surrender to come, makes our life personal by penetrating and structuring it. Only the affirmation of the future perfect makes the present tense fully real” (2006, 123).

In chapter eleven, "Independence of Context," Spaemann defends two analogies between truth-claims and human actions. The first: as each and every truth-claim is true or false on its own, quite apart from the truth or falsity of the claims that precede it or follow it, so each and every human action is good or bad, quite apart from the goodness or badness of the agent's other actions. Human action is not simply a moment in a continuum of action; on the contrary, persons are present as wholes in each of their actions. The second:

Just as every statement that incorporates a false assertion is false, so an action is wrong if one of its constituent elements is not right: a wrong place, a wrong time, a failure to consider circumstances, an immoral motive, or, indeed, a type of action wrong in itself such that no context could right it. A sentence of Pseudo-Dionysius which Thomas Aquinas quoted more than fifty times sums up the point exactly: 'good arises from a consistent cause, evil from any kind of fault' [*bonum ex integra causa, malum ex quocumque defectu*] [2006, 131].

Chapter twelve begins with Spaemann's summary of his findings to this point. Persons thus far: They have faces; they are persons for one another and so only exist in the plural; they are insofar as they have their natures; that nature is the nature of an organic living being; and they anticipate their own deaths. Descartes's refounding of philosophy, however, made all these claims incomprehensible, so that they had to be reconstructed. Descartes's inability to make sense of organic life made it impossible for him to understand persons as beings that have, but are not identical with, their life. "And where consciousness and matter are defined independently and opposed as incommensurables, we end up with quite different criteria for the identity of human beings and of persons" (2006, 137). Locke's inability to make sense of life led him to reduce personhood to consciousness. But then, Spaemann argues, "If life is not the mode in which living things have their being, the being of the person is not identical with a human life" (2006, 140). When Hume drew out the consequences of Locke's position, the topic of personal identity became insoluble. Spaemann focuses his criticism on Hume's understanding of memory as "the weaker reproduction of earlier impressions, known to be earlier by the fact that they are weaker" (2006, 146). Descartes's aspiration to complete certainty, Locke's reduction of personal identity to conscious memory, and Hume's misconstrual of memory have led the mainstream of modern philosophy into serious misunderstandings of personal identity. A more promising move, which Spaemann explores in chapter thirteen, would be to rehabilitate the Aristotelian notion of soul as the teleological principle of life that makes a given substance distinct from other substances, as opposed to the Cartesian notion of soul as an independent thinking substance, obscurely connected with a material body.

While contemporary scientific common sense has no time for the soul, and contemporary theology is reluctant to challenge scientific common sense, Spaemann argues that we need the Aristotelian notion of soul to make sense of animal life, including our own animal life. Is the soul, so conceived, immortal? The transtemporal significance of which Spaemann spoke in chapter ten does not, he says, strictly require the immortality of the soul; for that, it is enough that God exists. A scientific demonstration of the soul's immortality is out of the question, as is any scientific refutation of it. The intentional structure of the soul's personal life can only establish the possibility of immortality, not its reality. The reason for postulating that this possibility is realized is love:

Love is essentially infinite; the absolute affirmation of the other can never, while true to its conception, come to an end. No amount of empirical contradiction can reduce lovers' vows to silence. Death catches up inescapably with lover and beloved alike, and without the finitude it imposes there could be no human love at all. But the finitude of man is not the finitude of love. That the lover cannot accept the beloved's death as the end may be written off as weakness. But inability to think, and unwillingness to accept, the end of one's *love* is not weakness. It fits the reality of self-transcendence. In a manner it carries death within itself as an inner moment of its experience. So the Song of Songs calls love 'strong as death,' and in what is called his 'hymn to love' the Apostle Paul says 'love never faileth' [2006, 162].

Love leads Spaemann to conscience, the topic of chapter fourteen. "It is," he writes, "the most unambiguous mark of a person to have a conscience":

The conscience affords a radical unity to the human subject, while at the same time extricating the subject from egocentric individualism. It affords a radical point of unity, because it subordinates the subject's ties and obligations, responsibilities and loyalties, to responsibility for self [2006, 167].

