

Personales Leben und menschlicher Tod: Personale Identität als Prinzip biomedizinischen Ethik, by Michael Quante. Frankfurt am Main: Suhrkamp, 2002, 372 pp.
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Issues of personal identity are relevant in biomedical ethics, but in what way? The main claim that structures Quante's book is that the debates about bioethics and medical ethics have not been sufficiently clear about the different meanings of 'personal identity'. He distinguishes four questions: 1) *conditions of personhood* (what properties and capacities must a thing have to be a person: consciousness? self-consciousness? consciousness of time and one's persistence in time? rationality? capacity to recognize others and communicate

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with them?), 2) *the question of unity or synchronous identity* (when can we speak about precisely one person?), 3) *the question of persistence or diachronous identity* (when is a person at one point in time identical with a person at another point in time?) and 4) *the question of personality or biographical identity* (the existential conception of identity in the sense that people have identity crises). One can add to these a related question which Quante addresses while discussing the other questions: 5) *what are we?* (are we persons essentially, or are we rather human beings? is the sortal which defines our persistence conditions 'person' or rather 'human organism' or maybe something else?).

Quante's main aim is to discuss the relevance of issues of persistence and personality in biomedical ethics. He argues convincingly that these issues must be sharply distinguished. He is thus sceptical about there being a unique question of personal identity, which could be answered with a single stroke. He proposes further that these questions should be answered from very different perspectives or viewpoints. Quante distinguishes three perspectives: the radically subjective 'Cartesian' perspective; the third-personal 'observer' perspective; and the lifeworldly, evaluatively laden, 'participatory' perspective. While conditions of personhood and biographical identity can be answered from the lifeworldly participant perspective, questions of persistence and the beginning and end of life are tied to causal relations and biological *ceteris paribus* laws which are accessible from the observer perspective. (In Quante's view the Cartesian perspective is not especially helpful in any of these questions, although it is crucial to some other issues like immunity to error in self-identification.) This distinction of perspectives is very helpful, although it leaves the role of a typically 'philosophical viewpoint' (from which we can ask questions of formal ontology and discuss the notions of identity, substance, etc.) a bit unclear.

The first part of the book discusses issues related to persistence, beginning of life and criteria of death, and the second part issues related to personality, autonomy, euthanasia, living wills and medical paternalism. The task is quite Herculean for one book, and brings with it some necessary limitations: the issues will be substantially dealt with only to the extent that 'personal identity' in various senses is relevant, and thus full theories of autonomy, paternalism or euthanasia are not to be expected. Nonetheless the book is very rich, and makes a number of crucial distinctions where they are needed. Indeed, anyone who reads the book is likely to learn a lot. In this review I cannot hope to discuss all the important points, so I will concentrate on the main theses of the first part, related to persistence, life and death.

In Chapter Two Quante defends his view that 'person' is a phase sortal, and not the substantive (or 'constitutive' as Quante puts it) sortal that determines our persistence-conditions. Our beginnings and ends are those of human organisms. We cannot cease to be human organisms without ceasing to exist, but we can cease to be persons, just as we can cease to be children or students, and nonetheless continue to exist. (Quante's choice of 'human organism' over 'human being' is deliberate, to avoid ethical connotations.)

Quante's discussion is introduced in terms of the distinction between what he calls simple and complex theories. Simple theories hold that relations of synchronous and diachronous unity, which are accessible exclusively from Cartesian first-personal perspectives, are constitutive of personal identity over time. Complex theories hold that personal identity over time is constituted through empirically observable relations of continuity. There is a danger that such a characterization lumps together the ontological issue of whether we are simple or complex entities and the epistemic issue of identifiability. Mostly this does not strain the discussion, but at one or two places it comes to the fore. Quante sees the debate as taking place between those who are sympathetic to the Cartesian perspective and those who think that observable relations are

crucial for human persistence. Quante's main argument against simple theories is that despite various attempts, they cannot satisfactorily deal with gaps in the streams of self-conscious experience. But then for example Swinburne's proposal that there is a soul substance underlying the stream of self-conscious experiences is put aside with the comment that it no longer belongs to the class of Quante's 'simple theories', in not making the first-personal access essential. That seems to be no argument at all, or perhaps it is an argument against Quante's decision to have both ontological and epistemic criteria for what makes something a simple theory. (Quante does not directly address the strictly ontological puzzle of how there can be complex entities.)

