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Are there dead persons?

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ABSTRACT

Schechtman's 'Person Life View' (PLV) offers an account of personal identity whereby persons are the unified loci of our practical and ethical judgment. PLV also recognises infants and permanent vegetative state patients as being persons. I argue that the way PLV handles these cases yields an unexpected result: the dead also remain persons, contrary to the widely-accepted 'Termination Thesis.' Even more surprisingly, this actually counts in PLV's favor: in light of our social and ethical practices which treat the dead as moral patients, PLV gives a more plausible account of the status of the dead than its rival theories.

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Discussions of personal identity over the last three decades have been dominated by two competing families of views. On the one hand are the neo-Lockean or psychological approaches, which see the identity and persistence conditions of persons as constituted by forms of connection or continuity (to some variously specified minimal degree) between psychological states. On the other hand are animalist or biological approaches, according to which each of us is identical with an individual human animal, who persists just as long as that animal's organic functioning persists (again, to some variously specified minimal degree). Notoriously, each position coheres with many of our prereflective judgments about who is and isn't a person, but deliver troublingly counterintuitive answers on others. Neo-Lockeans typically have to deny that newborn babies and permanently non-conscious patients count as persons, in the face of both widespread assumptions and person-regarding legal and social practices, whereas Animalists run into problems with both hypothetical brain transplants and real-world conjoined twins (Campbell and McMahan 2016) and 'split-brain' patients (Snowdon 2016). An account of personal identity that captures everyone we intuitively want to count as a person – that is, one that maps maximally onto the picture of *practical* identity that motivates questions about personal

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identity in the first place – is thus something of an undeclared holy grail of personal identity theory. A metaphysics that aligns with our practical identity concerns and judgments has proven stubbornly elusive.

In recent work, Marya Schechtman has sought to bridge these metaphysical and practical concerns by offering a new account, which she calls the *Person Life View* (PLV). PLV claims to offer an account of personal identity that is more than merely metaphorical or derivative, yet nonetheless inseparable from those features that makes us appropriate targets of various forms of practical judgments, including but not limited to forensic judgments (i.e. assignations of moral imputability). If PLV works, it seems to promise something very like that holy grail.

While I cannot give a full account and evaluation of PLV here, I do wish to consider an interesting consequence of how this position handles what it takes to be 'degenerate' forms of personhood such as persistent/permanent vegetative state (PVS). I argue that the features of PLV that confer personhood on PVS patients also seem to entail that *the dead are also persons*. In that respect, PLV disagrees with most animalist and all neo-Lockean views, committed as they are to the Termination Thesis (Feldman 1992, 2000; Gilmore 2012), the view that persons cease to exist at death and that therefore nothing that is dead counts as a person. I then want to make what may strike some as a controversial and even absurd claim: far from being an objection to the plausibility of PLV, given the aim of maximal agreement with our existing person-related beliefs and practices, this actually counts in PLV's favor against rival accounts of personal identity. The metaphysics we get from PLV are in fact truer to our phenomenal experience of the dead as persisting moral patients than its main rivals.

1. The person life view

Schechtman's PLV approach has a fairly ambitious aim: to find 'an account of identity that defines a single, unified entity which is the target of all of the many practical questions and concerns that are associated with personal identity' (Schechtman 2014, 5), a unitary conception of the person as 'the appropriate target of the range of person-related practices and concerns' (2014, 87). Locke claimed that 'person' is a 'forensick' concept (Locke 1975, 340), whereas Schechtman's person is 'a unit of all of the different interests, judgments, and practices involved in our interactions with other people, forensic judgments included' (2014, 68).

Such persons are also what we fundamentally *are*, rather than personhood being a property or phase of some more fundamental thing (an animal, a body etc.). This is an important point in terms of the schism between metaphysical and practical identity. For Schechtman, to be a person *just is* to be the sort of entity to which practical judgments like assignations of compensation and responsibility are essential. Persons are 'loci of interpersonal interaction whose integrity as unified wholes results from complex and dynamic interactions

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among biological, psychological, and social processes' (2014, 184). And yet, this is still a metaphysically realist account of personhood, albeit one drawing on a more liberal conception of metaphysics than (as Schechtman acknowledges) some philosophers would countenance. Schechtman is at pains to fend off the charge of fictionalism or conventionalism; her persons are real, at least in the same way that tables, chairs, and apples are real and not merely unreal collections of subatomic particles. Whether Schechtman ultimately avoids conventionalism will in part depend on how we differentiate 'real' from merely conventional entities, which in turn will depend on how liberal a metaphysics we want to adopt; I'll say a little more about this below. What's interesting for our purposes is the specific ways in which persons are constituted in PLV.

PLV makes the notion of *person* conceptually dependent upon the notion of a *person-life*: 'To be a person is to live a "person life;" persons are individuated by individuating person lives; and the duration of a single person is determined by the duration of a single person life' (Schechtman 2014, 110). This sounds circular, but we can in fact say a fair bit about what person-lives are, simply because we deal with them all the time: they are what is *paradigmatically* represented by a developmentally typical human being living in a culture. Such lives have, for instance, characteristic developmental trajectories, from infancy to adulthood and on into dotage. There are many person-lives that deviate from this pattern, of course. Some people die tragically young, or have their trajectories impeded by disability, illness, or trauma. But these are understood precisely as deviations from the paradigm case, and our valuations of these are linked to the extent to which they deviate from that paradigm. (The paradigm might change, of course, as longevity extends, our period of pre-maturity and studentship gets longer, and so forth).