Conscience as responsibility *for* self is not to be confused with the illusory notion that we are responsible *to* ourselves. If we were responsible to ourselves, we could always dispense ourselves from this responsibility. Conscience is something formal: that is, it is not a set of principles to influence moral judgment, but rather, the very act of moral judgment itself. Moral reasons ("because it is right," "because it is wrong") are not *prima facie* grounds for acting or not acting, grounds that could be trumped by other grounds. "The moral reason either has the last word, or it disappears" (2006, 169). The act of moral judgment is an act of subsumption:

Universal value judgments and universal moral norms provide the material of moral reason and insight. In the formation of these there can be

many factors in play, but conscience is not yet involved. But when we exercise the power of judgment as Kant described it and ‘subsume,’ judging ‘this act of mine falls under this rule and not some other,’ there we have before us the material of conscience [2006, 171].

Spaemann acknowledges that talk of subsumption is a reconstruction. “The usual thing, after all, is to know what is right to do before we know what rule it conforms to. And we know it, often enough, with greater certainty than we know the universal rule” (2006, 172).

Formally, the demand of conscience is absolute; but that does not guarantee that every claim of conscience is correct. “Conscience is absolute in the sense that without it, or in contradiction to it, it is impossible to live in a way that does justice to personality. It is not absolute in the sense that every life lived in conformity to conscience is a good life. Nothing that contradicts conscience is good, but not everything is good that conscience requires or permits” (2006, 174). Conscience can be in error:

If one said, ‘whatever my conscience approves is good,’ one would have missed the true voice of conscience altogether, since as the voice of practical reason conscience strives for a total perspective rather than simply standing its ground. It intends truth, and therefore can be mistaken [2006, 174].

And for someone to have a mistaken conscience is not merely an intellectual failure but a moral failure as well. Central to a properly formed conscience is “recognition,” the subject of chapter fifteen. Spaemann outlines what he means by the recognition (*Anerkennung*) of persons, how he understands the respect that recognition entails, and finally what recognition and respect entail for political society. The recognition of persons is not a simple matter of perception or observation, nor is it a matter of starting with an awareness of our own personhood and then reasoning by analogy to the personhood of others. “On the contrary, we can only conceive of ourself as a person if there is someone else whom we conceive as one. We do not find out first whether we understand a language, and then whether anyone else understands it too. To be a person is to occupy a place within a field where other persons have their places” (2006, 182). Obviously, the other person has to be accessible to us through sense-perception, but that is not how we recognize the other as a person, as a center-of-being. That we do in a free act of recognition.

Here, as O’Donovan sees, Spaemann plays on the ambiguity of the German verb *wahrnehmen*, which can mean simply to notice or perceive something, but also to take something into account. “We say that we ‘take note of’ another person’s interests when we make them our own and defend them before third parties. This is the sense in which

persons can be said to be ‘noticed.’ All obligation begins with noticing persons” (2006, 183). It is not that we have a duty to recognize persons; it is the recognition of persons that is the source of every duty. And, *pace* Peter Singer, this recognition is not “speciesism,” a solidarity with or preference for beings of one’s own kind. Such a speciesism might, in fact, allow us to sacrifice some members of the species for the benefit of the species as a whole, which is precisely what recognition of persons forbids.

What does respect for persons require? As Spaemann sees it, respect does not entail that we may never instrumentalize or use one another, never compete, or that we must always agree on what our common good is. “No ordinary conflict of interest ever sacrificed such a hecatomb of victims as the ideal of overcoming conflicts of interest” (2006, 187). In a context where persons disagree about the common good, personal recognition takes the form of observing the procedural rules of the modern constitutional state. But these rules are not to be understood merely as pragmatic devices to minimize conflict. “It is not a matter of replacing justice with value-neutral rules of procedure, but of recognizing the persons involved in every conflict of justice, persons who have the right to uphold their view of the right against other views and to promote their implementation to the extent that the rules allow” (2006, 188). The legitimacy of political institutions, their claim upon our loyalty, thus depends upon their political character (for example, on their being genuinely representative and upon their juridical character, as well as on their affording protection to the personhood of each and every human being within their power). The implication for political systems that limit their protection to certain kinds of persons while excluding others is clear. “A political system that imposes such restrictions loses its juridical character and its claim to loyalty. From that point on we can deal with it only through canny calculation” (2006, 196).