The main stress is on Quante's own positive suggestion, 'the biological approach', which resembles Eric Olson's or Peter van Inwagen's views but differs in details.¹ According to the view, the persistence of human persons is a matter of causal relations which guarantee the continuity of human organisms. The proposal is meant to hold only under actual laws of nature. According to these laws, persons cannot switch bodies. This explains why our intuitions conflict in thought-experiments where this constraint is put aside. One may note that the restriction to actual cases still leaves the challenge of cases of dicephalus (twins conjoined below the neck), or commissurotomy, which may seem like cases of one life process sustaining two minds or two streams of consciousness.

Quante stresses the difference between the life-process of human organisms and its material basis. 'An organism is ... a self-integrating life-process which is realized in a material body' (p. 128; all translations mine). The crucial thing is the presence of biological functioning, and not the material basis realizing these functions. Quante is in principle open to the possibility that the biological functions are multiply realizable, and the natural materials to some extent replaceable by artificial material. 'Should a biological life-process be realized on a silicon basis, and carried by the structures of this material basis, there would still be a biological process' (pp. 129–30). Quante also stresses that some sub-functions can stop while the whole process is still going on (p. 130). Human organisms, through organic subsystems, constitute a mental subsystem, whose integration is directed causally by the whole brain. If this subsystem ceases to exist, it does not follow that the process as a whole ceases to exist (p. 144).

It is somewhat surprising to realize that Quante indeed *identifies* an organism with a (self-regulating) life-process, which he rightly distinguished from the material basis in which the process is realized. This leads to a very plausible view about the beginning and end of human life (see below) but as a thesis about what we are it is a bit counter-intuitive: are we (and other organisms) really extended events or processes? Do we have temporal parts (such as the last week bit of me) instead of having such parts as head and feet? Are we fundamentally like performances and unlike performers?

Quante's view could thus be called a 'biological *process* approach', although he doesn't use the label himself. There would be room for a less revisionary 'animalist' view (held by van Inwagen, I think), which identifies an organism with an animal, an enduring three-dimensional entity, and then adds that the life-process in question is the life of that animal. Such a less revisionary animalist approach could easily share Quante's criteria of beginning of life and death, by arguing that the animal is essentially a living and self-regulating being, so that when the self-regulated life-process ends, the animal ceases to exist. (Quante may think that 'animals', as organisms, are processes. I use 'animal' here in a non-process sense.) Such an animalist view would avoid the possibly awkward consequences of the view that we (and other organisms) are events, but could share the same insights about beginning and end of life. In all fairness, Quante does admit that this book does not even try to give a detailed answer to various questions in philosophy of

biology, and admits that there is more work to do with the notions of organism and life-process (p. 155). I would start such further work by distinguishing the process and the entity 'whose' process it is.

There are in fact signs that Quante might welcome such a complementary animalist view, and the corresponding ontological distinction between an organism and the life-process. He writes that the persistence conditions of an organism are not provided merely by the conditions of the identity of the life-process (p. 127). In order to rule out divisions or fusions, the identity conditions of the material basis—especially spatio-temporal continuity of the body—must be taken into account. I take this to be a concession towards the view that organisms are not processes after all. If organisms were identical with processes, the identity of the process would have to be all there is to the identity of the organism.

There is one question where such an animalism and Quante's process approach might differ. Quante holds that 'organisms cannot survive any periods, however short or long, of gaps in the integrative life-process, on which their existence depends' (p. 130). This distinguishes organisms from artefacts, which can be disassembled and reassembled. The animalist view could (but wouldn't have to) hold that, analogously to what happens to self-consciousness in periods of coma, there could be periods where the life-process is temporarily at a halt, as long as the animal retains the capacity to regain it. If the life-process would (miraculously) return, it would be the same animal alive again.

