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**RETHINKING RATIONALITY:  
THEOLOGICAL ANTHROPOLOGY IN LIGHT OF PROFOUND  
COGNITIVE IMPAIRMENT, RELATIONALITY, EMBODIMENT AND  
PERSONHOOD**

**BY**

**ANTONY KANIARU**

**SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY**

**AT THE**

**UNIVERSITY OF DURHAM**

**DEPARTMENT OF THEOLOGY AND RELIGION**

**2012**

**RETHINKING RATIONALITY: THEOLOGICAL ANTHROPOLOGY IN LIGHT OF PROFOUND COGNITIVE IMPAIRMENT,  
RELATIONALITY, EMBODIMENT AND PERSONHOOD**

ANTONY KANIARU

**ABSTRACT**

The aim of this thesis is to rethink the question of rationality as the defining mark of what it is to be human in light of profoundly cognitively impaired individuals. We attempt to hold a conversation between theologians who traditionally emphasized rationality, and those who stress relationality as the *sine qua non* of human beings in order to demonstrate that both have traditionally marginalized individuals who are cognitively impaired. Finally following Karl Barth, we attempt to retrieve the theme of embodiment to augment relationality in theological anthropology. In Part I (chapter 2 and 3) we analyse the historical understanding of the *imago Dei* from a Christian West perspective. We trace the tradition from Joseph Fletcher back to Irenaeus through Aquinas and Augustine, and examine how their notions of the *imago Dei* have traditionally marginalized intellectually impaired persons. By equating the *imago* with ‘rational souls’, the tradition perpetuates the exclusion and stigmatization of cognitively impaired persons. Chapter 3 analyses the rationality-relationality turn, i.e., the effort by Christian theology to overcome the traditional overemphasis of rationality. Here we engage with Eastern Orthodox theologians John Zizioulas and Christos Yannaras who can be considered paradigmatic examples for a relational anthropology and thus are of particular importance in the popularization of the ‘relational turn’. In Part II (chapter 4, 5 and 6), we offer an alternative to the rationality-relationality turn by following Karl Barth. Here we push against a Cartesian dualistic ‘criterion of personhood’, and argue that the belief there is a polar opposition between body and soul (mind) is a category mistake. Thus we attempt to retrieve the theme of embodiment in light of profound cognitive impairment. In chapter 5, we engage with John Rawls and Martha Nussbaum to show that most theories of justice are also culpable of marginalizing intellectually impaired individuals. Here we attempt to show why secular theories of justice do not work, and so finally suggest a theistic grounding of justice. Chapter 6 examines the practical issue of care for fellow human beings who are cognitively impaired.

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## **DECLARATION**

This work has been submitted to the University of Durham in accordance with the regulations for the degree of Doctor of Philosophy. It is my own work, and none of it has been previously submitted to the University of Durham or in any other university for a degree.

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## CHAPTER 1: Introduction

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*Curiosity ... it evokes 'concern'; it evokes the care one takes for what exists and could exist; a readiness to find strange and singular what surrounds us; a certain relentlessness to break up our familiarities and to regard otherwise the same things; a fervor to grasp what is happening and what passes; a casualness in regard to the traditional hierarchies of the important and essential. I dream of a new age of curiosity.*

-- Michel Foucault, 'The Masked Philosopher' in *Ethics: Subjectivity and Truth*

### 1. Personal Background

This thesis is a theological and practical reflection on profound cognitive impairment and its associated opportunistic debilitating diseases. It arises from a feeling of curiosity that was triggered by a seminary class. A few years ago I was attached to a 'treatment team' at a large State hospital in a Southern State of the United States. The facility caters for, among others, persons with 'decreased cognitive functions'. I was tasked with assisting the counselor and chaplain at the hospital campus, where I had the opportunity to visit with residents who were at different levels of cognitive dysfunction. Of the residents I encountered, the most challenging, and those who presented most questions for me were those suffering from Alzheimer's disease or other advanced dementias, and from profound cognitive impairment.

On our numerous visits to the group home, I remember meeting many interesting residents and their carers. However, I vividly recall one particular resident, whom we will call 'John'. On a good summer day, we would find John, a man in his mid to late 60s, sitting outside basking in the morning sun. Our rare conversations revolved around John thinking of us as his relatives or sometimes as 'intruders' into his 'home' (the psycho-geriatric ward). But the visits which disturbed me were those in which we would find John sitting outside, wearing a 'vacant' stare on his face which to me did not communicate 'presence'. During such visits, John and the other residents did not engage in much conversation, and so it was not unusual for our team to leave having engaged in one-way conversations only. In my frustration, and perhaps ignorance, I started to question the need for attending to these residents and the benefit of spiritual care given to them since to me they were unresponsive. This was the beginning of my curiosity in the profound question of being human: what is it to be and remain human? who and whose am I? and are cognitively impaired people persons?

As I was struggling with these questions, I often was uncomfortable to notice that my superiors and the care givers went about their business with a surprising normality. But what was their secret? On one occasion, after visiting some residents, I plucked up the courage and asked the chaplain why he believed it was necessary for the pastoral team to offer such services. Instead of an answer, I received a smile and an encouraging pat on the back. However, at the end of the attachment, during the review, the chaplain offered to answer the question I had asked several weeks earlier: He said: “Tony, these people are people like you and I, only their sense of the past, present and future is declining”. Did I doubt these individuals’ humanity? This question only spurred more disturbing questions. My idea of a human being ‘proper’ was that of an individual who could ‘do something’. For me, sitting for hours on end, staring vacantly at ‘nothing’ did not meet the threshold of ‘doing something’. But people around me were going about their task as if these individuals were ‘doing something’! Was something amiss with my concept of what it is to be human?

These questions have engaged me to the present, and in my attempt to sort through them, I have found silence and worse. For example when I have looked for contemporary discourse about cognitively impaired persons, some of the references I find are in discussions of animal rights, and in the case of some who are severely intellectually impaired, they are invoked to illustrate examples of speciesism. This has been most troubling for me.

The first works I encountered that seemed to present a different portrait are those by Stanley Hauerwas and Hans S. Reinders. I recognize my debt to their passionate commitment to expose what they think is the wrong question in the face of a silenced profoundly other. My excitement at finding a theological home in their pages where I can make sense of theology’s and philosophy’s treatment of cognitive impairment is still fresh. Moving beyond their analysis, I wish to forge a path forward by rethinking persons in light of the primacy of their relationality and embodiment such that the rethinking of personhood in theological anthropology comes to the fore.

## **2. Defining Moral Personhood: What is at Stake?**

The claim to a common humanity is the foundation for the marginalized and victimized to stake their claim in the moral universe. The special accord and moral status attributed to humans is hinged on human dignity, which in philosophical accounts is usually taken to be grounded on

reason. It is to humans, then, that we extend moral goods such as equality, dignity, justice, responsibility, and moral fellowship. But there exists what may be called ‘hard cases’: amongst them, people with cognitive impairments, that is, individuals with a diminishing (or diminished) capacity for rational deliberation. But they are human. How should we think about these individuals who challenge some of theology’s and philosophy’s most coveted notions, for example personhood and agency, citizenship and responsibility, equality and the scope of justice, and human connection?

Some philosophers think some of these individuals are nonpersons and therefore that their termination is of no consequence. For example philosopher Jeff McMahan argues in *The Ethics of Killing* that neither the death nor the killing of those falling below the threshold carries the same moral significance as the death or killing of ‘us’, who are above the threshold.<sup>1</sup> Further, he argues that those with (congenital) severe cognitive impairments fall below the threshold and are not subject to the dignity extended to all other persons or to other moral goods like justice.<sup>2</sup> Such strong conclusions may have potentially serious consequences for those who are cognitively impaired. Indeed, what gives these controversies urgency are the real-life stakes for personhood, as Eva Feder Kittay says, ‘marks the moral threshold above which equal respect for the inherent value of an individual’s life is required and the requirements of dignity are operative and below which only relative interest has moral weight’.<sup>3</sup> An anxiety about the danger posed by such positions spurs me to search for theological and philosophical answers that contest the supposed logic of those who think these individuals are nonpersons.

This thesis, then, asks the question: ‘how might a distinctive theological understanding of persons contribute to understanding the ‘hardest cases’ concerning fellow human beings who are severely cognitively impaired?’ In posing philosophical questions about cognitive impairment, philosophers focus on numerous ethical problems. Thus, underlying the central thesis question are issues relating to what it is to be and remain human: What is the significance of the concepts of ‘relationality’ and ‘embodiment’ to personhood, and what is the relationship of ‘self’ and ‘body’? What are the boundaries of personal identity, and do the grounds of our moral obligation change when an individual lacks certain cognitive faculties that are often taken to be the basis for moral personhood? Are those with significant cognitive impairment moral persons and are they

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<sup>1</sup> Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002)

<sup>2</sup> Jeff McMahan, ‘Cognitive Disability, Misfortune, and Justice’, *Philosophy & Public Affairs* 25 (1996), 3-35.

<sup>3</sup> Eva F. Kittay, ‘At the Margins of Moral Personhood’, *Ethics* 116 (2005), 100-131.

due the same justice which is given to those who are cognitively able? And how might society include cognitively impaired persons in its understanding of justice and foster enabling conditions of care that would enable these persons to develop a flourishing life? These are questions about what it is to be human, and I intend to emphasize on the embodiment and relationality of human beings in the quest for a theological understanding of severely intellectually impaired human beings.

### **3. The Bible and the Body: To Be and to Have a Living Body**

The Christian community has traditionally been characterized by great ambivalence toward the human body. Indeed, Christianity has struggled to make sense of the body as both benefit and burden. However, Christians have always tried to make sense of their embodied existence in the context of scripture. Yet one will be hard pressed to find in the Bible a systematic account of the body or of the soul or of the relation of body and soul of the kind one finds in, for example, Aristotle's *de Anima* or Plato's *Phaedo*. Furthermore the authors of scripture do not show an interest in reacting to Greek philosophy's efforts to make sense of the self as body and soul. In this section, I will sketch a brief account of Scripture on the body. Brian Wren penned a hymn about the 'goodness of the flesh' that is profoundly orthodox, but also perhaps offensive to some early and modern Christian listeners.<sup>4</sup> But can the latter be blamed, for is it not 'the flesh' what apostle Paul says human beings struggle against? As we shall see, a 'Yes!' answer is only possible to the latter if Paul is misread.

Marcion who came to Rome around 140 is known in tradition to have misread Paul. Thus a good account of scripture concerning the body should not omit Marcion's rejection by the Christian community. Marcion's anthropology is based on a misreading of Paul's contrast between the 'flesh' and the 'body', and thus only ends up rejecting the body.<sup>5</sup> It is helpful to remember the genesis of Christian proclamation is in the Hebrew scripture which were translated into Greek. We find then that where the Greek language has two words for 'body' (*soma*, *sarx*), the Hebrew has one (*basar*). *Basar* is more commonly translated as Greek *sarx* or 'flesh'. The origin of the different Greek vocabulary is based on the Greek distinction between 'form' and 'matter'. The 'body', then, results when a certain form is given to a certain matter, the 'flesh'

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<sup>4</sup> Brian Wren, 'Good is the Flesh' in *Bringing Many Names: 35 New Hymns* (Carol Stream, IL: Hope, 1989), no. 16.

<sup>5</sup> Marcion was excommunicated in 144. See E. C. Blackman, *Marcion and His Influence* (London: SPCK, 1948); F. Bruce, *The Spreading Flame* (Grand Rapids, MI: Eerdmans, 1958).

(*sarx*). In the Hebrew, although *basar* is the ‘flesh’, yet it is not regarded as the material out of which a body is formed, nor therefore contrasted with ‘body’.<sup>6</sup> The term *basar* can be used to refer to the flesh of a body and even contrasted with ‘bone’ or ‘skin’ or ‘blood’. However, as Allen Verhey says, *Basar* is not ‘merely a part of the whole’. This is because it can also be used to refer to not only ‘the whole body’, but indeed to ‘the whole self’, and even to the ‘living being’.<sup>7</sup> We shall shortly return to this important point.

The apostle Paul shows great interest in the body. When Paul speaks regarding the body, he may be read to mean that the *sarx* (flesh) is what we war against. Indeed, in the epistles to the Romans and Galatians, Paul sharply contrasts flesh with spirit, associating the former with death and the latter with life in the new creation of God’s reign. At first glance, then, it seems like Paul is emphasizing that the real life is not lived in the body. This, however, is a misreading of Paul, because for him the body is God’s creation and the theater of God’s redemptive activity. Instead, Paul is only critical of the way the body is lived. Actually, Paul thought highly enough of the body to use it as a metaphor for the gathered Christian community (Romans 12; 1 Cor. 12). In his letter to the church at Corinth, Paul dwells on the body and concludes with a reflection of the body glorified in resurrection (1 Cor. 15).

Again, Paul’s language in 2 Cor. 5.1-10, might lead one to conclude that he is in fact against the physical body. For example He says: ‘this earthly tent will be taken down’ (v. 1). ‘We will leave these bodies when we die’ (v. 1). ‘We grow weary in the present bodies’ and ‘we long to put on the heavenly bodies’ (v. 2). Furthermore, he says, ‘[these] dying bodies make us groan and sigh’ (v. 3). Again, however, this is a misreading of Paul. Paul is here only lamenting the perishable nature of this present body and so longs to receive his immortal body which will clothe his ‘naked’ soul and make him fully human, body and soul, once more (5.1-4). Paul recognizes the importance of the body when he says that ‘it’s not that we want to die and have no bodies at all’ (v. 4). Instead, contrary to Gnostic thought, which taught that the body was a prison which would be discarded to allow the disembodied soul to return to its home, Paul longed to have an imperishable body, to allow him to dwell as a whole person, body and soul as was intended at creation in Genesis 2.7.

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<sup>6</sup> Allen Verhey, ‘The Body and the Bible: Life in the Flesh According to the Spirit’ in eds. Lisa S. Cahill and Margaret A. Farley, *Embodiment, Morality, and Medicine* (Dordrecht, The Netherlands: Kluwer, 1995), 10.

<sup>7</sup> *Ibid.*

Speaking of Gen. 2.7, Paul, previously a student of the Torah, knew the teaching that God's basic attitude to creation, including bodies made in God's image, was to say that it was *very good* (Gen. 1.31). Paul knew that the body can never be said to be a place of autonomy or a prison of the soul, for he, like we, read the theologically dense and poetically brilliant verse: "Then the Lord God formed man of the dust from the ground, and breathed into his nostrils the breath of life; and man became a living being" (Gen. 2.7). Recall we have just mentioned the different ways in which the Hebrew word *basar* can be used. Genesis 2.7 clearly demonstrates this use for us. This verse does not say that humans are made up of body and soul. The verse is clear: God did not make a body and put a soul into it. Instead, the verse says that God formed a human of the dust of the earth and then breathed His breath into it. Thus God made the dust come alive. The *body*, then, did not embody a soul, but *it became a soul*. The body does not simply house the soul, it is the person herself. For Paul, both body and flesh, like the Hebrew soul, signify relationship. In short, Paul understood and taught that bodies do not live except in relationship to other bodies.

Not long after Gen. 2.7, we encounter another account of creation in which the man is first introduced to the woman and exclaims, 'This at last is bone of my bones and flesh of my flesh' (Gen. 2.23). The man's words here do not simply demonstrate a simple recognition of an opposite sex. Instead, through the woman, man (*ha adam*) is allowed to discover his own humanity. Before this occasion, man had encountered the animal world. Not only was he able to distinguish himself from them, but also the animals were incapable of providing man with a positive recognition of his own nature. Such recognition could only be provided by bone and flesh of another kind. Thus, it is precisely as bodily beings that humans experience mutual dependency. To the disappointment of the modern mind, the Bible shows little interest in individual autonomy. The point of this linguistic exercise is to dispel the mistaken assumption that Christian tradition teaches we are souls trapped in bodies, longing to break free. In this study I will argue that the most complete and sufficient way to understand persons, and particularly those who are intellectually impaired, should not depend on conceptions of psychological capacities associated with the human ability to reason, but in addition, to their capacity for *relationality*, and their *embodiment*. The section that follows attempts to demonstrate that cognitive impairment has been neglected in the general conversation on disability.

#### **4. Historical Trajectories of Theological and Philosophical Debates in Disability Discourse: What Is Missing?**

Human beings manifest a preoccupation with deviations from the human form. Both physical and cognitive impairments are frequent in the natural world, as a result of accident, disease, or birth defect. Gershon Berkson argues that with regard to our contemporary understanding of cognitive impairment, ‘it is likely that cases of at least mild mental retardation have always been a part of human history’.<sup>8</sup> However, the treatment of cognitive impairment in any systematic manner in the history of theology and philosophy in general is scarce. Furthermore, apart from not mentioning cognitive disability in any systematic way, there is a blanket silence on what we would consider to be the hardest question, that is, those persons who are severely cognitively impaired. This silence is scandalous and unacceptable. But why the scarcity? Is it because these persons have least been understood by theologians, and are a philosopher’s ‘nightmare’? And more recently, is it because of the narrow aims of disability discourse? Let us look at the historical trajectories of the philosophical and theological debate and within the more recent disability movement discourse, if only to roughly demonstrate that cognitive impairment has been neglected.

##### **4.1 Cognitive Impairment in Theology: The Theologian’s Challenge**

The overview of the history of theological attitudes to cognitive impairment can be sketched under a few general headings. The Biblical narratives are silent on what we today call cognitive impairment/intellectual disability.<sup>9</sup> The Bible has a paucity of references to cognitive impairment, an absence which is replayed throughout the history of the church.<sup>10</sup> Instead the Bible refers to catalogues of various motor-sensory conditions that are recognizably disabling.<sup>11</sup> More specifically, in the gospel accounts people with what we today call ‘disabilities’ are marginalized through their portrayal as dependent on God’s healing power, through the

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<sup>8</sup> Gershon Berkson, ‘Intellectual and Physical Disabilities in Prehistory and Early Civilization’, *Mental Retardation* 42 (2004), 195-208.

<sup>9</sup> There is one text that is often cited as indicative of cognitive disability: Paul’s exhortation to ‘comfort the feeble-minded’ (1 Thess. 5:14) However, a better translation of *oligopsuchous* is ‘timid’ or ‘fainthearted’ rather than ‘feeble-minded’. See Martin W. Barr, *Mental Defectives: Their History, Treatment, and Training* (Philadelphia, PA: P. Blakiston’s Sons, [1904]), 25.

<sup>10</sup> R.C. Scheerenberger, *A History of Mental Retardation: A Quarter Century of Promise* (Baltimore, MD: Paul H. Bookes, 1983). For example this standard history of mental retardation does not mention anything about the first millennium.

<sup>11</sup> See generally Lynn Holden, *Forms of Deformity* (Sheffield, England: JSOT Press, 1991).



continuation of the idea that ‘disability’ is related to sin, and through a new association between ‘disability’ and evil spirits.<sup>12</sup> Regarding Ancient Israel, Mary Douglas argues that the concern was less with what we today would call discrimination against people with disabilities and more concerned with ordering an impure world through proper rituals, a recognizable symbol system, bodily hygiene, and social practices.<sup>13</sup> In the Early Church, the blind, the deaf, and the lame were ‘almost romanticized, because their future is ultimately secured by God, and indeed, by God alone’.<sup>14</sup> The biblical narratives helped to shape the dialectical interaction between ‘biblical’ and other societal notions of ‘disability’ and their attitudes, beliefs, and practices regarding the blind, deaf, and lame in the Western world and in the history of Christianity.

In particular, looking at the representative cultures of ancient Greece and Rome, we note some positive and negative attitudes. Positively the Greeks held disability to be a family and civic matter with city-states making financial provisions for the aged and ‘disabled’.<sup>15</sup> However, persons with any kind of deformity and disability were typically disparaged and scorned, even in ancient Greek philosophy and art. In art, for example, disabled persons were represented in a manner that signified fear, loathing, contempt, and pity. And in the philosophical tradition, for example, Aristotle, in his *Generation of Animals*, argues that monstrosities – he names extra feet or extra heads, were examples of unfulfilled potential.<sup>16</sup>

In the patristic and medieval periods, the Bible’s silence on cognitive impairment is almost replicated. However, if ancient philosophers like Aristotle argued that deformities did not violate the natural causes of the world, representative theologians like Augustine argued that the sovereign ordering of God did not ignore these deformities. For ancient Greeks and Romans, these events were called ‘monsters’ and ‘prodigies’. However, for Augustine they were miracles which ought to show that ‘God will do with bodies ... what He foretold’.<sup>17</sup> Furthermore, no

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<sup>12</sup> Amos Yong, *Theology and Down Syndrome: Reimagining Disability in Late Modernity* (Waco, TX: Baylor University Press, 2007), 27. (Hereafter *Theology and DS*).

<sup>13</sup> See Mary Douglas, *Purity and Danger: An Analysis of Concepts of Pollution and Taboo* (New York: Routledge, 1991), chap. 3; See also *Ibid.*, 22-24.

<sup>14</sup> See John S. Roth, ‘The Blind, the Lame, and the Poor: Character Types in Luke-Acts’. *Journal for the Study of the New Testament* 144 (1997), 141. As cited in Yong, *Theology and DS*, 25.

<sup>15</sup> See David Jeffreys and John Tait, ‘Disability, Madness, and Social Exclusion in Dynastic Egypt’, in Jane Hubert, ed., *Madness, and Social Exclusion: The Archeology and Anthropology of ‘Difference’* (London: Routledge, 2000), 87-95. As cited in Yong, *ibid.*, 28.

<sup>16</sup> Aristotle, *Generation of Animals*, IV.4.

<sup>17</sup> Augustine, *City of God* 21:8.

difficulty or laws of nature would impede or forbid Him from so doing.<sup>18</sup> Augustine held ‘monstrous races’ to be in some respect human. He says: ‘But anyone who is born anywhere as a man<sup>19</sup> (that is rational and mortal animal), no matter how unusual he may be to our bodily senses in shape, colour, motion, sound, or in any natural power or part or quality, derives from the original and first-created man.’<sup>20</sup> Yet, as we will see in chapter 2, Augustine does not escape the trap of defining human beings as rational creatures, a criterion that would formally exclude people with cognitive impairment from the family tree for the next millennium.<sup>21</sup> Yong says that while Augustine’s theological schema is inclusive of people with ‘disabilities’, Augustine is still driven less by issues of ‘inclusion and equality than by a theological vision of God as omnipotent creator’.<sup>22</sup> In the Reformation and early modern period, advances on the medical front resulted in more focused discussion of cognitive impairment. Taking Luther to be representative, it is his suggestion to drown a misshapen boy that has drawn the most attention in histories of mental retardation.<sup>23</sup> The advances on the legal and medical front were accompanied by changes in the philosophical and theological climate.

Until recently, Christian theologians and ethicists researching and writing on disability addressed almost exclusively the concerns of those with physical disabilities, and little attention was given to the status of those with cognitive impairments. Some theologians have since started to remedy Christian theology’s historical failure to address the concerns of people with intellectual impairments, by arguing against the dehumanization and diminished status accorded to persons with cognitive impairment. For example, writing from a liberatory theology of disability perspective, Nancy Eiesland acknowledges a trend that is prevalent in theology as she writes: ‘the paucity of theological exploration of social, emotional, and intellectual disabilities is

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<sup>18</sup> Ibid.

<sup>19</sup> Compare with Aristotle, *Physics*, II.1.193b8. ‘Moreover, men come from men, but beds do not come from beds. That is why people say that the wood, not the shape, is the bed’s nature, because any offshoot that occurred would be wood, not a bed; but if wood is its nature, the fact that [man is born of man] show that form too is nature’.

<sup>20</sup> Augustine, *City of God*, 16:8.

<sup>21</sup> However, in his *De Peccatorum Meritis et Remissione (On the Merits and Forgiveness of Sins)* Augustine describes a simpleton (moriones) ‘of so highly meritorious a character as to entitle him to a preference in the award of the grace of Christ over many men of the acutest intellect’, <http://www.newadvent.org/fathers/15011.htm> (retrieved 27<sup>th</sup> October 2011).

<sup>22</sup> Yong, *Theology and DS*, 31. For a further explication of medieval saints who illuminate the church’s beliefs and practices regarding ‘disability’, see id., 31-3.

<sup>23</sup> Martin Luther, *Table Talk*, ed., Theodore G. Tappert and Helmut T. Lehmann (Philadelphia: Fortress Press, 1967), 396-7.

scandalous'.<sup>24</sup> This is despite the fact that the Scriptures reveal that Jesus was very interested in the plight of disabled individuals in general. While Eiesland's intention in her book is to develop an understanding of God that is relevant exclusively to the concerns of those with physical disabilities, she encourages her readers to explore theological questions that address the unique concerns of a broad spectrum of disability. Theologians are advocates of a peculiar kind: representing God to the world on the one hand, and the world to God in the other. Thus theologians can and must be the gatekeepers of the knowledge about cognitive impairment. In this thesis, I respond to this challenge.

#### **4.2 Cognitive Impairment in Philosophy: A Philosopher's Nightmare?**

If the discussion of cognitive impairment has not been satisfactory among theologians, philosophers have not done any better. Thus, in the course of this study, I have become acutely aware of the deficient manner in which moral philosophers speak about cognitive impairment. Certain general tendencies become apparent if one looks at the place of cognitive impairment in philosophical discourse. In general, the presence of disability in philosophy and other academic disciplines is notably greater than in theology. Even so, in the history of philosophical discourse, the question of cognitive impairment still remains somewhat in the periphery, though there are historical precedents to a discussion of the subject. People with cognitive impairment rarely appear in historical philosophical texts. When they appear, they do so in the context of being discounted as irrelevant, or as exceptions that prove the rule. For example, Aristotle posited a hierarchy of the human species based on the degree to which individuals possessed rationality. And as early as Plato's *Republic* references can be found to the abandonment of 'defective infants'.<sup>25</sup> Further, when they appear on the philosophical stage today, they do so as a backdrop to interrogate concerns about justice for other groups.<sup>26</sup>

In the Enlightenment period, we find that John Locke, one of its most influential thinkers, influenced the discussion of cognitive impairment in subsequent disciplines and practices.<sup>27</sup> For example in his *Two Treatises of Government*, a foundational work in modern political

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<sup>24</sup> Nancy L. Eiesland, *The Disabled God: Toward a Liberatory Theology of Disability* (Nashville, TN: Abingdon Press, 1994), 28.

<sup>25</sup> Plato, *The Republic*, V.460c.

<sup>26</sup> I will return to this point in chapter 2.

<sup>27</sup> Here I rely on C. F. Goodey, 'John Locke's Idiots in the Natural History of Mind', *History of Psychiatry* 5 (1994), 215-250. For an exposition of Locke's main texts on 'Ideots'/cognitive impairment, see *idem*.

philosophy, he explains that what makes one a ‘Free Man’ is maturity, but he also notes that ‘[i]f through defects that may happen out of the ordinary course of Nature, any one comes not to such a degree of Reason, wherein he might be supposed incapable to know the Law ... he is never capable of being a Free Man, he is never let loose to the disposal of his own Will .... And so Lunatics and Ideots are never set free from the Government of their Parents’.<sup>28</sup> Not being ‘Free Men’, those ‘Ideots’ are never citizens and some moral goods, e.g. justice, are thus not available to them, only charity. In his *Essay Concerning Human Understanding*, Locke like Aristotle, Augustine, and even Descartes defined human beings as rational creatures. However, he specified that he meant the ability to think in abstractions.<sup>29</sup>

For Locke, those unable to do so are unreasonable creatures;<sup>30</sup> they do not have innate ideas/knowledge and only give the appearance of being human. Thus, to Locke, if we assume bodily deformities make monsters (as all his contemporaries held), the more reason we have to hold that rational impairment excludes one from being considered human.<sup>31</sup> The rationally impaired were not moral nor soulful creatures,<sup>32</sup> and consequently, infanticide was justified to prevent the devil gaining a foothold.<sup>33</sup> The view that persons with cognitive impairments are not subject to the same moral goods may also be inferred in Immanuel Kant’s philosophy. Kant, a major influence at the end of the 18<sup>th</sup> century Enlightenment, is generally considered to be the *locus classicus* of the trinity of personhood, dignity, and autonomy. He writes: ‘*Autonomy* is therefore the ground of the dignity of human nature and of every rational nature’.<sup>34</sup> Only ‘persons’ are capable of making autonomous decisions and thus ought not to be treated paternalistically. This view of autonomy, however, suggests that those persons with cognitive impairments have no autonomy that needs protection.<sup>35</sup>

Turning to the twentieth century, it emerges that vocal and robust parental and self-advocacy movements of the 1960s and 1970s ensured that cognitive disability emerged as an

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<sup>28</sup> John Locke, *Two Treatises of Government*, 1824, II§60.

<sup>29</sup> See John Locke, *Essay Concerning Human Understanding* (1690), II.11.§10; II.11.§11. (ed., Peter Nidditch (Oxford: Clarendon, 1975).

<sup>30</sup> *Ibid.*, 2.11.§13.

<sup>31</sup> See *ibid.*, 4.4.§16.

<sup>32</sup> ‘Idiots’ were not, hence, expected to take part in eternal life since this follows not the bodily shape but the reasonable soul (*ibid.*, 4.4.§14-15).

<sup>33</sup> *Ibid.*, 3.6. §26, 39.

<sup>34</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals*, 4:436.

<sup>35</sup> See for example Kittay, ‘At the Margins of Moral Personhood’, 100-131; Onora O’Neill, ‘Paternalism and Partial Autonomy’, *Journal of Medical Ethics* 10 (1984), 173-8; Daniel Wikler, ‘Paternalism and the Mildly Retarded’, *Philosophy and Public Affairs* 8 (1979), 377-92.

object of philosophical inquiry and ethical discourse in its own right. Thus philosophers in different traditions engaged the nature and moral status of individuals with cognitive disabilities, addressing both theoretical and practical questions. Within philosophy, ethicists and bioethicists can be found grappling with issues of justice, respect, personhood, and autonomy, and with concerns regarding the treatment of persons with cognitive impairments in a variety of philosophical contexts.<sup>36</sup> More recently there has been a significant shift in the fields of medical practice and philosophical discourse surrounding cognitive impairment. In the former, prenatal testing for Down syndrome and other genetic and chromosomal abnormalities linked with cognitive impairment is now standard practice.

The increasing intersection between bioethics and clinical practice is offering philosophers and theologians a platform for speaking about and making concrete recommendations with regard to intellectually impaired persons. However, the category ‘cognitive disability’ itself has begun to be problematized by a number of philosophers who are raising critical questions regarding the nature, status, and treatment of persons with disabilities. Kittay says this is happening in both political contexts and in academic and philosophical scholarship. This shift in the mode of inquiry and scope of analysis is a result of broader changes on the disability landscape over the past few decades, exemplified in the disability rights movement. Kittay reckons that new philosophical questions are emerging against the backdrop of the social model of disability, according to which it is not so much the person who needs fixing but the environment that needs changing if cognitively impaired persons are to flourish.<sup>37</sup> Some philosophers and disability scholars question whether cognitive impairment, or its various instantiations such as the category of ‘mental retardation’, is a self-evident and unproblematic

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<sup>36</sup> See for example Helga Khuse and Peter Singer, eds., *Bioethics: An Anthology* 2<sup>nd</sup> ed. (Oxford: Blackwell Publishers, 1999).

<sup>37</sup> This is a very rough statement on the social model. For rich discussion of this model see Michael Oliver, *The Politics of Disablement* (London: MacMillan, 1990); Harlan Lane, ‘Constructions of Deafness’. *Disability and Society*, 10 (1995), 171-89; Lennard J. Davis, *The Disability Studies Reader* (London: Routledge, 1997); Rosemarie G. Thomson, *Extraordinary Bodies: Figuring Physical Disability in American Culture and Literature* (New York: Columbia University Press, 1997). This list is hardly complete, as there are far too many discussions of the social model to include in this list. But note that most of the work is about physical disability and little or nothing is said about the social model and cognitive impairment. For a combination of the social model and cognitive impairment, see Hans S. Reinders, *Receiving the Gift of Friendship: Profound Disability, Theological Anthropology, and Ethics* (Cambridge, U.K.: Eerdmans, 2008) (hereafter *RGF*); Shelley Tremain, ‘On the Subject of Impairment’, in *Disability/Postmodernity*, eds., Marian Corker and Tom Shakespeare (London: Continuum, 2002); Licia Carlson, *The Faces of Intellectual Disability: Philosophical Reflections* (Indianapolis, IN: Indiana University Press, 2010).

natural kind, and they problematize the very notion of ‘normalcy’.<sup>38</sup> Rather than take an ahistorical approach to the topic, many are exploring the sociopolitical foundations of the oppression of persons with cognitive impairments, both now and in the past.<sup>39</sup> Finally, philosophers are unmasking the discriminatory and erroneous assumptions that underlie certain philosophical treatments of disability. This growing body of work has emerged from multiple philosophical sites, including ethics and political philosophy,<sup>40</sup> philosophy of science, bioethics,<sup>41</sup> and postmodern theory.<sup>42</sup>

However, even though this new critical philosophical orientation is with us, the general issue of disability sometimes overshadows the particularity of cognitive impairment within both critical disability theory and traditional moral theory. Why so? We might gain some insight into this question when we consider Georgina Kleege’s critique of how Hollywood represents blind characters. In her fascinating exploration of blindness, *Sight Unseen*, Kleege says:

While Hollywood did not invent these stereotypes, the repetition and intricacy of these images seems to reveal something disturbing about filmmakers’ vision of the world. The blind are a filmmaker’s worst nightmare. They can never be viewers; can never be enlightened and dazzled by the filmmaker’s artistry. So filmmakers treat the blind the way we all deal with nightmares: they belittle them, expose their weakness, make them at best pitiable, at worst somewhat unsavory.<sup>43</sup>

Although some moral philosophers have long taken reason and other aspects of cognition as central to their very project, it is cognitive impairment that is ‘the philosopher’s nightmare’.<sup>44</sup> Thus as Licia Carlson says, instead of promoting assimilation and normalization, many philosophers who attempt to bring intellectual disability into the fold mark these persons out according to their departure from the normal and highlight their profound otherness, and their

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<sup>38</sup> See Carlson, *The Faces of Intellectual Disability*, 12; see also id., ‘Rethinking Normalcy, Normalization, and Cognitive Disability’, in *Science and Other Cultures: Issues in Philosophies of Science and Technology*, eds. Robert Figueroa and Sandra Harding (New York, NY: Routledge, 2003); Davis, *The Disability Studies Reader*, 1997; Kittay, ‘At the Margins of Moral Personhood’, 100-131.

<sup>39</sup> See Carlson, *The Faces of Intellectual Disability*, 2010; Anna Stubblefield, ‘“Beyond the Pale”: Tainted Whiteness, Cognitive Disability, and Eugenic Sterilization’, *Hypatia* 22 (2007), 162-81.

<sup>40</sup> See Reinders, *RGF*, 2000; Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (London: Belknap Press, 2006); Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999); Anita Silvers, ‘Reconciling Equality to Difference: Caring (f)or Justice for People with Disabilities’, *Hypatia* 10 (1995), 30-55.

<sup>41</sup> See Hans S. Reinders, *The Future of the Disabled in Liberal Society: An Ethical Analysis* (Notre Dame, IN: University of Notre Dame Press, 2002).

<sup>42</sup> See Tremain, ‘On the Subject of Impairment’, 32-47.

<sup>43</sup> Georgina Kleege, *Sight Unseen* (New Haven, CT: Yale University Press, 1999), 57. As cited in Carlson, *The Faces of Intellectual Disability*, 4.

<sup>44</sup> Carlson, *ibid.*, 4.

alterity.<sup>45</sup> So some philosophers examining the question of cognitive impairment query the personhood of persons with cognitive disability, including whether they are owed any moral goods, for example: respect, dignity, justice etc. Furthermore, it seems fashionable morally speaking to question whether we can we tell them apart from animals.

When the moral status of animals is discussed, then, it is common to find indirect references to cognitive impairment as a tactical move in an unrelated philosophical argument as part of certain arguments addressing the moral status of nonhuman animals, and particularly in reference to critiques of speciesism. In chapter 2, I will push against this point. Suffice it to say here that Peter Singer's discussion of nonhuman animals is a good example. Singer invokes 'severely intellectually disabled' largely to challenge what he views as the commonplace assumption that 'species membership is crucial to moral status, and that all human life is of equal value'.<sup>46</sup> For me, human lives of any kind are more valuable than animal lives, simply by virtue of being human. If we consider what Hans Reinders calls our 'moral taxonomies',<sup>47</sup> a number of questions arise: what definitions of cognitive impaired do philosophers provide? Are they explicit, or simply assumed to be self-evident? How do philosophers and bioethicists perpetuate certain prototypes of cognitive impairment? How does this discourse shape the ways of speaking and thinking about intellectual disability? Furthermore, how does any adjective, quality, or characteristic enter into our ways of defining persons, or a class of persons, thereby limiting our field of vision and what we see? In general, cognitive impairment is a challenge to moral philosophy and is the philosopher's nightmare.