In chapter sixteen, “Freedom,” Spaemann criticizes determinism and explores the radical freedom that we have to determine ourselves and our willing. After a trenchant set of critiques of determinism, Spaemann turns to a more radical concept of freedom or self-determination, one that he says stems from early Christianity and goes far beyond the relatively modest Aristotelian sense of freedom. Harry Frankfurt has termed this “secondary volition,” but Spaemann prefers to call it “primary volition”: this freedom exists at the level of who we are and what we most fundamentally want. Here again we meet Spaemann’s central thesis that a person is a being that has its nature.

Freedom, as we saw at the outset, is first and foremost freedom *from* something; but what is the *person* free from? Only from his or her own nature. A person ‘has’ a nature, but that nature is not what the person *is*, because the person has the power to relate freely to it. But this power

is not innate; it comes through encounter with other persons. Only the affirmation of other centres of being, through recognition, justice, and love, allows us the distance on [from?] ourselves and the appropriation of ourselves that is constitutive for persons—in sum, ‘freedom from self’ [2006, 216].

Freedom in this sense is poles apart from the kind of autonomy in which a human being denies recognition to others, turns in upon itself (*curvatio in se ipsum*), and so seems to stand beyond good and evil.

This sort of freedom is illustrated through a discussion of promising and forgiving. Every person is fundamentally a promise that underlies and makes possible particular promises. Every person has a claim on every other person not to be deceived through a promise. This claim is constitutive for interpersonal relations. Spaemann recognizes that there may indeed be sufficient reasons for not keeping a promise. His point is that simply changing one’s mind is not such a sufficient reason.

Our responsibility [to keep our promises] is not directed primarily, as utilitarianism suggests, towards an indefinite number of human beings, self included, who benefit from the convention of promise-keeping. It is a personal responsibility to a particular individual, created by a promise that may now perhaps interfere with my wishes, needs, and preferences. But that is precisely what is implied in a personal relation to one’s natural condition, in ‘having’ a nature [2006, 224–25].

Part of what promising involves is a commitment to keep or make oneself capable of carrying out one’s promises. In this context Spaemann reflects on marriage. “The promise of marriage is a promise not to view the growth of one’s own personality as an independent variable that may or may not turn out to be compatible in some degree with the growth of the other’s personality. For if that were all there were to it, the successful sharing of two destinies would be a matter of luck and chance, and no promises could be made” (2006, 227).

Of course, human beings fail to keep their promises, but every such failure is a failure in one’s constitution of identity, a victory of entropy over freedom. The answer to this failure is forgiveness, which Spaemann understands as the recognition that a person is always more than the sum of his or her attributes and the consequent refusal to reduce the person to his or her failures or offenses. This recognition is what makes it possible for the offender to reverse course and take distance from his or her offense. No one has a right to be forgiven, but everyone has a duty to forgive. “So forgiveness is the mark of personality, complementary to promising. Both confirm the difference between personal identity and the attributes and qualities that we display in real time. Promise underwrites the independence of personal identity

from absorption in actuality. Forgiveness evokes this independence in the teeth of actuality. It is, in an eminent degree, an act of creation” (2006, 235).

The subject of chapter eighteen—“Are All Human Beings Persons?”—challenges two views that are current in German discussion: first, that persons have rights not insofar as they are human beings but only insofar as they are persons, so that we should speak not of human rights (*Menschenrechte*) but of the rights of persons (*Personenrechte*); and second, that the condition of personhood is acceptance into a community, an acceptance based on the actual use of reason, so that little children, the feeble-minded, and those with serious mental illness do not count as persons. Against these views Spaemann marshals six arguments, of which this review can give only the barest outline. First, human beings are not simply one more species of physical object; they are a society of persons with genealogical relations to one another. Second, the recognition of persons cannot be based on their possession of specifically personal properties, because no one develops those properties without having first been recognized and treated as a person. Third, the fact that we do not observe intentional activity on the part of small children and the feeble-minded is not sufficient ground for concluding that they have no intentional activity. Fourth, our typical response to the severely disabled is not to think of them as mere things but rather to see them as persons who are in a bad way and need help. Fifth, against the view that little children are merely potential persons who need to be co-opted into society before they can become real persons, Spaemann argues that the concept of a merely potential person is senseless: a something never becomes a someone; it is either a someone from the start or not at all. Sixth, recognition of personhood is recognition of an unconditional demand; but this demand could not be unconditional if it depended on conditions that might or might not be fulfilled.