The notion of 'trajectory' invoked here is a familiar term from narrative approaches to personal identity (cf. Jones 2008), and the sort of intelligibility conferred by such a trajectory is one of the things that is taken to distinguish narrative approaches from straightforward psychological ones (cf. Stokes 2012; Schechtman 2015). But talk of a standard 'developmental trajectory' here might be thought to make 'person' into an essentially biological concept. Animalists, too, might say that animals have species-specific paradigmatic developmental trajectories, though this is not, in their view, what individuates them. Schechtman's person-lives, by contrast, are not a merely biological concept, though they are grounded in and constrained by biological facts. Rather, person-lives involve three main components which 'constrain and support' each other (2014, 15). These three components are (1) a set of 'physical and psychological properties and internal structures' (2014, 112); (2) activities and interactions with others; and (3) 'the social and cultural infrastructure of personhood' (2014, 113), a set of practices, institutions, and norms that structure our interactions

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within 'person-space': 'the social and cultural infrastructure within which persons interact and which supports personhood' (2014, 115).

At this point, some metaphysicians of personhood are likely to be dismayed by PLV. Many advocates of practical identity might be too. Most discourses around personal identity have tended to assume that what we *are* can be specified with reference to one of these three components. Animalists and neo-Lockeans assume personal identity to be grounded in some one, or some set, of our physical and psychological properties. The notion that personhood is relational, something that emerges from mutual recognition, also informs a diverse range of ways of talking about identity from Hegel onwards, while social construction accounts of personhood are also common across the humanities and social sciences. Yet what might make PLV disappointing for those committed to any one of these approaches is also, I'd suggest, its strength: it acknowledges personhood to be something that emerges from the interplay of physical, subjective, and intersubjective factors, not something reducible to any one of them.[1]

That has at least two advantages. The first is that it gives the notion of personhood a certain resilience in the face of problem cases. For Schechtman, 'person-life,' analogous to the concept of life itself,[2] is a 'cluster concept;' person-lives involve clusters of physical, biological, psychological, social, and cultural factors, without any one such factor being necessary or sufficient for counting as a person-life. (For this reason, PLV won't yield a simple definition of the form '*x* is a person iff …'). This means the time-honored approach of using puzzle cases in which different types of physical and psychological continuity come apart to determine which forms of continuity are the person-constituting ones misses the point: no one such form of continuity, in and of itself, is solely person-constituting.

This leads to the second advantage of the approach: it allows Schechtman to extend the category of personhood to cover cases where neo-Lockean approaches insist that personhood no longer holds, but where our person-based practices suggest otherwise. PLV retains elements of Schechtman's earlier Narrative Self-Constitution View (Schechtman 1996). However, Schechtman now rejects the Narrative Self-Constitution View's explicit claim that neither infants nor adults with dementia count as persons. PLV agrees with neo-Lockeanism that 'the most salient and distinguishing characteristic of persons is their forensic capacities and all that follows from them' (2014, 131). But the way in which those forensic capacities intersect with both our relations with others and with the social infrastructure of personhood means that possession of those forensic capacities needn't be a necessary condition for something's counting as a person. PLV expands the process of narrative self-constitution to include narratives told by *other* persons, guided by and responsive to the (defeasible and evolving) norms and conventions of the social infrastructure of personhood. In treating others in ways that pick them out as individuals, we thereby in part instantiate

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them *as* individuals in 'person space' – even individuals like infants and dementia patients, who cannot individuate themselves in this way.

2. Degenerate personhood

As noted, the specter of conventionalism looms over PLV. This is particularly an issue given the account is intended to include as persons not just humans who have yet to gain reflective forensic capacity (infants) or those who have lost that capacity (e.g. dementia patients), but developmentally atypical infants who will *never* attain such capacity. It is hard, in our post-Lockean (but equally post-Cartesian, anti-ego-substantialist) condition, to see how 'personhood' in such cases can be anything more than a courtesy title. Yet Schechtman insists that such humans *really are* persons; as individuals they are not 'an appropriate locus of forensic judgment' but are, 'in another significant sense, the right *kind* of entity to be the target of such judgments' (2014, 122). The appropriateness of forensic judgments in such cases is 'forestalled' by specific contingencies, not by the essential kind of entity with which we are dealing.

As an example, Schechtman cites Hilde Lindemann's account of the life of her sister Carla, who suffered from hydrocephaly and died in infancy. On a strict neo-Lockean view, Carla would not be person; she is not the target of any legitimate forensic judgments, because she possessed none of the cognitive and reflexive capacities that would justify such judgments. And yet, Carla was treated as a person. She existed in person-space, as a sister, a daughter, even as a playmate. And this, Schechtman says, is emblematic of the way in which the social dimension of personhood (interaction and social infrastructure) allows for there to be persons who would lack personhood on a strict Lockean view:

> those who do not themselves possess the forensic capacities can be included in these other kids of person-related practices and interactions so long as there is someone with the forensic capacities to initiate or facilitate them. It is possible to sing duets with Grandfather who is suffering from severe dementia even if he no longer has the capacity for moral agency or prudential planning; Carla can be brought out to picnic in the tree fort; children who are too young to count as Lockean persons (or to fully understand the game) can be brought to sporting events, dressed in jerseys, and join in the cheering and general excitement; baby sister can be included in a game of tag or go to a movie. (Schechtman 2014, 77)[3]

Again, this is likely to leave many metaphysicians cold. In such cases, they might insist, we're simply extending person-based courtesies to entities that do not bear the intrinsic properties necessary for or even characteristic of personhood, and which are therefore not really persons. And while Lindemann insists that sentience remains necessary for personhood, Schechtman wants to go even further, extending personhood to PVS patients:

> Someone in a permanent vegetative state (PVS) is typically dressed in clothes, lies in a bed with sheets, and is referred to by name. They are the recipients of person-specific attentions even if they cannot actively reciprocate. Loved ones

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> may come to visit regularly and decorate the room, mark anniversaries, talk to the vegetative individual and play her favorite music; she may be covered by health insurance and receive disability checks. All of these are part of a form of life that is distinctive of persons, even if the individual in a PVS is included in that life in a purely passive way. (Schechtman 2014, 78)

Schechtman is under no illusions here: 'PVS is at best a degenerate case of survival and the kinds of relationships that are involved here are going to be just barely discernible as interpersonal relations' (2014, 105). This is not a rich or satisfying form of personhood for anyone, least of all the patient. But nonetheless, on Schechtman's view, persons survive, and survive *as persons*, once they enter PVS. It may be 'weak personhood' in Mackie's (1999) sense (and to foreshadow what's to come, for Mackie, the dead possess weak personhood too), but it is personhood even so. Here neo-Lockeans in particular might insist this is just an application of person-status by courtesy, not by intrinsic entitlement. And if 'person' is *not* being used as a mere courtesy title here, then the suspicion arises that the arbitrariness of 'personhood' as PLV construes the term goes all the way down: if a PVS patient – or at the other end of life an anencephalic baby, born without a neocortex and so permanently non-conscious – counts as a person, a neo-Lockean might object, then 'person' simply cannot be a natural kind.

Against this, Schechtman insists that our ascription of individual personhood is neither arbitrary nor grounded solely in convention, but reflects genuine properties of the beings that we characteristically designate as persons – that is, beings like us. Much, of course, will hang on what 'like us' means here. Schechtman allows for the possibility of nonhuman persons; Mr. Peabody, the talking dog from *The Rocky and Bullwinkle Show*, is clearly a nonhuman person (2014, 132–133). Schechtman does register a concern, however, with whether an animal with an embodiment as different to ours as that of a dog could express the relevant kind of personal capacities, such that we could recognize what they live as being a person-life. The more different the form of embodiment to ours, the more this is the case: 'Intelligent balls of light energy that could not take human form' would be unlikely to count as persons simply insofar as persons are 'beings like us' (2014, 134). (I take this to imply, by the way, that God would not be a person on PLV either).

Regardless of these concerns about embodiment, Schechtman insists that even the most pampered actual pet dog, though treated like 'one of the family', is not a person. What makes the key difference here is the range of expected capabilities:

> Someone who devotes himself to raising money to research causes and cures in response to the news that his human child has a condition which prevents her from learning to speak or become independent may be considered heroic in turning challenge to triumph. Someone who responds to the news that his poodle will never learn to talk or become independent by raising money to research causes and cures is, by contrast, deeply confused. (Schechtman 2014, 121–122)

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Our expectations of person-lives are linked to non-arbitrary features about the sorts of beings that are paradigmatically appropriate targets of our person-tracking judgments, and are accordingly situated within 'person-space' – that is, are both recognized as persons by other persons and are the sort of entity that is conditioned by and conditions the social infrastructure in which personhood takes place. Poodles, not being appropriate targets of the relevant expectations, aren't situated in person-space.

3. Death as degenerate personhood

On the PLV model, PVS patients count as persons because they continue to occupy a position in 'person-space.' Being the *sort of thing* that typically has certain kinds of abilities central to personhood, they continue to be recognized and treated as such, albeit in a drastically and tragically reduced state. But if PVS is a degradation rather than a destruction of personhood, why not classify being dead as such a degenerate form of personhood too?

Consider the ways in which PVS patients remain in person-space: we visit them, change their sheets, continue to call them by name, and so on. The social infrastructure of persons continues to recognize PVS patients as persons and make room for them in person-space. They retain legal rights, and we are outraged when they are treated without dignity – indeed, outraged in a way that is linked to their identity *as persons*: we might reflect that someone would have hated the thought of being seen to have lost control of their bodily functions, or being seen unshaven.

But just as we continue to afford PVS patients the sort of concern we show for persons and treat them accordingly, *so too with the dead*. Visiting and talking to PVS patients might occur more frequently than it does with the dead (though not necessarily), but that doesn't mean we never talk to the dead nor visit them – people do so at gravesides every day, and increasingly do so in online environments too, frequently addressing the dead in second person, often for years after their death (cf. Kasket 2012; Brubaker, Hayes, and Dourish 2013; Kern, Forman, and Gil-Egui 2013). That is just one of the myriad ways in which the dead persist in the phenomenal world of the living. We keep (and feel bound by) promises to the dead just as we might with PVS patients; conversely, we may well grieve for PVS patients in much the same way as we do the dead. We take grave desecrations and the like to dishonor the dead, not merely to outrage the living. We also have social infrastructure built around the dead that preserves them as objects of practical and moral regard. We have testamentary and probate laws, rules about disposing of remains and disturbing old burial plots, increasingly sensitive norms for the curation and display of human remains in museums, and material and ritual resources for commemorating the dead, from online condolence books to tombs of unknown soldiers. All of this ethical and social infrastructure serves to maintain at least something of the

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social identity and standing that the dead had before their demise, to 'rescue the dead from insignificance' as Jeffrey Blustein (2008) has put it, to keep them *with us* as moral patients.

The dead, in short, seem to have infrastructural and social person-constituting resources much as PVS patients do. So what, according to PLV, could separate the dead from the merely degenerate? If PVS patients continue to exist as persons, why don't the dead? Let's consider four possible grounds on which a defender of PLV might try to exclude the dead from personhood without jettisoning PVS patients in the same move.