Our very brief overview of theological and philosophical and of disability discourse material in light of cognitive impairment no doubt is highly glossed over. However, the purpose is not to provide an exhaustive coverage of these matters, but to get some sense of what has gone before so that we can better discern the task that lies ahead in the coming chapters of this study. Let us now turn to this particular task.

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<sup>45</sup> Ibid.

<sup>46</sup> See Peter Singer, 'Speciesism and Moral Status', in eds., Eva F. Kittay and Licia Carlson, *Cognitive Disability and Its Challenge to Moral Philosophy* (West Sussex, UK: Wiley and Sons, 2007), 331-344.

<sup>47</sup> See Reinders, *RGF*, 33- 36, 119, 195, 196, 213.

## 5. Scope and Argument

A significant problem persists. From our overview of the theology, philosophy and disability studies, it is evident that most of the systematic exploration of the issue of disability has been largely confined to the exploration of physical disabilities and little has been said of cognitive impairment let alone the ‘hard cases’. Again, when cognitive impairment is mentioned, it is from the periphery. In this thesis I argue that far from being incidental to society in general, and particularly to the life of the Christian community, people with cognitive impairments should be at the core of theological reflection. Thus, those relegated to the margins of moral personhood should in fact be at the core. I will attempt to make these claims plausible. However, unlike the burgeoning disability rights movement, and other policies that have provided a stage upon which the issue of disability can be addressed, I will take a different path by turning to Christology, that is, the person and work of Jesus Christ. It is clear that these different platforms of disability have made meaningful strides towards understanding the social and political aspects of disability, but I suggest that their achievements are in serious need of expansion in a direction that considers the personhood of intellectually impaired people.

In a society facing growing challenges of advances in biology and biotechnology, cognitively impaired persons (and their caretakers) have reason to be concerned with what Reinders calls the ‘liberal convention’.<sup>48</sup> It is vital, then, for the Christian community to rediscover an authentically theological anthropology. Thus I take up the concerns of people with profound intellectual impairment, and argue that they have intrinsic value, and like all other persons, they are of inestimable worth and none is dispensable or interchangeable. In short, that they are persons like other persons. Boethius’s Fifth Tractate<sup>49</sup> seems to have set the foundation on which every philosophical article on the concept of ‘person’ begins. In the fifth century, he famously identified the person as *naturae rationabilis individualis substantia* (‘an individual substance of a rational nature’).<sup>50</sup> Ever since this definition of person, and Augustine emphasized

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<sup>48</sup> The ‘liberal convention’ encompasses ‘the views to which many in society subscribe in the public debate on genetics and the prevention of disability’ (Reinders, *The Future of the Disabled*, 22). For an account of the most important views of the liberal convention, see id. 21-36. Compare Reinders use of the term ‘convention’ with how David Hume uses it. See id., *A Treatise of Human Nature*. 2d ed., trans. and ed. P. H. Nidditch (Oxford: Clarendon Press, 1978), 484-501.

<sup>49</sup> Boethius, *Theological Treatise V: A Treatise Against Eutyches and Nestorius*. <http://www.ccel.org/ccel/boethius/tracts.iv.v.html>.

<sup>50</sup> Boethius, *Contra Eutychus et Nestorius* 3. as cited in John Zizioulas, *Communion and Otherness* (London: T. & T. Clark, 2006).



the importance of consciousness and self-consciousness in the understanding of personhood,<sup>51</sup> Western thought has never ceased to build its pillars upon this foundation. Indeed Western culture seems to subscribe to this view in many ways, and that may perhaps be the genesis of the tendency to exclude some in Western society as ‘Other’, a tendency which finds its logical terminus in J. P. Sartre’s saying that the other is my enemy and my ‘original sin’.<sup>52</sup>

In this study, I argue that human embodiment cannot be relegated to secondary status in any theological anthropology. This is true not only with regard to how physical and intellectual disabilities shape human identity and self-understanding, but also with regard to the fact that we cannot use cognitive impairment as the sole standard to determine the personhood and intrinsic value of such persons. Thus cognitively impaired persons must, at least, be understood to be embodied, even if their spiritual and cognitive capacities are less manifest phenomenologically. Again, in this study, I argue that human identity is not exclusively determined by cognitive capacity but also by our affective relationality which is connected to our body. To reach such a conclusion demands a good understanding about God, cognitively impaired persons and how they relate to one another.

The argument will be developed as follows. **Chapter 2** provides a historical background to the main arguments. Here, we shall briefly examine the historical understanding of the *imago Dei* from a Christian West perspective as unnecessarily limited at best and a perpetuation, albeit perhaps unknowingly, of the exclusion and stigmatization of persons with cognitive impairment at worst by equating the *imago* with ‘rational souls’. Today’s textbooks on ethics tell us that human beings have dignity because of their capacity for reason. A mistake would be to think that these textbooks say so because they are contemporary. In fact, the same view is found in all major Western thinkers, from, for example, Joseph Fletcher back to Thomas Aquinas, St. Augustine, Aristotle and Irenaeus to name just a few. We need only substitute ‘rational soul’ for ‘human being’, and we will find proof for this claim. In this chapter, we will in particular, trace the effects of the Christian West’s anthropological theory about the *imago Dei* as manifest in the work of Irenaeus, Augustine, Aquinas, and Fletcher. By reflecting upon and evaluating the answers given by these theologians, we anticipate chapter 3 and chapter 4 in which we shall deliberately choose an alternative theological approach to this general trend. Furthermore, in

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<sup>51</sup> See Augustine’s *Confessions*.

<sup>52</sup> J. P. Sartre, *Being and Nothingness: An Essay on Phenomenological Ontology*, trans., H. E. Barnes (London: Methuen, 1958).

underlining a few episodes of the history of the doctrine we will suggest that what we mean by human beings created in God's image is determined by what we think about God's being.

I address the theology of Irenaeus, largely considered to have been one of the first Western thinkers to reflect upon the subject of the image of God in humans, because he holds that the *imago Dei* is a capacity for rationality and freedom to choose. St Augustine attempts to correct the thought of Irenaeus and continues with the distinction between 'image' and 'likeness'. Contrary to the concept of 'immaturity' which Irenaeus posits for Adam, Augustine affirms an original state of perfection. Here, Augustine attempts to overcome the dualism implicit in Irenaeus's thought but does not escape the 'rational soul' label accorded to humans. Aquinas and Scholastic theology in general did not introduce any radical shift in the doctrine as put forward by Irenaeus and Augustine. Aquinas draws upon Aristotelian concepts of human nature, and adopts Boethius' definition of person but does not add significant elaborations.<sup>53</sup> He holds that the *imago* is a capacity for understanding and loving God, finding the *imago* primarily in humanity's intellect or reason. Furthermore, he says, only intelligent creatures can, properly speaking, be said to image God.<sup>54</sup> In the twentieth century Joseph Fletcher follows in their footsteps, but bases his argument on Lockean principles. Indeed, he sums up an influential understanding of the human person that has become the common grammar in contemporary bioethics. In this chapter, then, I hope to demonstrate that much of the theological work on the image of God shares a bias toward the conception of the self as having the intellectual capacity to understand God or to choose obedience to God's commands. However, it is not very productive to criticize a tradition, especially one that is fertile and deeply entrenched, without offering an alternative. I will therefore propose an alternative reading of the *imago Dei* when I examine the Barth-Brunner debate in chapter 4.

**Chapter 3** will examine the great efforts directed toward overcoming the limits of the *imago Dei* as traditionally conceived. Here I will examine the relational approach to theological anthropology in which being human is not defined in terms of some capacity a person may or may not possess, but by an affective relational capacity. I intend to demonstrate that the advocates of this proposal hold what it is to be human as not located internal to the self but rather is located in a person's relation to God, others, self and the world. This method of approaching

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<sup>53</sup> Thomas Aquinas, *Summa Theologica*, I.29.1. (All translations by The Fathers of the English Dominican Province (New York: Benziger Brothers, 1947-1948)).

<sup>54</sup> *Ibid.*, I.93.2.

theological anthropology has seen an increase in recent years, with many of these approaches basing their understanding on a *perichoretic* understanding of God as Trinity and by emphasizing the continuities between divine and human personhood. However, I will argue that many contemporary approaches to theological anthropology which derive their understanding of human personhood primarily from divine personhood and intra-trinitarian relations tend to emphasize relationality at the expense of human embodiment, a doctrine of sin, and the discontinuity between divine and human persons. Why are these significant to theological anthropology? (1) A strong doctrine of sin is crucial for theological anthropology, for it insures a proper systematic relation to other doctrines and enables an understanding of human embodiment in the world. (2) By focusing on continuities between divine and human personhood most relational anthropologies risk under-emphasizing the human side of the equation, which may lead to an idealized understanding of relationality, and the loss of the uniqueness of human personhood. (3) Many relational anthropologies neglect socio-historical factors and human embodiment by overemphasizing the divine/human relationship. Following Colin Gunton, I will argue that ‘we take our distinct personal character from the world of which we are a part: genes, dispositions, nourishment, culture...’.<sup>55</sup> In other words human persons are embodied beings.

As major exponents of a relational approach to anthropology, Eastern Greek Orthodox theologians John Zizioulas and Christos Yannaras serve as excellent starting points to consider the issue of relationality as critical to understanding what is to be human. My analysis of their work will fall into two main sections. The first section will summarize their thoughts in so far as it impinges on their anthropology, and the second part will offer a critical analysis of aspects of their anthropology. I address both their anthropologies because they can generally be considered paradigmatic examples of a relational anthropology. In particular Zizioulas’s is Christological, and it is considered by many to be one of the most significant of recent times. Additionally, I address Yannaras’s theology because of his significant contribution and influence within the Orthodox world in recent years. Drawing heavily from the thought of Heidegger, Yannaras’s central concern is to establish that the relation of God to humans is personal and reciprocal, a relation of communion, a ‘real’ relation. I will argue that, while it is proper to argue for a relational anthropology, and while it seems that relational anthropologies emphasize the

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<sup>55</sup> Colin E. Gunton, *The Triune Creator: A Historical and Systematic Study* (Edinburgh: Edinburgh University Press, 1998), 208-9.

relational dimensions of personhood, some significant facets have not received sufficient attention.

**Chapter 4** concludes our fundamental theological work started in chapter 3. Here, I respond to chapter 2 and chapter 3 by developing a theological anthropology which emphasizes a relational and embodied approach to persons, is sensitive to the work of the Holy Spirit in theological anthropology, and builds upon the vantage point provided by a Christological paradigm. In this chapter then, and in response to the task Karl Barth identified for theology as ‘the energetic revision of its anthropology...in the light of its eschatology’,<sup>56</sup> I seek to refocus our theoretical re-visioning of personhood in cognitive impairment, to encourage the treatment of the body as active and intentional rather than passive. Thus following Barth, who argued and undertook such a revision against dualism of much of the Christian tradition and against the reductionisms of both spiritualism (or idealism) and materialism, I echo his call in insisting that the person be reduced neither to ‘soul’ nor to ‘material’ but honored as *embodied* soul or *ensouled* body.

Systematic explorations of the meaning of ‘embodiment’ can be found not only in philosophical and theological anthropologies of the past but in twentieth century writings. For example, Friedrich Oetinger proposed that ‘embodiment is the end of all God’s works’.<sup>57</sup> However, from its earliest beginnings, the history of Western anthropology shows a tendency to make the soul supreme over the body. The body is seen as something one can detach from, something to be disciplined, and made the instrument of the soul. Technological advances do not help the situation, for the ability to technologically produce artificial organs makes parts of the body interchangeable, replaceable, and to some extent superfluous. If ‘embodiment’ is the end of all God’s works, then the human body cannot be viewed as a lower form of life, or as a means to an end, and certainly not as something that has to be overcome. For if embodiment is the end of God’s works, it must correspondingly be the supreme goal of the human being too, and the end of all his works. To be human, then, for Barth, is to be free to engage in vertical and horizontal relationship. As we shall see, Barth by contrast with Zizioulas, pays close attention to the doctrine of sin, by strongly affirming the person as not only *simul iustus et peccator* (at the same

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<sup>56</sup> Karl Barth, *Church Dogmatics*, Vol. III/2, eds. G. W. Bromiley and T. F. Torrance, trans. Harold Knight et al. (Edinburgh: T. & T. Clark, 1960), 390. (Hereafter by volume, part and page number).

<sup>57</sup> See E. Zinn, *Die Theologie des Friedrich Christoph Oetinger*, Gütersloh 1932, 118ff. as cited in Jürgen Moltmann, *God in Creation: An Ecological Doctrine of Creation* (London: SCM Press, 1985), 244.

time righteous and a sinner) but as *totus iustus et totus peccator* (totally justified and totally sinner).<sup>58</sup> This move helps to maintain a balance between future and realized eschatology. And unlike Yannaras, Barth offers a unique approach to the place of Spirit and human ontology in anthropology. For him the Spirit is essential as the bond which seals the body-soul relation and thus resolves their tensions and contradictions. Unfortunately there has been relatively little work published that connects theological understandings of embodiment with cognitive impairment. This study takes up this task.

**Chapter 5** will consider the place of intellectually disabled people in contemporary liberal society. Having suggested a theological reading of what it is to be human in chapter 3 and chapter 4, we will now be ready to consider some issues which lie at the interface of human dignity and justice. The alternative conception of humans, as embodied beings, suggested in chapter 4 should lead the Christian theological community to seriously consider some working framework of how to pursue the question of justice. Here the discussion will be in light of one of the three unresolved problems of justice whose neglect in existing theories seems especially problematic: the problem of doing justice to people with physical and cognitive impairments. As Nussbaum says, these people are people, but wider society has not as yet included them on a basis of equality with other citizens.<sup>59</sup>

In this chapter I will attempt to demonstrate that, as long as the current situation prevails, people with cognitive impairments and their families have reasons to worry about their future in liberal society. So how can cognitively impaired persons be ‘included’ society? That will be our major task in this chapter. Here I will engage with the social contract theory of John Rawls and the ‘capabilities approach’ of Martha Nussbaum who attempts to expand Rawls Contractarianism. At the end I will suggest that these two well argued theories fall short of including cognitively impaired persons, and recognising their dignity respectively. I will then introduce Nicholas Wolterstorff, who proposes a theistic grounding of the worth of human beings in ‘attachment love’. However, although better placed to include people with intellectual disabilities than Rawls’s social contract theory and Nussbaum’s capability approach combined, I will argue that Wolterstorff’s proposal of ‘attachment love’, also needs to be expanded to adequately include cognitively impaired persons as equal citizens of the *polis*. I will suggest that

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<sup>58</sup> *CD IV/1*, 517, 596, 602.

<sup>59</sup> Nussbaum, *Frontiers of Justice*, 1-2.

Wolterstorff's proposal can be expanded by following Barth's doctrine of election, but not as understood in the Augustinian-Calvinistic sense, against which Barth issued a massive correction.

**Chapter 6** will bring the study to an end. The larger section of this chapter will be dedicated to consider the issue of caring for cognitively impaired individuals. In this section I will investigate what is required for good care in a society that treats all its citizens with justice. The form of care I will propose is one that Hilde Lindemann calls 'holding one in personhood', and one that is practiced among many cultures, but especially among those found in Africa. The form of care practiced in some African cultures is undergirded by the philosophy known as 'ubuntu'. I will seek to expand Lindemann's proposal of 'person-to-person' holding to include what I am calling 'society-to-person holding' anchored on the ubuntu philosophy of 'I am because you are'. Following Reinders, I will propose that 'holding' each other in friendship is the embodied action that the Gospels recurrently stress in Jesus' healing ministry. To set the foundation, I shall focus on Aristotle's account of friendship, then consider Aquinas's attempt at articulating Christian friendship and then settle on the Johannine account.

## **6. A Note on Language and Citations**

The reader will detect a wide range of language reflecting the sources from many time periods and different disciplinary perspectives I have used. This is our reminder that no one nomenclature captures the full extent of the complexity of the phenomenon of cognitive impairment, disability, intellectual disability, or dementia. To break monotony, and to refer to the general conditions traditionally associated with 'mental retardation', I have chosen to use the terms 'cognitive impairment' and 'intellectual impairment' interchangeably. I prefer these more general terms, in part because they reflect the recent shift (both professional and political) away from the term 'mental retardation'. However, I will preserve such terms as 'mental retardation', 'ideots', 'lunatics' etc where I wish to speak about these categories specifically (for example in the context of a particular argument, professional use, or historical period). In the same manner, when I use other terminology from the past, it should be understood that I am referring to historically defined conditions (e.g., idiocy, feeble-mindedness, mental deficiency). When speaking about actual individuals, I will use the phrases 'cognitively impaired persons/individuals', and 'intellectually impaired individuals/persons' interchangeably. When

appropriate, I will maintain the terminology used in specific contexts, (e.g., idiots, imbeciles, morons, the feeble-minded, the mentally retarded, the intellectually disabled).

## CHAPTER 2

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### Theological Anthropology and Ontology: Rethinking the *Imago Dei*

*[I]f our anthropologies – whether philosophical or theological, I would add – cannot include Sesha they are at best incomplete, at worst faulty. And this is not because Sesha is so different from us, we are so much like her.*

-- Eva F. Kittay and Leo Kittay<sup>1</sup>

#### 1. Introduction: Some Problems of Theological Anthropology

When I began this study it seemed obvious to me, as a student of theological ethics, that the answer to how cognitive impairment encroaches on an individual's identity in society can easily be answered with the doctrine of the *imago Dei*. I was wrong. Upon further investigation, it became apparent that the Christian tradition might in fact have been one of the major sources of what we shall see is the substantial view. It was humbling to discover that the Christian tradition has perhaps unknowingly perpetuated the marginalization of cognitively impaired persons. I am conscious, then, that this study goes against the grain of what is popularly held, which is an unattractive prospect both in philosophical ethics and in theology.

Two major issues are connected to theological anthropology: the ontological question of what it is to be human, which has traditionally been answered in terms of duality (matter and spirit, body and soul etc.), and the question of what constitutes the *imago Dei*. In other words, what makes human beings distinct from God and other non-human creation? Throughout the history of the church, when Christians have examined theological anthropology, they have turned to a particular concept from the first chapters of Genesis traditionally rendered the *imago Dei*. This theological understanding of what it is to be a human being created in the image of God may appear natural but it becomes increasingly disappointing when we consider what the Church in the Western tradition has done with it.

Although the Western tradition and the Christian community have traditionally agreed that human persons occupy a special place in creation, both have marginalized and caricatured

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<sup>1</sup>Eva F. Kittay, 'On the Expressivity and Ethics of Selective Abortion for Disability: Conversations with my Son', in *The Ethics of Prenatal Testing and Selective Abortion: A Report from the Hastings Center*, ed. Adrienne Asch and Eric Parens (Philadelphia: Temple University Press, 2000).



cognitive impaired persons.<sup>2</sup> Why so? The church like the rest of society has perhaps historically understood little of these impairments and so has been inclined to either elevate these persons to saintly status, or denigrate them as sinners suffering the consequences of sin. Consequently, individuals with any cognitive impairment had additional stigmas attached to them because their impairments were and are still least understood. The idea, then, that cognitive impairment denotes an unusual relationship with God, positive or negative, is problematic and does not represent who intellectually impaired persons are. These individuals are fellow human beings and must have their basic humanity recognized and reinforced.

The interpretation of the *imago Dei* motif within the history of Christian thought in the West has resulted in some immensely rich insights. However, perhaps the most important and influential discussion of the issue can be found in the tradition which employs an understanding of the human as based on a capacity, in this case the capacity for reason anchored in the concept of the *imago Dei*. Thus the bulk of theorizing on the *imago Dei* has traditionally conceived the self as having a certain kind of intellectual ability. Also known as the substantive view, about which I will say more shortly, it means that the image of God can be described by any one or more of its essential parts, but particularly human rationality.

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<sup>2</sup> For some of the work which seeks to remedy Christian theology's historical failure to address the concerns of people with cognitive impairments, see Stanley Hauerwas, 'Christian Care of the Retarded', *Theology Today* 30 (1973), 130-37; Id., 'The Church and the Mentally Handicapped: A Continuing Challenge to the Imagination', in *Dispatches from the Front: Theological Engagements with the Secular* (Durham, NC: Duke University Press, 1994); Id., *Suffering Presence: Theological Reflections on Medicine, the Mentally Handicapped, and the Church* (Notre Dame, IN: University of Notre Dame Press, 1986); Id., 'Timeful Friends: Living with the Handicapped', in *Sanctify Them in the Truth: Holiness Exemplified* (Nashville, TN: Abingdon, 1998); Id., et al., *Truthfulness and Tragedy: Further Investigations in Christian Ethics* (Notre Dame, IN: University of Notre Dame Press, 1977). See also John Swinton, ed., *Critical Reflections on Stanley Hauerwas' Theology of Disability: Disabling Society, Enabling Theology* (New York, NY: Routledge, 2008); Hans S. Reinders, *Receiving the Gift of Friendship: Profound Disability, Theological Anthropology, and Ethics* (Grand Rapids, MI: Eerdmans, 2008); Id., *The Future of the Disabled in Liberal Society: An Ethical Analysis* (Notre Dame, IN: University of Notre Dame Press, 2000); Id., 'The Virtue of Writing Appropriately. Or: is Stanley Hauerwas Right in Thinking He Should Not Write Anymore on the Mentally Handicapped?' in Stanley Hauerwas et al., *God, Truth, and Witness: Engaging Stanley Hauerwas* (Grand Rapids, MI: Brazos Press, 2005), 53-70; Id., 'Human Dignity in the Absence of Agency', in R. Kendall Soulen and Linda Woodhead, *God and Human Dignity* (Grand Rapids, MI: Eerdmans, 2006), 121-39; Id., ed., *The Paradox of Disability: Responses to Jean Vanier and L'Arche Communities from Theology and the Sciences* (Grand Rapids, MI: Eerdmans, 2010); Brian Brock, 'Praise: The Prophetic Public Presence of the Mentally Disabled', in eds., Stanley Hauerwas and Samuel Wells, *The Blackwell Companion to Christian Ethics* 2<sup>nd</sup> edition (London: Blackwell, 2011), 139-151; Bernd Wannewetsch, 'Angels with Clipped Wings: The Disabled as Key to the Recognition of Personhood', in *Theology, Disability and the New Genetics: Why Science Needs the Church*, eds., John Swinton and Brian Brock (London: T. & T. Clark, 2007), 182-200; Thomas E. Reynolds, *Vulnerable Communion: A Theology of Disability and Hospitality* (Grand Rapids, MI: Brazos Press, 2008); Amos Yong, *Theology and Down Syndrome: Reimagining Disability in Late Modernity* (Waco, TX: Baylor University Press, 2007); For a good discussion on Biblical and historical trajectories of disability in general, see Yong, *Theology and Down Syndrome*, 19-42.

Historically, the roots of this view, as we shall see, can be found in the anthropology of Irenaeus. When Irenaeus famously made a distinction between image and likeness, he triggered a process of making reason both a chief ontological characteristic and a criterion of difference between human and non-human.<sup>3</sup> The element in human beings which imaged the divine was said to be their rational nature; and other nonhuman creatures, no matter how much intelligence they might appear to portray, lack this nature. The idea is prominent in Augustine, especially in his *de Trinitate*,<sup>4</sup> and is further developed in the writings of Thomas Aquinas, and has been popular with Luther and Calvin.

It does not matter whether the image is spoken of in terms of rationality or some other intrinsic capacity, relationality, or a moral functionality that images God. What is disturbing, but not surprising, is that when it comes to discussing the *imago*, intellectually impaired individuals are often marginalized. Indeed, the first question that confronts all such persons is one of acceptability and the genuineness of their humanity. For example some people in our culture refer to a person with a profound intellectual impairment (e.g. a micro-encephalic) as a ‘vegetable’. This is because society holds that to count as truly ‘human’, one must be able to ‘do something’ and be sentient. The existence of persons with intellectual impairments, then, calls for a rethinking of the doctrine of the *imago Dei*. My particular aim in this chapter is to expose the underlying cracks in the foundation of classical theological anthropology, based as it is on a substantial view of human beings. This task sets itself in opposition to most models for the *imago Dei*, from classical to contemporary. Now that we will reject the view that the image is to be found in reason, or any merely internal capacity the individual may possess, there seem two contenders for the title, and both draw their support upon readings of the first two chapters of Genesis. The first locates the image in the human stewardship of the creation.<sup>5</sup> However, I will suggest the answer to our dilemma lies in locating the *imago Dei* in relationality, a condition shared among all human beings. If God is a communion of persons, as we will argue, inseparably related, then it is in our relatedness to others that our being human consists.

I will specifically examine the traditional construals of the *imago* in both classical and contemporary Christian theologians from the second century A.D. to the present time. By

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<sup>3</sup> See Emil Brunner, *Man in Revolt, A Christian Anthropology*, trans. Olive Wyon (London: Lutterworth, 1939), 504.

<sup>4</sup> Augustine, *de Trinitate* XVI.iv.6; See also John Sullivan, *The Image of God: The Doctrine of St Augustine and Its Influence* (Dubuque, IA: Priory Press, 1963).

<sup>5</sup> See for example Hans Walter Wolff, *Anthropology of the Old Testament*, trans. Margaret Kohl (London: SCM, 1974), ch. 28.

reflecting upon the contribution of this select group of theologians (Irenaeus, St Augustine, St Thomas Aquinas, and Joseph Fletcher), we anticipate chapter three and four where I will present a theological anthropology that pushes back against a dualism present in the thought of Christian theologians through history. Thus we hope to acquire a better understanding of what it is to be what has traditionally been rendered a ‘substance of a rational nature’ but yet be hindered cognitively. Furthermore, we will suggest that what we mean by human being created in God’s image is determined by what we think about God’s being. All attempts to ground uniqueness in some quality to be found only in humans will sooner or later fail because scientists have persistently demonstrated that all the proposed qualities are in some form or to some degree found in the animal world as well.<sup>6</sup>

The Christian theologians mentioned are selected for their development of *imago Dei* themes and because they are representative of broader traditions. Irenaeus, widely considered to have been one of the first Christian theologians to reflect upon the subject of the *imago* in humans, argues that the image is equivalent to rationality and freedom to choose. Augustine seeks to correct Irenaeus’ thought, but continues with the distinction between ‘image’ and ‘likeness’. He wants to overcome the dualism implicit in Irenaeus’ thought, but does not escape the ‘rational soul’ label accorded to humans. Thomas Aquinas did not introduce any radical shift in the doctrine as propounded by Irenaeus and Augustine. However, as we shall see, drawing upon Aristotelian concepts of human nature, he did add significant elaborations. Finally Joseph Fletcher, follows in their footsteps, but bases his argument on Lockean principles, thus summing up the prevalent understanding of the person widespread in contemporary bioethics.<sup>7</sup>

I will claim that academic theology has yet to fully acknowledge the ramifications of its bias toward this rational conception of the self. I state this claim because the capacity to set ends and the capacity to reason instrumentally are possessed by different human persons to different degrees. In fact, some human beings (e.g., irreversibly comatose individuals and severely defective human neonates) do not have the capacity at all to act on this basis of reason. In the end, I propose that maintaining that the intrinsic value of human persons is human rationality

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<sup>6</sup> See Alasdair C. MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999).

<sup>7</sup> Many prominent bioethicists distinguish sharply between being a human being and a human person. See for example James Rachels, who distinguishes between ‘biological’ and ‘biographical life’. Rachels argues that only the second of these is of any value to a person. For Rachels, biological life has instrumental value, since minus it there is no possibility of realizing biographical life. However, Rachels thinks that biological life without the benefit of self-consciousness and self-control can be of no value and a life which is at that stage should not be preserved.

betrays what I will call ‘intellectualism’,<sup>8</sup> and risks inspiring prejudicial attitudes towards individuals who are cognitively impaired.

The chapter will be divided into three sections. The **first section** will sketch a modern critique of the theology of the *imago Dei* and a brief summary of various interpretations given to the phrase *imago Dei*, from which we will discover the history of Christian thought has concentrated on only one. Here I want to pinpoint that the prominence the defining moral tenet (based on the equal worth of all members of the species *Homo sapiens* created in the *imago Dei*) of Western culture had in anthropology such that the theme could withstand all sorts of isolated critiques. However, in the modern period, with sustained and systematic critique, commentators have differed widely. The **second section** will sketch the limits of the *imago Dei* doctrine as traditionally conceived in the thought of select church theologians in Latin West. Their popular stand propounded an unacceptable individualist and dualistic approach to the human being that posits a great chasm between body and soul. Thus it gives little, if any, meaning to relationality and embodiment which constitute human persons in their own particular being. The **third section** attempts to push against animalizing cognitive impairment, and then begins to point toward my own preferred approach.

## **2. The *Imago Dei*: An Historical Overview**

The proper narration of the history of views on the *imago* is itself widely controverted. However two things have been generally accepted. Firstly, creation of human beings in the *imago Dei* means that they are in some way like God, and thus possess greater intrinsic value than nonhuman animals. Secondly, human beings are not God, but are a creation of God, and thus are under his authority. In other words, an image is not the same as the one imaged. In their attempt to be more specific about what it exactly means to be an image of God, theologians differ widely. Thus the various interpretations regarding the common ways which may classify the manner in which humans exist in *imago Dei* fall into different categories. Let us briefly summarize some of these views, before we concentrate on one of them.

The *substantial* view focuses on something within individuals, some capacity or faculty that human beings possess and which distinguishes them from other animals. As we will see Irenaeus was the first to put forward a distinctive difference between image and likeness.

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<sup>8</sup> More on this shortly.

However, it is possible to reach back to the ancient Stoics for a similar idea. The ancient Stoics held that humans (but not animals) carried a divine spark within, which they equated with reason. Paul Ramsey thinks that the Stoic idea of a divine spark present in every individual gave rise to today's conceptions of the innate natural sacredness of human personality more than did Christianity.<sup>9</sup> Staying with ancient Greek philosophers, we see that Aristotle's *animale rationale*, stands out as the example of how to define human beings in a manner that isolates some innate capacity, some substantial part of human nature, as the essence of what it means to be in the image of God.<sup>10</sup> It seems that Christians who have followed Aristotle simply substitute Aristotle's thought with their religious label - the *imago Dei*. That *imago* in a human being is, then, seen as that person's inner capacity of mind, soul or will, making her a rational animal.<sup>11</sup> A somewhat minority view is *personalistic idealism*, modeled after Kant's dictum that 'nothing can possibly be conceived in the world, or even out of it, which can be called good, without qualification, except a good will'.<sup>12</sup> Thus instead of reason other aspects of human nature, such as imagination and artistic creativity may be defined as the *imago*.<sup>13</sup> These views, save for relational, have in common the definition of the image of God as some capacity native to human beings or some part of the substantial form of their nature.

The *relational* view singles out relationality (with God and other human beings) as the mark of being in the image of God. Thus one must be in relationship with God to bear his image. Theologians, such as Karl Barth and Emil Brunner who hold this position do not deny the ability of humans to reason as a substantive trait.<sup>14</sup> However they maintain that it is being in relation with God that the true *imago* is made evident. We shall return to Barth and Brunner later in this study. For now let us quickly note three aspects of Barth's anthropology: first, for Barth, 'real humanity' stands in relationship to God, self, and others.<sup>15</sup> Second, human relationality is most prominently featured in the biblical text in God's covenantal creation of *ha adam* 'in our image'

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<sup>9</sup> Paul Ramsey, *Basic Christian Ethics* (Chicago, IL: Chicago University Press, 1950), 250.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Immanuel Kant, *Fundamental Principles of the Metaphysics of Morals*, sect. I, trans. Thomas K. Abbott (Seaside, OR: Merchant Books, 2009).

<sup>13</sup> Ramsey, *Basic Christian Ethics*, 251.

<sup>14</sup> See CD III/1§41, 98, 110, 157, 164, 168, 178, and especially 183 ff, 218, 289, 311, 322; Brunner, *Man in Revolt*, 91-112; 503-05. Barth rejected both substantive and functional views, and proposed a novel interpretation of the image of God as the capacity to enter into relationship with God, others, and self according to Genesis 1:20, 27 (CD III/1, 183-206).

<sup>15</sup> See generally Daniel J. Price, *Karl Barth's Anthropology: In Light of Modern Thought*, (Grand Rapids, MI: Eerdmans, 2002).

as male and female (Gen. 1.26-27).<sup>16</sup> And finally, Jesus Christ is the image of the invisible God, and, as the consummate ‘man for others’,<sup>17</sup> is also the prototypical image of what it means for human beings to be created in the image of God.<sup>18</sup>

The *functional* view holds that being in the image of God declares the primary function of being human. Thus human beings who are created in the *imago Dei* are not distinguished by what they are but by what they can do. Dominion is the key word in this view. Thus, as God is Lord over the universe, human beings as the image of God lord it over the earth. This idea comprised part of Calvin’s interpretation and it has recently gained renewed interest. The *physical* view dominated Old Testament studies in the middle decades of this century.<sup>19</sup> Proponents of this view argue that humans reflect the image of God by their physical bodies that are of upright posture.

The phrase ‘image of God’ appears very infrequently in the Scriptures. However, this has not stopped theologians throughout history from focusing on it as the centerpiece of reflection concerning the Christian understanding of the human person. Although throughout the Christian tradition the doctrine concerning the human imaging of God has experienced repeated revision, many studies indicate the *imago Dei* has frequently been linked to a disembodied rationality.<sup>20</sup> And while many early Christian theologians differ in nuance and terminology Cairns summarizes it well when he says, ‘in all Christian writers up to Aquinas we find the image of God conceived of as man’s power of reason.’<sup>21</sup> We now turn and examine the *imago* in tradition through the positions of select representative theologians.

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<sup>16</sup> See Wolf Krötke, ‘The Humanity of the Human Person in Karl Barth’s Anthropology’, trans. Philip G. Ziegler, in ed., John Webster, *The Cambridge Companion to Karl Barth* (Cambridge: Cambridge University Press, 2000), 168-69; *CD* III/1, 288-90.

<sup>17</sup> *CD* III/2, 203-22.

<sup>18</sup> *Ibid.*, 222-84.

<sup>19</sup> Most notably as proposed by H. Gunkel, P. Humbert and G. von Rad. See D. J. A. Clines, ‘The Image of God in Man’, *Tyndale Bulletin* 19 (1968), 56.

<sup>20</sup> Leron Shults, *Reforming Theological Anthropology: After the Philosophical Turn to Relationality* (Grand Rapids, MI: Eerdmans, 2003).

<sup>21</sup> David Cairns, *The Image of God in Man* (London: SCM Press, 1953), 110.

### 3. The *Imago Dei*: Against Tradition

#### 3.1 St Irenaeus on the *Imago Dei*: The Double Portrait of Man

Colin Gunton argued that today's theological anthropology is weighed down by a weakness of what he calls errors of both 'method and content'.<sup>22</sup> Historically, he says, the genesis of the syndrome can be traced back to Irenaeus, whose anthropology took a completely different turn when he made his famous distinction between image and likeness. Thus taking into consideration the current scientific understanding of what it is to be human and how humans historically evolved, were Irenaeus our contemporary, he would not think the doctrine of the *imago Dei* is irrelevant to our practical secular lives. Instead, Irenaeus gloried in its realism and was convinced of its centrality to God's act of creation and so of his actions in salvific history. Historically Irenaeus is widely considered to have laid the foundation and framework which the church would later recognise as the 'standard' for dealing with the *imago Dei* doctrine.<sup>23</sup>

Irenaeus was faced with a problem that threatened to reverse the gains achieved by a fledgling church. The problem went thus: the body, which is part and parcel of human beings is evil in and of itself. Consequently, the *imago Dei* cannot be reflected by that which is human, but by that which is spiritual - in short the divine 'spark' or 'seed'. This false teaching was prevalent among the Gnostics who were his contemporaries. It was against their false teaching that Irenaeus directed his chief work, *Against Heresies*. This work is a thorough defense and examination of the truth that human beings were created in the image and likeness of God. Although Gnosticism comes in various forms, a common thread that runs through all its various formulations is that a conflict exists between the 'evil world of matter' and the 'divine world of spirit'. The arena of this conflict is the human being, for human beings (at least the spiritual elite) are a mixture of a spark of divine being and a material body.

Irenaeus' doctrine of *recapitulatio* was a crucial tool to counter the teaching that *Gnosis* (salvific knowledge) was knowing how to extract one's true self, the divine spark, from the imprisonment of the body which is evil material in nature, in order ascend to God and thus to obtain the spiritual and divine freedom.<sup>24</sup> Irenaeus rejected this anti-materialism of the Gnostic teachings by claiming that the 'fleshly nature' was the location of the divine image. For him, this

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<sup>22</sup> Colin Gunton and Christoph Schwöbel eds., *Persons, Divine and Human: Kings College Essays in Theological Anthropology* (Edinburgh: T. & T. Clark, 1991), 48.

<sup>23</sup> Ibid.