In Chapter Three Quante suggests a novel criterion for the beginning of life, or more precisely, for 'the beginning of the existence of a specific organism.' The crucial event is when the life-process begins to be self-regulating. *'The beginning of life of a human organism is the commencement of the activity of the individual genome of this organism, which usually takes place in four- to eight-cell phase (within two to four days from the fertilization of the egg cell) and is the beginning of the self-organization of this individual life-process'* (p. 69, italics added).

In the criterion, three things are identified: the coming to existence of an organism, the taking over of control of the life-process (until then, the mother's genome controls the process in which the human material in the 'pre-organism' stage is involved), and the beginning of the activity of the genome. The *capacity* for self-direction is not enough: actual *achievement* is needed for the entity to come into existence. The definition has the clause 'usually' because monozygotic twins come into existence at a later stage. For such twins as well, the beginning coincides with the event of their individual genomes (individuated by reference to the organism) taking over control of the process, so they do not form an exception to the principle.

Quante defends his view both against various views that we begin at a later stage, and against views that we begin sooner. One central objection suggesting that we begin later is that the human organism cannot be ontologically individuated (and therefore, not there yet) before the point in time when splitting is impossible. Quante disagrees: in cases of factual twinning there is already an existing organism (A), which then ceases to exist when two new organisms (B and C) come to existence as self-organizing life-processes. If this does not happen, then A remains A throughout. Quante holds that the mere possibility of twinning is neither here nor there; without actual splitting we have no basis for claiming that A would cease to exist and some A' come to existence after the relevant period when the possibility of twinning is over. As a matter of contingent empirical fact, for human organisms, just as for amoebas, dividing is a live option, although for a short period of time only. If an amoeba does not in fact divide (even though it could) it remains the organism it is (pp. 74–5).

Regarding so-called Siamese Twins, Quante defends the view that they are two organisms (p. 78). Quante does not discuss the case of 'dicephalus' (twins conjoined below

the neck) separately, but presumably his view is that there are two organisms. An alternative description would be that one life-process or organism sustains two centres of consciousness and self-consciousness. In that case, I take it that our intuitions would not support the view that we are human organisms, because in such a case there would be two of 'us'.²

Another basis for holding the view that we begin later comes with the view that we are separate entities, and not human organisms. Analogously to brain-death, Michael Lockwood has suggested a criterion for 'brain-life' for 'human beings' understood as separate entities from 'human organisms' (p. 82). Quante points out that a relevant challenge to such views is to explain what the relation between the two entities is supposed to be.³

Against the views which argue that we were there *before* the four-cell stage, Quante responds that the zygote does not yet form a life-process that directs itself. It merely has the capacity to become self-directing, as it has an individual genome. But before the actual self-regulating process is in the picture, there is no new organism (pp. 83–4). It follows that there is a set of entities that are distinct from the pregnant woman's organism, and yet do not yet constitute an organism, because they are not self-directing. There is 'human life' (mass term) taking place, without a human organism existing (p. 91).

It would be interesting to know what Quante would make of the following line of thought. As Quante agrees, according to any view that takes 'human organism' as the sortal providing persistence conditions, the onset of self-consciousness and autonomy is merely a qualitative change, not the emergence of a new entity, a person. This does not mean that being self-conscious or autonomous is not an important feature, it is just that there is a pre-existing entity that acquires the feature. This line of thought avoids multiplying entities unnecessarily. The same line of thinking could be applied to the onset of self-regulation, thus posing a challenge to Quante's view. Why not say that there is a single life-process starting from fertilization, with merely a qualitative change taking place at the four- or eight-cell phase when the process turns self-regulating? This would not mean that being self-regulating is not an important feature, just that there is a pre-existing entity or process which acquires the feature. This line would avoid multiplying entities in the first stages of pregnancy. (Such a view would presumably hold that we are essentially living entities, whether self-regulating or artificially 'kept alive', and thus would not be likely to support the whole-brain criterion of death.)