3.1. Capacities

We might try and exclude the dead from personhood the same way PLV excludes (most) nonhuman animals, by appealing to their non-possession of characteristic person-related capacities. We could begin by noting that while we care very much about our individual deaths, and about specific ways of dying, we're about as sanguine about the fact of mortality *as such*, as Samuel Scheffler notes, as we are about the limitations of poodles:

> Every single person now alive will be dead in the not-too-distant future. This fact is universally accepted and is not seen as remarkable, still less as an impending catastrophe. There are no crisis meetings of world leaders to consider what to do about it, no outbreaks of mass hysteria, no outpourings of grief, no demands for action. (Scheffler 2013, 44)[4]

Likewise, as with poodles, raising money for research into helping the dead to walk or talk would seem an exceedingly odd preoccupation. We might conclude from this that the dead are excluded from personhood in much the same way as poodles are: by dint of not being the objects of specific expectations which are normally reasonable expectations to have of human persons. No-one expects the dead to do 'person-things.' But then, nobody expects PVS patients to do 'person-things' either. Such patients *were* once appropriate targets of the relevant sort of expectation, but no longer are and never will be again.[5] Nonetheless, they retain their place in 'person-space' and remain persons. If that is true of PVS patients, what marks the relevant difference between PVS patients and the dead? Like PVS patients, most of the dead once *were* appropriate targets of the relevant kind of expectations, but are no longer. To that extent at least, they appear to be far more like PVS patients than poodles: degraded persons, but not excluded from personhood as such.

3.2. Functioning organic embodiment

Alternatively, someone who wants to exclude the dead from personhood using PLV might appeal to embodiment as a functioning organism. As the 'intelligent balls of energy' example shows, Schechtman takes embodiment to be essential

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to living a person-life, such that anything embodied *too* differently won't be able to live anything we could recognize as a person-life. The life-possibilities such a differently-embodied entity would realize would simply be too different to those we take to be characteristic of persons. PVS patients are unconscious, but they are nonetheless embodied, and their embodiment is continuous with how they were prior to their entry to PVS. Provided they are supplied with nutrition, their autonomic functions should continue. But consider here that PLV rejects animalism. Each of us may be *constituted by* an individual human animal, and metabolic function may be the key persistence condition of animals, but nothing in the PLV account seems to rule out a priori that we could not be constituted differently; indeed, Schechtman accepts, with some reservations, the possibility of robotic persons, even non-sentient ones (2014, 136). So the bare fact that PVS patients continue to metabolize cannot be what distinguishes them from the dead *with respect to personhood as PLV understands the term 'person.'*

Given that PLV understands 'person' as a cluster concept, one might reply here that biological functioning at least gives the PVS patient *more* of what is characteristic of personhood than dead persons have. However, at most this objection would show that the dead possess *less* of one (neither necessary nor sufficient) property of persons than PVS patients do; it is a further step to claim that this means the dead thereby fall below the threshold for personhood. If there can be vegetative persons and robotic persons, then personhood is possible without organic function and, at least separately, without consciousness. Would personhood be impossible with *neither*? We lack an obvious reason to think so. At most this objection might entail that the dead are further from paradigmatic personhood than PVS patients or robotic persons, but that does not entail that they are *not* persons. Their form of personhood may simply be more degraded than that of PVS patients, which is not in question.[6]

If, instead, we wanted to exclude the dead from personhood on the basis that they don't *live* their embodiment, and the person-life-characteristic possibilities it makes available to us, then this is true of PVS patients too. Ah, you might reply, but PVS patients *used* to live their embodiment in this way, and the holism that attaches to persons on PLV (inherited from the Narrative Self-Constitution view) means we are dealing with persons as diachronic wholes, not as mere time-slices. But then, the dead, or at least the vast majority of them, lived their embodiment before their deaths in the way distinctive of persons too. And if we introduce an 'at least used to live the embodiment characteristic of persons' criterion, then both PVS patients and the corpses of anyone who has lived a paradigmatic person-life seem to have a much stronger claim on the title 'person' than, say, anencephalic infants.

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3.3. Physical embodiment

Instead of organic functioning, we could more modestly insist that *some* sort of physical embodiment is necessary to personhood, and then deny that the dead have this form of embodiment. A modified 'corpse survivalist' a la Feldman might fall into this category: one might also accept that corpses are persons, but that the embodiment requirement of PLV means that the only dead persons are corpses that remain above a certain threshold of physical organization. So Lenin is still a person, but Socrates, by now, is not. (What would we say about Bentham, his skeleton propped up inside a stuffed costume, his head stored elsewhere in a temperature-controlled storeroom? I'm not sure, but equally I'm not sure that the claim that corpses survive as persons should be expected to answer all problem cases.). Another way of putting this objection would be something like this: persons must be locatable. Once it is no longer possible in principle to say in any meaningful way where a corpse is, that corpse is no longer a person.

This view will run into the complication, however, that a great many of our person-practices regarding the dead, and the social infrastructure that supports those practices, don't depend upon the continued embodiment, let alone locatability, of the dead even at the level of corpses. It would seem odd to say that whether probate laws actually enact the interests of dead persons, or whether we are still beholden to the promises we made to a dead person while she lived, depends upon whether the deceased was buried or cremated, or even whether the ashes were kept in an urn or scattered at sea. It's true that we treat corpses in a fairly person-regarding way, but our person-regarding treatment of the dead does not depend upon their continued existence as locatable, more-or-less integrated corpses.