<sup>24</sup> Thomas G. Weinandy, 'St Irenaeus and the *Imago Dei*: The Importance of Being Human', *Logos* 6 (2003), 15-34.

meant the whole person, body and soul, present in each individual is expressed in free will and in the power of reason. Sinfulness, then, contrary to the Gnostic teachings, was the consequence of human freedom.<sup>25</sup> For Irenaeus, such anthropology was divergent from the Christian faith and thus contrary to the dignity that human beings possess. By contrast he held that God created human beings in his image and after his likeness but, at the Fall, human beings lost their likeness to God whereas the image of God was retained. The salvific process was crucial, then, to restore the lost likeness of God. Thus Irenaeus: ‘But if the Spirit be wanting to the soul, he who is such is indeed of an animal nature, and being left carnal, shall be an imperfect being, possessing indeed the image [of God] in his formation (*in plasmate* - body), but not receiving the similitude through the Spirit’.<sup>26</sup> For Irenaeus, fallen human beings still possess the *imago Dei* but need to be restored back to the likeness (or similitude) of God by the work of the Spirit. Christ, then, came to show human beings the true *imago*, and to also restore the lost likeness of God in those who are his.

Irenaeus maintained a twofold interpretation for the image based on a distinction between the words *tselem* (image) and *demuth* (likeness). Indeed, he was the first<sup>27</sup> to introduce the distinction between the image and likeness, according to which ‘image’ indicates an ontological participation (*methexis*) and ‘likeness’ (*mimêsis*) a moral transformation.<sup>28</sup> Thus his doctrine of the *imago-similitudo* (‘image’ and ‘likeness’) triggered the process of making reason both a chief ontological characteristic and a criterion of difference between human and non-human. Irenaeus’ anthropology maintained this rationalistic idea of the *imago* and combined it with a second idea derived from what some think was a dubious exegesis of Gen. 1.26.<sup>29</sup> Although Irenaeus might be called the ‘fundamentalist’ among the early Fathers, yet he does not escape the grasp of the rationalism of the classical Greek philosophers (the Stoics, Plato, Aristotle) who taught that an individual’s reason was his/her highest and most distinctive characteristic and which is something wholly ‘intelligible in itself – not something which is actually related to

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<sup>25</sup> Irenaeus, *Against Heresies*, IV.37, 38, 41. Irenaeus criticizes the Gnostic teachings of the creation of three kinds of humans, of whom those created in the spirit, the Gnostics themselves, are beyond good and evil (see V-VI).

<sup>26</sup> *Ibid.*, V.6.1.

<sup>27</sup> For other Early Church fathers see Ambrose (*Hexameron*, VI, 7) who maintained ‘at once that since the divine likeness is not to be found directly in the body of man it is to be identified with the soul’ as cited in Barth, *Church Dogmatics* III/1§41, 190; see also Athanasius, *On the Incarnation of the Word*, 3.3, who says the image can be found with reference to the divine Logos in the intellect.

<sup>28</sup> *Against Heresies*, V, 6, 1; 8, 1; 16, 2.

<sup>29</sup> For example see Brunner, *Man in Revolt*, 505. Brunner says that Irenaeus’ reading of the Genesis passage is a ‘complete distortion of the meaning of the passage’.



God'.<sup>30</sup> Here we see Irenaeus fall back to an Aristotelian starting point which distinguishes between human beings and the creatures which do not possess reason. Human beings, then, are seen as gifted with reason and thus are like God, are free in their will and masters unto themselves.<sup>31</sup>

Irenaeus maintained the concept of the Divine Reason, in which human beings as the *animal rationale*, have a share, through the *imago Dei*, and this was not lost at the Fall. This is evident when we glance at Irenaeus' answer to his critics in *Against Heresies*. Here Irenaeus is answering those who questioned the goodness of God if Jerusalem, God's own city is destroyed. On his part Irenaeus argues that both Jerusalem and wicked men are destroyed without God becoming unjust by His act of punishment:

... The wheat and the chaff, being inanimate and irrational, have been made such by nature. But man, being endowed with reason, and in this respect like to God, having been made free in his will, and with power over himself, is himself the cause to himself, that sometimes he becomes wheat, and sometimes chaff. Wherefore also he shall be justly condemned because, having been created a rational being, he lost the true rationality, and, living irrationally, opposed the righteousness of God...<sup>32</sup>

Irenaeus' answer here demonstrates that for him a human being's freedom and rationality are at least a dominant part of the image of God which cannot be lost by sin. Thus for Irenaeus the *imago* is the human nature which cannot be lost, while the *similitudo* is the human being's original relation to God which may be lost and later restored through the Spirit.

Irenaeus also lays emphasis on the body in speaking of the *imago Dei* in humans. He records his thoughts on this issue in several places, however the most prominent is the long passage in *Against Heresies*, V, 6, 1, already partly quoted above, where he argues that God's salvific work is for the whole person, body, soul and spirit. Irenaeus makes the point with regard to humans and presents the *locus classicus* for the distinction. He says:

For if anyone take away the substance of flesh, that is, of the handiwork [of God], and understand that which is purely spiritual, such then would not be a spiritual man, but would be the spirit of a man, or the Spirit of God. But when the spirit here blended with the soul is united to [God's] handiwork, the man is rendered spiritual and perfect because of the outpouring of the Spirit, and this is he who was made in the image and likeness of God. But if the Spirit be wanting to the soul, he who is such is indeed of an animal nature, and being left carnal, shall be an imperfect being,

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<sup>30</sup> Ibid., 504.

<sup>31</sup> Ibid.

<sup>32</sup> *Against Heresies*, IV, 4, 3.

possessing indeed the image [of God] in his formation (*in plasmate* - in his fleshly nature), but not receiving the similitude through the Spirit.<sup>33</sup>

For Irenaeus, the imperfect being, wholly in body and soul, retains before God the divine image. Here we see Irenaeus take an interest in the element of *body* in speaking of the *imago Dei* in humans. Irenaeus is even more overt when he says:

And then, again, this Word was manifested when the Word of God was made man, assimilating Himself to man, and man to Himself, so that by means of his resemblance to the Son, man might become precious to the Father. For in times long past, it was *said* that man was created after the image of God, but it was not [actually] *shown*; for the Word was as yet invisible, after whose image man was created. Wherefore also he did easily lose the similitude. When, however, the Word of God became flesh, He confirmed both these: for He both showed forth the image truly, since He became Himself what was His image; and He established the similitude after a sure manner, by assimilating man to the invisible Father through means of the visible Word.<sup>34</sup>

It is clear that Irenaeus' line of thought is here directed to his anti-Gnostic polemic. Although we cannot exclude other aspects of human beings, the emphasis here is on the tangible body that Christ took upon himself. Irenaeus is putting a strong physical emphasis on the image. The question of the body is a theme which will be picked up throughout this thesis, and especially in chapter four where we will argue that if the marginalization of persons with profound intellectual disability is to be rejected, personhood must be defined as a capacity for both relationality and human embodiment.

While Irenaeus' double portrait of humankind was an important theological achievement which became a standard for Christian anthropology in the subsequent years, Irenaeus was wrong to distinguish between an aspect of the image of God that human beings retained after the Fall and an aspect that was lost and is gained through Christ. In other words, Irenaeus erred in associating these two concepts of *image* and *likeness*. In essence, Irenaeus' anthropology seems like 'Gnosticism purified by Scripture, with a strong element of general Greek philosophy'.<sup>35</sup> The decisive element in Irenaeus' doctrine is the conception of the image of God as a human being's natural endowment of reason. For Irenaeus, 'God Himself is Reason proper' thus the rational nature of man is 'a *participatio Dei*'.<sup>36</sup> Again, this is an idea that is influenced by the Stoic idea of rationality. As this study seeks to demonstrate, and contrary to many theologians

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<sup>33</sup> *Against Heresies*, V, 6, 1.

<sup>34</sup> *Ibid.*, V, 16, 2.

<sup>35</sup> See Brunner, *Man in Revolt*, 93.

<sup>36</sup> *Ibid.*

after Irenaeus who echoed him, rationality is not the core of the *imago Dei*. To say so is to elevate one aspect of human beings above all others, a move which is detrimental when applied to people with cognitive impairment.

### 3.1.1 Criticism

Such in brief is a sketch of Irenaeus' thought on the *imago*. Let us now consider some blindspots inherent in Irenaeus' position.<sup>37</sup> The prominence Irenaeus gives to the body demands that we think of human beings as created in the image of Christ incarnate. While I say more about this issue in chapter 4, notice now that Karl Barth picks up this line of thought and maintains that Jesus Christ 'is the whole man',<sup>38</sup> and as with Jesus, so also (*mutatis mutandis*) with us. Thus we conclude here that Irenaeus was in error to locate the *imago Dei* as clearly in a human being's physical formation. In chapter four I will return to pick up Irenaeus' emphasis on the body, and admit with Calvin and Aquinas that there are traces of the image, in *all* of a person's being, including the physical side of it. However, for now, let us centre the image differently from Irenaeus. To support the different stand taken here, I suggest that Irenaeus' exegesis of Gen 1.26 is in error for he introduces a 'double sense' to a passage where there is none. Studies done elsewhere indicate that these two words are used as synonyms.<sup>39</sup> Indeed parallelism, a fundamental law in Hebrew poetry, commonly occurs in the Psalms and Proverbs although it can be found in any poetic passage. We must credit Irenaeus with pointing out 'the cleavage' that exists in the concept *imago Dei*,<sup>40</sup> but object to his trichotomous view of believers, that is, body, soul, and spirit, whereas unbelievers have only souls and bodies.<sup>41</sup>

The Holy Spirit is seen as the one who creates a human being's spirit as an organ whereby the believer receives 'divine influence' and knows 'divine truth'.<sup>42</sup> The spirit, then, is the bearer of the likeness of God, gifted to Adam, lost through the Fall, recovered in the process of redemption. But is Irenaeus suggesting that what human beings lost at the Fall was only something tacked to them, something extra, a 'something' which even if absent would not make a difference in their personhood? This is the so-called *donum superadditum*, a teaching

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<sup>37</sup> Here I follow closely Cairns' analysis in *Image of God*, 80-81.

<sup>38</sup> *CD*, III/2, 330.

<sup>39</sup> See for example D. J. A. Clines, 'The Image of God in Man', *Tyndale Bulletin* 19 (1968), 53-103. For a different approach to the issue of *tselem* and *Demuth*, see *CD* III/1, 195-198.

<sup>40</sup> Cairns, *Image of God*, 81. On this issue, see Brunner's criticism of Irenaeus in *Man in Revolt*, 504-06.

<sup>41</sup> *Against Heresies*, II.33.5 [Cairns mistakenly has II.35.5].

<sup>42</sup> Cairns, *op. cit.*, 79.

elaborated by scholastic theologians of the Middle Ages, and which teaches that humans lost only a gift of God that had been tacked onto them.<sup>43</sup> As we shall see in chapter 3, this teaching minimizes the effect of the Fall on human nature. The Fall was not only a result of the loss of something additional to a human's existence, it involved the total corruption of being, an understanding that is important to formulating a good theological anthropology. In sum: Irenaeus is right to notice the cleavage in the general concept but erred on two fronts. First, in splitting the terms *imago* and *similitudo* in his interpretation of Genesis 1.26, and second in thinking that the retained aspect of the *imago Dei* is primarily rationality. I call this move 'intellectualism' which reduces human intrinsic value to reason and is detrimental to intellectually impaired individuals.

### 3.2 St Augustine of Hippo

Throughout the history of interpretation, commentators have found it all too easy to contextualize the term *imago Dei* in order to fit into the service of their contemporary philosophical and religious thought. Karl Barth demonstrated in his survey of the history of the doctrine how each interpreter gave content to the concept solely from the anthropology and theology of his own age.<sup>44</sup> For example, for Ambrose, the soul was the image and for Athanasius, rationality, in the light of the Logos doctrine. St Augustine (and his followers), under the influence of trinitarian dogma, did not take up the distinction forwarded by Irenaeus, but presented a more personalistic, psychological and existential account of the *imago Dei*. Like Irenaeus, Augustine was also responding to the presence of a threat facing the Early Church, in his case the Manicheans and the belief in the entrapment of the soul. This becomes quite clear when one considers his philosophical anthropology. As an alternative to the dualism of the Manicheans, Augustine found it necessary to embrace Neoplatonism.

For Augustine, the individual human being is a body-soul composite. However, there is an asymmetry between soul and body, in which the soul being superior to the body rules over it.<sup>45</sup> Augustine thinks that to understand and appreciate the unique place of human beings within the contours of morality, a good grasp of the soul is important. Here we find that Augustine's

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<sup>43</sup> Anthony A. Hoekema, *Created in God's Image* (Exeter: Paternoster, 1986), 35.

<sup>44</sup> *CD*, III/I, 190 ff.

<sup>45</sup> See *De Animae Quantitate* 13.22; *De Genesi contra Manicheos* II.11. as cited in Michael Mendelson, 'Saint Augustine', *The Stanford Encyclopedia of Philosophy* (2010), Edward N. Zalta ed., <http://plato.stanford.edu/archives/win2010/entries/augustine/> (Retrieved, Feb 16, 2011).

view is not very different from what Plato maintains in his *Timaeus*<sup>46</sup> or what Aristotle argues in his *De Anima*.<sup>47</sup> Both philosophers discuss different levels of soul in terms of ascending degrees of complexity in the functional capacities with rational thinking being at the highest level. Augustine still maintains that there is an asymmetry in these functional capacities, and reason is of course seen as higher than the others. Space does not allow us to thoroughly examine Augustine's doctrine of the *imago Dei*, and also his corpus is vast, so of necessity our examination will involve some oversimplification and glossing.

From the outset Augustine's inclination was to develop an anthropology based on Neoplatonic categories.<sup>48</sup> For Augustine the human likeness to God must be in the mind or soul so that other possibilities are excluded from the outset.<sup>49</sup> In this regard Augustine was merely reflecting the tenor of his times in viewing the body in a negative light. Thus he seems to hold that our embodiedness cannot be the place where the image, and hence our true humanity, is found. Augustine's thought on the soul-body relation is fairly clear and it runs counter to the Manichean stand of the soul's entrapment. However, matters are somewhat less clear when we turn to the question of how the soul comes to be embodied, a subject which is outside the scope of our section here. Suffice it to say, here, that Augustine's thought about how we are to understand our embodied status remains vague. Augustine seems to follow Irenaeus in distinguishing between *imago* and likeness, but with a correction to the concept of 'immaturity' which Irenaeus posited for Adam. Augustine attempted to overcome the dualism implicit in the thought of Irenaeus by drawing from the doctrine of the Trinity. Based on the *perichoresis* of the Trinity, one can conclude that at the heart of personhood is love for the Other or a capacity for relatedness and a capacity for love. This means that these two capacities are not actually two different things. Augustine describes this capacity as residing in the unity of the diversity of memory, intellect, and will, (*memoria, intelligentia, and volutas*) for no one can love what he or she does not know. This capacity for love is not merely affectivity, but is preeminently a rational and volitional ability.<sup>50</sup> As such Augustine means a human being is a person since he/she can stand in loving relation with another who can reciprocate that love. But what of those individuals who cannot reciprocate?

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<sup>46</sup> E.g., Plato, *Timaeus*, 89d-92c.

<sup>47</sup> E.g., Aristotle, *De Anima*, 414b-415a.

<sup>48</sup> Gunton and Schwöbel, eds., *Persons, Divine and Human*, 49.

<sup>49</sup> See especially Augustine, *De Trinitate*, XI.1.

<sup>50</sup> See Oliver O'Donovan, *The Problem of Self-Love in St Augustine* (New Haven: Yale University Press, 1980), 75.

For Augustine, since God is a trinity, and human beings are in the *imago Dei*, then human beings must have a trinitarian aspect to their being. From Books IX through XIV of *De Trinitate*, Augustine describes the constitution of human beings. In these books, Augustine searches for the *imago Dei*, through which he intends to further reflect upon the Trinity in God.<sup>51</sup> For Augustine this is a climb from the lower to the higher, it is an exercise in faith seeking understanding.<sup>52</sup> It is within these passages that we gain insight into what Augustine thinks is the content of the *imago Dei*. For example, Augustine is convinced that the image of God is to be ‘sought in the immortality of the rational soul’. Indeed in chapter IV of book XIV, Augustine thinks and intends to show that the ‘Trinity is demonstrated in the mind.’<sup>53</sup> He says:

Therefore neither is that trinity an image of God, which is not now, nor is that other an image of God, which then will not be; but we must find in the soul of man, i.e., the rational or intellectual soul, that image of the Creator which is immortally implanted in its immortality.... so, although reason or intellect is at one time torpid in it, at another appears small, and at another great, yet the human soul is never anything save rational or intellectual; and hence, if it is made after the image of God in respect to this, that it is able to use reason and intellect in order to understand and behold God, then from the moment when that nature so marvelous and so great began to be, whether this image be so worn out as to be almost none at all, or whether it be obscure and defaced, or bright and beautiful, certainly it always is.<sup>54</sup>

For Augustine, the image of God in human beings has a Trinitarian structure, reflecting either the tripartite structure of the human soul (spirit, self-consciousness, and love) or the threefold aspects of the psyche, that is, a human being’s power of memory, understanding and loving God, (*memoria, intellectus, amor*)<sup>55</sup> which are all manifestations of a human being’s rationality. In short, Augustine uses the threefold ‘*cogito*-type’ accounts of the mind’s self-certainty to argue they reflect the Trinity.<sup>56</sup> In the second half of the *De trinitate* Augustine starts to articulate an account of the mind’s self-knowing in the Word as a site for ‘analogical exploration of the Trinity’ as that which constitutes us as in the *imago Dei*.<sup>57</sup> In short, for Augustine the rationality of the immortal soul is the *locus* of the image. In the same book,

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<sup>51</sup> Augustine, *De Trinitate*, IX.1.1 to XIV.1.1-19.

<sup>52</sup> *Ibid.*, XIII.20.26; XIV.3.5; IX.1.1; IX.12.17. ; cf. O’Donovan, *The Problem of Self-Love*, 75.

<sup>53</sup> See the thesis to *De Trinitate*, XV.4.

<sup>54</sup> *Ibid.*, XIV. 4.6.

<sup>55</sup> *Ibid.*, XIV.6.8; X.11.17,18. See also Barth, *CD*, III/1, 190 ff.

<sup>56</sup> Lewis Ayres, *Augustine and the Trinity* (Cambridge: Cambridge University Press, 2010), 280.

<sup>57</sup> *Ibid.*

Augustine thinks that the image of God in human beings orients them to God in invocation, knowledge and love.<sup>58</sup>

In *Confessions* 13 Augustine reflects on the soul that is engaged in cognitive action as imaging something of the Trinitarian life. Lewis Ayres says that Augustine's 'strong, early and commonplace belief that intellectual life represents the 'highest' part of the created order combines with a strong belief in that order's intelligibility'. However, no one reason accounts for Augustine's interest in images found with the 'human *mens*'.<sup>59</sup> Ayres thinks that Augustine does not turn to 'mental analogies' earlier because of his ambiguity about whether the *imago* has been lost in fallen humanity. It is only much later that Augustine states with finality that the *imago* which rests in human rationality remains even after the fall. Augustine is implying that there is an indisputable rationality consisting of a power to 'understand and behold' God, whether that power be used in a right and rational manner or not. We can distinguish Augustine's doctrine of the *imago* from that of Irenaeus by the conception of the primal state as a state of complete perfection.

The precise concept of the 'person' that is to be found in *De Trinitate* is beyond the scope of this section, but it has elsewhere been variously assessed.<sup>60</sup> However, it seems safe to conclude that Augustine does not advance a fully developed concept of personhood, particularly in relational terms. Two reasons account for this conclusion: firstly, Augustine does not discard the doctrine of the soul as a substance; and secondly, he does not discuss the interrelationship he finds in the persons of the Trinity in terms of human persons.<sup>61</sup> From his philosophical anthropology, Augustine concluded that if only humans bear the *imago Dei*, that image must be the distinguishing marker between human beings and animals. He therefore looked to the rational soul, and to the soul's highest part as the one nearest to God, namely, *mens* (mind). Thus Boethius' later definition of 'person' as a 'rational substance' is not altogether foreign in Augustine's usage for he continues to maintain a substantial view of the self. However, for Augustine, the image that differentiates human beings from animals, the rationality of his

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<sup>58</sup> *De Trinitate*, XIV. 4; see also Idem., *Confessions*, I.1.1.

<sup>59</sup> Ayres, *op. cit.*, 137.

<sup>60</sup> E.g., William Riordan O'Connor, 'The Concept of the Person in St. Augustine's *De Trinitate*', *Augustinian Studies* 13 (1982), 133.

<sup>61</sup> *De Trinitate*, XIV. 4.6.

substance, is not ‘ordered to knowledge but to love through knowledge’.<sup>62</sup> Further, the *imago* is ‘not a lifeless imprint’, instead it is a ‘living person’, that is, the ‘unity of self-remembrance, self-knowledge, and self-love’ turned toward God and human beings in a mutual relation of love.<sup>63</sup>

In his *De Trinitate X* and *Confessions*, Augustine presents an examination of the mind and memory. Again the topic is too complex to do it justice in such limited space. The faculty of memory in Augustine's broad usage means more than just the ability to remember or the act of remembering. For Augustine, memory encompasses all cognitive capacities and is the repository of all of a person's experiences and knowledge.<sup>64</sup> So memory includes sensations and perceptions, imaginations and dreams, hopes and fears, emotions and awareness of self.<sup>65</sup> It seems, then, according to Augustine, that memory is the locus of personal identity. He says: ‘Great is the power of memory, a fearful thing, O my God, a deep and boundless manifoldness; and this thing is the mind, and this am I myself’.<sup>66</sup> It is through the memory that the past and future both become present. Furthermore, due to the fact that the present is so temporary, memory is central to any sense of continuity experienced. In other words, for Augustine, the past and the future are present through memory. Augustine thinks memory and mind are synonymous and that memory is the depository of knowledge.<sup>67</sup> But if memory is mind and the repository of personal identity, what of infants and individual persons who are hindered intellectually? Augustine's attempts to limit image to reason, like those of Irenaeus, remain problematic.

### 3.2.1 Criticism

I agree with Gunton that an implication of Augustine's vagueness on our embodiment and hence our true humanity amounts to a ‘foreclosing of the ontological question’ which has consequences: first is a tendency to overstress the inner dimensions of the person. Second, and equally important, Augustine's search for the Trinity within the soul, ‘the inner Trinity’, risks rendering the Holy Trinity a theological irrelevance. This is because Augustine's quest makes it difficult to ask in what other ways the doctrine of the Trinity may shed light on the human

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<sup>62</sup> Joseph P. Murphy, ‘Augustine's Doctrine of the Imago Dei’, Paper presented at the 38<sup>th</sup> *Evangelical Theological Society*, Atlanta, GA (Portland, OR: TREN, 1986), 1-35.

<sup>63</sup> *Ibid.*, 11.

<sup>64</sup> Augustine, *Confessions*, 10.17.26.

<sup>65</sup> Chadwick says that ‘memoria’ for Augustine is a deeper and wider term than our ‘memory’. See Augustine, *Confessions*, trans. Henry Chadwick (Oxford: Oxford University Press, 1991), note 12, 185.

<sup>66</sup> *Confessions*, 10.17.26.

<sup>67</sup> *Ibid.*, 10.6.9.



condition.<sup>68</sup> Augustine does manage to overcome the dualism of Irenaeus through his mystical concept of the *imago* as the single expression of the person in love and knowledge of God, but goes astray in locating the locus of the *imago Dei* in reason. To deny that the *imago* is found in the whole person and to locate it in reason is to show an intellectual bias, especially against people who do not have the capacity to reason instrumentally. Again, human embodiment must not be relegated to secondary status in any theological anthropology and human identity is not and should not exclusively be determined by cognitive capacity but also as we shall see in the next two chapters, by affective and relational capacities and possibilities, which are intimately connected to our being embodied.

### 3.3 St Thomas Aquinas

By the time Thomas enters the story, the tendency, triggered by Irenaeus and continued by Augustine, to make reason both a chief ontological characteristic and the mark of difference between human and non-human animals was taken for granted. Thus for Aquinas the divine image is specifically to be identified with rationality, so that only intellectual beings, by which he means angels and humans, can be regarded as true image-bearers.<sup>69</sup> For a substantialist conception of the *imago* we need not look any further than Aquinas's understanding of human reason as the seat of the *imago Dei*. For Aquinas, then, there is a congruence of rationality between the creator and the creation. This general approach has found wide acceptance within the Christian community, although some alterations have been advocated.

Aquinas's account of the image of God is a development of Augustine's ideas and those of St. John Damascene. His whole analysis is based on a concise analysis of the metaphysical notions of person, being and good, as a basis on which to understand the content of revelation, and on an intimate relationship between these concepts, the divine nature and the Trinity of divine persons. Aquinas adopted the fertile doctrine of St. Augustine on the *imago Dei*, elaborated it further to make it more explicit, and contextualized it to fit his more conceptual and scientific level. While Augustine explores the doctrine of the image of God as an avenue to understand something of the divine Trinity from its image in human beings, Aquinas examines

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<sup>68</sup> Gunton, *Persons, Divine and Human*, 49.

<sup>69</sup> E.g., Thomas Aquinas, *Summa Theologica*, I.93.2, 6. (All subsequent citations from the Fathers of the English Dominican Province, (New York: Benzinger Brothers, 1948), Hereafter *ST*).

the theme in its own right.<sup>70</sup> The frequency with which Aquinas quotes Augustine demonstrates the influence the latter had on him. However, it is clear that Aquinas aimed to contextualize the theme of the *imago Dei* to acquire new meaning, and in the process clear differences emerge in significant issues between the *Summa* and *De Trinitate*. For example, the more developed psychology of Aquinas leads him to reject the role of memory as a separate intellectual power (in the Augustinian trinity of memory, intellect and will). Aquinas supports his argument by interpreting a passage in Book XIV of *De Trinitate* to show that, it is clear that Augustine ‘does not take the above three for three powers; but by memory Augustine understands the soul’s habit of retention; by intelligence, the act of the intellect; and by will, the act of the will’.<sup>71</sup>

In Question 93, Aquinas examines the question of the *imago Dei* as it is expressed in human intellectual capacity. His understanding of the *imago Dei* carries with it the problems related to most substantialist conceptions of the *imago Dei*, including, particularly for our purpose, the ascription of privileged status to intellectually able individuals and the marginalization of cognitively impaired persons. For Aquinas, citing Genesis 1.26, the image of God is found in *all* humans. However, for him, and this is a key point, only intellectual creatures *properly* image God. Aquinas grounds his argument on the degree to which creatures of reason are after God’s image. He says:

But things are likened to God, first and most generally in so far as they are; secondly in so far as they are alive; thirdly and lastly in so far as they have discernment and intelligence. It is these latter, as Augustine says, which *are so close in likeness to God that there is nothing closer in all creation*. It is clear, therefore, that intellectual creatures alone, properly speaking, are made to God’s image.<sup>72</sup>

Thus, for Aquinas it is clear that while all creatures bear the image of God, only intelligent creatures are ‘properly speaking’ after God’s image.<sup>73</sup> This is because intelligent creatures possess the high capacity for knowledge and understanding to approach God’s likeness. Some passages in the *Summa* seem to suggest that Aquinas thinks creatures which lack intellectual capacities utterly lack the *imago Dei*. For example, quoting Augustine, he says: ‘We can speak of God’s image in two ways: first, referring to that in which the idea of ‘image’ is primarily

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<sup>70</sup> See esp. Aquinas, *Commentary on the Book of Sentences; De Veritate; ST.*, I. 93.

<sup>71</sup> *ST.*, I.79.7.1.

<sup>72</sup> *ST.*, Ia. 93.2.

<sup>73</sup> *Ibid.*

realized, namely to an intelligent nature'.<sup>74</sup> This follows that: 'God's image is not directly and *properly* realized in man in such ways except on the basis of the first sort of imitation in virtue of man's intelligent nature; otherwise even the animals would be after God's image'.<sup>75</sup> This and other passages seem to suggest that Aquinas denies the *imago Dei* to all creatures which lack the intellectual capacity. However, upon further inquiry into his *Summa*, we discover that Aquinas clarifies his position. In fact his theology is based on the notion that God is Being, and hence all created things image Him to a certain degree.

Human beings, then, are most perfectly like God in their intellectual capacity to imitate.<sup>76</sup> But the obvious question here in relation to cognitively impaired people is: What of those who do not possess this capacity? Well, Aquinas finds the image of God in some sense in all people, whether they are able bodied or physically or cognitively impaired. He says: 'So the image of the divine Trinity is to be found in the mind with reference to any object'.<sup>77</sup> Furthermore, for him, the 'the image remains always in the mind; *whether this image of God is faint* – so shadowy, we might say – *that it is practically non-existent*, as in those who lack the use of reason; *or whether it is dim and disfigured*, as in sinners; *or whether it is bright and beautiful*, as in the just'.<sup>78</sup> In this respect we note that he follows Irenaeus, though he does not distinguish, as we have mentioned, between image and likeness.<sup>79</sup> Aquinas comes close to our position in this study when in answer to his own question 'is God's image realized in man by his (mental) capacities, attitudes, or activities?', says that 'God's image is not to be looked for in the soul's activities'.<sup>80</sup>

However, in Article 4 of Question 93, Aquinas seems to again depart from this position when he admits that the image of God in humans is not, as Hoekema says, always *equally bright*.<sup>81</sup> Aquinas nuances what he means by the ability of intellectual creatures 'to know or understand', and he clarifies why this ability is significant as an indicator of those who 'brightly' bear the *imago*. For Aquinas, only human beings properly image God because only they are able

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<sup>74</sup> *ST.*, I.93.3.

<sup>75</sup> *Ibid.* emphasis added.

<sup>76</sup> *ST.*, I.93.4.

<sup>77</sup> *Ibid.*, I.93.8.

<sup>78</sup> *Ibid.*, I.93.8, *ad* 3.

<sup>79</sup> Aquinas does make a distinction between 'image' and 'likeness' though not as some medieval theologians, including Irenaeus did. While granting that the two terms may have somewhat different meanings (*ST.*, I.93.9), he concedes that 'there is nothing wrong in something being called 'image' in one context and 'likeness' in another' (*ST.*, I.93.9, *ad* 3). For a further explication on the distinction between the terms 'image' and 'likeness', see I.93.9.

<sup>80</sup> *ST.*, I.93.7, *ad* 4.

<sup>81</sup> Hoekema, *Created in God's Image*, 37.

to imitate ‘God’s understanding and loving of himself’.<sup>82</sup> According to Aquinas, human beings accomplish this in three ways: (1) a natural aptitude for understanding and loving God, an aptitude which consists in the very nature of the mind, which is common to all human beings; (2) actual or dispositively (habitually) knowing and loving God; and (3) complete perfection in the love and knowledge of God.<sup>83</sup> For Aquinas, the ‘first state of the image then is found in all men, second only in the just, and the third only in the blessed’.<sup>84</sup> Again from this passage it is clear that for Aquinas, not all human beings necessarily ‘properly’ image God. In addition, Aquinas thinks that since the *imago Dei* consists mainly in the capacity for intellectual aptitude, and because the intellectual nature in angels is more perfect than in human beings, angels reflect the image more brightly.<sup>85</sup> Thus when he makes this claim, i.e., that the *imago Dei* is found more in angels than in human beings, he seems to be reinforcing his claim that only intellectual creatures properly image God.<sup>86</sup>

So, can cognitively impaired persons ‘properly’ image God? Aquinas might still have thought that all human beings, including anencephalous or microcephalous or severely cognitively impaired human beings, were still rational beings and therefore still fully human – the only difference being that they don’t *exhibit* the fullness of their humanity; i.e. their being rational beings is a *generic* claim which applies to all human beings, even if the phenotype of rationality is not actually displayed in every instantiation of humankind.<sup>87</sup> What we can deduce from exploring each aspect of Aquinas’s argument about what it is to ‘properly’ image God, is that his emphasis on intellectual capacity becomes more transparent. Thus his argument here risks marginalizing those who do not have the capacity to employ the concepts of self and those necessary to reflect upon that which lies beyond their person.

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<sup>82</sup> *ST.*, I.93.4.

<sup>83</sup> *Ibid.*

<sup>84</sup> *Ibid.*

<sup>85</sup> *Ibid.*

<sup>86</sup> *ST.*, I.93.3.

<sup>87</sup> See the excellent exposition of Aquinas and disability done by Miguel J. Romero, ‘Aquinas on the Corporis Infirmis: Broken Flesh and the Grammar of Grace, in eds., Brian Brock and John Swinton, *Disability in the Christian Tradition: A Reader* (Grand Rapids, MI: Eerdmans, 2012), 101-51.

### 3.3.1 Criticism

We must question Aquinas's reading of the *imago Dei* on two counts.<sup>88</sup> First, we must reject his finding of the image of God in human being's intellectual nature. This view has its genesis in Greek thought rather than in Scripture. Both Plato and Aristotle called a human being's intellect 'divine', claiming that it was the 'spark of divinity within humans'.<sup>89</sup> Thus Aquinas, perhaps unknowingly, echoes a Greek idea when he maintains the image is in human intellectual ability. We do not deny that a human being's intellectual ability is a reflection of God, but it is wrong to pin point it as the sole or even primary bearer of the image. Furthermore does not the Bible say that God is 'love' and nowhere does it distinctly say that God is 'intellect'?<sup>90</sup> Insisting on the intellectual capacity of human being, as Hoekema says, 'downplays if not removes altogether a human being's relatedness to God and to others, that is, a person's capacity for loving God and neighbour'.<sup>91</sup>

Secondly, Aquinas's view detracts from the seriousness of the Fall, which as we shall see in chapter 3, is fundamental for the development of sound theological anthropology. This means that according to Aquinas, human beings are essentially the same before and after the Fall. They only lack the 'gift of supernatural grace, or the *donum superadditum*'.<sup>92</sup> This thought implies that the gift which all humans received before the Fall, was not something essential to human beings nature, but something tacked on his or her nature. Accordingly, fallen humans are not so much 'depraved' as 'deprived'.<sup>93</sup> In short Aquinas fails to do justice to the devastating effects of the Fall on human nature.

Another criticism I want to level against Aquinas is one that is core to the subject of this study - embodiment. By this is meant the opposition between reason and the 'lower powers' held by Aquinas which suggests a kind of devaluation of the body as the seat of a human being's 'lower nature'.<sup>94</sup> According to Scripture, however, we do not find in humans lower and higher powers. As we will see in chapter 4, human being as a totality (body and soul) has been created by God and no aspect of her being is 'lower' (read body) or 'less noble' than other aspects.

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<sup>88</sup> Here I closely follow Hoekema, *Created in God's Image*, 39-40.

<sup>89</sup> See Plato, *The Timaeus*, 90 C; Aristotle, *De Anima*, 1, 408b; also *Nicomachean Ethics*, 10, 1177b.

<sup>90</sup> Hoekema, op cit., 39.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid., 40.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid., 39.

Again, this conclusion has the implication of marginalizing those persons who lack a fully intellectual capacity, and to whom the only means of relating is through bodily presence.

We have said that theological reflection's attempt to explain the *imago* in terms of human capabilities is deeply entrenched in the history of doctrine. One would hope that the story changes during the Reformation period. That is not the case. We will skip this period<sup>95</sup> and hope that perhaps a more recent theologian had woken up to the Christian West tradition's tendency to marginalize intellectually impaired people. To find out, we will engage Joseph Fletcher who embraced Lockean principles in trying to establish the parameters of what it is to be human.

### 3.4 Joseph Fletcher

The theology of the post-Reformation period did not add any new ideas to the theology of the *imago Dei*. Instead we trace a tendency to return to a scholastic conception of the image as a rational soul (*anima rationalis*), with the Aristotelian/Lockean concept of reason the formal basis for the *humanum*. John Locke followed Aristotle, Augustine and even Descartes in his definition of human beings as rational creatures. However, for Locke, this meant the ability to think in abstractions,<sup>96</sup> but considers those unable to do so as unreasonable creatures. He says: 'herein seems to lie the difference between Idiots and mad Men, That mad Men put wrong *Ideas* together, and so make wrong Propositions, but argue and reason right from them: But Idiots make very few or no Propositions, and reason scarce at all'.<sup>97</sup> So because cognitively impaired persons do not have innate/knowledge, they only appear to be human. Furthermore, Locke thinks that if bodily defects are assumed to make monsters (a general consensus among his contemporaries), all the more reason to think that rational impediments exclude an individual from being considered human.<sup>98</sup> For Locke, 'idiots' were neither moral nor soulish creatures,<sup>99</sup>

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<sup>95</sup> However see e.g., Luther's radical suggestion to drown a misshapen boy in id., *Table Talk* from September 1540 records. Luther suggested that a boy be suffocated. Asked why, he replied: 'Because I think he's simply a mass of flesh without a soul. Couldn't the devil have done this, inasmuch as he gives such shape to the body and mind even of those who have reason that in their obsession they hear, see, and feel nothing? The devil is himself their soul' (Martin Luther, 'Table Talk' in *Luther's Works* v. 54 (ed.), and trans. Theodore G. Tappert (Philadelphia: Fortress Press, 1967), 396-97; For Calvin see *Commentary on Genesis* and *Institutes of the Christian Religion*, I.15.3-5; I.2.13.