In Chapter Four Quante defends a definition and criterion of death of humans. Quante defines death as *the end of existence of a specific organism* (p. 127). This is a definition of an event of death, not the process of dying, nor the status of 'being dead' (it seems to follow that nothing literally has that status, since any candidate has ceased to exist). Quante's definition is purely descriptive (not evaluative), and non-pluralistic (as there is only one relevant sortal, that of human organism).

There are further various possible *criteria* for death (cardiopulmonary, whole brain, higher brain criteria). There are further diagnostic *tests* related to any criteria. Quante relies on an 'empirical, contingent fact' that the brain happens to be the organ responsible for the integration and self-directedness of the life process and organic functions. (So it seems that Quante's defence of the criterion stands or falls with this empirical claim.) This leads Quante to defend his version of the whole brain criterion of death: *'The irreversible breakdown of the whole brain, which takes place after the time that the brain has taken the charge for the integration of the life-process, is the end of the life-process and thereby the death of the human organism'* (p. 132).

Thus there are two main ways in which human organisms can cease to exist: relatively undeveloped human organisms might die before the time that the brain is in charge of

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self-regulation. But after the brain has taken over, the irreversible breakdown of the brain is the criterion of death. There are also other imaginable ways: a third possibility discussed by Quante is a thought-experiment in which the brain is gradually replaced with an artificial brain, while the organism continues to function during the replacement. Here, the original brain is irreversibly defunct, but the organism is alive. In such a case, Quante says that our intuitions run out, but it seems to me that his views imply that such a being continues to live as long as the life-process is sustained by the artificial brain (or by further replacements).

A fourth possibility (not discussed in this context by Quante) is given by cases of division and fusion. In such cases new organisms come into existence and old ones cease to exist. A real life possibility of such a case, as discussed by Quante, is the brief life of an organism that splits into monozygotic twins.

I am not sure what Quante's criterion would imply in imaginable cases of a fifth type where the self-regulated life process is at a halt because of a *reversible* breakdown of the whole brain. Because of the breakdown, the organ responsible for self-regulation does not function, and so I presume that the self-regulation is turned off. Thus there is a gap at least in the *self-regulatedness* of the life-process (or in the whole life-process). But as Quante at many places stresses, there just cannot be gaps in the life-process. So even in cases where the brain is not damaged beyond repair, and is repaired, and back in function, it seems it will be a numerically different life-process. So it seems that the qualification 'irreversible' does no work in Quante's criterion: even a reversible breakdown amounts to a death?

Quante discusses various other potential problem cases (pp. 149–55). One concerns the ontological status of corpses: organisms are not identical with dead bodies (and I would like to add that organisms as life-processes are not identical with *living* bodies or animals either, insofar as these are not processes; and animals may not be identical with bodies, insofar as animals 'have' both bodies and minds). Another is the remarkable fact that brain-dead pregnant women may continue to function when medically supported, so that they can give birth to a baby. Quante thinks his criterion gets things right in classifying such (ex-)women as strictly speaking dead, although there is in some sense life going on: the hospital machinery and personnel thanks to which birth may take place in such cases is hardly a single organism. In cases of full brain transplant where the life-process is interrupted during the transplant, Quante's criterion implies (in his view correctly) that there are two organisms, two life-processes.

The ethical relevance of the criterion of death is clear in medical contexts. The criterion of the beginning of life in turn helps to draw the distinction between contraception and abortion, and to distinguish real organisms that are potential persons from merely possible persons, and to explain the difference in the acceptability of genetic therapy when administered to an organism and when not. In that context especially, Quante's discussion of 'potentiality' is illuminating (pp. 106–11).

It should be noted that Quante does not accept what he calls a 'bioethical guillotine', which holds that only actual or potential persons have a right to life. In his view, potential persons have a claim not to be killed, but other living organisms have that as well. Nonetheless, it is an ethically significant fact that a being is a potential person.