Moreover, should a PLV partisan wish to dig in on the point that PLV requires embodiment, it's not simply and exhaustively true to say that the dead are disembodied. In our encounters with the dead via photographs, videos, and episodic memory, the dead appear precisely in the embodied form in which they lived, which is often what makes such encounters so poignant. Think of seeing the reconstructed face of an Egyptian mummy, or of Richard III after his skeleton was found under a car park: seeing the *face* of the deceased gives the experience a concretion and moral reality it perhaps hitherto lacked when all we had to deal with was a name and a set of propositions. Given that PLV doesn't insist on embodiment in animal flesh, perhaps there is room here for a form of 'extended embodiment,' in which the substantial realizer of the dead in person-space is the range of artefacts – physical and mental – that they leave behind.[7] That might make it harder to answer questions of the form 'where are the dead now?' but not necessarily impossible.

Here we may object that persons simply can't be informational, but must be *materially* instantiated, and so such extended embodiment, not being appropriately material, cannot constitute the survival of persons. To survive, one must

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survive in a body; surviving in books and posters, in memory and memorials, is no survival at all, but merely the leaving of traces. To call those traces a person is to fall back into conventionalism or to be bewitched by metaphor. To this cluster of objections I have three replies.[8]

Firstly, we can note that information is, ultimately, material: it exists encoded in physical structures, from neurons to paintings to ink on paper to magnetic potentials on the plates of disk drives. I doubt that anyone ultimately wants to deny that point, so we should reinterpret the objection as saying that the (non-embalmed) dead have the *wrong sort* of materiality to persist as persons: too diffuse, too hard to locate, insufficiently precise in its extension. But then, secondly, persons as loci of identity already have that sort of diffuse presence through the world even while they're alive. The face of Augustus was visible across the Roman Empire every time someone reached for their coin purse; the face of Elizabeth II still is today in some Commonwealth countries. Likewise, I am phenomenally present every day in the lives of people I hardly ever see 'in person' (a suddenly ambivalent phrase!) via social media, and they in mine. We are never simply where we are standing, but are also 'out in the world' in the minds of others and the records of states, corporations, and institutions. To deny this dimension of our personhood seems very close to simply assuming a certain kind of physicalism about persons which is precisely what is in question here. This is not to deny that conventionalism or fictionalism about persons looms as a threat here. But that threat has always haunted the ontology of persons. It is certainly a problem for neo-Lockean accounts, as was recognized as early as the early eighteenth century (Martin and Barresi 2000, 41). But versions of it can arguably be levelled at even purely physicalist views according to which persons are identical with, say, bodies, or proper parts of bodies such as brain stems. Much turns on our other theoretical commitments: how liberal a metaphysics we can accept, and thereby what sort of objects our ontology will admit. But given that persons play a fairly distinctive role as objects of certain kinds of regard, and given that the dead continue to play roles of this kind, we have reason to think that a more liberal ontology that allows for the dead to persist is – just to that extent and all else being equal – preferable to one that does not.

Thirdly, the claim that persons are at least partly informational in character has indeed recently begun to be seriously entertained, not least as a means of making sense of the value of informational privacy (e.g. Floridi 2013). This point cannot be defended here, but as a precis, the claim is that our concern for certain types of information can't be made fully intelligible if we treat information as something we own, but only if we treat certain kinds of information as partly constitutive of what we are. So, with apologies for the horribly inelegant double negatives, it is at least not simply obviously true that personhood is not at least partly informational.

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3.4. Interests

A further objection here relates to interests. A standard assumption in the literature on the harmfulness of death is that if death is a harm, it must be because some interest the deceased held (while they lived perhaps) is frustrated by their death. Similar remarks apply, *mutatis mutandis*, for posthumous harms. It could be said that as an organism, a PVS patient has at least one definite (and permanently frustrated) interest, namely, an interest in returning to health and flourishing. This interest is not held consciously, for PVS patients have no consciousness; but it is nonetheless intelligible that an unhealthy organism has an interest in returning to full health, even if that interest cannot be met. The dead, however, might be said to have *no* interests. They have no welfare, and so cannot be harmed or benefitted.

This objection assumes that having interests is a feature of personhood, such that having interests puts the PVS patient 'closer' to personhood than the dead person. However, on what basis do we take it that the dead have no interests? If we refrain from merely reasserting the Termination Thesis, this assertion depends upon a series of axiological claims that are at the very least controversial, and that also run strongly counter to everyday intuitions that go at least as far back as Aristotle, who thought it 'heartless' to deny that the dead were harmed or benefitted by the fortunes of their descendants (Nicomachean Ethics 1.11). The same mechanisms of the social infrastructure of personhood that assign forensic guilt also, from time to time, posthumously exonerate, for instance – an act which presents itself as serving an interest of the dead rather than simply those of the living. More would, at least, need to be said about why exonerating an unjustly accused PVS patient is a person-regarding act that serves the patient's interests whereas exonerating an unjustly accused dead person is not, and it is not clear PLV has the resources to do that. Alternatively, if a PVS patient does *not* have an interest in exoneration, the PLV proponent may have to surrender many other putatively person-regarding practices and attitudes which also seem to be tied to or done in the light of the interests of such patients.

3.5. Locus of interaction

Recall that for Schechtman, persons are 'loci of interpersonal interaction' (2014, 184). But the dead, we might say, are not such loci, or at least not in the way the PVS patient is. We attend to PVS patients at their bedsides, wipe their brows, sing to them on their birthdays, and so forth. The dead, with the exception of the occasional embalmed dictator, present no such site of interaction. However, as noted above, interaction with the dead (including second-personal address) *does* occur, and does take place in relatively demarcated sites e.g. graveyards,

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social media profiles etc. This interaction is of course entirely one-way, but the same is presumably true with PVS patients.