<sup>96</sup> John Locke, *Essay Concerning Human Understanding*, 2.11.12

<sup>97</sup> Ibid., 2.11.13. Kant seems to hold a similar idea. He says: 'the dumb could never attain the faculty of Reason itself, but only, at best, a mere "analogy of Reason"' (Jonathan Rée, *I See a Voice: Deafness, Language, and the Senses: A Philosophical History* (New York: Metropolitan Books, 1999), 93, a translation from Kant's *Anthropologie* [1798], in *Gesammelte Schriften* [Berlin, 1917], 8:155). As cited in Yong, 303.

<sup>98</sup> Locke, *Essay Concerning Human Understanding*, 4.4.16.

thus were not expected to inherit eternal life,<sup>100</sup> which made infanticide permissible.<sup>101</sup> Locke's opinion comes into sharp light in the thought of Joseph Fletcher.

Fletcher seems to conflate both Lockean principles and the content of *imago* when he says:

To be a person, to have moral being, is to have the capacity for intelligent causal action. It means to be free of physiology! It means to have selfness or self-awareness. This is something that is not found in the body or in any of its organs. In Biblical terms it means that man is made in the image of God, and that there he is self-conscious, saying "I am" and that he is self-determined, saying "I will".<sup>102</sup>

For Fletcher this is what it means to be a person and not an object which can be 'manipulated either by doctors of medicine or by the impassive operations of physical nature'.<sup>103</sup> So according to him, in Biblical terms, to be created in the image of God is to possess the capacity for *intelligent causal action*, and to be 'self-conscious' and 'self-determined'. There is a dualism of body and person at work in Fletcher's account of the person. For Fletcher, embodiment is not significant in establishing who persons are (I shall return to this point). To further grasp how Fletcher conflates Lockean principles and the *imago Dei* in human persons, and why human persons have a higher value than nonhuman animals it is necessary to examine Fletcher's attempt to provide the biomedical decision marker required for determining persons.<sup>104</sup>

Fletcher thinks that we cannot 'appraise quality or enumerate human values' if we cannot first articulate what a human being is.<sup>105</sup> So when he set out to define what it is to be a person, he initially listed twenty characteristics but later reduced them to four.<sup>106</sup> At that time, the language of personhood had not solidified because Fletcher could still use 'human' and 'person' interchangeably. However, moving forward, his view became the benchmark for distinguishing

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<sup>99</sup> Ibid., 4.4.13-14, 3.3.17. In his *Essays on the Law of Nature* (ca. 1660), Locke had this to say about 'idiots' and infants: 'There is no reason that we should deal with the case of children and idiots. For although the law is binding on all those to whom it is given, it does not, however, bind those to whom it is not given, and it is not given to those who are unable to understand it' (in W. von Leyden (Oxford: Clarendon, 1954), 203).

<sup>100</sup> Ibid., 4.4.14-15.

<sup>101</sup> Ibid., 3.4.26, 39.

<sup>102</sup> Joseph F. Fletcher, *Morals and Medicine: The Moral Problems of the Patient's Right to Know the Truth, Contraception, Artificial Insemination, Sterilization, Euthanasia* (London: Victor Gollancz, 1955), 218.

<sup>103</sup> Ibid., 219.

<sup>104</sup> Joseph F. Fletcher, 'Indicators of Humanhood: A Tentative Profile of Man', *The Hastings Center Report* November 2, no. 5 (1972), 1-4; see also idem, 'Four Indicators of Humanhood – The Enquiry Matures', in eds., Stephen E. Lammers and Allen Verhey, *On Moral Medicine: Theological Perspectives in Medical Ethics* 2<sup>nd</sup> ed. (Grand Rapids, MI: Eerdmans, 1998), 376-380.

<sup>105</sup> Ibid., 376.

<sup>106</sup> Ibid.

clearly between the class of human beings and the (narrower) class of persons. The four characteristics are meant to provide necessary and sufficient grounds for attributing the status of person to another. There are other proposals for the optimal traits and capabilities, however for Fletcher these four contend for the *sine qua non*, the essential core without which no combination of the others can add up to humanhood. The four traits nominated as the ‘singular *esse* of humanness’ are ‘neocortical function, self-consciousness, relational ability, and happiness’.<sup>107</sup> According to Fletcher, none of these contenders is mutually exclusive of any of the others, any more than the optimal indicators are (sense of time, curiosity, ideomorphous identity, obligation, reason-feeling balance, self-control, changeability, etc.).<sup>108</sup> However, which one of these traits, if any, is capable of upholding the others? Which one acts as the core of what it means to be human? For our present purpose, we will engage Fletcher’s four conversation partners and go between his two lists. It is not my purpose to try to evaluate each of these ‘criteria’ separately, as I am only interested in trying to make a more general point concerning the vagueness of this list.

We begin with Michael Tooley, who proposed what he called the ‘*self-consciousness requirement*’ as the singular *esse* of humanhood. Tooley’s thesis runs thus: ‘fetuses and infants do not meet this threshold, neither do machines which do not possess consciousness and thus may be sacrificed in a competing values situation’.<sup>109</sup> Further, Tooley thinks that nonhuman animals are also not self-conscious, a notion which is challenged by animal rights advocates and pet lovers but without much success. Indeed, consciousness of oneself as a self is quite a sophisticated concept which even the most ardent pet lover cannot easily claim for their pet. But what about persons who have deficient natural intellectual capacities and thus are not self-conscious? According to Tooley these persons would not meet the threshold for persons. For Tooley, an infant becomes a person when his or her ‘neurological “switchboard”’ comes alive allowing for consciousness of self to emerge.<sup>110</sup> I am inclined to reject Tooley’s proposal on what makes human beings more valuable than nonhuman animals because self-consciousness immediately rules out persons who are cognitively-intellectually impaired.

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<sup>107</sup> Ibid., 377.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.



*Relational ability* was proposed by Richard McCormick, Fletcher's second conversational partner. He says that 'the meaning, substance, and consummation of life is found in human relationships'.<sup>111</sup> Thus, 'life is a value to be preserved only insofar as it contains some potentiality for human relationships'.<sup>112</sup> On these grounds Fletcher argues that 'anencephalics certainly, and idiots probably, lack personal status, with a consequent lack of claim rights'.<sup>113</sup> 'If that [relational] potential is simply nonexistent or would be utterly submerged and undeveloped in the mere struggle to survive, that life has achieved its potential'.<sup>114</sup> Any person, then, that lacks 'relational potential' cannot be a person. Relationality is the theme that comes close to matching our proposal in this study. However, relationality as imagined by Fletcher, i.e., the capacity for personal status and thus ability to relate, privileges persons with the capacity for cognitive activity and discriminates against those without it. I am thus inclined to reject Fletcher's version.

The so-called '*happiness*' criterion was proposed by the third of Fletcher's conversation partner, a pediatrician who attended to cognitively impaired children. The pediatrician rejected Fletcher's suggestion that 'minimal intelligence' or 'cerebral function' is the essential factor in being human.<sup>115</sup> The pediatrician gave Fletcher the example of a boy she knew who was 'happy' and that in her opinion made him as human as any person living. But Fletcher concludes that by 'human' the pediatrician meant 'morally, not only biologically'.<sup>116</sup> The pediatrician proceeded to describe the little boy's 'affectionate response' to stimulus, a fact that reminds me of my own personal experience with such children and adults. Although Fletcher does not expound further the pediatrician's response, I am suspicious of his conclusion here. Again, from my experience in a similar hospital setting,<sup>117</sup> and my reading of other cases,<sup>118</sup> I am inclined to think that by 'happy' the pediatrician did not mean what Fletcher concluded to be simply 'euphoria', or 'happiness without any reason for it'.<sup>119</sup> I believe that what the pediatrician was expressing is

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<sup>111</sup> R. A. McCormick, 'To Save or Let Die: The Dilemma of Modern Medicine', *Journal of the American Medical Association* 229 (1974), 172-76. As cited in Fletcher, 'Four Indicators', 377.

<sup>112</sup> McCormick, *ibid.*, 172-76. We shall return to this point in chapter 3. Throughout this study, I am arguing that *all* human life has potentiality for relationship. Chapter 3 and 4 will attempt to demonstrate in what manner.

<sup>113</sup> Fletcher, 'Four Indicators', 377.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

<sup>117</sup> See chapter 1 'Introduction'.

<sup>118</sup> See the story of Kelly retold in this study, but first introduced by Reinders, *Gift of Friendship*, 19.

<sup>119</sup> Fletcher, 'Four Indicators', 377.

something that only comes with constantly being near and observing intellectually impaired persons. Indeed I suggest that the pediatrician had perhaps come to terms with the fact that being human has more to do with simply the possession of ‘minimal intelligence or cerebral function’ as suggested by Fletcher.

So far in our discussion, we have mentioned three traits suggested by Fletcher’s conversation partners as the content for what makes humans created in the image of God more valuable than nonhuman persons. However, we have rejected all three traits. What of Fletcher? Fletcher himself stands by his own hypothesis that ‘neocortical function’ is the ‘key to humanness’.<sup>120</sup> By this Fletcher means that without the ‘synthesizing function of the cerebral cortex’, that is, ‘without thought or mind, whether before it is present or with its end, the person is nonexistent’.<sup>121</sup> To Fletcher, such individuals are ‘objects but not subjects’.<sup>122</sup> Of course Fletcher emphasizes the cerebral cortex because he assumes that to be human is to be rational, or in his language, ‘*Homo* is indeed *sapiens*, in order to be *homo*. The *ratio*, in another turn of speech, is what makes a person of the *vita*. Mere biological life, before minimal intelligence is achieved or after it is lost irretrievably, is without personal status’.<sup>123</sup> For Fletcher, then, any individual who scores below the I.Q. 40-mark in a Stanford-Binet test is ‘questionably a person’, and if one scores 20 or below is not a person.<sup>124</sup> To attribute humanity to another, Fletcher argues that individuals must meet, even if minimally, the threshold of ‘sapient’.<sup>125</sup> For him, this is the *sine qua non*, or the uniting factor of all other traits which go into the fullness of humanness.<sup>126</sup> The neocortical function, then, is in Fletcher’s words the ‘key to the definition of a human being’.<sup>127</sup> Fletcher says: ‘[i]n Biblical terms it means that man is made in the image of God, and that therefore he is self-conscious’.<sup>128</sup>

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<sup>120</sup> Ibid., 378.

<sup>121</sup> Ibid.

<sup>122</sup> Fletcher, ‘Indicators of Humanhood’, 1-4.

<sup>123</sup> Ibid., 1.

<sup>124</sup> Ibid., 2.

<sup>125</sup> Fletcher, ‘Four Indicators’, 378.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Fletcher, *Morals and Medicine*, 218

### 3.4.1 Criticism

There are both empirical and substantive issues about Fletcher's position that need to be raised. Regarding the former, Fletcher seems to base his position on the assumption that activities such as instrumental learning and cognition reside entirely in the neo-cortex, an issue that has perhaps not yet been decisively established. While we cannot discount the importance of the neo-cortex for our behaviour, yet we should at least be aware that the identification of brain and mind is fraught with philosophical and empirical difficulties. Furthermore, we must be careful how we distinguish between body and mind, since it may be that our spirit and individuality is more dependent on 'mere biological or bodily processes'. More substantively, we can ask what purpose Fletcher's criteria are to serve. His criteria seem to lend themselves to an interpretation that would exclude many that are now receiving care as human beings. Furthermore, I agree with Stanley Hauerwas that Fletcher fails to distinguish between criteria that are 'necessary and those that are sufficient' to determine the human.<sup>129</sup> So, for example, if the threshold for being human is 'having a proper balance between rationality and feeling', then cognitively impaired people are, as are plenty of others, in perpetual peril of losing their status as humans.<sup>130</sup>

We have been examining the Christian tradition's perspective on the *imago Dei*, from which we conclude that the predominant view is substantive. As mentioned, this view places a significance on rationality, which risks marginalizing persons who are profoundly intellectually impaired. Consequently, we should seek an alternative path. Let us now turn and take a look at some dangers posed by a dominant substantive view, and why this traditional perspective should perhaps be augmented. These dangers will be examined by considering an issue relevant to our present purpose - rationality as the intrinsic value of human persons.

### 4. 'Rethinking Rationality': On the Intrinsic Value of Human Persons

The Christian tradition we have been examining is 'intellectualist'. This means that the tradition perpetuates the victimization of intellectually impaired persons by emphasizing intellectual capacities. But suppose the rationality thesis is true, that the capacity to exercise problem solving intelligence is fundamental to the intrinsic value of human persons. Would the criterion of rationality and feeling stand scrutiny? To further show what I mean, let us engage with

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<sup>129</sup> Stanley Hauerwas and Richard B. Burrell, 'The Retarded and the Criteria for the Human', in *Truthfulness and Tragedy* (Notre Dame, IN: Notre Dame Press, 1977), 160.

<sup>130</sup> Ibid.

philosophers Philip Quinn and Robert Adams.<sup>131</sup> Human beings are constantly trying to answer the question of what makes human persons innately valuable. In this endeavour, it is tempting to think that what makes a human being innately valuable must be ‘something’ that all and only human beings possess. But what might that be? I asked an undergraduate seminar group to respond to this question and their responses were quite interesting. The question was embedded in an example thus: if forced, for example, to choose between saving the life of a human child and saving the life of a pet in danger of drowning in the frigid waters of Durham City’s River Wear, most people would not hesitate to save the child and would, in so doing, be considered to have shown proper respect for the values at stake in the choice. What is the basis of this difference in value between human beings and non-human animals? After a time of discussion, the group decided that though difficult to articulate, there was what they called ‘a something’ that grounds this difference between human beings and animals. However, while some in the group were willing to finger rationality as that ‘something’, others were a bit hesitant. As we have seen in this study, the students who identified rationality stand in the company of many church fathers and theologians, some of whom we have considered in this study and many moral philosophers today.

‘And what is rationality?’ poses Adams. In answer to his own question, Adams says that ‘it seems not to be a single, simple feature of persons but a complex system of capacities – some that we possess in higher degree than non human animals, some that we have and they don’t have at all, and perhaps some that we simply share with nonhuman animals’.<sup>132</sup> That this answer is appealing should not come as a surprise, now that we know most of the famous definitions have it that human being is a rational animal.<sup>133</sup> Philip Quinn thinks that accepting this definition, is the beginning of securing an ‘attractive economy’ in our thought if we suppose that rationality, which accounts for only one specific difference between human beings and all nonhuman animals, also grounds the difference in value between human beings and all other animals.<sup>134</sup> From here it is not difficult to see the appeal in concluding that rationality is the defining characteristic of human beings, and that which makes them inherently valuable, since as

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<sup>131</sup> Philip L. Quinn, ‘On the Intrinsic Value of Human Persons’, in eds., Peter van Inwagen and Dean Zimmerman (Oxford: Clarendon, 2007); Robert Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York: Oxford University Press, 1999).

<sup>132</sup> *Ibid.*, 115.

<sup>133</sup> See Boethius’ Fifth Tractate which is embraced by every philosophical article on the concept of ‘person’.

<sup>134</sup> Quinn, ‘On the Intrinsic Value of Human Persons’, 244.

far as we can tell, rationality makes human beings valuable among other earthly beings. If we hold that rationality makes human beings special among other non human animals, we need to say more about what rationality is for the proposal to be more illuminating.

Philosophers have often disagreed sharply about which capacities undergird rationality, even though it is now widely accepted that rationality is a complex system of capacities reasonably regarded as excellent which include ‘rationality, but also emotional, social, and creative capacities’.<sup>135</sup> All of these capacities are related to rationality but go beyond it in various ways. For example, as Quinn says, for Hume, practical reason is nothing more than the capacity to reason about means to ends independently fixed by desire. On the other hand, Kant’s understanding of practical reason is more ‘capacious’, and it includes the ‘capacity to set ends, the capacity for self-legislation, and the capacity to transcend natural causation’.<sup>136</sup> I agree with Quinn that if we are to accept rationality as the ‘something’, which some of my students could not articulate, that makes human persons intrinsically valuable, then at least three constraints must be satisfied by an acceptable account of rationality.<sup>137</sup> First, according to Quinn, rationality must be attributed to all human persons, because we are committed to the idea that all human persons possess this value.<sup>138</sup> Secondly, ‘equal rationality’ must be attributed to all human persons, since we are also committed to the notion that human persons are ‘equally valuable’.<sup>139</sup> Thirdly, perhaps rationality should be the preserve of humans only.

At the end, when measured against these constraints, both Hume’s and Kant’s account of practical rationality fall short. If we are in doubt about the capability of human persons transcending natural causation, then it is far from clear that Kant’s account fulfills the first constraint. Furthermore, different human persons possess in different degrees both the capacity to ‘set ends’ and the capacity to ‘reason instrumentally’.<sup>140</sup> Consequently, this means that both Hume and Kant fail to satisfy the second constraint. How do we respond to such a dilemma? A natural response is to construct what Adams thinks is a rationality that does not come in ‘degrees’ but one an individual simply possesses or does not. He says: ‘rational agency may be a plausible candidate; we could say that one has enough rationality to be a rational agent, and to be

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<sup>135</sup> Adams, *Finite and Infinite Goods*, 117.

<sup>136</sup> Quinn, ‘On the Intrinsic Value’, 244.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

as much a rational agent as anyone else (though not as rational in *every* sense), if one is able *at all* to do something *for a reason*'.<sup>141</sup> In short, all rational agents deserve equal regard.

To the extent this solution works, Adams proposes that it is quite compatible with supposing that rational agency in the indicated sense is an 'excellence and, indeed, a way in which we image God'.<sup>142</sup> For Adams, rational agency will be equal in all who possess it, and so it will ground an attribution of equal intrinsic value to them all. This proposal encounters a familiar tension. Firstly, as we have severally mentioned, not all human beings are rational agents in this particular sense. Most often the response to this difficulty is to deny the personhood of such human beings, which would, on that account, allow one to continue to hold that all human persons are rational agents and so equal in intrinsic value. However, denying that such human beings are persons does not seem like a viable option to those who hold that such a denial perpetuates the stigma imposed on people with cognitive impairment and makes them more vulnerable to suffer from abuses. Secondly, some nonhuman primates will probably turn out to be rational agents in the sense specified by Adams.<sup>143</sup> Take for example documented cases of some primates demonstrating action that proves reason in the course of their behavioral sequence and thus the exercise of rational agency. Quinn thinks that a good response to this difficulty would be to elevate the qualification for rational agency, to a level which no matter how intelligent a nonhuman animal is, its behaviour would not qualify as an exercise of a rational agent.<sup>144</sup>

The difficulty with this proposal is that, for it to be consistent, a large number of human beings who suffer from intellectual disability are in danger of being left out. In short, if we specify rationality in terms of rational agency, as suggested by Adams, perhaps we will be forced to conclude either that 'not all human beings are rational agents or that some nonhuman animals are rational agents'.<sup>145</sup> Here I agree with Quinn, that in both cases, rationality thus understood seems at best a problematic candidate for the role of grounding the intrinsic value of human persons as such because all and only human persons have it.<sup>146</sup> But could these tensions with Adams' proposal be merely 'technical problems' that could be solved with sufficient

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<sup>141</sup> Adams, *Finite and Infinite Goods*, 115.

<sup>142</sup> *Ibid.*

<sup>143</sup> See *ibid.*, 117.

<sup>144</sup> Quinn, 'On the Intrinsic Value', 245.

<sup>145</sup> *Ibid.*; see also Peter Singer, *Animal Liberation: A New Ethics for our Treatment of Animals* (London: Cape, 1976).

<sup>146</sup> Quinn, 'On the Intrinsic Value', 245.

‘ingenuity’? May be, but there seems to be a much deeper problem with the attempt to understand what makes human persons inherently valuable in terms of rationality alone.

Thus, I suggest that in the same way ‘speciesism’ is the assigning of different values or rights to beings on the basis of their membership in a particular species, so does the reduction of human value to rationalism betray what I have called ‘intellectualism’. And so, just as ‘speciesism’ or ‘anthropocentrism’ stands for a kind of behaviour that selfishly disregards the legitimate interests of members of other species, so is ‘intellectualism’. As I define intellectualism, it is a deplorable behaviour that selfishly disregards the legitimate interests of persons suffering from cognitive impairment. When I use the term ‘intellectualism’, then, I am describing the prevalent marginalization and stigmatization practiced by sections of society against persons who are profoundly intellectually impaired. I suggest that to use the criterion of intelligence as the threshold that warrants the exclusion of those that repel and think differently from us is to practice ‘intellectualism’. Furthermore it is to cut off the moral basis of our ability to be rational at all.<sup>147</sup> Richard Ryder, the British psychologist who coined the term ‘speciesism’<sup>148</sup> drew a parallel between speciesism and racism which I want to adopt. He says:

speciesism and racism are both forms of prejudice that are based upon appearances – if other individual looks different then he is rated as being beyond the moral pale [...] Speciesism and racism both overlook or underestimate the similarities between the discriminator and those discriminated against and both forms of prejudice show a selfish disregard for the interests of others, and for their sufferings.<sup>149</sup>

‘Intellectualism’, then, I suggest, is also a form of discrimination, and like all discrimination it does not recognise or simply underestimates the similarities that exist between the discriminator and those discriminated against. Indeed, cognitively impaired persons are one of the societal groups against whom it still seems socially acceptable to hold prejudice. Perhaps it is not surprising that ‘intellectualism’ is prevalent in a society dominated by intellectuals. What I believe society needs is for some intellectuals to take a stand for fellow cognitively impaired individuals, and particularly for those who are severely intellectually impaired. It has been done

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<sup>147</sup>Hauerwas and Burrell, ‘The Retarded’, 162.

<sup>148</sup> See also Peter Singer, who employs the notion of species, and roughly follows Ryder in his characterization of speciesism; expect that he focuses on attitudes instead of behaviour. ‘Speciesism’ he writes, is an ‘attitude of bias toward the interests of members of one’s own species and against those of members of other species’ (*Animal Liberation*, 7). See also Singer, *Rethinking Life and Death: The Collapse of Our Traditional Ethics* (Oxford: Oxford University Press, 1995), 173; Singer also elaborates his new ‘fifth new commandment’: ‘Do not discriminate on the basis of species’ (202-206).

<sup>149</sup> Richard Ryder, *Victims of Science: The Use of Animals in Research* (London: National Anti-Vivisection Society Limited, 1983), 16.

in other situations. For example the civil rights movement did and still stands up for the marginalized minorities. The disability rights movement stood up for the inclusion of the physically impaired, and even nonhuman animals have advocates like Mercy for Animals (MFA) and PETA.<sup>150</sup> But who will stand up for our fellow human beings who are cognitively impaired?

Perhaps all it takes are a few reminders that should convince most cognitively able people that framing what it means to be human in terms of rationality or closely allied notions is way too narrow. Indeed, Adams, rightly, thinks that such accounts that elevate reason as the one factor which makes human beings valuable are ‘much too simple and one-sided’.<sup>151</sup> Adams’s starting point is perhaps a bit strange. He starts from bad things done or which happen to human persons that count as violations of their personhood. This negative method of addressing the question is employed in several other recent discussions of the value of persons. For example according to Nicholas Wolterstorff, if we wish to identify the theme in Christian thought that provides a reason for favoring the political arrangements typical of modern liberal democracies, we must turn our attention to the great evil of violating human persons. Wolterstorff’s argument makes contact with Adams’ when the latter thinks he can identify two necessary conditions for violating personhood. The scope of this section does not permit me to examine his views in any detail. Here I will just mention the two main conditions. He spells out the first condition thus:

An act that violates a person must *attack* the person. Its foreseeable effects must be so damaging to the person, or so contrary to her (actual or presumed) will, that fully intending them, in the absence of reason to believe them necessary for the prevention of greater harm to her, would constitute *hostility* toward the person.<sup>152</sup>

The second he formulates thus: ‘a violation is an act that attacks the person *seriously* and *directly*. Most (but not all) violations of a person will assault her body.’<sup>153</sup> However, if rationality makes humans persons intrinsically valuable, Adams asks: ‘why should we feel so violated by things that are done to (for example) our sexual organs?’<sup>154</sup> Thus not all violations of human personhood involve violation of the person’s rationality, as is indicated by cases of sexual

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<sup>150</sup> People for the Ethical Treatment of Animals (PETA) <http://www.peta.org/>; MFA (<http://www.mercyforanimals.org/>).

<sup>151</sup> Adams, *Finite and Infinite Goods*, 116.

<sup>152</sup> *Ibid.*, 108.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*, 116.



violation such as rape. Furthermore, violation of rationality is not the only kind of violation of human personhood.

Summarizing, now, what makes human persons inherently valuable is not exhausted by their rationality. This is not to say that we should completely exclude rational agency from the image of God. In fact Adams thinks that interfering with a person's rational agency through techniques such as mind-altering drugs seem to violate the image of God.<sup>155</sup> Still even though rationality is one of the things that make us human persons intrinsically valuable, there is more than rational agency, and more than rationality, to the image of God in us. I suggest it is important that we grasp this lesson because it paves the way for us to understand the multiplicity of grounds for the intrinsic value of human persons and thus to a richer appreciation of their value. I have been dwelling on this discussion because I intended to disprove the notion that rationality alone makes human persons inherently valuable. In the next two chapters, we will turn to an exploration of relationality and embodiment as potential, and favorable, to ground personhood. However, before that, let us now attempt to push against a prevalent move in philosophical discourse - animalizing cognitive impairment and then finally begin to point toward my own preferred approach to the core issue of our study.

## **5. Unmasking the 'Beast': The Case Against Animalizing Cognitive Impairment**

Recall that in this chapter we have been saying that the Christian tradition has, perhaps unknowingly, been culpably inattentive to its marginalization of cognitively impaired persons for giving significance to rationality in its views of the *imago Dei*. In this section, and in anticipation of chapter 5, I want to show that it is not only the Christian tradition that is guilty of marginalizing cognitively impaired persons, but that these fellow human beings are marginalized in social and philosophical discourse. Of these two forms of marginalization, I find the depiction of cognitively impaired people in philosophical discourse as *non*-persons and radically Other a more pressing issue to tackle. I take a stand against the animalization of intellectual disability in philosophical discourse because there is a deeply held notion that 'by definition ... we [normals] believe the person with a stigma is *not* quite human'.<sup>156</sup> What I am saying is that intellectually impaired individuals are as much persons as anyone else is, not Other, and not a lower kind that

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<sup>155</sup> Ibid.

<sup>156</sup> See Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (Garden City, NY: Anchor, 1961).

we set off from the human kind. Animalizing cognitive impairment is one of the most pervasive ways in which profoundly cognitively impaired persons are stigmatized.

Animalizing persons with bodily defects and cognitive impairment was common in Locke's time. Recall Locke's opinion, that: 'Idiots' are neither 'moral nor soulish creatures'.<sup>157</sup> Consequently they are not expected to inherit eternal life,<sup>158</sup> and infanticide is thus permitted.<sup>159</sup> Today animalizing is confined to intellectually impaired individuals. Consider the examples found in the anthology *Ethics in Practice* where all of the references to 'deficient humans' are found in the section on animals.<sup>160</sup> But why is this so? Why do some in society and moral philosophical discourse regard intellectual disability in such terms? The quick answer is that it is because philosophy and society seems to have generally made a connection between intellectual disability and animality. Michel Foucault calls it 'animality of madness'.<sup>161</sup> In his *Madness and Civilization*, Foucault paints a troubling picture of how society has historically treated those human beings who are cognitively impaired. He documents a certain image of animality that haunted the hospitals of the period concluding that 'madness borrowed its face from the mask of the beast'.<sup>162</sup>

Some philosophical discourse thinks of individuals with cognitive impairments as a kind more akin to animals than to other humans. In essence, cognitively impaired individuals have in many respects become our 'philosophical pets'. Hence although these fellow humans are often there in philosophical discussions, they are there under the banner of non-human animals. This continued stigmatization of fellow human beings by some philosophers is a wrong that needs to be corrected. The association between cognitively impaired persons and animals may manifest itself in two ways: Firstly, it can be comparative, in which case the status of persons with cognitive impairment is compared with animals or the 'relationship between "normal" human beings and the "intellectually disabled" is thought analogous to our relationship with animals'.

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<sup>157</sup> Locke, *Essay Concerning Human Understanding*, 4.4.13-14, 3.3.17. See also id., *Essays on the Law of Nature* (ca 1660). Here Locke had this to say about 'idiots' and infants: 'There is no reason that we should deal with the case of children and idiots. For although the law is binding on all those to whom it is given, it does not, however, bind those to whom it is not given, and it is not given to those who are unable to understand it'.

<sup>158</sup> Ibid., 4.4.14-15.

<sup>159</sup> Ibid., 3.4.26, 39.

<sup>160</sup> Hugh LaFollette, *Ethics in Practice: An Anthology* (Cambridge, MA: Blackwell, 1997), 692. Note the choice of the term 'deficient' to refer to these individuals. The other appearance of this group in the index is under 'mental defectives' followed by 'see deficient humans' (697).

<sup>161</sup> Michael Foucault, *Madness and Civilization: A History of Insanity in the Age of Reason*, trans. Richard Howard (London and New York: Routledge, 2001), 73.

<sup>162</sup> Ibid., 68.

Secondly it can be definitional. Here cognitively impaired individuals by virtue of certain quantitative qualities, or lack thereof, are placed in the same moral category as non-humans.<sup>163</sup>

For example, in his discussion of ‘idiots’, Vinit Haksar draws a hard line between intellectually impaired individuals and human beings. Haksar even seems to suggest that these impaired persons are less worthy of moral consideration than animals. He says: ‘It is sometimes thought that human beings, unlike animals, have rationality. But some idiots are less rational than some animals, so why should we give more weight to the interests of idiots than to the interests of animals?’<sup>164</sup> Some philosophers are not content with these moves in philosophical discourse and hence push against it. For example Martha Nussbaum, whom we will engage further in chapter 5, defends her Capabilities Approach’s ability to include individuals with intellectual impairments. In doing so, she discusses among others, Eva Kittay’s profoundly intellectually impaired daughter Sesha. When arguing for the possibility of imagining a conception of human flourishing that includes Sesha, Nussbaum makes the following move:

An emphasis on the species norm makes sense even when we are considering a woman like Sesha, who may never be able to attain the whole list of capabilities on her own, and may need to attain some of them through the proxy of her guardians. For what the species norm says to us is that Sesha’s life is to that extent unfortunate, in a way that the life of a contented chimpanzee is not unfortunate. People with severe impairments are all too often compared to higher animals. In some ways this analogy can be revealing, reminding us of the complex cognitive abilities of animals. But in other ways it is quite misleading.<sup>165</sup>

Although Nussbaum here discusses Sesha in comparison to a chimpanzee, she does acknowledge that there is something revolting about animalizing cognitive impairment.<sup>166</sup> Paul Spicker also argues against the comparison of cognitively impaired individuals with animals for two reasons: (1) ‘the moral rights accorded to humans and animals are not equivalent’ and (2) ‘the behaviour of people toward animals is generally different from the behaviour of people toward other people. The identification of mentally handicapped people with animals is liable to change the

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<sup>163</sup> See Licia Carlson, *The Faces of Intellectual Disability: Philosophical Reflections* (Bloomington, IN: Indiana University Press, 2010), 134. Quantitative portraits of cognitive impairment raise philosophical issues like the question of marginal persons, the problem of drawing the line between mild, moderate, and severe cases. See id., ‘Mindful Subjects: Classification and Cognitive Disability’ (Ph.D. diss., University of Toronto, 1998).

<sup>164</sup> Vinit Haksar, *Equality, Liberty, and Perfectionism* (Oxford: Oxford University Press, 1979), 18.

<sup>165</sup> Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, MA: Belknap, 2006), 192. Here I think Licia Carlson is a bit hard on Nussbaum when she lumps Nussbaum with philosophers who animalize cognitive impairment when discussing the inclusion of such persons. I think Nussbaum is in fact making a point quite close to Carlson and mine.

<sup>166</sup> See *ibid.*, 363-65, where Nussbaum expands on the problems of drawing these connections.

way in which other people behave towards them'.<sup>167</sup> I agree. However, the practice is prevalent in philosophical debates, and most authors are uncritical of these moves.

But are we pressing the question for nothing? I think not. The moves made in philosophical discourse are by no means a purely academic exercise. The concrete consequences of these moves are profound and become clearer when we critically examine an even more prevalent philosophical move: invoking cognitively impaired individuals in arguments against the wrongness of killing and speciesism.

Jeff McMahan and Peter Singer, like most philosophers who animalize cognitive impairment, use the severely intellectually disabled to illustrate examples of the badness of killing and speciesism or what McMahan calls anthropocentrism. They do this by examining the issue of experimentation and the killing of non-human animals. It is not surprising that the congenitally severely cognitively impaired individuals are often used (I will later mention why mild cases are not used) to illustrate examples of the badness of killing and speciesism. Thus once we start to examine the case of the congenitally severely cognitively impaired, or in McMahan's words, 'the severely retarded',<sup>168</sup> the argument ultimately collapses into a comparison of animals and severely cognitively impaired human beings and speciesism.

Consider the wrongness of killing and recall Haksar's quote above. McMahan advances a similar view. Like Haksar, he also does not think there are any 'morally significant intrinsic differences between severely retarded human beings and animals with comparable psychological capacities'.<sup>169</sup> In fact he thinks that it is impossible to distinguish, in some cases, intellectually impaired people and nonhuman animals. He states: 'How a being ought to be treated depends, to some significant extent, on its intrinsic properties – in particular, its psychological properties and capacities. With respect to this dimension of morality, there is nothing to distinguish cognitively impaired people from comparably endowed nonhuman animals'.<sup>170</sup>

In a section of his book *The Ethics of Killing* titled 'Animals and Severely Cognitively Impaired Human Beings', which some may find alarming, McMahan examines the inherent anthropocentrism in the sanctity of life argument – the traditional belief, by identifying some 'difference in *intrinsic* or nonrelational properties' that only human beings possess and which

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<sup>167</sup> Paul Spicker, 'Mental Handicap and Citizenship', *Journal of Applied Philosophy* 7(1984), 139-51.

<sup>168</sup> *Ibid.*, 205.

<sup>169</sup> Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002), 228. (Hereafter *EoK*).

<sup>170</sup> See Jeff McMahan, 'Cognitive Disability, Misfortune, and Justice', *Philosophy & Public Affairs* 25 (1996), 32.

then makes them sacred. McMahan does not think the traditional position held by speciesism about the appropriate treatment of severely intellectually impaired human beings and about the permissibility of various widely accepted practices involving the use and killing of animals is compatible with what he calls the Time-Relative Interest Account.<sup>171</sup>

McMahan argues that the Time-Relative Interest Account (henceforth TRIA) offers an explanation of why the killing of animals is less seriously objectionable than the killing of persons. This is because the ‘psychological capacities of animals are significantly less well developed than those of persons’, thus ‘the range of goods accessible to them is narrower and the degree of psychological unity within their lives is less’.<sup>172</sup> Animals, then, have a weaker time-relative interest in continuing to live than a person normally does.<sup>173</sup>

Thus when challenged on their treatment of animals, some people typically respond by citing the various differences between the psychological capacities of persons and those of animals.<sup>174</sup> In short, McMahan presents a possibility that his TRIA approach offers a plausible explanation of the moral significance of the differences between human beings and non-human animals that are typically cited when individuals are confronted to justify the belief that killing the latter is morally much less serious than killing persons. For example that it is precisely our possession of these various psychological capacities that enables us to have a time-relative interest in continuing to live that is so much stronger than that of any other animal.

Thus McMahan: ‘There is a serious problem here, which is that, whatever we take to be the range of psychological capacities that differentiate us morally from animals, there are some human beings whose psychological capacities are no more advanced than those of certain animals’.<sup>175</sup> McMahan distinguishes three groups of which this is true: (1) fetuses and infants, (2) those with acquired cognitive impairment like dementia and those with brain damage, and (3)

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<sup>171</sup> I will return and examine in detail the concept of a time-relative interest in chapter 4 and 5. Suffice it to say here that the concept is introduced by McMahan to solve the puzzle of the badness of death (Id., *EoK*, 170-174, 183-188). Many people believe that the badness of death is measured in terms of its effect on the overall value of life as a whole (See e.g., James Rachels, *The End of Life: Euthanasia and Morality* (Oxford: Oxford University Press, 1986), 6). Most people, then, believe that death is worse for a twenty year-old than for a late fetus. The concept of a time-relative interest can supposedly explain why death is worse for a twenty-year-old than for a late fetus. This is because while the fetus has more valuable future than a twenty-year-old, it is also less psychologically invested in its future than the twenty-year-old.