The second part of *Personales Leben* turns to discuss personal identity in the sense of practical identity, narrative identity, evaluative self-image, personality or character: the sense of 'identity' in which existentialists or social psychologists write about identity crises. Quante uses the term 'Persönlichkeit', personality, to refer to this idea, and distinguishes it from 'Personalität', personhood, or the status of persons. I will be very brief in picking up some points that are made in this second part of the book.

Personality has to do with the evaluative orientations of the agent, and not with causal relations relevant to issues of persistence. While the third-personal observer perspective is relevant for the latter, issues of personality presuppose the life-worldly participant perspective. With this change of perspective, the evaluatively neutral 'identification as' a numerically same person comes to be replaced by 'identification with' oneself in past and future situations. 'Identification with' is evaluatively loaded, although not restricted to positive evaluations: a person who is afraid of going to the dentist identifies with the person who is to experience pain, and a person who is ashamed of what he or she did at the party last night nonetheless identifies with that person.

The role of personality is discussed in relation to autonomy, which is universally agreed to be a central value in medical ethics, especially given the central role of informed consent. Quante argues first of all that personality plays a role in the full sense of personal autonomy (as opposed to mere *Handlungsautonomie*, autonomous action), which is relevant in questions of voluntary euthanasia and advance directives or 'living wills'. Secondly he argues that in questions of medical paternalism, the central opposition is not simply between the patient's autonomy versus the patient's good, but considerations of personality and its integrity have an independent role.

The core of Quante's analysis of personal autonomy is, following Harry Frankfurt and Gerald Dworkin, the hierarchy between desires and higher-order volitions that one identifies with. In reference to the voluminous criticism that such suggestions have faced, Quante adds to this core idea both a temporal, 'biographical' dimension, and an 'external' dimension of social embeddedness. These aspects are interesting and controversial, and very broadly speaking in the tradition of 'positive liberty', which holds that 'true freedom' is possible only as an aspect of an extended and socially embedded life. As a limit-case Quante discusses a case of a person, who autonomously decides to give up autonomous control of his or her life, in order to live in accordance with the demands of some guru. Is such a person still autonomous? Should we respect such a person's views, which he or she gets from the guru? Quante's suggestion about such a limited case is that we should indeed respect such a person's views and the integrity of his or her personality even though it is not a case of autonomy. Quante distinguishes two cases of authenticity: reflexive authenticity goes together with autonomy, but unreflective authenticity is a matter of coherent personalities holding goals and views wholeheartedly, in the absence of reflection. The latter cases are to be respected, for reasons of integrity and authenticity, although not for reasons of autonomy.

After the development in Chapter Five of these connections between personality and autonomy, Chapter Six argues that respect for personal autonomy gives a *prima facie* right to euthanasia or assisted suicide (in strictly limited cases). Quante stresses the overridability of this consideration: first of all, medical staff (or others in general) have a right to not participate in it, for personal reasons (but even then they have a residual duty to pass the case to someone else). And secondly, the feelings of the near and dear may give strong enough reasons to override the right to voluntary euthanasia, and thirdly, also interests of the society as a whole may be so strong that euthanasia is not to be permitted. Quante defends a quite balanced view, and argues against categorical and gradualist views opposing euthanasia.

Chapter Seven discusses cases of 'advance directives' and Chapter Eight cases of medical paternalism. In both cases, Quante points out quite convincingly that personality, and abrupt (treatment-based) changes in personality make a difference to the assessment of cases. Chapter Nine consists of brief concluding reflections about the relations of the first and second part of the book.

Given the scope and clarity of this book, any reader is bound to learn a lot. The book's readership has so far been limited by the fact that the book has appeared so far only in German. There is an English translation in preparation, which is definitely a worthwhile idea. I would warmly recommend this book to anyone working on or interested in the identity of persons, the issues of life or death, or issues of personal autonomy and practical identity.

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NOTES

¹ Olson 1997 and van Inwagen 1990.

² Compare to McMahan 2002, which appeared at the same time as Quante's book.

³ The view of Baker 2000, and of others who like her defend the view that human organisms 'constitute' persons, and thus are not identical with them, might be useful for Lockwood's distinction between human organisms and 'human beings' in the relevant sense.

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