I conclude, then, that there is no decisive 'blocking' argument within PLV to exclude the idea of dead persons. If, as PLV claims, PVS patients remain persons, and we are not identical with animals, nor our bodies, and if we don't simply accept the Termination Thesis by fiat, PLV seems unable to exclude the dead from personhood.

4. Why this is a welcome result

The conclusion that the dead are still persons might seem to be a reductio ad absurdum of the Person Life View. Indeed, it would be just that – *if* we were to stipulate ahead of time that any plausible account of personhood needs to exclude the dead. Yet as is probably clear by now, I don't see any immediately obvious reason for such a stipulation. In fact, I think the entailment that the dead are still persons speaks instead to the *plausibility* of an extended practical view of personhood along the lines PLV proposes.

There are few discussions in philosophy as intractable and heavily trafficked as that of personal identity, but one rival contender would surely be the debate kicked off by Nagel's (1970) attempt to overcome the (neo-)Epicurean claim that death is not properly a harm to us. The problem here is that the Epicurean/Lucretian position asks us to accept deeply counter-intuitive things: that because the dead do not exist, death does not count as a rational object of harm, and the dead cannot be the objects of posthumous harms. With respect to the latter question, the issue is how the dead can be said to be recipients of harms or benefits, and thus moral patients, at a time when they no longer exist. As Harry Silverstein notes, the issue here isn't simply posthumous reference, for 'everyone agrees at once that 'ordinary' posthumous predication […] is in fact intelligible – the problem here merely concerns the *explanation* of this fact' but is rather the problem of posthumous *evaluation* (Silverstein 1993, 106). How do we assign a welfare-value to a being who no longer exists?

Yet the fact remains that we *do* treat the dead as moral patients, via precisely the sorts of person-directed practices I described above. We treat corpses with respect, we keep deathbed promises, we engage in practices of commemoration to 'honor the dead,' all of which looks deeply confused if we accept, as the entire debate mostly *has* accepted, that dead persons no longer exist. Much of the effort in this discussion has therefore been expended on either defending the Epicurean view (e.g. Rosenbaum 1986), or on constructing metaphysical justifications for the possibility of posthumous harm (and accordingly duties to the dead), using appeals to atemporal predication (e.g. Silverstein 1993), retroactive re-description (e.g. Pitcher 1984), and so on. F.H. Bradley once quipped that 'Metaphysics is the finding of bad reasons for what we believe upon instinct' (1899, xiv); the arguments advanced in these discussions justifying what we

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pretheoretically believe about our personal and moral relationship to the dead are far from bad, but are just by dint of their sophistication quite removed from the experience they claim to justify.[9]

Yet much of this metaphysical heavy lifting appears to be unnecessary if the dead *do*, in some sense, persist as persons; if they do, then the non-existence problem that has so frustrated the anti-Epicurean vs neo-Epicurean debate loses its grip.[10]

4.1. Should we accept the termination thesis?

Consider the following trilemma:

(1) Only persons count as proper objects of person-regarding practices.
(2) The dead are proper objects of person-regarding practices.
(3) Death is the cessation of personhood. (The Termination Thesis)[11]

No more than (any) two of these statements are compossibly true. If we accept (3), then we need to deny either (1) (which is more or less truistic) or (2). But, should we accept 3? Or should we accept that there can be, and are, dead persons?

The question of whether there are dead persons – that is, whether there are existing persons who are dead, as opposed to things that were once persons but are now dead – depends in very great measure on what we take persons to *be*. (For instance, if we took it that a person is essentially an immortal soul, then there are, right now, an enormous number of persons who are dead). The Termination Thesis certainly coheres with many of our ways of talking about the dead, as 'no more' and 'gone,' and with the sense of loss that is so central to the experience of grief. It has certainly seemed intuitively reasonable to a great many philosophers conclude that death demarcates one extremity of the existence of persons: if *p* dies at time *t* there is no later time *t'* at which *p* exists. The trouble is that this thesis also conflicts with other, equally plausible ways in which we *do* speak of what is left after death as a *dead person*:

> Don't people who die in bed just become dead people at the time of their deaths? Cats who die in bed become dead cats at the time of their deaths; why should it be thought otherwise in the case of people? (Thomson 1997, 202)

If we accept the Termination Thesis we lose these apparently natural ways of speaking. The answer to 'Which person is interred in Grant's Tomb?' can't be 'Grant.' There is, or at least was, an object consisting of particles arranged Grant-wise in there, but that object isn't Grant – at least, if 'Grant' is a person.

Suppose that, wanting to preserve these latter ways of speaking, and wanting moreover to defend the rationality of our person-directed practices towards the dead, we decide to reject horn 3) of the trilemma. Which accounts of what persons *are* will allow us to do that?

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4.2. Animalism, neo-Lockeanism and corpse-survivalism

For animalists, each of us is identical with, not merely composed by or coincident with, a human animal. That animal is only contingently a *person* in the Lockean sense of a self-conscious, self-aware agent, and only for part of its life. It was not born a person, given how long it takes to become self-aware, and through illness or injury it may cease to be a person without ceasing to exist. Yet animals are not just bodies, but bodies characterized by ongoing organic functioning. This seems to entail that at death, the animal ceases to exist i.e. animalism entails the Termination Thesis. As Feldman (1992, 94) points out, if the Termination Thesis – or more specifically a version of the thesis that ranges across organisms rather than just persons – is true, you never dissected frogs at school. What you dissected were in fact frog-shaped objects that never lived, and that came into existence the moment a frog died. (I'll spare you the obvious 'croaked' pun).