<sup>172</sup> McMahan, *EoK*, 204.

<sup>173</sup> Ibid.

<sup>174</sup> For example, that we – but not they – are capable of ‘self-consciousness, rationality, and autonomy, planning for the future, using language, distinguishing right from wrong, etc.’ (Ibid.).

<sup>175</sup> Ibid., 204.

congenitally severely cognitively impaired human beings. To him, because of their individual ‘rudimentary cognitive and emotional capacities’,<sup>176</sup> human beings of all three types have a comparatively weak time-relative interest in continuing to live’.<sup>177</sup>

Of the three groups, McMahan thinks that the most problematic case is that of the severely cognitively impaired because these individuals have ‘cognitive and emotional capacities no higher than those of certain animals’. So as a consequence, he thinks that these severely intellectually impaired individuals’ ‘time-relative interest in continuing to live is *not* stronger than that of their nonhuman counterparts’.<sup>178</sup> McMahan’s conclusion is what many people would find unwelcome. He says: ‘According to the Time-Relative Interest Account, therefore, it is no more wrong, other things being equal, to kill a severely retarded human being than it is to kill an animal with comparable psychological capacities’.<sup>179</sup> For McMahan, the fact that many people would object to this but not the killing of non-human animals puts into relief our anthropocentric bias: the basis for our outrage in the case of the severely cognitively impaired person is based on an arbitrary value placed on membership within the species *Homo sapiens*.

McMahan goes on to argue that not only are the ‘psychological capacities of the severely cognitive impaired comparable to those of certain animals, but they also have no more potential than those animals’.<sup>180</sup> Additionally, for him, these individuals are not ‘distinguishable from animals in the way that fetuses and infants are, nor do they have a former status that differentiates them from animals in the same way as the demented’.<sup>181</sup> In short, for him, it is difficult to identify *any* intrinsic difference between the severely intellectually impaired and animals with comparable psychological capacities that is relevant to the morality of killing them.

Peter Singer addresses the issue of killing non-human animals by examining the inherent speciesism<sup>182</sup> in the sanctity of life argument. This is the belief that human life, and only human life, is sacred.<sup>183</sup> Singer examines the example of an infant born with ‘massive and irreparable brain damage ... so severe that the infant can never be any more than a “human vegetable”,

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<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid., 205.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid., 206.

<sup>182</sup> Singer defines speciesism as ‘a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of other species’ (See Peter Singer, *Animal Liberation* (London: Pimlico, 1995), 6.

<sup>183</sup> Ibid., 17.

unable to talk, recognize other people, act independently of others, or develop a sense of self-awareness'.<sup>184</sup> He then asks whether, if asked by the child's parents, the doctor should kill the infant.<sup>185</sup> Singer is aware that this would be revolting to many people. However, he thinks this is exactly where speciesist bias is exhibited, where the killing of non-human animals is not a big issue as the killing of an individual born of human parents. So he argues that the reaction to the killing of an human infant, albeit one who is severely intellectually impaired is based on what he thinks is an arbitrary value placed on species membership. Singer disagrees with this, and thus argues that there are more relevant features on which we should base our judgment in the case of killing. He says, and I will quote him at length:

Adult chimpanzees, dogs, pigs, and members of many other species far surpass the brain-damaged infant in their ability to relate to others, act independently, be self-aware, and any other capacity that could reasonably be said to give value to life. With the most intensive care possible, some severely retarded infants can never achieve the intelligence level of a dog.... The only thing that distinguishes the infant from the animal, in the eyes of the those who claim it has a "right to life", is that it is, biologically, a member of the species *Homo Sapiens*, whereas chimpanzees, dogs, and pigs are not. But to use this difference as the basis for granting a right to life to the infant and not to the other animals is, of course, pure speciesism. It is exactly the kind of arbitrary difference that the most crude and overt kind of racist uses in attempting to justify racial discrimination.... Those who hold the sanctity of life view do this, because while distinguishing sharply between human beings and other animals they allow distinctions to be made within our own species, objecting to the killing of the severely retarded and the hopelessly senile as strongly as they object to the killing of normal adults.<sup>186</sup>

To Singer, then, there are more important criteria on which to base moral boundaries, which would make the killing of animals equally if not more revolting than the killing of brain-damaged infants. In this example, as well as when he examines experimentation, severely intellectually impaired persons serve to illustrate a bias toward our own species which, according to Singer, is both inappropriate and arbitrary.

But note that Singer does not discuss the mildly impaired. Why so? Is it because he thinks they possess the capacities often considered relevant for moral preference? I suspect that moral philosophers like Singer and McMahan use the severely impaired in the manner they do in their discourse because these individuals are at the margins of definitions of personhood. As fringe members who, according to some, are only *Homo sapiens* by virtue of biology, the

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<sup>184</sup> Ibid.

<sup>185</sup> Singer has argued for infanticide in cases where parents demand it. See Singer, *Should the Baby Live? The Problem of Handicapped Infants* (Oxford: Oxford University Press, 1985).

<sup>186</sup> Singer, *Animal Liberation*, 18-19.

severely intellectually impaired seem suited to these philosophers to illustrate the arbitrariness of this boundary. My contention is that moral philosophy has ‘tilted’ this boundary.<sup>187</sup> Traditionally society has thought of an imaginary vertical line which separates the species *Homo sapiens* from all nonhuman animals. However, I think the line has now been tilted horizontally and I.Q. is used to determine persons (those that fall above the line) and non-persons (those who fall below the line). After the line is tilted, it becomes easy to strip our severely impaired fellow human beings of all relevant human qualities, place them at the margins of humanity and claim that there is something unjust about preferring them to animals that possess higher qualities. Indeed, only a group so far removed from ‘us’ could convince us that there is only one feature which we have in common, biological membership, and that this feature is morally irrelevant.

Interestingly Singer does not choose those with acquired cognitive deficits to make his case against speciesism. Arguably, they ‘can never achieve the intelligence level of a dog’. And a ‘chimpanzee, dog or a pig will have a higher degree of self-awareness than Grandma’.<sup>188</sup> So we might decide that ‘an experiment cannot be justifiable unless the experiment is so important that the use of ... [those who have suffered brain damage of dementia] would also be justifiable’.<sup>189</sup> Perhaps we would conclude that it is better to save the life of a normal human being than Grandma’s, or that our choice to experiment on an animal rather than Grandma is arbitrary and unjustifiable, and in making it we join racists and sexists in our brand of discrimination. But why do these examples seem troublesome? Because Grandma, for many of us, has a human face and a human history, and stands in some kind of relationship with other human beings, while for many a ‘human vegetable’ or a brain-damaged infant does not. As Carlson says, severely cognitively impaired individuals present us with a case to which many of us have little exposure or emotional resonance, and draws on our preconceptions and intuitions about individuals with severe intellectual disabilities.<sup>190</sup> Unlike Singer, McMahan does not avoid discussing those who are hopelessly senile and those with brain damage. But again his conclusion is troubling. He says: ‘it seems that Time-Relative Interest Account implies that it would be no more seriously

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<sup>187</sup> I am indebted to Robert Song for this idea.

<sup>188</sup> *Ibid.*, 19.

<sup>189</sup> *Ibid.*, 85.

<sup>190</sup> Carlson, *The Faces of Intellectual Disability*, 143.



wrong, other things being equal, to kill [those with acquired dementia] than it would be to kill an animal with comparable psychological capacities'.<sup>191</sup>

McMahan concludes that speciesism alone cannot justify giving preference to the interests of intellectually impaired over 'comparably endowed animals'. He presents these fellow human beings as if the only thing we share with them is membership in the species *Homo sapiens*. He says: 'Bare co-membership in the human species, which is what we share with the cognitively impaired, does not involve personal ties, mutual sympathy, shared values, a common commitment to a certain way of life, social cooperation, or any of the other features of relations that are more readily recognizable as legitimate bases for partiality'.<sup>192</sup> Again, McMahan's position is predicated on his belief, like Singer's and Joseph Fletcher's, as we saw in chapter 2, that personhood requires more characteristics than simply being a member of *Homo sapiens*.

Perhaps severely cognitively impaired individuals as a group are chosen to refute speciesism and the badness of killing not only because its members are often believed to have more in common with animals than with humans, but because they are perceived as radically other.<sup>193</sup> As Carlson says, many philosophers are not familiar with the history of the 'classifications and the complexities of this condition (e.g., its internal and external heterogeneity and its instability)'.<sup>194</sup> So McMahan's claim that 'bare co-membership' in the species and Singer's claim that we may have more in common with an intelligent Martian than with an individual who is severely cognitively impaired are just two examples of the ways that these so-called non-persons have been relegated to the sphere of profound otherness. Furthermore, in addition to Martians discussed by both McMahan and Singer, I think that all the common analogies that invoke, for example, 'halflings', 'Frodo', and all other hypothetical characters borrowed from popular culture and used in philosophical discourse are also culpable of relegating severely impaired individuals to this sphere of otherness.

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<sup>191</sup> McMahan, *EoK*, 205.

<sup>192</sup> McMahan, 'Cognitive Disability', 34.

<sup>193</sup> Of course this group is not the first to be accorded such status. The idea of the Other was first philosophically conceived by Emmanuel Levinas (see id., *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh, PA: Duquesne University Press, 1969), and later made popular by Edward W. Said. Work that has been done on otherness in relation to race, gender, ethnicity, and disability is too broad to mention here. However see for example Said's account of Otherness which has been followed by a growing body of literature in postcolonial discourse on the process of dehumanization which accompanies this position of otherness. See id., *Orientalism* (London: Routledge and Kegan Paul, 1978).

<sup>194</sup> Carlson, *The Faces of Intellectual Disability*, 144.

In conclusion, it is unfortunate that when our fellow human beings who are socially marginalized do become visible in philosophical discourse, it is often in ‘truncated, distorted, or prototypical form’.<sup>195</sup> Additionally, it is equally disappointing that work like Singer’s, which is allegedly aimed at dispelling myths and refuting ‘complacent, unargued assumptions’ about one marginalized group, draws on and perpetuates myths and assumptions about another. And for me, McMahan’s distinction of ‘them’ from ‘us’ based on a set of desirable characteristics amounts to the same harmful nationalism he abhors as virulent nationalism.<sup>196</sup> Although absent from many other areas of philosophy, the presence of cognitive impairment in discussions of animal rights is striking, and it reveals certain features of the traditional approach to intellectual impairment in philosophy. I am arguing that the gravity of the claims being made, e.g., when it is justifiable to kill, should offer enough compelling reasons to refrain from animalizing fellow human beings both in arguments devoted to refuting speciesism, the wrongness of killing and in other philosophical and social discussions about cognitive impairment.

## **6. The *Imago Dei* in Biblical Teaching**

In this section, I want to briefly begin pointing to my preferred approach (non-structural/non-functional), to the core issue of this study. In the history of Christian thought, the Christian doctrine of human beings created in God’s image as explicitly stated in (Genesis 1:26-28; 5:1-3; 9:6 and as appears in 1 Corinthians 11:7; 2 Cor. 4:4; Col. 1:15) has received a lot of attention. Here I intend to only sketch a brief outline of the main points in Biblical teaching.<sup>197</sup> One of the anomalies in the study of this theme is that while it has generated volumes of literature, it is rarely mentioned and it does not play a very important part in the Bible. Furthermore, the Bible does not provide definitive answers to all the questions raised about the content of the image of God or of personhood. Was it an oversight on the part of the biblical authors which leads some to conclude that the Bible is not relevant in modern discussions of personhood? The lack of definitive answers may have more to do with the nature of the questions than the content or relevance of the Bible. In many ways, it may be that the wrong questions are being asked of the Bible. While the most distinctive feature of biblical anthropology is the teaching that human

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<sup>195</sup> Ibid.

<sup>196</sup> McMahan, *EoK*, 221.

<sup>197</sup> For an extended coverage of this theme as presented in the Bible, see Barth, *CD III/1*§46 Doctrine of Creation; Bruner, *Man in Revolt*, 82-112 and Appendix I, 499-16; Cairns, *The Image of God in Man*, 17-32; Hoekema, *Created in God’s Image*, 11-32.

beings are created in the *imago Dei*, the Bible is not a philosophical treatise on such issues as personhood and human nature. It is evident that the biblical authors were not interested in answering the questions of the content of the image, the origin of the soul, and the extent of freedom, all of which have been brought into sharp focus throughout the history of Christian thought. The most enduring of this, as we have seen in our exposition of the theme in tradition, is the content of the image.

What, then, is the Bible keen to communicate when it states that human beings are made in the image of God? Most expositors acknowledge that the theme is critical to understanding human nature and to all the affirmations of biblical anthropology in both the Old and New Testaments. However, the phrase is not used extensively in either Testament, and Old Testament does not mention it much. In fact the concept is only stated directly in only three passages in the book of Genesis, and alluded to in Psalm 8. That is not to say that the scarcity of references means the theme is not important for Old Testament thought.<sup>198</sup> The use of the phrase in Genesis does suggest some general themes of anthropological significance but its interpretation is often problematic. In the Old Testament passages, the image of God describes a dignity conferred on human beings, one which is somehow like God and distinguishes human beings from all other nonhuman animals. In the New Testament, the theme is mentioned less than a dozen times and mostly in the writings of St. Paul. Here we are told that all human persons bear the image, ‘the image and glory of God (1 Corinthians). However, present in the New Testament are additional passages that give this theme of the image of God an entirely new meaning. The most definite are: Romans 8.29; 2 Cor. 3.18; Ephesians 4.24; Colossians 3.10. Several passages in the New Testament teach that there is a sense in which the image of God needs to be renewed. If the image needs to be restored, it means that it has been corrupted and there can be no other event this side of Genesis other than the Fall (8.29; 2 Cor. 3:18). Here, I will not join the debate of whether the *imago Dei* was partially or completely corrupted at the Fall.<sup>199</sup>

Contrary to our observations when we considered different views of the *imago Dei* above, and our exposition of the theme in tradition, two themes emerge from the biblical perspective. Firstly, the whole person is seen as created in the image of God. This perspective rejects interpretations which locate the image of God in one or another aspect of human nature,

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<sup>198</sup> See Gerhard von Rad, *Th. Worterbuch zum N.T.*, Vol. II, 387-90. cited in Clines, *The Image of God*, 18.

<sup>199</sup> For the famous debate between Karl Barth and Emil Brunner on this issue, see Chapter 4 in this study.

for example: intellect (substantial view) or his uprightness (physical view) or in one a quality possessed by humans or because of what human beings can do (function). The Biblical perspective also objects to both monism and dualism, and opts for a vision of human beings where the spiritual, physical, social and historical dimensions are presented jointly. Secondly, the biblical perspective makes it clear that a human is not created as an isolated being: ‘God created mankind in his image, in the image of God he created them, male and female he created them’ (Gen. 1:27). According to this perspective, a human being exists in relation with other human beings, with God, with the world, and with self. Thus a human being is not an isolated individual but a person. In short, human beings are relational beings. However, the *imago Dei* is far from being a ‘pure actualism’ that would otherwise deny the *imago Dei* its permanent ontological status. Instead its fundamentally relational character itself ‘constitutes its ontological structure’ and the foundation for its exercise of freedom and responsibility’.<sup>200</sup> In sum, the Biblical perspective teaches that in a very important sense, human beings may be fallen but they are still bearers of the *imago Dei*, thus must still be so viewed. Additionally, there is a need to be restored to the image of God, a restoration that is enabled through Jesus Christ. So the Biblical perspective is not concerned with content, and it does not mention any characteristic that humans possess, be it what humans can do, as in function, their physical characteristics, and particularly not rationality.

## 7. Conclusion

Our discussion in this chapter has focused on the basic views of the image of God. In our investigation, we have seen that predominant in the Christian tradition is the substantive/structural view that maintains the divine image is an intrinsic human capacity that mirrors the character or attributes of God. We have also seen that, historically, a number of suggestions have been put forward regarding this feature being constituted by rationality or the capacity to reason; morality or the capacity to experience guilt, shame, and responsibility; spirituality or the capacity for religious experience; or the upright physical posture. Thus rationality has persisted in the Christian tradition as the primary feature of the *imago Dei*. Consequently, ‘man must be rational to have fellowship with God’.<sup>201</sup> We have already seen,

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<sup>200</sup> Di Noia, et al., ‘Communion and Stewardship’, <http://www.vatican.va>. Retrieved 24 March, 2011.

<sup>201</sup> Gordon Clark, ‘Image of God’, *Baker Dictionary of Christian Ethics* (Grand Rapids, MI: Baker, 1973), 313, cited in Anderson, *On Being Human*, 225.

however, that his view has, by giving significance to rationality, perhaps unknowingly marginalized intellectually impaired persons.

However, not only is understanding the image of God in any of these terms problematic for those individuals who do not clearly meet the set standard, but in effect the result marginalizes such people. In short, we said that it amounts to practicing what we termed ‘intellectualism’, or discrimination against such persons. I hasten to add that in this study, I do not deny that any or even all of these elements suggested might contribute to understanding God. Instead, I am suggesting that the *imago Dei* is neither exhausted nor predominantly defined by any of these features. Recall the words of Eva Kittay, a feminist philosopher and mother of a severely disabled daughter, Sesha. She captures it best when she puts it in conversation with her son, Leo (Sesha’s brother) thus:

if our anthropologies – whether philosophical or theological, I would add – cannot include Sesha, ‘they are at best incomplete, at worst faulty. And that is not because Sesha is so different from us, we are so much like her. We understand so much more about who we are and what moves us, when we see what moves Sesha.’<sup>202</sup>

As mentioned, all the theologians we examined in the history of Christian thought, collectively endorse the substantive/structural view. The functional view we said holds that the image consists in what human beings do, not what they are. Again, however, this view perpetuates the marginalization of people with cognitive impairments. Worse, it inspires the claim that ‘the mentally retarded are without the image of God [since] the *imago Dei* is basically centered on responsibility’.<sup>203</sup> Furthermore, is it not the same rationale which continues to inform current practices of prenatal testing, selective abortions, and end-of-life care giving? Again, I am not denying that the image of God excludes this capacity entirely. It is only to say that it might be more helpful if we, perhaps, understand this responsibility of God that empowers human dominion less as the ‘power to rule *over* and more as the power to rule *with* others’.<sup>204</sup> The result is that we will see people with disabilities as manifesting the divine image precisely in harmony with others who are more actively engaged in exercising the God given responsibility of

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<sup>202</sup> Eva F. Kittay and Leo Kittay, ‘On the Expressivity and Ethics of Selective Abortion for Disability: Conversations with My Son’, in eds., Erick Parens and Adrienne Asch, *Prenatal Testing and Disability Rights* (Washington, D.C.: Georgetown University Press), 165-95.

<sup>203</sup> Elmer L. Towns and Roberta L. Groff, *Successful Ministry to the Retarded* (Chicago, IL: Moody, 1972), 39. As cited in Yong, *Theology and Down Syndrome*, 173.

<sup>204</sup> This point is argued by Middleton both exegetically and ethically. See Richard J. Middleton, *The Liberating Image: The Imago Dei in Genesis 1* (Grand Rapids, MI: Brazos, 2005), chapter 7, esp. 297.

dominion in the world. I am inclined to reject both views for the reasons stated: that it perpetuates the marginalization and stigmatization of intellectually hindered persons, and is discriminatory on all levels against such people.

The relational view, as we will see in chapter 4, emerged strongly in the work of neo-orthodox theologians such as Karl Barth. In this view, the *imago Dei* consists neither in human structures nor in human functions but in their relationship with God, their interrelationality with other persons, and their embodied interdependence with the world. Christian anthropology is redemptively materialist and non-dualist. As fallen creatures, human beings are subject to all the finite and mortal limits this status entails. Finitude and mortality are definitive features of the status of being embodied, and their absence means humans would not be creatures. Thus to deny the personhood of human beings going through the natural process of ageing is to attack one of the very qualities, alongside death, that define what it means to be a creature. Indeed, it amounts to denying one's being. This relational view seems to hold the most promise for a theological anthropology that is informed by cognitive disability perspectives. But does it? It is to this task that we now turn in chapter three.

## CHAPTER 3

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### After *Rationality* the Theological Turn to *Relationality*: Rethinking Relational Anthropology in John Zizioulas and Christos Yannaras

#### 1. Introduction

Our study in chapter 2 has shown that the *imago Dei* all too often has been connected with disembodied rationality. Again, we have said that the traditional understanding of the *imago Dei* examined is essentially individualist and dualistic as it gives little, if any, importance to the many relationships which constitute persons with cognitive impairments in their own particular being. Although the image of God served to give an account of where humanity stood between God and nonhuman creatures, the traditional individualist account does not demonstrate an appreciation for the complex relationality which exists among God, humans, and the nonhuman creation. It is for this reason that much of the recent theological reflection on the *imago Dei* has sought to reinterpret the image, not as an individually held static quality of the mind, but as a *relational* achievement which is constituted between Others-in-relation. The direct theological model for this type of relationality is analogically derived from the dynamic, or *perichoretic*<sup>1</sup> understanding of God as Trinity, found at the very nub of God's dynamic and triune being, while highlighting the continuities between divine and human personhood.

The purpose of this chapter is to examine and rethink, after a sustained emphasis on rationality, the *theological* turn to relationality, and its impact on personhood.<sup>2</sup> In this chapter I pick up this emphasis on the continuities between divine and human personhood and seek to expose a major blind spot of a relational approach to theological anthropology. In short, I am suggesting that while focusing on the relational dimensions of personhood, recent currents within theological anthropology have neglected other important aspects such as: discontinuity between divine and human persons, the doctrine of sin, and particularly for our purposes in this study, embodiment. Consequently these relational approaches perpetuate the stigmatization of individuals suffering from profound cognitive impairment. Specifically, I am claiming that

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<sup>1</sup> *Perichoresis* (or circumincession) refers to the mutual interpenetration and indwelling within the threefold nature of the Trinity, God the Father, the Son and the Holy Spirit.

<sup>2</sup> For discussion on the philosophical turn to relationality see LeRon Shults, *Reforming Theological Anthropology: After the Philosophical Turn to Relationality* (Grand Rapids, MI: Eerdmans, 2003). Shults traces two epochs in philosophical reflection: (1) From Aristotle to Kant, and (2) From Hegel to Levinas.

relational anthropologies are not able to account for the full humanity of people with severe cognitive impairment, and thus must be reconceived to properly take into account human embodiment.

To accomplish our task, I will draw from the theological anthropology of John Zizioulas and Christos Yannaras, two prominent Greek Orthodox theologians, whose theological anthropologies, which can be considered paradigmatic examples of a relational anthropology, have been of particular importance in the popularization of this 'relational turn'. So although these concerns are raised in relation to their work, many of them are instructive for relational anthropologies more generally. I address the theology of Zizioulas because of his decisive contribution to theological anthropology, and I address Yannaras's personalist anthropology, the lesser known of the two, because of the distinctive way he consciously undertakes to express or reiterate the ontological approaches that are found in the philosophical tradition of early and Byzantine Christianity using the language of his contemporary philosophical setting, and specifically his engagement with Heidegger's philosophy. Yannaras's approach is interesting because the language he takes up refers more to the modern philosophical context, and in particular to the terminology of Heidegger and existentialism rather than to the philosophical terms of say the Cappadocian Fathers.

The very title of Yannaras's thesis, *The Ontological Content of the Theological Notion of the Person*, indicates an assumption that traditional theological positions about personal being can be discussed in terms of philosophical ontology. This is no surprise because elsewhere Yannaras suggests that Heidegger's metaphysical analysis echoes the theology of apophaticism. Consequently, Yannaras appears to be accommodating to the terms of the Heideggerean articulation in his attempt to deliver the Greek Father's theology on the subject of existence and the concept of the person, since as we will see Being in this tradition is approached only as personal. Yannaras's project unfolds in a wide-ranging engagement and conversation with pivotal Western texts, and his reading is well noted for its fierce anti-Western polemic.

Both theologians base their theological anthropology on the Greek Church Fathers which many commentators argue is a rich source for a theological critique of modern individualism.<sup>3</sup> However, there are theologians who are very critical of the move to ground relational

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<sup>3</sup> See e.g. Gunton, *The Promise of Trinitarian Theology*, 12-14.



anthropology in patristic sources.<sup>4</sup> While the Fathers of the Church invoked notions and terms related to the existence of the person when tackling the doctrines of the Trinity and Christology, they do not seem to have separately expanded on their anthropological presuppositions and they did not provide us with an elaborate, independent theological anthropology. This is quite widely recognized by today's theologians, that the Fathers of the Church did not provide the Church with a distinct doctrine of the human person. Indeed, it is not a recent observation: over half a century ago the Russian émigré theologian Vladimir Lossky made the same comment, and was critical towards the attitude of attributing complex concepts of the human person from modern philosophical traditions to the Fathers. In short he dislikes the idea of the Fathers being proto-existentialist. However, he did not deny that at the same time we can, from the side, as it were, find some Christian anthropology in the Fathers, which in fact Lossky calls 'unquestionably personalist'.<sup>5</sup> This historical debate is diverse, complex and beyond the scope of this thesis. Thus, in this chapter I will not attempt to join this discussion.

## 2. On Trinitarian Communion and 'Relational Being'

Relationality is of course not a new concept in Christian theology. Indeed, in recent years a panoply of Western theologians, in the era immediately following Barth, have attempted to draw from the supposed 'social' Trinitarian of the Cappadocian fathers and Eastern theology in a deliberate and intensive effort to re-assess Trinitarian theology<sup>6</sup> which is, together with the doctrine of the Incarnation, inherently relational. The proponents of Trinitarian theology view it as a rich source for new orientations on a variety of theological topics, but particularly the

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<sup>4</sup> Among others, see particularly Miroslav Volf, *After Our Likeness: The Church as the Image of the Trinity*, (Grand Rapids, MI: Eerdmans, 1998); Matthew Levering, *Scripture and Metaphysics: Aquinas and the Renewal of Trinitarian Theology* (Malden, MA: Blackwell, 2004); and Lewis Ayres, *Nicaea and Its Legacy: An Approach to Fourth-Century Trinitarian Theology* (Oxford: Oxford University Press, 2004), who is particularly critical of Zizioulas's theology of the Trinity, though for quite different reasons.

<sup>5</sup> Vladimir Lossky, 'The Theological Notion of the Human Person', in *In the Image and Likeness of God* (New York: St Vladimir's Seminary Press, 1974), 111-2.

<sup>6</sup> The list of Western revivalists is now commonplace: Catherine M. LaCugna, *God for Us: The Trinity and Christian Life* (San Francisco: Harper, 1991); Colin E. Gunton, *The Promise of Trinitarian Theology* (Edinburgh: T. & T. Clark, 1991); Christoph Schwöbel and Colin E. Gunton, eds. *Persons, Divine and Human* (Edinburgh: T. & T. Clark, 1991); id., *The One, the Three and the Many: God, Creation and the Culture of Modernity* (Cambridge, UK: Cambridge University Press, 1993); Ted Peters, *God as Trinity: Relationality and Temporality in Divine Life* (Louisville, KY: Westminster/John Knox Press, 1993); Alan J. Torrance, *Persons in Communion: An Essay on Trinitarian Description and Human Participation* (Edinburgh: T. & T. Clark, 1996); Robert Jenson, *The Triune Identity* (Philadelphia, PA: Fortress Press, 1982). For an overview covering much of the literature, see David S. Cunningham, *These Three are One: The Practice of Trinitarian Theology* (Malden, MA: Blackwell Publishers, 1998).

constitution of the person through their relation to God, others, self and the world.<sup>7</sup> The basis for the current resurgence is a reevaluation of the notion of ‘person’. Recall classical theology understood ‘person’ in a substantial sense, but today’s trinitarian thinking with its understanding of salvation as the gift of *participation* in the life of the triune God is concerned with how human beings are drawn into this communion of the Father, Son and Holy Spirit.

However, a thesis I want to develop in this study is that although many proposals of relational personhood have freed us from many of the problems associated with classic theology’s understanding of the *imago Dei*, they continue to think from the center of human subjectivity. Additionally, they fail to give any detailed account of the dynamic commerce which exists between humans and the multiplicity of nonhumans with whom we share our daily lives. In short, theological anthropologies fail to account for the discontinuity between divine persons and human persons.<sup>8</sup> For the theological turn to relationality to work, it must adopt a much more radical second step. Thus this chapter will anticipate chapter 4 where I will argue that the body is always central in defining the self, while in all cultures the meaning of the body reflects and augments relationships. Consequently, while to be a person in theological and some philosophical circles<sup>9</sup> is now being increasingly understood in relational terms, and while this understanding takes for granted the capacity for proper cognitive function, I argue that, embodiment, or the *bodily presence* of an individual, should be retrieved as a significant resource for the conception of the ‘hard cases’ in intellectually impaired individuals as participators in non-instrumental relationships.<sup>10</sup> So I will argue that the tendency to overemphasize the

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<sup>7</sup> The literature is growing, but see for example but excluding John D. Zizioulas and Christos Yannaras, Ray S. Anderson, *On Being Human: Essays in Theological Anthropology* (Pasadena, CA: Fuller Seminary Press, 1982); Schwöbel and Gunton, *Persons, Divine and Human* (Hereafter *PDH*); Hans S. Reinders, *Receiving the Gift of Friendship: Profound Disability, Theological Anthropology, and Ethics* (Grand Rapids, MI: Eerdmans, 2008) (Hereafter *RGF*); Anthony C. Thiselton, *Interpreting God and the Postmodern Self: On Meaning, Manipulation and Promise* (Edinburgh: T. & T. Clark, 1995); Colin E. Gunton, *The Promise of Trinitarian Theology* (Edinburgh: T. & T. Clark, 1991); Leonardo Boff, *Trinity and Society* (Tunbridge Wells: Burns & Oates, 1988); Catherine Mowry LaCugna, *God for Us: The Trinity and Christian Life* (New York: HarperSanFrancisco, 1991); See also Shults, *Reforming Theological Anthropology* (2003). It is generally accepted that Karl Barth’s groundbreaking efforts in his *Church Dogmatics*, which treat this doctrine as prolegomenon to and structural motif for his entire theological project, were in sum and the major catalyst for the new reorientation regarding the doctrine of the Trinity (See Karl Barth, *Church Dogmatics*, Vol. I/1, trans. G. W. Bromiley, ed., G. W. Bromiley and T. F. Torrance (Edinburgh: T. & T. Clark, 1975), 339-49).

<sup>8</sup> Edward Russell captures this point well in ‘Reconsidering Relational Anthropology: A Critical Assessment of John Zizioulas’ Theological Anthropology’, *International Journal of Systematic Theology*, 2 (2003), 168-86.

<sup>9</sup> See Shults, *Reforming Theological Anthropology*, esp. 11-33.

<sup>10</sup> As we will see in chapter 4, my argument is almost concurrent with that of David Kelsey in *Eccentric Existence: A Theological Anthropology* (Louisville, KY: Westminster John Knox, 2009), see esp. 242-08.

continuities between divine and human persons, coupled with, particularly for Zizioulas and Yannaras, the centrality of *ekstasis* to understanding personhood, risks dismissing the body, physicality and the boundaries of the self.<sup>11</sup>

As will become clear, by *ek-stasis* (ecstasy) we mean the movement towards communion which leads to a transcendence of the boundaries of the ‘self’ and thus to freedom.<sup>12</sup> Perhaps the greatest strength of both Zizioulas’s and Yannaras’s understanding of the person is their radically open-ended definition of the self as uncircumscribable, *ecstatic*, irreducibly uncontainable, and unique. Their relational anthropologies stand in direct contrast to interpretations of the self as *naturae rationalis individua substantia*. However, I want to highlight some areas of systematic concern regarding the idea of relational personhood through which light can be shed on the task for theological anthropology more generally.

The augmentation I am proposing does not limit relational being to the ‘ecstatic being’ that is grounded in communion, as distinguished from a ‘being’ that is grounded in itself as substance. While I agree with this first point, the second step argues that the ecstatic nature of being human is also understood as *embodied*. So again, I suggest that what is needed, and an overall objective of this thesis is to develop a theological anthropology in which alongside relationality, *embodiment* is a key factor in thinking about what it is to be and remain human, particularly taking into account the personhood of profoundly intellectually impaired persons.

This chapter will address these concerns in three parts. In the first section, I begin with a detailed analysis of Zizioulas’s and Yannaras’s work as far as it impinges on their anthropology, and in the second section, I offer a critical assessment of aspects of their anthropology. Again, in this section, I will also weave in a defense of my counter claim that relational anthropologies tend to, in particular, overlook embodiment. Let us now turn and sketch each theologian’s relational anthropology, with a view to examining the degree to which they are similar or different in the treatment of the question of ontology, their approach to relational personhood and how this impacts cognitive impairment.

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<sup>11</sup> E.g. John D. Zizioulas, ‘Human Capacity and Human Incapacity: A Theological Exploration of Personhood’, *Scottish Journal of Theology* 28 (1975), 408-10 and 414 (Hereafter ‘Human Capacity’); for Yannaras see id., *Person and Eros*, trans. Norman Russell (Brookline, MA: Holy Cross Orthodox Press, 2007), 19-20, 27-8; 129-30, 262-7, 273-4.

<sup>12</sup> See esp. Zizioulas, ‘Human Capacity’, 408.

### 3. John Zizioulas's Relational Anthropology

#### 3.1 Introduction

The Metropolitan John D. Zizioulas is a theologian whose thought is pioneering in his field.<sup>13</sup> In his work, Zizioulas blazes a path which not only resurrects the Greek patristic tradition for a much wider audience but offers an alternative to the customary and fashionable. Apart from being one of the most well known and important Orthodox theologians, Zizioulas is a prolific and engaged modern theologian. His overall contribution to theological anthropology, particularly his account of the emergence of the patristic ontology of communion with its thesis of the constitutive role of personhood *vis-à-vis* being is widely considered by many to be one of the most significant of recent times.<sup>14</sup> Zizioulas's thought, which is centered on ecclesiology, is anchored upon an ontology of the person which derives primarily from a consideration of the nature of the triune God, intent on presenting a neopatristic synthesis.<sup>15</sup> Little surprise, then, that his contribution has drawn much of its direction from patristic theology, and particularly the personalism and thought of the Cappadocian fathers to challenge Greek philosophy which, he argues, simply did not have the capacity to give due weight to the 'particular'.

Again, this construal of the personalism of the Cappadocians has earned Zizioulas rebuke from his critics who accuse him of attempting to dress his philosophical personalism and existentialism with Cappadocian language and parade it as patristic.<sup>16</sup> However this may be, my interest is not in patristic disputes but in Zizioulas's systematic theology. By limiting myself to the ideas that undergird his various analyses rather than whether or not his use of the Fathers is

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<sup>13</sup> For different assessments of Zizioulas's work, see Torrance, *Persons in Communion*, Robert Jensen, *Systematic Theology: The Triune God*, Vol. 1 (Oxford: Oxford University Press, 1997); Volf, *After our Likeness*; Matthew Levering, *Scripture and Metaphysics: Aquinas and the Renewal of Trinitarian Theology* (Oxford: Blackwell Publishing, 2004); Lewis Ayres, *Nicaea and Its Legacy: An Approach to Fourth-Century Trinitarian Theology* (Oxford: Oxford University Press, 2004); Douglas H. Knight, ed., *The Theology of John Zizioulas: Personhood and Church* (Burlington, VA: Ashgate, 2007).

<sup>14</sup> See John Meyendorff, 'Forward' in Zizioulas, *Being as Communion: Studies in Personhood and the Church* (Crestwood, NY: St Vladimir's Seminary Press, 1985), 12; Knight, *The Theology of John Zizioulas*, 1.

<sup>15</sup> G. H. Williams, 'The Neo-patristic synthesis of Georges Florovsky' in A. Blane, ed., *Georges Florovsky: Russian Intellectual, Orthodox Churchman* (Crestwood, NY: SVS Press, 1993), 287-340; Boris Gudziak, 'Towards an Analysis of the Neo-patristic Synthesis of Georges Florovsky', *Logos* 1(2000), 197-238; Andrew Louth, 'The Patristic Revival and Its Protagonists' in *The Cambridge Companion to Orthodox Christian Theology*, eds., Mary B. Cunningham and Elizabeth Theokritoff (Cambridge: Cambridge University Press, 2008).

<sup>16</sup> Other than the ones mentioned above, Lucian Turcescu gives the most recent and, perhaps, sharpest expression of this critique. See idem, "'Person'" versus "Individual" and Other Modern Misreadings of Gregory of Nyssa', *Modern Theology* 4 (2002), 97-109. See also John G. F. Wilks, 'The Trinitarian Ontology of John Zizioulas', *Vox Evangelica* 25 (1995), 63-8.

accurate, I do not intend to diminish the importance of the question. Zizioulas offers an insightful investigation of the ontology of triune personhood in such a manner as to integrate our understandings of being and communion on the one hand, and divine and human personhood on the other. In one of his earliest essays,<sup>17</sup> Zizioulas sets out to examine the implications of the uncircumscribability of human capacity and, therefore, of human personhood. He holds that all persons, intellectually impaired or not, are unique in that they are characterized by an irreducible uncontainability within definable limits. He says that the person ‘goes beyond his actual state in a movement of transcendence of the actual human limitations’.<sup>18</sup> Consequently the nature of human beings is such that we may not describe it with reference to Western, ‘static’ conceptions of ‘substance’, ‘qualities’ and ‘essence’. Further, contrary to what has become common within bioethics today, the person is not to be defined by reference to innate capacities or incapacities.