There can, and must, be one criterion for personality, and one only; that is biological membership of [in?] the human race. The beginning and end of personal existence cannot be taken apart from the beginning and end of human life. If someone exists, that someone has existed since the individual human organism existed, and will continue to exist for as long as the organism continues to live. What it is to be a person is to live a human life [2006, 247].

Spaemann concludes that the rights of persons are the rights of human beings, and that if we were to find that the adult members of some other species, such as dolphins, showed signs of being persons, then we would have to treat all members of that species, not just the adults, as persons.

This exacting account of persons, and of the moral demands the recognition of persons places on fully formed moral agents, has provoked considerable critical response. In “Von Personen und Menschen: Bemerkungen zu Robert Spaemann” (“Persons and Human Beings: Remarks on Robert Spaemann”), *Deutsche Zeitschrift für Philosophie* 46 (1998), Thorsten Jantschek accepts Spaemann’s claim that all human beings are persons, but not in the same sense that Spaemann intends it. He thinks that Spaemann understands what it is to be human in too narrowly scientific a way—not just *biologisch*, “biologically,” but *biologistisch*, “biologistically,” which seems to mean with too great a reliance on genetics as opposed to everyday practice—so that even embryos at the earliest stages of development would be human beings and so persons (Jantschek 1998, 476–78). Instead of this, Jantschek proposes that we understand what it is to be human in a “phenotypical” way (that is, on the basis of whether a given entity looks, acts, and so on like a human being). Where Spaemann’s opponents in chapter eighteen granted that embryos were human but denied that they were persons, Jantschek maintains that embryos in the earliest stage of development are not human beings and that by and large people do not consider them to be human beings. The core issue here would seem to be the moral relevance or irrelevance of genetic and embryological data. Spaemann might reply that given what we now know about genetics and embryology, the burden of the argument falls on Jantschek to show why biological humanity is not a sufficient criterion for being a human being, and so a person (or, stated differently, why we should affirm a phenotypical criterion of humanity instead). As Spaemann wrote in an earlier essay, the resolution of most philosophical questions depends on prior decisions about who bears the burden of the argument (see, “Naturteleologie und Handlung,” in *Philosophische Essays* (1994, 49).

Charles Larmore, in “Person und Anerkennung” (“Person and Recognition”), *Deutsche Zeitschrift für Philosophie* 46 (1998), argues that Spaemann fails to give an adequate account of the recognition of persons. As Larmore reads Spaemann, the personhood of human beings is an object not of simple perception or of factual knowledge (*Erkenntnis*) but of recognition (*Anerkennung*); and yet the act of recognition is not something arbitrary, but rather an appropriate response to the other’s claim to respect. Recognition is something that we owe to others, and yet it is only in the act of recognizing them that we know that we owe them recognition. Larmore suggests that we need a more adequate account of what goes on in recognition, or of how recognition works. I am inclined to agree that this part of Spaemann’s position could stand more work and clarification of the different paths to recognition (for example, the relatively straightforward case in

which adult human beings recognize one another as persons, the somewhat different case of adults recognizing infants as persons, and the very different case in which adults recognize human embryos as persons—perhaps on the basis of arguments such as Spaemann gives in chapter eighteen).

A fundamental challenge to Spaemann's understanding of the person, or at least to his articulation of it, has been raised by Alasdair MacIntyre in a generally sympathetic review of *Persons* in *Studies in Christian Ethics* 20 (2007). "A difficulty of a more fundamental order," writes MacIntyre, "is presented by a thesis which is central to Spaemann's introduction of the concept of a person. Spaemann . . . asserts that individuals with a rational nature 'have a different kind of relation to their nature from other individuals' (p. 32) and that they can either 'freely endorse the laws of their being, or alternatively they rebel against them and 'deviate' (p. 33)" (2007, 443). MacIntyre continues,

About what this might mean I am baffled. My nature—in any sense of nature that I know—is not something that I can choose or not choose to endorse. . . . The characteristics of human beings that Spaemann cites in support of his strange claim are familiar and uncontroversial, for example, that we have higher-order thoughts and desires and that we are role-players. But it is our nature as rational animals to have just such characteristics and, when they are exhibited in our actions, we are not taking up an attitude towards our nature, but acting as those with our specific nature should be expected to act [2007, 443].