That, in turn, generates the Corpse Problem, widely taken to present a serious challenge to animalism (e.g. Carter 1999; Olson 2004; Árnadóttir 2013; Campbell and McMahan 2016; Shoemaker 2016). If each of us is identical with a human animal, and if the identity and persistence conditions of animals are fixed by organic functioning, then there are no dead animals: nothing that is an animal at *t* is also dead at *t*. The rather counterintuitive consequence is that a corpse is not identical with the animal with which it is spatiotemporally continuous. But what, then, is the relationship between an animal and 'its' corpse, if not identity? It seems either an animal *and* a corpse-to-be are spatio-temporally coincident all along (a view Olson calls 'Corpse Concurrentism') or that upon the animal's death a new entity, a corpse, comes into existence ('Corpse Creationism') (Olson 2012, 88–89; see also Mackie 1999, 233–234). Other animalists simply deny outright that there are such objects as corpses (e.g. van Inwagen 1990). None of these answers may seem entirely satisfying, and which if any is defensible remains a live issue.

Neo-Lockeans too are committed to some version of the Termination Thesis. If personal identity is constituted by continuity of (usually understood as appropriate connection, or the ancestral of connection, between) temporally separated psychological states, there can be no dead persons unless consciousness continues postmortem, in a form that is appropriately connected to or continuous with the premortem consciousness of a person. If our persistence conditions are psychological, and if psychological states can't persist beyond biological death, then when we die, we go out of existence. Neo-Lockean persons don't leave behind 'remains' to muddy the waters. We don't have to bury psychological states, or cremate memories. The trouble is that neo-Lockean persons sometimes cease to exist *before* biological death. PVS patients have no psychological states and are therefore not neo-Lockean persons – a conclusion that, if accepted, suggests much of our sedulous person-regarding treatment of PVS patients is unjustified. Similar problems are sometimes claimed to hold

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for infants: nothing seems to connect me *now* psychologically to the past baby that I nonetheless take myself to be co-personal with. Sentences like 'I was a fussy baby' thus fail to refer; *I* was never a baby, and nor were you, a thought which seems about as unconvincing, and in much the same sort of way, as 'this thing we're dissecting was never a frog.'

So both the animalist and the neo-Lockean seem committed to a version of the Termination Thesis. Whether we are human animals or psychologically-constituted persons, we cease to exist at (or for neo-Lockeans, sometimes before) biological death. Yet the alacrity with which we count dead people as well as dead cats suggests the Termination Thesis is wrong.[12] We see dead people, to paraphrase *The Sixth Sense*, and so we might justifiably seek a metaphysics that accommodates this fact.

Absent immortal souls, the most straightforward way to do this, and the way which best coheres with a world that appears to contain dead cats as well as dead people, is to claim that persons are identical with bodies, and that dead bodies are thus dead persons. If we *are* our bodies (whatever other problems this brings in train) rather than (living) animals, then our corpses *are* us. As most human deaths leave a corpse behind, most of us continue to exist after death, as a corpse. Feldman, for instance, draws on a distinction between an organism's *life* and its *history*. My cremation is not an event in my life, but it is an event in my history, and I exist at all points in my history (1992, 115–116). After my death, I continue to exist, for Feldman, as a 'biological person' (a human corpse) but not as a 'psychological person.' Likewise, Mackie, although an animalist, distinguishes between 'weak' and 'strong' senses of personhood,[13] with candidates for strong personhood required to 'satisfy the relevant condition relating to psychological endowment' (1999, 224), and maintains that dead humans are persons in the weak sense. (Mackie's 'weak personhood' largely corresponds, I think, to Schechtman's category of 'degenerate' personhood). This clearly doesn't capture what we actually *value* in ordinary survival (Feldman 1992; Thomson 1997, 105), but it does mean that those who aren't physically obliterated at the moment of death do survive in some way. But such survival is very temporally limited too. Corpse-survivalist accounts also claim, implicitly or explicitly, that persons cease to exist when our remains fall below some minimal threshold of physical organization. I exist, for Feldman, after my death and before my cremation, but not after my cremation.

So, this admittedly quite breathless and broad-brush overview of responses to the question 'are there dead persons?' or more broadly 'are there any instances of the sort of thing we essentially are which are dead at any time during which they exist?' yields the following answers: no (animalism, neo-Lockeanism), or yes, but usually not for very long (corpse survivalism). None of these accounts of personal identity is able to account for our long-range person-regarding practices regarding the dead.

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4.3. Conclusion: beyond termination

We've seen that the main competing theories of personal identity are committed to some version of the Termination Thesis, and that a commitment to the Termination Thesis will require us to deny that the dead are proper objects of person-regarding practices. Yet our person-regarding practices directed at the dead are pervasive and important elements of our moral lifeworld. That being the case, both neo-Lockeanism and animalism turn out to be more revisionary than either might have hoped. (Corpse survivalism only gets us a little further in accounting for our person-regarding treatment of the dead).

PLV, however, seems to be able to deny the third horn of our trilemma. It can deny the Termination Thesis – indeed, as things stand it *has* to deny the Termination Thesis if it wants to retain its view on PVS patients. Doing so means that it *can* accommodate the ways in which we treat the dead as persons (without simply resorting to an error theory for such behavior); indeed, by pointing us to the social infrastructure of personhood, it may help to account for the specific *ways* in which we treat the dead and how these differ from how we treat the living.