### 3.2 Ontology of Personhood

Zizioulas summarizes his ‘ontology of personhood’ in an essay now published in various places.<sup>19</sup> It is necessary in understanding Zizioulas to properly rehearse the *ordo essendi* of his theology. We shall sketch them one at a time, stopping to examine his treatment of ecstatic personhood and then moving on to his thoughts on human personhood and then ecclesiology which we have said encapsulates his thoughts. We seek to know how they impinge upon his anthropology, relational personhood, and consequently how we account for fellow human beings affected by intellectual and sometimes profound impairment.

### 3.3 On Divine Persons

We start with the divine persons, because it is from divine communion we are supposed to understand being human. According to Zizioulas, the Cappadocian fathers represent an ontological revolution in their understanding that ‘it is the person of the Father and not divine substance that is the source and cause of the Trinity’.<sup>20</sup> In short: ‘*the identification of the*

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<sup>17</sup> Zizioulas, ‘On Human Capacity’, 401-8.

<sup>18</sup> Ibid., 401.

<sup>19</sup> See Zizioulas, ‘On Being a Person: Towards an Ontology of Personhood’ in *Communion and Otherness: Further Studies in Personhood and the Church*, ed. Paul McPartlan (Edinburgh: T. & T. Clark, 2006), 99 -112; See also Christoph Schwöbel and Colin E. Gunton eds., *PDH*, 33- 47.

<sup>20</sup> John D. Zizioulas, ‘The Doctrine of the Holy Trinity: The Significance of the Cappadocian Contribution’, in *Trinitarian Theology Today: Essays on Divine Being and Act*, ed., Christoph Schwöbel (Edinburgh: T. & T. Clark, 1995), 51-2.

“*hypostasis*” with the “*person*” revolutionized Greek philosophy.<sup>21</sup> Unlike the Greek Fathers, Zizioulas argues that, both the classical Greek and Roman traditions do not attribute ontological content to the person, a concept so important to his theology.<sup>22</sup> For example, in Greek ontology, individual substances always preceded relation. And so in this sense, relations are what happen between already constituted individual substances. This ‘revolution’ was the culmination of the Cappadocian concern ‘to give ontological expression to its faith in the Triune God’, to ‘develop a solution to the trinitarian problems ....’<sup>23</sup> Essentially the term ‘hypostasis’ was ‘dissociated from that of *ousia* and became identified with that of *prosopon*’.<sup>24</sup> This resulted in a relational term (*prosopon*) being admitted into ontology and the drawing of an ontological category (*hypostasis*) into the relational categories of existence. And the result? Being is identified with communion. Thus, ‘to be and to be in relation become identical’.<sup>25</sup> The significance of Cappadocian thought is twofold:

- (a) The person is no longer an adjunct to a being, a category we *add* to a concrete entity once we have first verified its ontological hypostasis. *It is itself the hypostasis of the being.* (b) Entities no longer trace their being to being itself – that is, being is not an absolute category in itself – but to the person, to precisely that which *constitutes* being, that is, enables entities to be entities.<sup>26</sup>

This means that the notion of personhood became the essential ontological concept. In sum, Zizioulas says:

- In other words from an adjunct to a being (a kind of mask) the person becomes the being itself and is simultaneously – a most significant point – the constitutive element (the ‘principle’ or ‘cause’) of beings.<sup>27</sup>

Previously, personhood was thought to be a prefabricated and God-like or spirit-like substance that was merely *added* to an individual’s material body as if it were an afterthought. This is important to our purpose here, because it means that were one to lose her ‘spirit-like substance’, which, as mentioned in chapter 2, has traditionally been equated with reason, one could be relegated to the status of *non-person*. In short some intellectually impaired individuals would not be considered persons. However, advocates of a fully Trinitarian understanding of personhood,

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<sup>21</sup> Zizioulas, *Being as Communion*, 36f.

<sup>22</sup> *Ibid.*, 27-35; idem, ‘Human Capacity’, 401-48, 403-6; idem, *Communion and Otherness*, 100-03.

<sup>23</sup> Zizioulas, *Being as Communion*, 87,

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, 88.

<sup>26</sup> *Ibid.*, 39 (italics in original).

<sup>27</sup> *Ibid.*

argue that it is our relationality which constitutes our being. So human beings are, in fact, *nothing* if not for the relationships in which they exist. But what is the status of those who cannot engage in meaningful reciprocal relationships, for example persons suffering from acute dementia?

Perhaps a more careful consideration of the twofold consequences of the patristic theological and philosophical ‘revolution’, which together undergird the ontology of persons as argued by Zizioulas might avail some answers. Two basic ‘leavenings’ in patristic theology contributed to the new ontology suggested here. First, the doctrine of creation *ex nihilo*, in contrast to prior Greek ontology, meant that the world is not ontologically necessary and is therefore a ‘product of freedom’ such that the being of ‘the world became free from necessity’.<sup>28</sup> Second and following from this, ‘the being of God Himself was identified with the person’.<sup>29</sup>

The divine substance, then, is constituted through constitutive relationships with the Son and the Spirit and does not occur in self-isolation: ‘it is precisely His trinitarian existence that constitutes this confirmation’.<sup>30</sup> In short, and a point that is very relevant to our study is this: ‘person’ forms the ultimate ontological reality and personhood can only be constituted *in communion*. Thus when Zizioulas castigates the Western theological tradition with the charge of essentialism, common enough in Orthodox views of the Latin understanding of the trinity, it is the priority in God of the divine substance that he has in mind. Typical would be the following quote: ‘The one God is the Father. Substance is something common to all three persons of the Trinity, but it is not ontologically primary until Augustine makes it so’.<sup>31</sup>

For Zizioulas, then, the being of God is relational. He says: ‘The Holy Trinity is a *primordial* ontological concept and not a notion which is added to the divine substance or rather which follows it...The substance of God, ‘God’, has no ontological content, no true being, apart from communion’.<sup>32</sup> We have said that the Father constitutes the divine communion, which means that God’s substance does not contain him, and that communion does not restrict his existence. God’s being, then, is the consequence of a free person. In other words a free person constitutes being. Thus Zizioulas: ‘True being comes only from the free person, from the person who loves freely, that is, who freely affirms his being, his identity, by means of an event of

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<sup>28</sup> Ibid., 39-40.

<sup>29</sup> Ibid., 40

<sup>30</sup> Ibid.

<sup>31</sup> Zizioulas, *Communion and Otherness*, 106. See also note 13 in idem.

<sup>32</sup> Zizioulas, *Being as Communion*, 17.

communion with other persons'.<sup>33</sup> These principles emerge from this regarding the relationship between person and communion: first, true being is not possible minus communion, and communion is an ontological category. Second, 'the person cannot exist without communion; but every form of communion which denies or suppresses the person, is inadmissible'.<sup>34</sup>

Thus far we are saying that the Father is the one who freely and lovingly 'begets' the Son and 'brings forth' the Spirit, without any compulsion whatever. Zizioulas, then, argues that it is in view of the ontological priority of the Father, hence of *hypostasis* over *ousia*, that we can make the ontological equation: being = communion = freedom.<sup>35</sup> If the divine substance is constituted via the divine person, divinity must then be contained in the idea of the person and all of God's characteristics must be derivable from his personhood. For his characteristics are not something qualifying God's being, but rather are identical with it.

### 3.4 On Ecstatic Personhood

To properly grasp Zizioulas's understanding of personhood, two terms are indispensable - *ekstasis* and *hypostasis*. The former was prominent in the Greek patristic concept of truth, but in its application to the idea of 'person' it needs to be completed by the latter. And so *hypostasis*, when paired with *ekstasis*, points to freedom for the whole. This freedom is for oneself, in one's own identity and particularity as holder of the whole. We can say that personhood is God's essence and logically precedes God's characteristics. This can be summed up to mean that God's essence is person, which Volf argues simply means that God *is* love.<sup>36</sup> Thus the statement: "God is person" acquires its full significance only if it is also reversible: "person is God".<sup>37</sup>

So strictly speaking personhood is something we attribute only to God. This means that God is an entity 'whose particularity is established in full *ontological freedom*, i.e., not by virtue of its boundaries but by its *ekstasis* of communion'.<sup>38</sup> Again, God's being is 'ecstatic', which for Zizioulas means God's being is 'being as communion'. To explain what the notion of *ekstasis* is

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<sup>33</sup> Ibid., 18.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid., 40ff. The equation is also epistemological, of course: being = communion = freedom = truth.

<sup>36</sup> Volf, *After Our Likeness*, 78.

<sup>37</sup> Ibid.

<sup>38</sup> Zizioulas, 'Human Capacity', 410.



supposed to clarify, Zizioulas indicates how it is distinct from the notion of *hypostasis*.<sup>39</sup> Both *ekstasis* and *hypostasis* portray being in different ways. *Hypostasis* specifies a particular being in its concreteness, and *ekstasis* does so in the particular being's relationship to other beings. Both refer to a concrete being. However, unlike *hypostasis*, *ekstasis* does not refer to the concrete being with regard to its substance, but with regard to the relationship that identifies its concreteness. In short, *ekstasis* is 'othering' – i.e., it is the state of being which freely grants integrity to another self by relating to it. For Zizioulas, otherness is constitutive of unity, and not a threat to it. It is a *sine qua non* condition of unity.<sup>40</sup> To Zizioulas, this unity is safeguarded by the priority of the Father (monarchia of the Father), and not by the unity of substance as conceived by some Western theologians.<sup>41</sup>

Following the Cappadocian Fathers, Zizioulas goes beyond Irenaeus' teaching that the Son and the Spirit do the work of the Father in the economy, to claim the ontological priority of the Father (the monarchy of the Father). In other words, for Zizioulas, everything begins with the particular person of the Father and He is the principle of everything both divine and created. By this he means that the trinitarian communion is 'hypostasized' through the ecstatic character of the Father, who is the cause of both the being and the divinity of the Son and Spirit and so also of trinitarian communion.<sup>42</sup> Zizioulas himself interprets ecstatic being as a 'movement towards communion',<sup>43</sup> which as Reinders correctly worries, raises the issue of the initiating subject of this movement.<sup>44</sup> So against his intentions, Zizioulas's account seems to reopen the case for relational personhood in terms of *human subjectivity*.<sup>45</sup> I agree with Reinders. Furthermore, a theological conception of 'ecstatic being' should explain why God is the sole initiating subject of our interrelatedness in a manner that does not emphasize features inherent to our being.<sup>46</sup> This is the task of chapter 4 where we engage Karl Barth's theological anthropology. For now let us continue and examine how Zizioulas thinks the question of authentic personhood can be realized

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<sup>39</sup> Here see Zizioulas's critical footnote on Christos Yannaras's attempt to use Heidegger's concept of *ekstasis* for the explanation of patristic theology. Zizioulas says 'the use of Heidegger in the interpretation of patristic theology runs into fundamental difficulties' (idem., *Being as Communion*, n.40, 44-45).

<sup>40</sup> Zizioulas, *Communion and Otherness*, 5.

<sup>41</sup> Ibid.

<sup>42</sup> Zizioulas, *Being as Communion*, 44-46.

<sup>43</sup> Zizioulas, 'Human Capacity', 408.

<sup>44</sup> Reinders, *RGF*, 260.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

in human existence. To answer this question we must turn to Zizioulas's distinction between what he calls our 'biological' being and our 'ecclesial' being.

### 3.5 On Created Persons

Recall that regarding divine persons, for Zizioulas, personhood is ontologically prior to substance. This means that God's 'being in communion' is logically prior to God's characteristics. So just as at the divine level 'person' enjoys precedence over 'substance', so also at the human level. In contrast to such logic, Zizioulas argues that Western culture and philosophy understands a person to be one who possesses certain characteristics. Zizioulas is right because this is precisely the kind of thought that has continued to marginalize intellectually impaired persons, wrongly consigning them to the category of 'Other' and considering them a 'threat'. According to Zizioulas, it was the 'cross-fertilization' of Boethian and Augustinian approaches which produced the individualistic tendency to regard the other as a threat.<sup>47</sup> This is because the two basic components of the Boethian-Augustinian approach to the self are 'rational individuality' and 'psychological experience and consciousness'.<sup>48</sup>

On the basis of this combination, Western thought holds a 'static' or 'rigid' understanding of the self as an autonomous '*individual* and/or a *personality*, i.e., a unit endowed with intellectual, psychological and moral qualities centred on the axis of consciousness'.<sup>49</sup> Little surprise, then, that when society encounters persons with dementia, persons in permanent vegetative states (PVS), and the 'Kellys'<sup>50</sup> of this world in general, it feels threatened and crudely advocates for, in some instances, death. Against this, the trinitarian witness is explicit, and perhaps herein lies the strength of Zizioulas's anthropology which rejects such approaches (Boethian-Augustinian) in accordance with the trinitarian model that places persons and communion prior to substance.

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<sup>47</sup> Zizioulas, 'Human Capacity', 405.

<sup>48</sup> *Ibid.*, 405-6.

<sup>49</sup> For example P. F. Strawson in his book *Individuals* simply assumes the definition of person in terms of consciousness: 'One can ascribe states of consciousness to oneself only if one can ascribe them to others. One can ascribe them to others only if one can identify other subjects of experience. And one cannot identify others if one can identify them *only* as subjects of experience, possessors of states of consciousness' (Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London: Methuen, 1964), 100).

<sup>50</sup> See Hans Reinders' story of Kelley who is a *micro-encephalic* in *The Gift of Friendship*, 20-24, as discussed throughout this study.

How, then, is personhood to be understood? And more specifically, how are we to think of the personhood of those individuals whose humanity society has placed in doubt? Negatively, and a point significant to our purpose here, a human being:

should not be understood in terms of ‘personality’, i.e., of a complex of natural, psychological, or moral qualities that are in some sense ‘possessed’ by or ‘contained’ in the human *individuum*. On the contrary, being a person is basically different from being an individual or ‘personality’ in that the person cannot be conceived in itself as a static entity, but only as it relates *to*.<sup>51</sup>

Again, it follows that:

personhood implies the ‘openness of being’, and even more than that, the *ek-stasis* of being, i.e., a *movement towards communion* which leads to a transcendence of the boundaries of the ‘self’ and thus a *freedom*...[T]he person in its ekstatic character reveals its being in a *catholic*, i.e., integral and undivided, way, and thus in its being ekstatic it becomes *hypostatic*, i.e. the bearer of its nature in its totality.<sup>52</sup>

This means that:

in contrast to the partiality of the individual which is subject to addition and combination, the person in its ek-static character reveals its being in a catholic, i.e. integral and undivided, way, and thus in its being ek-static it becomes hypostatic, i.e., the bearer of its nature in its totality.<sup>53</sup>

Caution must be taken to understand what is being said here. Zizioulas does not hold that qualities are in every way irrelevant to the case. Instead he means that they are secondary to the absolute uniqueness of the particular hypostasis. And so, he says, such qualities, important as they are for personal identity, ‘become ontologically personal only through the hypostasis to which they belong: only by being *my* qualities they are personal’.<sup>54</sup> Furthermore, for Zizioulas, when we refer to the ingredient ‘me’ of an individual, we are claiming her absolute uniqueness which is not guaranteed by these classifiable qualities constituting her ‘what’, but by something else. What is this something else?

For Zizioulas *ekstasis* and *hypostasis* are the two basic aspects of personhood. Although the term *ek-stasis* in this sense is known mainly through the philosophy of Martin Heidegger, Zizioulas says that before Heidegger, the term was used in the mystical writings of the Greek Fathers (e.g. Pseudo-Dionysius, Maximus, etc.) in basically the same sense. For Zizioulas,

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<sup>51</sup> Zizioulas, ‘Human Capacity’, 407-8.

<sup>52</sup> *Ibid.*, 408.

<sup>53</sup> *Ibid.*

<sup>54</sup> Zizioulas, ‘On Being a Person’, 45.

Trinitarian being whose witness against ancient Greek philosophy is explicit provides a paradigm for a theology of created being. He says:

God by being uncreated is not faced with given being: *He, as a particular being* (the Father) brings about his own being (the Trinity). He is thus free in an ontological sense, and therefore the particular is primary in ontology in this case. *But what about the human being?*<sup>55</sup>

Let us turn to Zizioulas's answer to his own question. For Zizioulas, a theological anthropology of particularity (which is not individualistic) is founded on principles. He says:

That otherness is constitutive of unity, and not consequent upon it...[God's] oneness or unity is not safeguarded by the unity of substance, as St Augustine and other Western theologians have argued, [but] by the monarchia of the Father, Who is Himself one of the Trinity ... Secondly, a study of the Trinity reveals that otherness is *absolute*. The Father, the Son and the Spirit are absolutely different ... Thirdly ... otherness is not moral or psychological but *ontological* ... As a result of this ... otherness is inconceivable apart from *relationship* ... Communion does not threaten otherness; it generates it.<sup>56</sup>

That 'something else' of absolute uniqueness is indicated only through an affirmation arising freely from a relationship. But how does Zizioulas derive theological anthropology out of this? Applied to human being, this understanding of ontological freedom presents a problem. How so? The hypostasis of biological existence is constituted by conception and birth, the product of communion between two people.<sup>57</sup> Human beings, then, are 'individuals' by merely being born. However, two passions radically affect the biological constitution of a human's hypostasis, which destroys the person.<sup>58</sup> The first 'passion' is 'ontological necessity'. Zizioulas says: 'the hypostasis is inevitably tied to the natural instinct, to an impulse which is "necessary" and not subject to control of freedom'.<sup>59</sup> The person, then, 'subsists' not as freedom but as necessity. Individualism is the second passion that separates the hypostases and logically leads to death (Rom. 7:24).<sup>60</sup> Thus Zizioulas:

The biological constitution of the human hypostasis, fundamentally tied as it is to the necessity of its "nature," ends in the perpetuation of this "nature" through the creation of bodies, that is, of hypostatic unities which affirm their identity as *separation* from other unities or "hypostases".<sup>61</sup>

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<sup>55</sup> Zizioulas, *Communion and Otherness*, 108.

<sup>56</sup> *Ibid.*, 352f. Compare Zizioulas, 'Human Capacity', 401-47, at 409: 'communion does not threaten personal particularity; it is constitutive of it'.

<sup>57</sup> *Ibid.*

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*, 51, 52.

<sup>61</sup> *Ibid.*

This means that the body behaves like ‘the fortress of an ego’, or ‘a new “mask”’, which hinders the hypostasis from becoming a person.<sup>62</sup> The body tends towards the person but leads finally to the individual. This ‘failure of nature’ makes two revelations simultaneously. First, that for the hypostasis to survive it must express itself as ecstasis, and second, that the ‘failure’ of the survival of the biological hypostasis is the result of the ‘very *constitutional make up* of the hypostasis, i.e., of the biological act of the perpetuation of the species’ and not the result of some acquired fault of a moral kind.<sup>63</sup> Accordingly, ‘[m]an as a biological hypostasis is intrinsically a tragic figure’.<sup>64</sup> While born as a result of an *ecstatic* fact – erotic love – this fact is interwoven with a natural necessity and thus lacks ontological freedom. In sum: human persons cannot exist without their biological and psychological being, but as such they cannot exist in ontological freedom either.

Zizioulas locates the answer to this conundrum in christology and ecclesiology. For Zizioulas, a human being is *not a person* unless he or she has in some sense received God’s salvific grace. He says: ‘If biological birth gives us a hypostasis dependent ontologically on nature, this indicates that a ‘new birth’ is needed in order to experience an ontology of personhood’.<sup>65</sup> For Zizioulas, ‘[t]he goal of salvation is that the personal life which is realized in God should also be realized on the level of human existence’.<sup>66</sup> Salvation, then, is the realization of personhood in human beings. However, are there persons *extra ecclesiam*? Indeed Zizioulas himself asks: ‘But is not “man” a person even without salvation?’<sup>67</sup> We shall come back to this question. Zizioulas’s argument rests upon an important distinction between individuals (or in his words the *hypostasis of biological existence*) and persons (or again the *hypostasis of ecclesial existence*), two modes of existences, which he adopts from patristic theology. The essence of salvific grace, then, is to transform perverted humanity’s biological existence into a new mode of ecclesial existence. In other words, an individual can only become a person in communion with God and is constituted in relationships of genuine love, within his church, the proper context for experiencing the ontology of personhood. In such a community, then, one ‘does not – and should

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<sup>62</sup> Ibid.

<sup>63</sup> Ibid., 52.

<sup>64</sup> Ibid.

<sup>65</sup> Zizioulas, *Communion and Otherness*, 109.

<sup>66</sup> Zizioulas, *Being as Communion*, 50.

<sup>67</sup> Ibid.

not – identify the other with the help of their qualities (physical, social moral etc.)’.<sup>68</sup> This community is of course the church which we will now consider more critically.

### 3.6 On Ecclesial Beings

Zizioulas argues that an authentic personhood is only possible ‘from above’. By this he means that only the church is capable of introducing individuals ‘into a kind of relationship with the world that is not determined by the laws of biology’.<sup>69</sup> So for Zizioulas: ‘[t]he Church is not simply an institution. She is a “mode of existence”, *a way of being*’.<sup>70</sup> With regard to anthropology there are three key aspects, some mentioned already, of Zizioulas’s ecclesiology: (1) Christ as the head of the body and person par excellence, (2) baptism as new birth, and (3) the Eucharist which constitutes the church.<sup>71</sup>

First, the church proclaims the reality of human freedom from natural necessity as it is attested by the resurrection of Jesus Christ. Christ is the opposite of an individual; he is the *person par excellence*, since his identity is derived from a twofold relation; Son to Father and Head to body.<sup>72</sup> Thus, the quest for the person, not as a ‘mask’ or as a ‘tragic figure’, became a historical reality in Christology.<sup>73</sup> The identification of Christ’s personhood with the Son’s personhood, then, renders human personhood possible. Christ as body or corporate personality incorporates the many into himself as the one who at the same time represents multiplicity.<sup>74</sup> In Christ, human personhood becomes identical with divine personhood through participation in the divine ‘dance’. The very same filial relationship that constitutes Christ himself also forms the base for the constitution of the personhood of every human being who is then set free from the bondage to necessity, separation and death intrinsic in creaturely existence.<sup>75</sup> According to Zizioulas, then, salvific grace is the transformation of an individual into a ‘catholic’ person who is both unique in his or her own catholicity and constituted through the relationship of Christ to the Father. Christology, then, is the proclamation to human beings that their nature can be assumed and hypostasized in a manner free from the ontological necessity of their biological

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<sup>68</sup> Zizioulas, ‘On Being a Person’, 46.

<sup>69</sup> Zizioulas, *Being as Communion*, 56.

<sup>70</sup> *Ibid.*, 15. [italics in original].

<sup>71</sup> *Ibid.*, 54- 65. Here I follow Volf more closely in *After Our Likeness*, 83-107.

<sup>72</sup> Zizioulas, *Being as Communion*, 54-5, and Volf, *ibid.*, 84-5.

<sup>73</sup> *Ibid.*, 54f.

<sup>74</sup> *Ibid.*, 145-6.

<sup>75</sup> Volf, *After Our Likeness*, 86.

hypostasis which as has been mentioned leads to the tragedy of individualism.<sup>76</sup> Only the uncreated God is a person in the full sense of the word, and only in communion with the triune God can human beings become free, ‘catholic’ persons living in communion.

The second of the key aspects to Zizioulas’s ecclesiology is baptism. For Zizioulas, the hypostasis that baptism gives to human beings is called ecclesial because, in fact, it is in the church that the ‘new biological hypostasis of man is realized in history’.<sup>77</sup> This new birth that is mediated in baptism is the means of constituting an ecclesial hypostasis. In other words, it is through baptism that individuals become persons, not only by changing the inner constitution but also the ontological content of the human being. Thus Zizioulas:

In Baptism which is *constitutive* of a new being, of a being which is not subject to death and therefore *ontologically* ultimate, precisely because Baptism is essentially nothing else but the application to humanity of the very filial relationship which exists between the Father and the Son.<sup>78</sup>

As death and resurrection in Christ, baptism signifies the decisive passing of a human being’s existence from individualized being into the truth of personal being.<sup>79</sup> Thus as ecclesial beings, human beings find that they are separated by individuality which is to be transcended by being drawn into the community of the Father, Son and Holy Spirit. This communion justifies the hope promised of being authentic persons in the final outcome of existence. ‘What happens to the biological hypostasis of man when...ecclesial hypostasis is brought into being?’<sup>80</sup> It is to Zizioulas’s answer to this question that we now turn.

For Zizioulas, baptism is understood as an eschatological promise because participation in the life of the church does not take away the concreteness of natural being. In sum, a tension exists between individual and person because the human being exists as person not as that which they are, rather as the person they will be. Consequently, participation in the act of communion, i.e. the *ecclesia* is a foretaste of what is to come but meanwhile an experience of authentic personhood is offered. Zizioulas continues: ‘What kind of experience of authentic personhood is it that the ecclesial hypostasis offers?’ Zizioulas says that a ‘new ontological category’ is needed to answer this question. However this new category is not to destroy the distinction between

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<sup>76</sup> Zizioulas, *Being as Communion*, 56.

<sup>77</sup> *Ibid.*

<sup>78</sup> Zizioulas, ‘Human Capacity’, 438.

<sup>79</sup> Zizioulas, *Being as Communion*, 113.

<sup>80</sup> *Ibid.*, 58.

biological and ecclesial hypostases, but to express their relationship which creates a paradoxical relationship in human existence.<sup>81</sup> So the situation created by this paradoxical hypostasis which has its ‘roots in the future and its branches in the present’,<sup>82</sup> could perhaps be better expressed by the ontological category, sacramental or Eucharistic hypostasis to which we now turn.

While the Eucharist for Zizioulas is not an isolated means of grace or a sacrament among others, when we delve deeper into both his and Yannaras’s theology, as we shall see, we discover that each of their stand on the issue of Eucharist is a bit different. For Zizioulas, the Eucharist is first and above all ‘an assembly (*synaxis*), a community, a network of relations, in which man “subsists” in a manner different from the biological as a member of a body which transcends every exclusiveness of biological or social kind’.<sup>83</sup> Further, for Zizioulas, not only is the Eucharist an assembly, or rather an ‘historical realisation and manifestation of the eschatological existence of man’, it is also, second, a movement or progression towards this realization.<sup>84</sup> In other words, persons are constituted in the church through baptism and sustained by, and grounded in, the ‘experience’ of the eucharist which is ‘from above’.<sup>85</sup> Assembly and movement are thus the two fundamental characteristics of the Eucharist.

As a liturgical act of eschatological orientation and progressive movement, the Eucharist proves that ecclesial existence is not of this world but belongs to ‘the eschatological transcendence of history and not simply to history’.<sup>86</sup> Thus, because it belongs to the transcendence of history the person has ‘roots in the future and is perpetually inspired, or rather maintained and nourished, by the future’.<sup>87</sup> In sum, both the person and the Eucharist are understood not only as a realization of the *eschaton* but also as a movement towards the *eschaton* (Heb. 11:1).<sup>88</sup> For Zizioulas, the Eucharist and eucharistic communion are identical. Thus, when the eucharistic community congregates to celebrate, they simply do not receive holy things, nor even the words and deeds of Christ, but rather the *person of Christ in its totality*.<sup>89</sup> For Zizioulas, then, ‘[t]o eat the body of Christ and to drink his blood means to participate in him who took

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<sup>81</sup> Ibid., 58-59

<sup>82</sup> Ibid., 59.

<sup>83</sup> Ibid., 60.

<sup>84</sup> Ibid., 61.

<sup>85</sup> Ibid., 59-61.

<sup>86</sup> Ibid., 62.

<sup>87</sup> Ibid., 62.

<sup>88</sup> Ibid.

<sup>89</sup> Zizioulas, “L’eucharistie”, 55. as cited in Volf, *After our Likeness*, 98.



upon himself the ‘multitude’ ... in order to make of them a single *body, his body*’.<sup>90</sup> From this understanding of the Eucharist follows a particular understanding of the relation between Eucharist and the church: it is not the church that constitutes the Eucharist, but Eucharist constitutes the church.<sup>91</sup> Hence for Zizioulas, and particularly, as we will see, for Yannaras, as often as human beings participate in eucharist, their personhood is hypostasized by love and free from biological necessity and exclusiveness and will not finally die. The Person, then, has the final word over nature; in the same way that Jesus as person and not as nature had the last word.

In sum: we have been saying that John Zizioulas argues for a *perichoretic* communion present in the intra-trinitarian relations which make ‘relationality’ the distinguishing characteristic of personhood. In this sense of communion, God’s being is said to be ‘ecstatic’. Hence for Zizioulas, God’s being is ‘being as communion’. That is how God exists. When applied to persons, Zizioulas distinguishes between individuals and persons. Thus all human beings are individuals by genesis, but must become persons in *telos*. So for him, it is only possible to become a person in ecclesia through baptism. We shall return to these points when we engage his critics. For now let us turn and consider Yannaras’s personalist anthropology.

## **4. The Relational Ontology of Christos Yannaras**

### **4.1 Introduction**

Recall we have said that personalist anthropology is distinguished by an emphasis on certain elements that constitute personhood: relationality, freedom and the uniqueness of personal existence. These aspects of personal existence become apparent as we look closely at Christos Yannaras’s approach to the personal. Yannaras, a pivotal Greek theologian, and Zizioulas are by no means the only ones who have put forward a personalist theology. In fact the two theologians stand in a wider context of modern philosophers and theologians of the last few decades who, addressing ontological issues, have put forward their views in existentialist and personalist terms. Andrew Louth likens Yannaras’s relational theology of the person to the philosophy of Levinas.<sup>92</sup> However, Yannaras is not influenced by Levinas but finds a connection to

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<sup>90</sup> Ibid., 69 in Volf, *ibid.*

<sup>91</sup> Zizioulas, *Being as Communion*, 21.

<sup>92</sup> Andrew Louth, ‘Introduction’, in Christos Yannaras, *On the Absence and Unknowability of God: Heidegger and the Areopagite*, trans. Haralambos Ventis (London: T. & T. Clark, 2005), 8.

Heidegger<sup>93</sup> through his understanding of the notion of ‘being’ that he retrieved from the Pre-Socratic philosopher Herakleitos.<sup>94</sup> Yannaras agrees with Heidegger that the West, having lost the concept of ‘being’ drifted away from ontological truth.

If Zizioulas’s work is a ‘neo-patristic synthesis’,<sup>95</sup> Yannaras, a personalist philosopher, attempts a synthesis of what may loosely be called the Greek patristic tradition and modern phenomenological thought. Here, he attempts to compare the Byzantine apophatic tradition, and the confrontation with ‘Nothingness’ which for Heidegger is revealed as the final step of western metaphysics.<sup>96</sup> In his writings, Yannaras has attempted to tackle what he argues are problems at the core of modern theology, and so for example, early on in his writings, the threads connecting his overall theological project are already in place. Here, Yannaras sees himself as writing to readers whose worldview has been shaped by Marx, Freud and the ‘Death of God’, and so he seeks to relate the Orthodox Patristic tradition to contemporary issues.

Generally Yannaras articulates his position through three overlapping movements that correspond yet are inseparable and distinct: The first move is a critical and descriptive interrogation of the state of Eastern Orthodox theology today; the second a critical examination of Western theology; and, the third a re-reading of Eastern Orthodox theology in light of the Church Fathers. The first two represent a ‘deconstruction’ of modern Greek Orthodoxy and the Latin West, wherein the former is rid of Western scholasticism, while the third represents a reconstruction of Eastern Orthodox identity rooted in Gregory Palamas. Unlike Zizioulas and Orthodox theology in general, Yannaras remains largely undiscovered in the West. This is a pity

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<sup>93</sup> Zizioulas objects to Yannaras’s use of Heidegger to articulate Orthodox theology. See the long footnote in Zizioulas, *Being as Communion*, n. 40, 44-5. Zizioulas acknowledges that the ‘concept of *ekstasis* as an ontological category is found in the mystical Greek Fathers (particularly in the so-called Areopagitical writings and in Maximus the Confessor) and also totally independently in the philosophy of M. Heidegger’. However Zizioulas says that while it is ‘generally acknowledged that Heidegger represents an important stage in the progress of Western thought, especially in the liberation of ontology from an absolute “ontism” and from philosophical rationalism, though not in fact from the concept of consciousness and of the subject’, the ‘use of Heidegger in the interpretation of patristic theology runs into fundamental difficulties’. See also the critique of Heidegger by Emmanuel Levinas, in *Totality and Infinity: An Essay on Exteriority*, trans. Alphonso Lingis (Pittsburgh, PA: Duquesne University Press, 1969), 15.

<sup>94</sup> Louth, ‘Introduction’, 3.

<sup>95</sup> According to Aristotle Papanikolau the expression ‘neo-patristic synthesis’ can be traced back to Georges Florovsky. See id., *Being in God: Trinity, Apophaticism, and Divine Human Communion* (Notre Dame, IN: University of Notre Dame Press, 2006), 9, note 1.

<sup>96</sup> Yannaras, *The Theology of the Absence and Unknowability of God*, 40-49. Quoting from Nietzsche’s famous passage of the third book of *The Gay Science* (1882§125 ‘death of God’), Yannaras focuses on the Heidegger’s interpretation to point to the development of western theology, arguing that God has been ‘reduced to a kind of ultimate explanation, and in this way simply serves human purposes’ (see Louth, ‘Introduction’, in id., 6).

because Louth characterizes him as ‘without doubt the most important living [and controversial] Greek Orthodox theologian’,<sup>97</sup> and one who seeks to address the issues and problems of modern life in the terms and concepts of today.

In this section, we continue with our task of examining the theological turn to relationality and how it impinges on cognitive impairment. Remember we are saying that the rationality-relationality turn needs another radical step to account for individuals who are profoundly intellectually impaired. To properly understand Yannaras, one must recognize some categories that are significant for his treatment of the issue of ontology, namely: (1) the priority of the particular over the universal, (2) persons and relationality, (3) the ecstatic character of personal existence, (4) Eros, (5) the universality of the person, (6) the unity of the person, (7) the distinction he makes of ‘nature’ and the ‘energies’ of the person, (8) divine and human persons, and (9) the ecclesia. However, space will not allow us to examine all the individual constituents that have brought Yannaras to see the importance of personalism. Thus, we will focus mainly on some categories worked out fully in his treatise, *To Prosopo kai o Eros (Person and Eros)*.

Most Western readers would classify this book as an essay in ‘natural theology’, though as Rowan Williams says, it is a natural theology with a ‘Trinitarian sting in the tail’.<sup>98</sup> We are interested in this work because therein Yannaras attempts to show how personhood as we know it is anchored in Being, and so in God. And because our starting point is from a particular concept of personhood, i.e., existence-in-communion, we are obliged to postulate ‘internal’ personal communion to God. As William says, this like any attempt to expound the relation of finite to infinite is inevitably an essay in *analogy*. However this should not necessarily mean that we take finite existence as a starting-point which is ‘more real’ or ‘more certain’ than infinite existence.<sup>99</sup> Before we examine Yannaras’s understanding of personhood as erotic – that is, ontologically constituted by attraction, openness, freedom and communion, and how this exposition bears upon our drive towards reconsidering relational anthropology, let us consider an issue at the core of his thought and what he thinks is *the* demarcating line between East and West.

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<sup>97</sup> Ibid., 1.

<sup>98</sup> Rowan Williams, ‘The Theology of Personhood: A Study of the Thought of Christos Yannaras’, *Sobornost* 6 (1972), 427.

<sup>99</sup> Ibid.

## 4.2 On the Distinction between the ‘Essence’ and the ‘Energies’ of the Person<sup>100</sup>

Yannaras lays on this distinction the heavy burden of bearing the entire weight of Orthodox identity and also that which counters all the ills and errors of Latin West.<sup>101</sup> However, Yannaras here is only following in the steps of his mentors, by building upon the foundation laid down by two Russian émigré theologians Vladimir Lossky and Georges Florovsky. In Christian theology, as we shall see, the person is an inseparable and integrity totality. Why, then, one might ask, do we here speak of a distinction between the essence (*ousia*) and energies (*energeia*) of a person? For Yannaras, this is a creation of the theological mind which it highlights with reference to the ontological categories regarding the person. When we consider divine personhood, it is perhaps normal to speak about the Triadic God and about the way in which we can speak about His existence. In addition, it is also possible to distinguish the reality which is shown by the word ‘essence’ or ‘nature’ from the reality which is shown by the word ‘person’ or ‘hypostasis’. However, let us now speak of the word ‘energy’, that is, ‘essence’ and ‘hypostasis’ and which is just as constitutive of what exists as the other two and at the same time their consequence.