Persons, as should be clear, turns on the thesis that persons are beings that have their natures. To speak of human beings as having a nature whose directives they may decide to follow or not to follow is common to Stoicism and to neo-scholastic natural law ethics; but even if Spaemann's use of "having a nature" derives from these sources, that does not explain what this way of speaking means. Spaemann sometimes uses "nature" to designate biological needs and vital impulses, what a different terminology might call our "lower nature," as opposed to our "higher nature" (reason). To that extent, talk about the person having a nature might be paraphrased as talk about the higher part of human nature having the lower part of human nature. However, Spaemann does not say that, and I doubt that that is what he means. Even if he could agree with MacIntyre this far—that the greater part of our intentional activities of thinking, knowing, judging, and willing are activities of a rational nature—he would, I think, still maintain that certain of our intentional acts, such as the recognition of persons and the judgment of conscience, are in a different class: these are acts in which we take distance from our nature, and so, not acts that we do by virtue of our nature. If we were to call these acts of reason, we

would be talking about a kind or level of reason that is not simply a part, even the highest part, of human nature. Or does Spaemann mean that in these acts we take distance from our nature by virtue of our nature? *Persons* would be clearer and more persuasive if it presented the various senses of nature and reason and the relationships among them in a more systematic way.

In his Preface, O'Donovan speaks of Spaemann's philosophical anthropology as "rich and eclectic" (2006, iii). Not everyone would be comfortable predicating these two adjectives of the same work, and some might wish that O'Donovan had instead linked them with the word "but." There is no doubt that Spaemann draws insights from a wide range of sources. Is his anthropology then eclectic, rather than genuinely systematic? He might reply that every true statement is compatible with every other true statement, that every valid philosophical insight is consistent with every other valid philosophical insight and, so, that his apparent eclecticism is not problematic (2006, 129). Spaemann might also reply that he does not lump heterogeneous insights together in a naïve or uncritical way. He integrates the insights into dignity and respect that he takes from Kant into an Aristotelian conception of what it is to be a living being in a way that Kant never did; and he integrates the Aristotelian side of his anthropology into an understanding of the person that Aristotle and the Greeks never achieved. Still, it would be easier to come to grips with Spaemann's thought if he were to spell out in a systematic way his relations to the main figures on whom he draws, and especially to explain how his own philosophical terminology compares with theirs.

After all the detail of this review, what can we say about the overall significance of *Persons*? What follows is my proposal. *Persons* does not present a complete ethical system. It does not even present the whole of Spaemann's views on ethics; for that one would have to go to his short *Basic Moral Concepts* and to the massive *Grenzen*. Nevertheless, anyone who has wrestled with the problem of how to get beyond the classical dichotomy of deontological ethics and teleological ethics—a dichotomy that still structures introductions to philosophical ethics—would do well to study *Persons*. It represents a serious and searching attempt to integrate the concern for human fulfillment articulated by Aristotle with the concern for interpersonal respect articulated by Kant.

Persons also represents a substantial contribution to the tradition of natural law thinking and, I think, takes that tradition beyond some of the difficulties that have occupied its attention in recent decades. Where an older version of natural law thinking may have tried to read off moral obligations, and even categorical prohibitions, from an inspection of human nature, Spaemann argues that nature, even human

nature teleologically understood, cannot have normative force on its own, apart from being understood as the voice of a creator. The newer natural law theory of Germain Grisez, John Finnis, and Joseph Boyle sees the difficulty with the older conception of natural law and tries to meet it. Where the newer natural law theory relies on a set of basic values and on a universal practical principle that requires respect for every basic value in every act, Spaemann argues that only persons, not values or principles, are the proper objects of respect. Anyone who believes that the natural law tradition is basically sound but who finds difficulties both in its older and in its newer version would do well to turn to *Persons*.

What Spaemann has seen—and what remains invisible in more than a few introductions to ethics—is that ethics outside the context of an understanding of persons (I join him in stressing the plural) is an ethics hanging in thin air. The German original of *Persons* was dedicated to the memory of Karl König (1902–66), an Austrian Jewish pediatrician who moved to Scotland after the Anschluss and there founded the Camphill movement of communities for people with special needs. The dedication to König captures in one short line the humane commitment that informs every page of this remarkable book.

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