An account of personal identity that entails that persons survive their death (in however degenerate a form) should be a welcome result: such a result would help to fulfil the standing desideratum that our understanding of personal identity be maximally consistent with our pretheoretical judgments about personhood, such as our judgments that there are both dead cats and dead persons in the collapsed house, that we have moral duties to the dead, and so on. As an aside, this would also have implications for the Timing Problem, the notorious question of *when* it is the case that the dead are harmed by their death or by posthumous events.[14] If there are dead persons than at least some of these problems would seem to be obviated; there is no obvious problem, at least, in saying the dead are harmed *now* by what we do to them today, and so on.

It is important to reiterate that, as with Mackie's 'weak personhood,' we're still talking about a deeply reduced form of personhood, one that offers no consolation for egocentric concern. There's nothing to look forward to in being a dead person, because (presumably) there is nothing it is like to be a dead person, just as there is nothing it is like to be in PVS or anencephalic. If we survive in this way at all, as I've been arguing we do, we only do so *for other people*. Biological death remains overwhelmingly bad on this picture, because it wipes out almost all of what we care about in personhood: the thick neo-Lockean person and the capacity for experience, interaction, and agency.

Such survival is also barely less fragile than that associated with organic survival. As Goethe is reputed to have said, we each die twice: when our heart stops, and when we're forgotten. That puts the dead at the mercy of the memory capacities of the living. One might object here that the badness of death is not typically taken to depend upon the continued existence of other people in this

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way. Yet that is, it seems, precisely what Scheffler has demonstrated: were the population of earth to be wiped out a week after our death, our demise would not seem as bad as it otherwise would (Scheffler 2013).

Death, like PVS, offers only a horribly degenerate form of personhood, but some type of personhood nonetheless remains. If PLV yields such a conclusion, we should welcome such a result, for it coheres metaphysically with something that seems phenomenally hard to deny: We share person-space with dead people.[15]

Notes

1. Unlike Schechtman, I would here want to insist on a distinction between diachronic, intersubjective personhood and essentially present-tense, first-personal selfhood. This licenses us, as I've argued elsewhere, in distinguishing between the welfare of persons and the egocentric concern of selves, a point that complicates discussions of the harmfulness of death in important ways. I set this aside for now, but see e.g. Stokes (2014, 2015b, 2017).
2. See e.g. Gilmore (2007, 221): 'To say that a thing is alive at a time *t* is, very roughly, to say that it is performing a sufficient number of life-functions' at *t*.
3. Schechtman doesn't raise the question here of whether fetuses count as persons according to PLV, a question which would pose considerable challenges for the ethics of abortion given the considerable subset of arguments about abortion that turn specifically on the person-status of fetuses. It's not clear to me that PLV has the resources to answer that question cleanly, but insofar as it makes social infrastructure part of what constitutes persons, it might be the case that whether fetuses are persons will depend largely *though not entirely* on how they fit into the surrounding person infrastructure. Some fetuses are welcomed into the interpersonal community well before birth; others are regarded as simply medical states of affairs to be dealt with. Again, this cannot be the whole picture without collapsing into conventionalism, however, so some story about intrinsic person-characteristic properties or dispositions would also need to play a role.
4. Indeed, the idea that death deserves such global urgency is strange enough that it has been exploited for comedy. Episode Five of Armando Iannucci's satirical TV series *Time Trumpet* (2006) contains a storyline in which Sir Bob Geldof holds a Live Aid-style concert in Hyde Park to end death. It doesn't go well.
5. An anonymous referee points out that it might make more sense to raise money to try to cure a PVS patient than to try to 'cure' poodles or the dead, and that this might indicate a relevant difference. But a revived PVS patient would no longer be in PVS, whereas 'cured' poodles would still be poodles. What I claim is common here is that in all three cases, we do not expect poodles *qua poodles*, the dead *qua dead*, and PVS patients *qua PVS patients* to do person-things. (We don't expect dead poodles to do poodle-things either).
6. I'm grateful to an anonymous referee for the objection being replied to in this paragraph.
7. I attempt such an account of the embodiment of persons, including dead persons, across mental states and physical artefacts in Stokes (2015a).
8. I am grateful to an anonymous referee for the objection replied to in this paragraph and those in the following two subsections.

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9. Sider (2012) offers some important caveats on whether and in what ways we should expect metaphysics to alter our value-judgments regarding death.
10. As noted, we also have intuitions about the *non*-existence of the dead. I've argued elsewhere (Stokes 2011) that the dead present to us with a sort of 'ontological ambiguity,' both persisting in our life-world and yet radically gone. The debate over Epicureanism arguably lives within, and lives off, this ambiguity. I don't think adopting PLV, or something like it, would get rid of this ambiguity, but I do think it at least supports one important element in the ambiguity.
11. I'm most grateful to an anonymous referee for articulating a version of this trilemma.
12. As will be apparent, a large part of the problem here is how we use the term 'person.' As Thomson notes, our everyday use of 'dead people' involves a simple and pretheoretical use of 'people' as the plural of 'person'; by contrast, 'philosophers do not use "person" as a mere innocuous singular for "people": "person" in the hands of a philosopher trails clouds of philosophy' (Thomson 1997, 202).
13. 'We can distinguish two slightly different senses of the term "person". On what we can call the strong sense, nothing is a person unless it meets some condition relating to psychological endowment. But there is also a weaker sense of the term, which makes it not incorrect for Thomson and me to say that there are dead people' (Mackie 1999, 224).
14. For a recent overview of the Timing Problem see Johansson (2012); see also Purves (2017).
15. Thanks to Deakin University and to my hosts at the University of Copenhagen for the period of research leave that made this paper possible, to anonymous referees of earlier versions of this paper, to seminar attendees at Deakin University, and to Marya Schechtman for helpful discussion on this topic.

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