What exactly is designated with the term *energies*? For Yannaras, we designate those potentials of nature or essence to make known the hypostasis and its existence, to make it known and participable.<sup>102</sup> To make this definition clearer, Yannaras speaks about the energies of human nature or our essence. He says: ‘every man has understanding, reason, will, desire, imagination; every man works, loves, creates’.<sup>103</sup> To Yannaras, all these capacities, and others analogous to them, ‘are common to all people’. This means that, for Yannaras, they all ‘belong to the human nature or essence’.<sup>104</sup> These ‘natural capacities’, Yannaras argues, mark the *difference* between humans and every other being.<sup>105</sup> However, Yannaras argues that although these natural energies are common to all, they are ‘disclosed and actualized’ by each individual in a unique

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<sup>100</sup> Compare with Thomas Aquinas’s *ipsum esse subsistens* in his ‘essence-existence’ distinction.

<sup>101</sup> See e.g., Juan-Miguel Garrigues, ‘L’énergie Divine et la grâce chez Maxime le Confesseur’, *Istina* 19 [1974], 272-296 as cited in Christos Yannaras, ‘The Distinction between Essence and Energies and its Importance for Theology’, *St. Vladimir’s Quarterly* 19 (1975), 232-41. In his study, Garrigues rejects the distinction between essence and energies. At the same time Garrigues draws upon the realm of Christology and particularly the teaching of St. Maximus the Confessor developed to combat the heresy of monoenergism to support his position. (See *ibid.*, 232).

<sup>102</sup> Yannaras, *Elements of Faith*, 43.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

way. He says: ‘All men have understanding, will, desire, imagination; but every particular man thinks, wills, desires, imagines in a manner absolutely different’.<sup>106</sup>

We must stop and ask what exactly Yannaras intends when he speaks of all these capacities as being common to *all* people, as belonging to our essence, and as marking *the* difference between humans and other beings? But what of those persons who do not possess some or all of these ‘natural’ capacities? To me, Yannaras’s argument here risks repeating the same move that we find everywhere, namely, the account of being human in terms of higher capacities distinct from the capacities of other beings. Yannaras’s move raises the same question here as it does elsewhere: if it is true that the ‘natural energies/capacities’ are the *only* way in which the ‘personal otherness’ of every human person, is revealed and disclosed, and that which ‘differentiates every man from all his fellow men’,<sup>107</sup> that casts doubt on the person of human beings without these natural energies. And so, what about our fellow human beings who are severely intellectually impaired and who, as far as we can tell, do not possess part or all of the ‘energies’ mentioned? Is this not the point today’s bioethicists press time after time? I am afraid that although it is not his intention, Yannaras risks reinforcing their point.

If such an account is to be rehabilitated, this can only be achieved by following the major thesis of our study: That we encounter those persons who do not possess the said ‘natural energies/capacities’ through their bodily presence. In short, the individual who does not possess all the capacities Yannaras claims are ‘common to all people’, i.e., reason, will, desire, imagination, love, creativity, and the ability to work, is encountered and relates to the rest of her fellow human beings by being bodily present. This claim should stand because as Yannaras argues, though common to all, the energies are disclosed and actualized individually in a unique manner. A profoundly intellectually impaired person’s unique manner of disclosing the only energies she perhaps possesses is through the physical body that is present to the rest of the parties in the relationship.

That particular person’s embodiment, then, should count as her natural energy, and thus that which belongs to her essence and differentiates her from every other being. Indeed, for Yannaras, there is no other way of knowing the personal otherness of an individual, than by the manifestation of natural energies. He says: ‘[t]he natural energies permit us to know the

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<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

otherness of the person by *sharing* in the way or in the *how* of their manifestation'.<sup>108</sup> Thus we *share* in the way or in the *how* of an intellectually impaired person's manifestation by them being bodily present to us. Additionally, the individual is a person who does not have the capacity to say reason, will, desire, imagine, love, be creative and work. Furthermore the person who once possessed these natural energies, as in the case of an acquired cognitive impairment, e.g., advanced dementia etc, does not lose his dignity even when his capacities for reason and will are suddenly frustrated. And on the other spectrum, that neonate whose capacities are undeveloped is a person too, and it is not true that the perfection of these natural energies is their ultimate *telos* and the ground for their dignity.

What we are left with, then, is the question about relationships in which individuals become persons á la Zizioulas and Yannaras. The tension in this issue of relationality comes to the fore from the perspective of individuals lacking in these natural energies/capacities. It is difficult not to conclude that the lives of individuals who do not possess the said natural energies/capacities is 'subhuman'. But I am not suggesting that this is what Yannaras is saying. Instead, my point is that the claim as described warrants such conclusion. In chapter 4 then, I will discuss possible responses to such a conclusion.

### 4.3 On Person as Relational Reality

Yannaras maintains that 'person' is one of the two categories that stand at the centre of the philosophical Christian tradition in relation to the question of ontology. Like, Zizioulas who tends to associate the concept of the 'person' with *hypostasis*, at the core of Yannaras's understanding of personhood is the term *tropos hyparxeos* ('mode of existence'),<sup>109</sup> which is one of the characterizations of person or hypostasis suggested by the Cappadocians. This characterization was further developed by Maximus the Confessor, in contrast to nature as characterized by the principle of being. It means that like human nature, the mode of existence is not predetermined as a collection of properties. It is the way our human nature is lived out, or expressed, in a personal way of existence experienced as a 'standing outside', a self-transcendence, an *ek-stasis* moving beyond oneself in loving freedom.<sup>110</sup> Thus Yannaras: '[t]his

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<sup>108</sup> Ibid.

<sup>109</sup> See Yannaras, *Person and Eros*, 19-20, 27-8, 36-7, 56-8.

<sup>110</sup> Ibid., 20.

movement from noetic-conscious stationariness (stasis) to universal *relation* is also a transition from the ontic-individual perception of human existence to its ecstatic determination'.<sup>111</sup> So 'person' in Yannaras does not determine nature, but rather describes its real manifestation, that is, its mode of existence or the 'how' it exists.

Yannaras owes his theology of trinitarian personhood to Lossky who was first to develop in Orthodox theology an understanding of personhood as *ekstatic* (freedom from self for God) and *hypostatic* (unique) based on an apophatic approach to the doctrine of the Trinity.<sup>112</sup> But Lossky seems to have left unattended a tension within his own theology between his apophatic trinitarian theology and his more cataphatic claims about personhood. It is only when Yannaras started to integrate more coherently Lossky's emphasis on apophaticism and the 'ontology' of personhood as *ekstatic* and *hypostatic* that we start to sense a genuine tradition within contemporary Eastern Orthodox theology. Both Zizioulas and Yannaras add an element to this trinitarian understanding of personhood not clearly present in Lossky - *relationality*. However in contemporary discussions of ecclesiology and trinitarian theology, most of the credit has been attributed to Zizioulas for popularizing this understanding of trinitarian personhood as *ekstatic*, *hypostatic*, and relational.

From the very beginning of his analysis of the personal, Yannaras declares that personhood implies relationship. In short, the person is a relational reality. Here, Yannaras starts by carefully parsing the term *prosopon*. This Greek term does not point to an abstract analogy or comparison but to 'being-opposite-someone/something'.<sup>113</sup> For Yannaras it is no coincidence that the Greek word for person, *prosopon*, should have the literal meaning 'face'.<sup>114</sup> It is a face or a look that turns towards someone or something, and thus denotes a movement, an immediate reference, a relationship-to-somebody or to-something.<sup>115</sup> Each of us, then, is authentically a person only in so far as we 'face' others and relate to them in love without regard to their ability or capacity for agency. For Yannaras, herein lays the 'potential which *constitutes* man, the potential to be *opposite* someone or something, to have one's *face-toward* someone or

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<sup>111</sup> Ibid.

<sup>112</sup> See Lossky, *In the Image and Likeness of God*, 111-23.

<sup>113</sup> Yannaras, *Person and Eros*, 5.

<sup>114</sup> Yannaras says: 'The prefix "*prós*" ("to", "toward") together with the noun "*óps*, "*ópos*", which means "look", "eye", or "face", forms the compound word "*prósopon*", "face", or "person" (id., *Elements of Faith*, n.2, 30).

<sup>115</sup> Yannaras, *Person and Eros*, 5 ; See also id. *Elements of Faith*, 30.

something, to be a *person*'.<sup>116</sup> Immediately we encounter an idea which is very prominent in Yannaras, and present throughout his reflection and argumentation, that the person is the sole existential possibility of relation and the fact of relation as the initial assumption of the ontological question.

By the word 'person', then, we define a referential reality. In other words, the term manifests a communicative contact with the other and it is almost a synonym for the opportunity for relationship.<sup>117</sup> That which is 'opposite-someone/something', i.e., the person, represents an individual, but an individual in relation, a dynamic actualization of relationship. Persons therefore realize their very being by *moving* to connect with what is found outside of them. Thus beings exist only as things-set-opposite, i.e., they manifest being only in *relation* to person.<sup>118</sup> Again recall we are saying that this manner of thinking risks marginalizing fellow human beings who do not have the capacity to 'face' others, 'move' to connect with the other, or have meaningful reciprocal relations which 'manifest their being'. For Yannaras, the person is dynamic which straightway juxtaposes it with any notion of a static existence. The person is here contrasted with the idea of the individual where the latter is closed and bound off in isolation, in the limitedness of its individuality and secured in the egocentricity of its self-sufficiency. However, according to Yannaras while the person also carries individuality, it is an individual in relation, a dynamic actualization of relationship.<sup>119</sup>

Yannaras argues that apophaticism is the presupposition for a relational personhood that is both *ekstatic* and *hypostatic*. To Yannaras, to the extent that apophaticism rejects the idea of reducing God to a necessary concept, it is the basis of the possibility of knowing and engaging with the personal God. This knowledge of God as a personal encounter is simultaneously an event of Eros. Eros, then, is the 'supreme road' to knowledge of the person. This is because Eros is 'an acceptance of the other person as a whole'.<sup>120</sup> Thus eros does not project onto the other person 'individual preferences', 'demands or desires', especially if the person has any type of

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<sup>116</sup> Yannaras, *Elements of Faith*, 30.

<sup>117</sup> Yannaras, *Person and Eros*, 5.

<sup>118</sup> *Ibid.*, 6.

<sup>119</sup> *Ibid.*, 5.

<sup>120</sup> Yannaras, *Freedom of Morality*, 23.



disability, and in the case of this study cognitive impairment. Instead, it accepts him or her as he/she is, in the fullness of his/her personal uniqueness.<sup>121</sup>

#### 4.4 On the Ecstatic Character of Personal Existence

In pursuing categories that are fundamental to Yannaras's discourse of the person and nature, let us now briefly sketch the notion of the ecstatic/ecstasy, which is common and key to both Yannaras's and Zizioulas's theological anthropology.<sup>122</sup> I must begin by saying that unlike in Zizioulas's treatment<sup>123</sup> of the same, the idea of ecstasy or the ecstatic is not presented in Yannaras's work in a very straightforward manner. It is therefore a bit difficult to clearly draw out Yannaras on terms 'ecstasy' and '*ek-stasis*' as he uses them in *Person and Eros*. This is because he employs the terms broadly and in connection with not just a single concept but connects it with many other ideas.<sup>124</sup> Having said that, according to my reading of his usage, the majority of the times when he uses the terms 'ecstasy' and 'ecstatic', he does so to demonstrate the dynamics of relationality and personal engagement.<sup>125</sup> Yannaras borrows the concept ecstasy from Heidegger's analysis of 'EK-sistenz', which to Heidegger means 'rising up into the truth of Being' and the truth of Being.<sup>126</sup> However, the Greek language does not offer the same analysis, and so Yannaras seems to super-impose Heidegger's analysis to *ek-stasis*. By my reading Yannaras uses the concept of ecstasy when he intends to express how two separate realities are connected – as in the case of God's movement towards human beings and human beings to human beings or creation in general.

For Yannaras, *ek-stasis* is mainly a 'standing-out' movement, the dynamic of the advancement from individuality to person that is accomplished through personal relationship, which is fundamental for the reality of the person.<sup>127</sup> Zizioulas combines *ekstasis* and *hypostasis* as two movements which characterize personhood. For him, the two serve to balance one another. Their combination in the idea of the person reveals that personhood is 'directly related

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<sup>121</sup> Yannaras, *Person and Eros*, 5.

<sup>122</sup> Wolfhart Pannenberg also speaks of the ecstatic nature of all living beings to the extent that they live for the future. However, he thinks human beings are distinguished in their capacity for developing a consciousness that bridges time because they have a sense of the past and present and thus the future (id., *Anthropology in Theological Perspective*, trans. Matthew J. O'Connell (Edinburgh: T. & T. Clark, 1999), 524-25.

<sup>123</sup> See Zizioulas, *Communion and Otherness*, 212-37.

<sup>124</sup> See for example Yannaras, *Person and Eros*, 19-20, 27-8, 32, 57, 114, 129-30, 132, 136, 137, 139, 142, 197, 242, 251, 262-7, 273-4. For *Ek-sistenz*, see pp. 32, 298, 304.

<sup>125</sup> Ibid., 20.

<sup>126</sup> Ibid., 32.

<sup>127</sup> Ibid.

to ontology – it is not a quality added, as it were, to beings, something that beings “have” or “have not”, but is constitutive of what can be ultimately called a “being”<sup>128</sup>. Yannaras, as we will see below when we consider the *ordo essendi* of his theology, also maintains the notion of ‘ecstatic being’, i.e., the character of personhood.

Again, as we saw with Zizioulas’s understanding, this ecstatic being is grounded in communion. This means that both propose a relational personhood which is grounded in the center of human subjectivity. Although grounding in communion means that the ecstatic being is not grounded in itself as substance, both think of ecstatic being in terms of ‘movement’ *towards* communion. Again, we may ask, who initiates the movement? Once again, as with Zizioulas, and contrary also to Yannaras’s intention, his account seems to succumb to the trap of thinking about relational personhood in terms of human subjectivity. Recall we are saying that to be inclusive of fellow human beings who are profoundly intellectually impaired or otherwise, we must think of ‘ecstatic being’ in a manner which does not reinforce the importance of features intrinsic to humans. We shall return to this point in chapter 4. For now let us examine the *ordo essendi* of Yannaras’s theology.

#### **4.5 On Divine Personhood**

God cannot be known in his Essence, but we do know the mode of his existence. God is a personal existence, three specific personal existences of whose personal difference the Church has direct historical experience. But what exactly is a personal existence? Specifically, what does ‘person’ mean? The definition is, perhaps, unattainable and even for humans, as we shall see, where bodily individuality makes ‘personhood’, the personal elements of human existence, concrete and immediately accessible, it hardly seems feasible for us to define objectively what it is which constitutes personhood, which imparts a personal character to existence. We speak of a Triadic God, a Trinity that is a Monad of life, because the life of the hypostases of God is not simple survival, but a dynamic actualization of unbroken union of eros. Each Person exists not for himself, but exists offering himself in a community of love with the other Persons.

The life within the Trinity is a commingling of life, which means that the life of the one becomes the life of the other; their Existence is drawn from the actualization of life as communion, from life which is identified with self-offering love. If God is the true Existence and

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<sup>128</sup> Zizioulas, *Communion and Otherness*, 213.

life, the cause and source and starting point of being, then in every case being, existence and life, is inseparable from the dynamic of love. Thus when the scriptures declare that ‘God is love’ (1 Jn 4:16), it is not one of the properties of God’s ‘behaviour’ that is being referred to, but to what God *is* as the fullness of trinitarian and personal communion.<sup>129</sup> Here, recall that for Yannaras, love is the ontological category *par excellence*, the only possibility for existence, since it is through love that God gives substance to His essence, and constitutes His being.<sup>130</sup>

In Yannaras’s exposition, then, God does not ‘emerge’ into personhood, He *is* personal. The personal being is innately relational, and consequently it is also erotic, or at least called or created to be erotic. When humans relate to God, they apprehend His energy as triadic, and, at the same time, as kenotic. This personal energy is the foundation of finite, created personhood. Human beings are now free to exist in relationship with God on a truly personal nature as beings-in-communion.

#### 4.6 On Human Personhood

A crucial step in Yannaras’s analysis of the nature of the personal is his use of the distinction between the ‘person’ and the ‘individual’. Yannaras argues that while an individual is defined in terms of his or her self-identity and distinction from other individuals, as a kind of irreducible unit or monad, person is defined in terms of relationship; an openness to and acknowledgement of the ‘other’. The Greek person, then, is relational. For Yannaras, ‘the fact of “relation” is the initial assumption of the ontological question, and the “person” [is] the sole existential possibility of relation’.<sup>131</sup> Yannaras agrees with Zizioulas when he argues that persons exist only over-against, and in relation to someone or something. Zizioulas says: ‘we know beings as presence (*par-ousia*), not as essence (*ousia*).’<sup>132</sup>

This means that we cannot know ‘Being-in-itself’ as such, neither can we speak of the *being-in-itself* of beings; we can speak only of *being-there* or *being-present* (*par-einai*), of co-existence with the possibility of their disclosure’.<sup>133</sup> A human being’s acts of knowing, then, are not merely intellectual, but are an orientation of his personhood in relation. This is the outgoing

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<sup>129</sup> Yannaras, *The Freedom of Morality*, trans. Elizabeth Briere (Crestwood, NY: St Vladimir’s Seminary Press, 1984), 18.

<sup>130</sup> Ibid.

<sup>131</sup> Yannaras, *Person and Eros*, 5.

<sup>132</sup> Ibid., 6. Zizioulas, *Being as Communion*, 106.

<sup>133</sup> Yannaras, *Person and Eros*, 6.

openness to other realities which Heidegger calls '*ek-stasis*'. In short, in relationships, humans discover not what it is to be human in general, what human nature is in abstract terms, as, for instance, a rational being, but the different ways of being human, the different unique ways of being human that are summed up in the notion of being a person. I agree with Louth that Yannaras's analysis here closely matches that of Emmanuel Levinas in many respects much more than Heidegger's. Indeed, Levinas's criticism of Heidegger's project of traditional ontology in favour of recognition of otherness (*altérité*) has some striking parallels with Yannaras's analysis.<sup>134</sup> So because Yannaras is criticized for using Heidegger, perhaps Levinas provides a much better philosophical foundation for the position Yannaras embraces than Heidegger himself?

'What is the body and what is the soul of man?'<sup>135</sup> It is to Yannaras's answer to his question that we turn to. To Yannaras, both the body and the soul are energies of human nature. By this he means that body and soul are the modes by which the event of the hypostasis (or personality, the ego, the identity of the subject) is given effect. For Yannaras, then, what each human being *is*, his or her real existence or hypostasis, this inmost *I* which constitutes her as an existential event, *cannot* be identified either with the body nor with his soul.<sup>136</sup> For Yannaras, the soul and the body only 'reveal and disclose what man *is*; they form energies, manifestation, expressions, functions to reveal the hypostasis of man'.<sup>137</sup> So in other words 'his hypostasis' cannot be identified with either 'his body or with his soul. It is only *given effect*, expressed and revealed by its bodily or spiritual functions'.<sup>138</sup> 'Therefore' Yannaras says 'no bodily infirmity, injury or deformity and no mental illness, loss of the power of speech or dementia can touch the truth of any man, the inmost *I* which constitutes him as an existential event'.<sup>139</sup>

But why not? Why is that which as man *is*, his hypostasis, not identified with the body and soul? So what is she, what is a person's hypostasis if the animate body which we engage when we encounter human beings in daily relations is not the person herself, her inmost 'I', that which she *is*? Yannaras's move here worries me. So following Barth, I will argue that human

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<sup>134</sup> See Levinas, *Totality and Infinity*, especially the section on 'Exteriority and the Face', (187-219), and the analysis of love and eros in 'Beyond the Face', (254-281). See also id., *Otherwise than Being, or, Beyond Essence*, trans. Alphonso Lingis (The Hague [1978]; London: Nijhoff, 1981).

<sup>135</sup> Yannaras, *Elements of Faith*, 63.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

beings are *bodily soul and ensouled body*. I think Barth's understanding here is, as we shall see, vastly different from Yannaras's. Indeed, coming from a non-structural/non functional approach, I am worried when Yannaras uses the language of 'function' to define the body and soul.<sup>140</sup> I think it is easy here to fall into the trap of thinking of a person as a 'something' else that is given effect by their bodily presence and spiritual presence as Yannaras says. To Yannaras, Gen. 1:26 does not indicate merely the creation of one more of the creatures which fill the earth. For him the creature of this verse is set aside by the will of God from all the others to be *the* image and representation of God within the world.<sup>141</sup> I agree with Yannaras here, I think we part ways when he sets out to define how this individual who is created in the image of God is manifested.

Yannaras repeatedly equates *soul* with *spirit*. To him, these two categories are not only synonymous, but they bear the image of God in human beings. He says:

If man is an image of God, how is this image revealed in his body and how in his *soul or spirit*? What becomes of the image of God in man when the body dies and decomposes in the earth? Is every trace of his *soul or spirit* extinguished together with the last look or smile? We must see if there are words especially to say what the body is, what the *soul or spirit* is, and which of the two constitutes what we call the existence of man.<sup>142</sup>

This means that for Yannaras, the spirit/soul should not be identified (as contemporary rationalists do) with the cognitive function of brain centres, rigidly predetermined by biochemical composition. Unlike ancient Greek philosophy, Yannaras maintains that the soul is the sign of life but denies it is the *source* or *cause* of life.<sup>143</sup> To him the soul is the *bearer of life*<sup>144</sup> and hence any anthropological ontology must take the whole person as its starting point. For Yannaras, anything which has life, i.e., all animals, is called a soul.<sup>145</sup> But although the human person and a nonhuman creature are both determined ensouled creatures, a human person more importantly is further determined to respond to God's Word and to share in God's very life. The soul/spirit-body are energies of the hypostasis of man. So they reveal what human 'is'. Thus, disability (physical or cognitive) cannot affect an individual's identity.

As we will see in the next chapter, Karl Barth maintains that the spirit is the 'bond' that holds the tensions between body and soul together. What of Yannaras? This point is important: it

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<sup>140</sup> Ibid., 63, 64.

<sup>141</sup> Ibid., 54.

<sup>142</sup> Yannaras, *Elements of Faith*, 60.

<sup>143</sup> Ibid., 55.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid.

is certain, Yannaras says, that what constitutes a human being as an hypostasis, what gives her an ego and identity is not psychosomatic function, her nature or its existential possibilities, but her *relationship* with God. Thus Yannaras: ‘What man *is* as a personal existence “before” God, that is what constitutes the image of God in man, cannot be immobilized in some temporal moment or period’.<sup>146</sup> This point is important to counter those who say that, for example, persons suffering from dementia are a burden to society and hence ought to be done away with. Significantly, the inmost ‘I’ of a person with a cognitive impairment remains untouched, even when he seems to lose his agency. Like Zizioulas, what Yannaras delineates as ‘personal existence’ or ‘hypostatic being’<sup>147</sup> is to him attainable only within the Church.<sup>148</sup> It is to this being that we turn to next.

#### 4.7 On Ecclesial beings

When Yannaras puts forth his philosophical discussion about personal existence, he is not just engaging in a theoretical exercise with intellectual matter. Yannaras’s quest to explore and approach the constituents of personal existence and to set forth a perspective with respect to human personhood is first and foremost a search of a practical character, an enquiry with a very pragmatic concern: What is the truth about human existence and how does that truth delineate the way human beings should live? Particularly, how does the truth about human existence relate to the existence and life of the Church? In other words, what does participation in the life of the Church involve, and what are the parameters of an authentic Christian life? For Yannaras the Church is not just a religious institution or a certain group of people who share common ideas, but a state of being, the mode of communal being, where an individual has the opportunity to *become* a person.

To him the ‘church’ is not merely the Sunday morning homily, a physical sanctuary, or a congregation of well-intentioned persons, but ground zero for the ‘personalization’ of an individual into an ‘ecclesial hypostasis’. How so? For Yannaras, the Church is a *meal*.<sup>149</sup> So to him, an individual’s existence becomes a personal hypostasis only to the extent that it is restored to the true Life that the Church represents and sets forth. Yannaras treats the church with a

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<sup>146</sup> Ibid.

<sup>147</sup> Yannaras, *Elements of Faith*, 58-59.

<sup>148</sup> Ibid., 128-9.

<sup>149</sup> Ibid., 125.

significance that is both encompassing and forceful. He says: '[e]ating and drinking are presupposition for the life of man'.<sup>150</sup> This means the church is not merely a central model, but is determinative of being. It is how an individual shares life. So human beings share in life by participating in the action of eating and drinking.<sup>151</sup> Yannaras claims that just as life was first distorted at the Fall through an act of eating to maintain individuality, so is the possibility of individuals being ontologically changed into an ecclesial hypostasis (person) by partaking in the meal served only in the ecclesia.<sup>152</sup>

## 5. Critical Assessment

The greatest strength of both Zizioulas and Yannaras is, perhaps, their understanding of the person as ecstatic and unique. Supremely important is Zizioulas's offer of a dynamic anthropology where the self is conceived as irreducibly uncontainable and non-circumscribable. On the other hand, once the reader overcomes Yannaras's oftentimes sharp stereotyping of the Latin tradition, one finds that his contribution to the area of inquiry in which we are engaged remains very substantial indeed. Consequently, both Yannaras and Zizioulas open up a path through some of the traditional impasses between transcendental anthropologies on the one hand and anthropologies grounded in preconceived notions of human finitude and sinfulness on the other. Zizioulas's creative and critical, cross-fertilising engagement with Boethian and Augustinian,<sup>153</sup> as also Cappadocian, approaches suggests the extent to which Barth and Rahner might have allowed their interpretations of personhood to have been revised by the doctrine of the Trinity in a manner that opened up the profound anthropological implications of the intra-divine communion and our being brought 'economically' to participate within it by the Spirit and in and through the priesthood of Christ.

Let us consider some blind spots in both Yannaras's and Zizioulas's entire project. Here we will examine three specific aspects of their theologies: 'persons' and relations, 'the place of sin', and the distinction between 'biological' and 'ecclesial beings'.<sup>154</sup> The approach to all three

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<sup>150</sup> Ibid.

<sup>151</sup> Ibid., 124.

<sup>152</sup> Ibid.

<sup>153</sup> Zizioulas, 'On Human Capacity and Incapacity', 405-6.

<sup>154</sup> Here I follow Edward Russell.

aspects will be guided by wider systematic concerns and will therefore be instructive for relational and theological anthropology more generally.

### 5.1 Of 'Persons' and Relations

As observed, most relational anthropologies are constructed by focusing on the continuities between divine and human personhood. However, might this focus in turn pose the danger of under-emphasizing the human side of the equation, of idealizing relationality and the loss of the uniqueness of personhood? When we consider both Yannaras's and Zizioulas's understanding of person, these questions inevitably emerge at the top. I argue that as defined by both theologians, the concept of 'person' is a bit worrying. It seems that under their rubric, only certain people have the access to become an ecclesial hypostasis through participating in relationships at a given level and incorporation into the ecclesia. For both theologians, the body as conditioned, as individualizing and as moral hinders us from becoming persons, that is, in their terms, from affirming ourselves as love and freedom. Thus death as Zizioulas writes is the 'natural' development of the biological hypostasis; it is the cessation of 'space' and 'time' to other individual hypostases.

For the person to survive, her biological hypostasis must be augmented by an ecclesial one through relations. For Zizioulas, this is the very essence of salvation. But we might ask: can we only become persons by participating in the proper kinds of relationships with the right sort of people? For instance Zizioulas says: '[a]s a person you exist as long as you love and you are loved. When you are treated as nature, you die as a particular identity'.<sup>155</sup> And so, is that to say distorted relationships which are part of the fabric of society make us inauthentic persons?<sup>156</sup> What of those who are cognitively impaired or those who are not participating in Christ? And do socio-historical factors play any role in constituting personhood? Some might say that we are missing the two theologians' main focus that human beings only become persons in the church. That may be so. However, it is in order to question the limits of their definition. That said, perhaps a more appropriate distinction would be between inauthentic personhood and fully realized personhood rather than person and individual. Furthermore, if we are to defend a

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<sup>155</sup> John Zizioulas, 'The Doctrine of the Holy Trinity', in Christoph Schwöbel, *Trinitarian Theology Today : Essays on Divine Being and Act* (Edinburgh: T. & T. Clark, 1995), 57.

<sup>156</sup> Harriet A. Harris, 'Should we Say that Personhood is Relational?', *Scottish Journal of Theology* 51 (1998), 224.



relational ontology, it is important to take into account the objections posed by Harriet Harris thus: should we say that personhood is relational? And, indeed, if personhood is relational, can we adequately define persons in terms of their relationships? One might argue that these questions are moving beyond the scope of Yannaras's and Zizioulas's project, but I think they are worth considering.

When we consider divine persons, relationships do largely define each person. However, recall that within the Godhead, personhood is ontologically prior to communion because Zizioulas argues for the monarchy of the Father. This changes when one considers human persons, and the discontinuity between divine persons and human persons. How so? Human beings are circumscribable in a way that divine beings are not simply because of their limitedness. But what about the act of procreation? Is it not the ultimate act of 'communion'? It may be so, but boundaries still exist between two people.

Recall that both theologians tightly integrate anthropology and ecclesiology. So the church for them is a way of being, not something with which beings become involved in.<sup>157</sup> For both theologians, then, the goal of salvation is that the very life of God which is realized in the perichoretic union of the Trinity should also be realized by all human beings through divinization (theosis). Here, we ought to pose two questions concerning this discontinuity between divine persons and human persons by way of what Torrance calls an 'ontology of ecclesiality':<sup>158</sup> First, how far can this discontinuity between divine persons and human persons be pushed before we take into account embodiment which is accompanied by suffering? How far before we recognise the physicality of human beings which is susceptible to a decline of agency (e.g. dementia) and separation which comes from socio-economic situations? Are these hard realities of being human not ontologically constitutive of personal, creaturely identity?<sup>159</sup> Indeed they are and we are compelled to take them seriously. This means we ought to maintain a clear boundary between divine being and human being, a line both Yannaras and Zizioulas are in danger of glossing over.<sup>160</sup>

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<sup>157</sup> For example see Zizioulas, *Being as Communion*, 15; Yannaras, *Elements of Faith*, 122.

<sup>158</sup> Torrance, *Persons in Communion*, 296.

<sup>159</sup> Zizioulas, *Being as Communion*, 15.

<sup>160</sup> See *op. cit.*, 296. See also Alistair I. McFadyen, 'The Trinity and Human Individuality: The Conditions for Relevance', *Theology* 95 (1992), 10-18. 'Human individuality does not image God by virtue of the consistency to be expected between two fields of application of the word 'individual' (*ibid.*).

Second, does it allow us to describe as ‘persons’ human beings who are not participating in Christ, and thus be said to have been ‘divinised’ by participating (cognitively) in God’s personal existence through baptism or a eucharistic experience to participate? Again, as posed earlier, the question to Yannaras and Zizioulas is whether or not there is personhood *extra ecclesiam* (i.e., outside the church). If so, when Jesus speaks of ‘the least of these’, may he not be referring to our fellow human beings who do not possess this ‘capacity’ or have not had the opportunity to participate in such communion and yet are loved by God as *persons*?<sup>161</sup> If the goal for Yannaras and Zizioulas is for human beings to be ‘divinised’ for personhood, then they both seem to have underestimated the ‘boundaries of the self’ and consequently I suggest do not distinguish sufficiently between finitude and infinitude.

While ‘person’ is not circumscribable, relationships do have to form between someone or something. Harriet Harris, in her article ‘Should we Say that Personhood is Relational?’ captures what seems to be a logical problem that arises when we posit relations between relational entities that leads to either an infinite regress of relations, or a relational form of the ontological argument where the regress finds its starting-point in God.<sup>162</sup> Let us entertain her questions briefly: Is it reasonable to say, then, that relations precede the existence of any one person in divine personhood, but is not so with human personhood? And should we, then, say that human beings are created relational but grow into relationships? We are not compelled to follow Harris’s path of affirming ‘being’ prior to ‘relations’. Instead to me the situation seems to be more a case of ‘both...and’. How so? All persons are born into an intricate web of relations which exist prior to their being born and before participating in any of these relations, they exist. But what is the ‘glue’ that binds together different persons to the same relation as between the Son and the Father which is common to all persons?

As we shall see in the next chapter when we engage with Karl Barth, a strong Christology and a strong pneumatology would be of great help here. This is because the uniqueness of the persons can be maintained in Christ through the Holy Spirit. However, according to their critics pneumatology and Christology seem to be largely absent from Yannaras’s and Zizioulas’s theology respectively. Thus Williams: ‘[O]ne misses...any real integration of the idea of the Holy Spirit’...and Yannaras develops a ‘cryptic and rather unsatisfactory’ Christology. And

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<sup>161</sup> Ibid.

<sup>162</sup> Harris, ‘Should we Say that Personhood is Relational?’, 224-5.

Russell says, ‘pneumatology is largely absent from Zizioulas’s account’.<sup>163</sup> Finally, the anthropology of both Yannaras and Zizioulas is in danger of dissolving the individual person into corporate existence in the *ecclesia*. Recall the questions of biological constraint posed earlier, i.e., our human finitude and limitedness. These in addition to alienation and mortality are responded to in Yannaras’s and Zizioulas’s thought by distinguishing between two forms of existence, namely *the hypostasis of biological existence and the hypostasis of ecclesial existence*, to which we now turn.

## 5.2 On Biological and Ecclesial being

Yannaras and Zizioulas both seem to place a great premium on divine and human relations at the expense of other facets that make up the person. I am thinking here of the issue particular to our purpose - embodiment. Their distinction between biological and ecclesial hypostasis leaves open the extent to which the kind of transcendence, as Zizioulas puts it, ‘beyond created existence’<sup>164</sup> does or does not include those ‘persons’ whose ‘biological’ constitution (either through immaturity, acquired cognitive impairment like dementia and brain damage) is such that this kind of cognitive transcendence is no longer possible.<sup>165</sup> Questions immediately arise from this biological/ecclesial hypostasis. For example Torrance wants to know: (1) On what basis does such a person’s eternal life and ‘survival’ depend? ‘Is it the *ekstasis* of other persons or some past or potential cognitive *ekstasis* which provides the necessary condition of such ‘survival’?’<sup>166</sup> (2) Does this distinction not circumvent too easily the issues posed by the extent of embodiment, that is, limitedness and personal tragedy? And (3) what is the meaning, then, of the Gospel of grace for those people who may not easily be described as spiritual or ecclesial ‘survivors’ for the eternal domain of communion?<sup>167</sup>

I think that both theologians draw too rigid a line between biological and ecclesial being, and thus we cannot avoid sensing a lingering residue of reconstructed subjectivity at the center of their concept of personhood. This rigid line is necessitated by what they hold sin to be. Both retain a view of human beings as persons, rather than individuals, who share a common nature

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<sup>163</sup> Williams, ‘Theology of Personhood’, 428, 429; Russell, ‘Reconsidering Relational Anthropology’, 183.

<sup>164</sup> Zizioulas, *Being as Communion*, 107.

<sup>165</sup> Torrance, *Persons in Communion*, 301.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*

but who, by virtue of their freedom, have certain distinctiveness which is apart from their nature. Thus when individuals become persons and thus a new creation over and against the old, and are not bound any longer by biological constraints, both Yannaras and Zizioulas are forced to make a strong distinction between biological and ecclesial being. Let us consider this question of sin which is crucial for understanding theological anthropology.

### 5.3 On the Place of Sin

Unlike other disciplines dealing with human beings, theology is faced with a fundamental methodological problem in its attempt to understand the human being. This problem emanates from the Christian view of the Fall, and as Zizioulas says, whatever we make of the Fall, the fact remains that there is something which can be called 'sin'. A good understanding of what sin is, ensures the proper systematic relation to other doctrines, and enables an understanding of human embodiment in the world. Both theologians are instructive on both counts.

Yannaras construes sin primarily as an existential failure. He says: 'This lack of deprivation is what he (the author of the Areopagitic) calls *sin*..., that is to say, the failure to attain and the falling away from what is fitting. By sin he means, to take a metaphor from archery, the shot that misses the mark instead of hitting the target'.<sup>168</sup> But is sin simply missing the mark? While the same Greek word for sin is used as an archery term, are humans just 'target-missers'? By my reading, the same Greek word might be used, but the two concepts could not be further apart. When the Scriptures describe the nature of a person's rebellion against God, it paints a grimmer picture than simply missing God's 'bull's eye' (see Rom. 3:10-18). Instead of aiming carefully at God's set target, it seems to me that human beings opt to turn their backs and shoot arrows everywhere else. By being self-centered, human beings seek mostly to please themselves. Thus they ignore the true set 'target' and direct their affections on seductive targets that cannot satisfy, divinise, or save. I suggest that human beings are not primarily target-missers; they are self-centered false-target worshippers.

Zizioulas on his part maintains that sin is primarily a perversion of personhood. This means that the *ek-stasis* of personhood becomes experienced as distance and separation between person and nature, which eventually distorts the *imago Dei*.<sup>169</sup> In this case, sin is understood as

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<sup>168</sup> Ibid, 34, quoting from *Scolia on the Divine Names*, PG 4, 348C.

<sup>169</sup> Russell, 'Reconsidering Relational Anthropology', 177.

an ontological state or condition. Zizioulas explicitly rejects Martin Luther's notion of the person as *simul iustus et peccator*.<sup>170</sup> Why so? Two reasons emerge: First, Zizioulas, like Karl Barth, maintains a high view of humankind on account of Christ being 'man' *par excellence*. However, even though Zizioulas considers this to be a logical progression, this is by no means necessary as will be demonstrated in the next chapter where we will consider Barth's anthropology, which also maintains a high view of humankind. Secondly, and more importantly, Zizioulas's rejection is a direct consequence of his eschatology.<sup>171</sup> While Zizioulas argues that 'person' can be claimed to be an essentially eschatological concept, in that true personhood will be realized only in the final kingdom of God,<sup>172</sup> on the other hand, it has been reasonably argued that Zizioulas holds an 'over-realized eschatology'.<sup>173</sup> This means that Zizioulas does not maintain a place 'systemically in the experience of salvific grace for the theologically necessary presence of unredemption'.<sup>174</sup> Consequently, he insists on the full realization of the Kingdom in the Eucharist which is based on his ontology of person and on his understanding of salvific grace as the process of becoming a person. There is a tension here in Zizioulas's thought which we should consider further.

Again, to become a person, one must be freed from the restrictions of biological hypostasis.<sup>175</sup> In short, the process of becoming a person is only initiated by God as it involves a total eschatological transcending (but not annihilation!)<sup>176</sup> of the biological hypostasis. Moreover, Zizioulas understands salvation as an *ontological constituting* event in which the human being becomes a person. A result of this is that it is not possible to maintain a "dialectic of 'already – not yet'", that is, there can be no tension between realized and future eschatology. Volf explains: 'if it is salvific grace itself that first constitutes a human being into a person ontologically, then that human being cannot simultaneously be both person and individual, or

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<sup>170</sup> Zizioulas, 'Human Capacity', 440. The formula receives its first and most basic expression in Martin Luther, *Luther's Works XV: Lectures on Romans*, trans. Wilhelm Pauck (London: SCM Press, 1961), 120-1, 125, 26, 27, 30, 36, 204-5, 208, 213, 322-2, and refers to the situation in which the Christian finds himself or herself; both righteous and sinner at one and the same time. In relation to Luther see Paul Althaus, *The Theology of Martin Luther*, trans. Robert C. Shultz (Philadelphia: Fortress Press, 1979), 242-5, and in relation to the gravity of sin see Trevor A. Hart, *Regarding Karl Barth: Essays Towards a Reading of His Theology* (Downers Grove: IVP, 1999), ch. 3.

<sup>171</sup> Russell, 'Reconsidering Relational Anthropology', 179.

<sup>172</sup> See Colin Gunton's *The Triune Creator: A Historical and Systematic Study* (Edinburgh: Edinburgh University Press, 1998), 209n.

<sup>173</sup> Volf, *After our Likeness*, 101.

<sup>174</sup> *Ibid.*

<sup>175</sup> At this point I am indebted to Volf's analysis: *After our Likeness*, 101-2.

<sup>176</sup> See Zizioulas, *Being as Communion*, 186.

cannot be the one or the other to a greater or lesser degree; she *is* either the one or the other'.<sup>177</sup> On the other hand, this means that if a human being is a person before they participate in salvific grace, then the person can be affirmed as *simul iustus et peccator*. To claim otherwise would be to ignore the 'role of spatio-temporal location in constituting the person'.<sup>178</sup> Being *simul iustus et peccator*, that is, maintaining a balance between future and realized eschatology, prevents a strong distinction between the person prior to and during ecclesial existence.

Karl Barth, in comparison, strongly maintains that human beings are not only *simul iustus et peccator*, but are also *simul totus iustus et totus peccator* (completely just and completely sinful at the same time).<sup>179</sup> However this is not through appearing to be just, a dualism between the old and the new, nor by distinguishing between empirical and ideal person.<sup>180</sup> For this reason Barth refers to justification as a 'history' rather than a 'state', which means that the self is constituted in a narrative taking into account embodiment which seems unaccounted for in Zizioulas's account.<sup>181</sup> Thus Barth:

The justification of man begins in his past and it is completed in his future. But as his past as a sinner is still his present, so his future as a righteous man is already his present. The fact [is] that although he is still a sinner he is already righteous, that in the same present in which he comes out of his past as a sinner he goes forward to the future as a righteous man.<sup>182</sup>

We see that Barth is able to maintain both the positive and the negative because he holds the truth about justification, not in human beings *per se*, but in Jesus Christ. The eschatological future has been realized historically in Jesus, and it is in this history that human beings participate.<sup>183</sup> Thus unlike Zizioulas, Barth's eschatology enables him to affirm the person as both *totus iustus* and *totus peccator*. This point is of extreme importance to theological anthropology because it maintains the balance between the now and the not yet. Testimony of this is borne in Romans 6-7, whether or not it refers to Paul's pre-Christian experience. Good theological anthropology demands that the right balance between future and realized eschatology

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<sup>177</sup> Volf, *After our Likeness*, 101.

<sup>178</sup> Russell, 'Reconsidering Relational Anthropology', 180.

<sup>179</sup> Barth, *CD*, IV/1, 517, 596, 602.

<sup>180</sup> *Ibid.*, 542-6.

<sup>181</sup> Zizioulas does highlight the centrality of the body for human personhood (*id.*, 'Human Capacity', 423 and 439). However, in terms of systematic weighting his overall argument comes short.

<sup>182</sup> *Ibid.*, 594.

<sup>183</sup> *Ibid.*, 547-8.

be maintained. Furthermore, when considered together with a doctrine of sin the theological framework is laid for an understanding of human embodiment.

By my reading, it seems that both Yannaras's and Zizioulas's definition risk under-emphasizing the gravity of sin. This can be seen to impact negatively the place of suffering and embodiment (including socio-historical factors) in constituting personhood. Furthermore, it is my suggestion that the gravity of sin, and the resulting suffering which often stems from it, seems not to be taken seriously enough in Yannaras and Zizioulas's theology. So sin appears to be a matter of necessity, separateness and fragmented relationships, especially in Zizioulas case. Torrance vividly captures this point when commenting on Zizioulas's 'ontology of ecclesiality'. He poses the following questions:

[H]ow far can such affirmations take account of the hard realities of suffering, alienation, and separation – not only through death, but as a result of physical, social, economic, and other factors – of cerebral disintegration through age, mental handicap and so on? Are we not compelled to take these factors seriously as ontologically *constitutive* of personal, creaturely identity?<sup>184</sup>

Torrance seems to imply that Zizioulas does not account sufficiently for the role of corporate structures, suffering and the gravity of sin for constituting personhood. The same questions, I believe, can be posed to Yannaras. For both theologians, it appears that personhood is determined by a predominantly theological agenda. In other words, Yannaras and Zizioulas seem to undervalue createdness, or the physicality of a human being's existence. Consequently, a weak doctrine of sin also has ramifications for a theology of the cross, and an under-emphasizing on the gravity of sin often results in a failure to take sufficient account of the 'brokenness' or 'rupture' of the cross.<sup>185</sup>

In this regard Alan Lewis seems to capture well the most serious weakness of Zizioulas's theological exposition. I shall quote extensively from Lewis' article which seems to me particularly illuminating:

Zizioulas seems reluctant to acknowledge the death of Jesus as significant for God's being. For him the movement back from resurrection to incarnation indicates that, though no stranger 'to the conditions of biological existence', 'Christ escaped the necessity and the passions of nature'. When he rose from the dead 'the real hypostasis of Christ was proved to be not the biological one but the eschatological or trinitarian hypostasis' (p.55). But how real is the incarnation if Christ is

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<sup>184</sup> Torrance, *Persons in Communion*, 296.

<sup>185</sup> *Ibid.*, 303-4.

held to have escaped biological necessity or ‘the tragic aspect of human person’ because of his trinitarian personhood?<sup>186</sup>

There is a danger that the emphasis on baptism for Zizioulas and the Eucharist for Yannaras in constituting the person replaces the significance of the cross and resurrection. While baptism and the Eucharist symbolize the work of the cross and resurrection, the latter two receive very little treatment in the work of both Zizioulas and Yannaras. However, I concede that this depends on the extent to which they have a participatory theology. But might this be because their work is primarily concerned with ecclesiology? This ‘docetic’ tendency in both Yannaras’s and Zizioulas’s theology lends itself to undervaluing the createdness and physicality of existence. Addressing Zizioulas in particular, Lewis says:

A similar flirtation with docetism seems to affect Zizioulas’ interpretation of the resurrection as ‘the persistence, the survival of being’, which makes the cross a failed attempt to suppress being (p.108). This surely evades the finality and reality of the death of Jesus, presupposing an ontology in which God swamps non-being with the power of being, rather than receiving non-being into himself and thus going beyond it.<sup>187</sup>

If one were to put it more directly to both theologians, how significant is the cross and resurrection and incarnation to them? And furthermore, did Jesus not resume the same body (glorified) to ascend to the Father? I suggest that the issue of personhood, especially the personhood of profoundly cognitively impaired persons, must be understood as couched in our relationality and embodiment.

## 6. Conclusion

In this chapter I have been examining the rationality-relationality turn in theological anthropology, after a sustained emphasis on rationality, and its implications on personhood in light of profound intellectual impairment. In seeking this emphasis on relationality in theological anthropology, I sought to expose a major blind spot in relational anthropology. Here, I have suggested that by focusing on the relational dimensions of personhood, recent currents within theological anthropology have neglected other important facets and as a result may perpetuate the stigmatization of intellectually impaired individuals. So with an eye toward persons with intellectual disabilities, I have critiqued those theological anthropologies, common to the

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<sup>186</sup> Alan E. Lewis, ‘The Burial of God: Rupture and Resumption as the Story of Salvation’, *Scottish Journal of Theology* 40 (1987), 350n. (The page numbers in the text refer to *Being as Communion*).

<sup>187</sup> *Ibid.*,



Christian tradition, which tend to overlook key aspects of theological anthropology. I have specifically focused on embodiment and argued that such anthropologies risk not being able to account for the full humanity of these individuals. In the end I suggest that our concept of the relationality of persons must be reconceived to take into account embodiment. I critique theological anthropologies, not for what they do but for what they are not doing.

There are, conceivably, two key elements to a well-formed theological anthropology. The first is theological and as has been demonstrated in this chapter is well represented with relational anthropologies. To demonstrate this we interrogated the theological anthropologies of both Zizioulas and Yannaras who we said are paradigmatic examples of a relational theological anthropology which emphasizes that we become persons through our relations. Both advance ethically valuable and pastorally illuminating insights that as persons we develop in relation to others, just as the persons of the divine Trinity commingle in their *perichoretic* relationship. When we considered Zizioulas, we mentioned he attempts a neo-patristic synthesis. It is of no surprise that he draws the bulk of his direction from the Greek Fathers, and in particular the personalism of the Cappadocian fathers. So at the heart of his thought, both methodologically and substantively, is ecclesiology. We have noted that Zizioulas's thought is anchored upon an ontology of the person which derives primarily from a consideration of the nature of the triune God. We have also said that the core of Yannaras's personalist anthropology is wrapped up in the concepts 'person' and 'eros'. Yannaras's method, which draws criticism from Zizioulas, incorporates a synthesis of Greek patristic tradition and modern phenomenological thought.

At the end, both theologians emphasize the relational aspect of personhood, distinguish between 'persons' and 'individuals' and focus on the *ecclesia* as a key component of divinizing 'individuals' to become 'persons'. While Zizioulas zeros in on baptism as the key to transforming individuals into persons by participating in specific relationships in the church, Yannaras anchors this transformation on the Eucharist, which to him is a 'meal' of great significance. After interrogating the *ordo essendi* of their theology, we conclude that although right to emphasize the relational aspect of personhood, we have noted that their thought has often been accompanied by an inadequate doctrine of sin, an underemphasis on the discontinuity between divine and human personhood, and in particular, an underemphasis on human embodiment. As mentioned, many of the problems in this regard arise from insufficient systematic grounding being given to the relation between various doctrines.

The second key element of theological anthropology is concerned with *embodiment*, which I think has not received sufficient attention in relational accounts of the person. At the very least this means that theology must engage with the question of a person's embodiment. Insufficient engagement with human embodiment in the world only continues to marginalize some human beings. Furthermore, an intellectual conception of the self has serious and detrimental consequences for those with intellectual disabilities, and relational anthropologies in a very real sense, threaten to draw us back into many of the pitfalls which were produced by the traditional and individualist accounts of the image of God discussed in chapter 2. In this chapter, we have anticipated chapter 4 which will demonstrate that Karl Barth is an exception here. In my understanding, Barth's theological anthropology which is treated at great length in his *Church Dogmatics* is made up of three components: relationality, ontology and temporality. Particularly in *Church Dogmatics* III/2, Barth considers the issue of embodiment at great length. This important aspect of anthropology will be picked up as the major focus of the next chapter, where we will examine Barth's understanding of human ontology.

## CHAPTER 4

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### Rethinking Theological Anthropology: Towards an Ontological Determination of Human Persons in Karl Barth's Christological Anthropology

*That which we believed we valued, what we – I – thought was at the center of humanity, the capacity for thought, for reason, was not it, not it at all.*

--- Eva Feder Kittay, *Love's Labor*

#### 1. Introduction

In chapter 2 and 3 we considered questions that confront the enquirer after a theological anthropology. We have said that historically Western society and the Christian tradition have agreed that human beings are uniquely created to image God. Indeed, Christian theology is perpetually tasked with understanding the uniqueness of *homo sapiens* because the Incarnation placed this question of personhood at the core of theological reflection rather than at its periphery.<sup>1</sup> However, and what is problematic for some humans, reason has traditionally been taken to be a chief ontological characteristic of the *imago Dei*. This question of personhood has risen to great prominence in our thinking and is being asked with a sense of urgency in nearly all of today's disciplines.<sup>2</sup> But why is it that we suddenly seem so concerned with this question of personhood? Perhaps it is an indication of the state of our philosophy of bioethics: not that it is in good shape, but rather that it is in deep trouble. In chapter 3 we said that since the traditional view of the *imago* marginalized some humans, it necessitated a turn from rationality to

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<sup>1</sup> Joan E. O'Donovan, 'Man in the Image of God: The Disagreement between Barth and Brunner Reconsidered', *Scottish Journal of Theology* 39 (1986), 433- 59.

<sup>2</sup> The literature is already immense and still growing. See for example the following: Ray Anderson, who sees this anthropological question as primary: 'Pondering the significance of Karl Barth's remark that "theology has become anthropology since God became man", I began to see theological anthropology at the heart of the theological course of study' (id., *On Being Human* (Grand Rapids, MI: Eerdmans, 1982), vii). In theology, see T. F. Torrance, *Theology in Reconstruction* (Grand Rapids, MI: Eerdmans, 1966), 99. With reference to Karl Barth, he says: 'At no point is theology more relevant today than in the issues it raises about our knowledge of man'. See also David Cairns, *The Image of God in Man* (London: SCM, 1953), 9; John Zizioulas, *Being in Communion: Studies in Personhood and the Church* (Crestwood, NY: St Vladimir's Seminary Press, 1997). In Christian ethics, see Robert Spaemann who discusses the issue of 'persons' and 'non-persons' within membership of the species *homo sapiens*. (id. *Persons: The Difference between 'Someone' and 'Something'*, trans. Oliver O'Donovan (Oxford: Oxford University Press, 2006). Among philosophers, see John Macmurray, *The Self as Agent* (London: Faber and Faber, 1968), esp. 29-38; Id., *Persons in Relation*, (London: Faber and Faber, 1961). In Old Testament studies, Walter Eichrodt opens his book *Man in the Old Testament* with the comment: 'The question how we are to understand human life is being asked among us to-day with a new intensity' (Id., trans. K. and R. Gregor Smith, *Studies in Biblical Theology* (London: SCM, 1951), 7).

relationality. In this chapter I will suggest that if we are to speak of individuals realizing their being *in* relations, in light of what we are calling ‘hard cases’ within cognitive impairment, something more than that needs to be said.

In what follows, then, I am suggesting an approach to anthropology that can take us further than the traditional understanding of the image examined in chapter 2, and the relational view considered in chapter 3. Recall in chapter 3 we said that embodiment is the second key element of a well-formed theological anthropology, albeit one that suffers from much neglect. Here I am merely saying that what theological anthropology needs is to retrieve the *embodiment model*, as a critical theme to support claims of a connection between our person and our bodily life, especially bearing in mind that some humans are profoundly intellectually impaired. If our argument is successful, I hope to achieve the following: First, to push against the Cartesian bifurcation of soul (mind) and body. However I am not suggesting that this be replaced by the absorptions of soul by matter (physicalism) or of the matter by mind. Instead, and secondly, I will suggest that it is perfectly proper to speak of *bodily soul* and *ensouled body*, and that the belief there is a polar opposition between body and soul (mind) is a category mistake.

This chapter will be divided into four sections. The first section will push against a Cartesian dualistic ‘criterion of personhood’ which has marginalized some humans at the edges of moral personhood and which we said permeates contemporary bioethics. I will follow Oliver O’Donovan in asserting that no criteria of personhood exists by which a person could be recognized independently. The second section considers Barth’s approach to method through his affirmation of the ‘Chalcedonian formula’ for a Christological anthropology. In this section, we will briefly sketch Barth’s Christocentrism and consider its significance for the actual construction of his theological anthropology.

In the third section we will revisit the doctrine of the *imago Dei*. We revisit this issue because of the fact that by asserting the creation of human beings in the image and likeness of God, Genesis established a solid basis for human ontology, anthropology and ethics, and has significance for the question of who and what we are. In short the Scriptures show an interest in the body from the very beginning. In this third section, we are interested in a clear answer concerning the role and meaning of the *imago Dei* in the theological understanding of human ontology and the constitution of its uniqueness. To achieve our objective, we will rehearse Barth’s reading of the *imago Dei* through his great theological debate with Emil Brunner. Barth’s

transcendental-relational understanding of human being will be suggested as an alternative reading to chapter two's reading of the *imago Dei* where some in the Christian community have often interpreted disability as a marring of the *imago*. It is in this section that we will engage the concepts *analogia entis* and *analogia fidei*.<sup>3</sup> With a good understanding of the latter, there emerges three fundamental and constitutive aspects of the human creature in its correspondence with God. First is humanity as co-humanity; second the human person as the soul of the body; and third the human person in limited time.<sup>4</sup>

In section four, with our lenses adjusted by fellow human beings who are severely intellectually impaired, we will focus on Barth's treatment of embodiment in the body-soul relation. To achieve our goal in this section, I shall contrast the positions of Barth with the utilitarian philosopher Jeff McMahan on *who* persons are and why it matters. As we will see, both Barth and McMahan think we are relational and embodied beings. However, they diverge when they elucidate their positions. I will suggest that a general utilitarian-Cartesian answer to what it is to be human is not satisfactory because it has continually marginalized intellectually impaired persons and thus calls for the pursuit of a different path

## 2. How We Identify Persons: Against Criteria of Personhood

Although I am saying that we need to recapture embodiment as a critical theme, I am not arguing for any criteria of personhood where the presence or absence of a person can be demonstrated by proving that this or that biological or psychological capacity is present. No! In fact from a logical point of view, that would be a category mistake.<sup>5</sup> Thus it is a category mistake to say that a demented person or any person suffering from an intellectual impairment cannot be a person because their cognitive functions are currently frustrated. It is also a category mistake to say that

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<sup>3</sup> Karl Barth, *Church Dogmatics*, Vol. III/2, eds. G. W. Bromiley and T. F. Torrance, trans. Harold Knight et al. (Edinburgh: T. & T. Clark, 1960), 220. (Hereafter by volume, part and page number).

<sup>4</sup> Wolf Krötke, trans. Philip G. Ziegler 'The Humanity of the Human Person in Karl Barth's Anthropology', in John Webster, ed., *The Cambridge Companion to Karl Barth* (Cambridge: Cambridge University Press, 2000), 159-76.

<sup>5</sup> Simon Blackburn says a category mistake is an ontological error in which 'things or facts of one kind are presented as if they belonged to another'. Additionally, '[t]hinking of beliefs as in the head, or numbers as large spatial objects, or God as a person, or time as flowing, may each be making category mistakes'. (See *The Oxford Dictionary of Philosophy*. s.v. 'category mistake' (Oxford: Oxford University Press, 1994), 55-56. The notion is prominent in the work of Gilbert Ryle who introduced the idea to dispel the confusions he thought to be rampant in the Cartesian theory of the mind. According to Ryle, a category mistake is made when one mistakes the logical type or category of a certain expression. For example he says, someone would make a category mistake if after being shown all the departments, laboratories, libraries etc., he wished to be shown the university. (See id. *The Concept of Mind* (Harmondsworth, Middlesex, England: Penguin, 1949), 16-17).

neonates cannot be persons until there is brain activity. But additionally it is a category mistake to say that both intellectually impaired persons and neonates must be persons because they possess ‘individual genetic structure’.<sup>6</sup> The point I wish to make here is that we must be careful to avoid the tendency to reduce the concept of personhood to one constituent of human functioning. So when we think of ‘person’, it is important that we do not think that ‘the person’ is just another component of an individual, like say the ‘brain’ or ‘the heart’, only different.

This move is important because it points to something about *how* we identify persons. Oliver O’Donovan claims that humans are known ‘*in a way* that members of other animal species are not known’.<sup>7</sup> By this he means that it is possible to recognise things abstractly, by simple observation. For example we may recognize a lion abstractly, by simple observation, and distinguish it from ‘Tobby’ my pet cat, even though both belong to the cat family. And in the same manner we may be able to distinguish human beings from say elephants. However such observational recognition is not adequate for the kind of knowledge that it is appropriate for one human being to have of another.<sup>8</sup> ‘And notoriously’, he says, it falls short in answering the moral questions about our fellow human beings which are posed for us by medical technology.<sup>9</sup> I agree. Person to person encounters are vastly different from person to non-human encounter. Again simple observation is enough for humans to categorize non-human animals. However, when human beings engage human beings, they do not need to be told they have encountered another substance of a rational nature, albeit in some instances one whose rational nature is currently hindered. So in this case it is wrong to ask whether an individual in Permanent Vegetative State (PVS) is a ‘person’ or not. Thus ‘[w]hen we say that man is a person, we mean that he is more than a mere parcel of matter, more than an individual element in nature, such as is an atom, a blade of grass, a fly or an elephant...Man is an animal and an individual, but unlike other animals or individuals’.<sup>10</sup> What makes humans ‘unlike’ other creatures, then, is different from

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<sup>6</sup> Oliver O’Donovan, ‘Again: Who Is a Person?’ [1985] in eds., Stephen E. Lammers and Allen Verhey, *On Moral Medicine: Theological Perspectives in Medical Ethics* 2<sup>nd</sup> ed. (Grand Rapids, MI: Eerdmans, 1998), 382.

<sup>7</sup> *Ibid.*, 381.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Jacques Maritain, *The Rights of Man and Natural Law* [1944] (London: Bles, 1945), 5, 6.

what makes an elephant unlike a dog or even what makes a dog unlike its kennel.<sup>11</sup> How so? ‘Persons’, says Robert Spaemann, are ‘singular in an unparalleled fashion’.<sup>12</sup>

So when we ask whether a profoundly impaired or a demented individual or a person in a PVS is a ‘person’ or not, O’Donovan, quite properly, says that it does no good to answer that ‘he is not an elephant’.<sup>13</sup> Instead, what we seek is to know whether the person is that same human agent, with whom we related to as fellow agents in life. The point here is that there are no conceivable set of purely observational criteria that can answer that question adequately for us.<sup>14</sup> However, we could answer negatively by checking the person’s brain activity or positively by showing that his or her vital bodily functions are as active as they used to be. However, in all these efforts we would be missing the point for it was not her brain with which we conversed with, but the person.<sup>15</sup> Again we should not think of ‘person’ as another constituent of the individual like his or her vital biological and neurological functions.

O’Donovan points to some who have tried to circumvent this categorical difference by thinking of personhood as an ‘epiphenomenon supervening upon the presence of biological and neurological functions, and so depending upon them without, nevertheless, being reducible to them’.<sup>16</sup> O’Donovan rightly says we cannot grasp ‘the person’ by following this path. What we can arrive at is ‘personality’ or a group of ‘second order capacities’, different in kind from the biological and neurological functions mentioned, but no less genetic than they are.<sup>17</sup> ‘Personality’ is a cluster of behavioral and relational attributes, which characteristically belong to human beings as a kind.<sup>18</sup> It is therefore a common misunderstanding, when talking about persons, to think that it is interchangeable with talk about personality or some aspect about personality, such as the capacity for relationship.<sup>19</sup> So when we speak of human beings, we are not speaking of any kind of capacity nor of any kind of attribute.

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<sup>11</sup> Grotius said: ‘Man is to be sure, an animal, but an animal of a superior kind, much farther removed from all other animals than the different kinds of animals are from one another’ (Id., *De Iure Belli ac Pacis*, prolegomena, II).

<sup>12</sup> Spaemann, *Persons*, 35. Elsewhere Duns Scotus wrote of their ‘ultimate solitude’, and Aquinas wrote of their ‘incommunicability’ (See Scotus, *Reportatio Parisiensis* 1 d. 25 q. 2 n. 14; Aquinas, 2 *Sent.* 3. 1. 1. in id., note 1, p.35).

<sup>13</sup> O’Donovan, ‘Again: Who Is a Person?’, 381.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., 382.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

My argument is not that we can know persons by observing their capacity for relationship. Instead, like O'Donovan, I am saying that we know persons *in* relationship. This means that a person must *engage* another person to know them. O'Donovan captures this best when he says we must 'abandon the observer's stance altogether and commit ourselves to treating [persons] *as* persons'.<sup>20</sup> Elsewhere in this study, I have said that relationships assume a capacity to develop personal attributes and capacities to engage. So, as O'Donovan says, 'persons are intended for relationship, and will therefore (barring accidents) develop these personal attributes and capacities'.<sup>21</sup> But what about what we are calling the 'hard cases' within cognitive impairment? What about those whose capacities and personal attributes are currently frustrated? O'Donovan says that it is a different thing to take these attributes as a supposedly objective criterion for determining the status of persons. Instead, for him, 'personality *discloses* personhood; it does not constitute it'.<sup>22</sup>

In the same manner, when we suggest that a carefully constituted theological anthropology ought to recapture the theme of 'embodiment', we are not suggesting that this can be used as a criterion of knowing persons. What we are saying is this: that the 'bodily presence' of persons who cannot otherwise actively engage in relations via their personal attributes and capacities, allows us to know them *in* relationship. But we should not attempt to entirely demonstrate the presence or absence of a person by their capacity for relationship or by their bodily presence. Instead in this chapter, I am saying that it is perfectly possible to follow Barth in his talk of persons as bodily soul and ensouled body. As we will see, the person is the body of her soul no less than she is the soul (mind, will) of her body. Thus the person is not merely mind nor merely body but the *coinherence* of mind and body, a unity of body and soul.

As Paul Ramsey said when he defended his account of the persons as embodied, 'The body counts, and it may not be reduced to something "wholly other" than the person'.<sup>23</sup> In addition Ramsey suggests that 'an individual's body, including his sexual nature, belongs to him, his *humanum*, his personhood and self-identity, in such a way that the bodily life cannot be reduced to the class of the animals over which Adam was given unlimited dominion'.<sup>24</sup> This

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Paul Ramsey, *Fabricated Man: The Ethics of Genetic Control* (New Haven, CT: Yale University Press, 1970), 132.

<sup>24</sup> Paul Ramsey, *The Patient as Person* (New Haven, CT: Yale University Press, 1970), 87.



means that we may not treat persons as objects which we can master and manipulate; presuming (or expecting) that individuals are or should become something other than embodied creatures.<sup>25</sup> Our move here allows us to still talk of intellectually impaired persons as persons were traditionally known - substances of a rational nature, but whose rational nature is being currently hindered.

Two final comments serve to complete this section. First, our rejection of dualism will also lead to a rejection of Fletcher's brand of 'personalism', alluded to earlier in chapter 2, with respect to the question of who counts as a person. So we reject defining a 'person' in terms of biological or neurological capacities. Second, in light of what we are saying are 'hard cases', and intellectually impaired persons generally, we engage not only an animated body,<sup>26</sup> but when we look at the human organism created in the *imago Dei*, we insist that this particular animated body (or ensouled body) counts for a person. The interests of an individual, including their right to life do not depend upon their cognitive abilities. So for me, merely existing as an innocent living human being is good enough to have an intrinsic claim to life. But what about those who will complain of 'physicalism' or an unwarranted reduction of persons to organism? To them we say their fear assumes an unwarranted dualism which marginalizes some fellow human beings. Such is our argument. We will try to defend this argument through Barth's treatment of the soul-body relation. Before we commit to that task, let us say something about Barth's approach to method which is significant to understanding his theological anthropology.

### **3. The Chalcedonian Formula: A Barthian Approach to Method**

Barth's Christology is commonly described as 'Chalcedonian'.<sup>27</sup> Indeed, Bruce McCormack argues for what he calls Barth's 'historicized Chalcedonianism'. By this he means that Barth's

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<sup>25</sup> Allen Verhey, 'The Body and the Bible: Life in the Flesh According to the Spirit' in *Embodiment, Morality, and Medicine*, eds., Lisa S. Cahill and Margaret A. Farley (Dordrecht, The Netherlands: Kluwer Academic, 1995), 6.

<sup>26</sup> Or what Augustine describes as *terra animata* in the *City of God*. Id., *De civitate Dei*, trans. Henry Bettenson (Harmondsworth: Penguin, 1972), 20.20.

<sup>27</sup> See T. F. Torrance, *Karl Barth: Biblical and Evangelical Theologian* (Edinburgh: T. & T. Clark, 1990), 169 and esp. 198-201; Hans Urs von Balthasar, *The Theology of Karl Barth: Exposition and Interpretation*, trans. E. T. Oakes (San Francisco: Ignatius Press, 1992), 115; more critically see George Hunsinger, 'Karl Barth's Christology: Its Basic Chalcedonian Character', in John Webster ed., *The Cambridge Companion to Karl Barth* (Cambridge: Cambridge University Press, 2000), 127-42; See also Bruce L. McCormack, 'The Ontological Presuppositions of Barth's Doctrine of the Atonement', in eds., Frank A. James III and Charles E. Hill, *The Glory of the Atonement: Biblical, Historical and Practical Perspectives* (Downers Grove, IL: InterVarsity, 2004), 346-66; Mostly recently see Paul D. Jones, *The Humanity of Christ: Christology in Karl Barth's Church Dogmatics* (London: T. & T. Clark, 2008), 16-59, esp. 26-37. However Jones thinks the term should only be applied to Barth's Dogmatics 'loosely and with due reservations' (Id., 18).

later Christology preserves all the theological values present in a ‘highly actualistic *a posteriori* Chalcedonianism’.<sup>28</sup> The Chalcedonian formula/pattern<sup>29</sup> is one of at least three such formal patterns at work in Barth’s *Church Dogmatics*.<sup>30</sup> This complex pattern of reasoning has been used by Barth to examine a wide range of substantive questions. In what follows, I intend to gain a point of entry into Barth’s Christological approach to method. I will begin with the Chalcedonian definition and then follow Bruce McCormack’s analysis to try and grasp Barth’s Christology and its relevance to understanding theological anthropology.

The Council of Chalcedon affirmed ‘one and the same Christ, Son, Lord, only begotten, acknowledged in two natures which undergo no confusion, no change, no division, no separation; at no point was the difference between the natures taken away through the union, but rather the property of both natures is preserved and comes together into a single person and a single subsistent being’.<sup>31</sup> What is important in this formulation is the attempt to find the unity of the two natures in the singularity of the ‘person’ or hypostasis in whom the being and existence of both is grounded, a ‘person’ who is immediately identified as ‘one and the same only begotten Son, God, Word, Lord Jesus Christ’.<sup>32</sup> Thus the relationship of the two natures of Jesus Christ is explained in terms of the singularity of the ‘person’. Chalcedon proposes that when Christ’s two natures met, neither his deity nor his humanity lost its defining characteristics, and yet the natures united indissolubly. Barth views Chalcedon as a reply to liberal hedging regarding Christ’s divinity. In particular, for Barth, the formula grounds his concern to coordinate an affirmation of Christ’s ontological complexity with an affirmation of Christ’s personal simplicity. The significant features of the Chalcedonian pattern, then, include: inseparable unity

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<sup>28</sup> Bruce McCormack, *Karl Barth’s Critically Realistic Dialectical Theology: Its Genesis and Development, 1909-1936* (London: Clarendon, Press, 1995), 454. (Hereafter *Karl Barth’s CRDT*)

<sup>29</sup> The Chalcedonian formula / pattern alludes to the famous Chalcedonian definition of faith, developed by the Council of Chalcedon in 451 to settle Christological controversies and guide the church in its understanding of Jesus Christ as both human and divine. A standard account can be found in R. V. Sellers, *The Council of Chalcedon: A Historical and Doctrinal Survey* (London: SPCK, 1953).

<sup>30</sup> The other two patterns are the Hegelian pattern of *Aufhebung* (the pattern of affirming (thesis), canceling (antithesis), and then reconstituting (synthesis) something in a higher plane.) and the trinitarian pattern of dialectical inclusion (See George Hunsinger, *How to Read Karl Barth: The Shape of his Theology* (Oxford: Oxford University Press, 1991), 85-86).

<sup>31</sup> Norman P. Tanner, *Decrees of the Ecumenical Councils* (Washington, DC: Georgetown University Press, 1990), 1:86.

<sup>32</sup> *Ibid.*

(‘coincide in occurrence without separation or division’), indissoluble differentiation (related ‘without confusion or change’), and asymmetry ‘indestructible order’.<sup>33</sup>

Of these terms, the latter requires special attention. George Hunsinger says that the significance of the term ‘asymmetry’ can be explained by contrasting it with the term ‘hierarchy’. Thus when Barth uses the formula, he conceives the relationship between the divine and human natures of Jesus in more nearly asymmetrical than hierarchical terms.<sup>34</sup> In short, although there is a ‘divine priority and a human subsequence’, their asymmetry allows a conception which avoids a ‘hierarchical domination in favor of a *mutual ordering in freedom*’.<sup>35</sup> We shall return to this point below when we examine Barth’s discussion of the issue of embodiment. In his astounding study, Paul Dafydd Jones says that various interpreters have used the adjective ‘Chalcedonian’ profitably with respect to Barth’s mature Christology. However, he says that although Barth approves the substance of Chalcedon in *Church Dogmatics I/2* and thereafter, he thinks that Barth ‘sidelines’ a key part of Chalcedon’s apparatus – specifically, Jones says, the word ‘nature’ (*Natur, Wesen*).<sup>36</sup> So, he argues that Barth replaces the phrase ‘one person in two natures’ with the minimalist formula, *vere Deus vere homo*.<sup>37</sup> For Jones, Barth’s ‘circumspection’ vis-à-vis Chalcedon, indicates that he is keen to ensure that scripture, and not abstract categories, anchor christological reflection.<sup>38</sup> Jones is also worried that Barth’s use of the *anhypostasis/enhypostasis* pairing endangers a robust depiction of Christ’s humanity and thus undermines Barth’s dogmatic account of human agency.<sup>39</sup> We shall revisit Jones’s concerns below.

For now let us examine why Barth secures a Christocentric approach to anthropology, and its implications on contemporary attempts to understand human nature. Obviously, it is difficult here to consider Barth’s ‘Christocentrism’<sup>40</sup> in any great depth without digressing.<sup>41</sup> Here I only wish to tease out his attitude towards it. Barth consistently maintains that Jesus

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<sup>33</sup> Ibid., 85.

<sup>34</sup> Ibid. n.1 chap. 4., 286.

<sup>35</sup> Hunsinger, *How to Read Karl Barth*, n.1 chap. 4., 286-87.

<sup>36</sup> Jones, *The Humanity of Christ*, 18. Jones says that Barth favours the latter term (*Wesen*) although he does not reject the former. For Barth, they seem interchangeable.

<sup>37</sup> Ibid., 18.

<sup>38</sup> Ibid.

<sup>39</sup> See *ibid.*, 17-52.

<sup>40</sup> McCormack claims that Barth’s affiliation of the *anhypostasis/enhypostasis* pairing with the ‘dialectic of veiling and unveiling’ marks a key moment of intellectual maturation – the point at which Barth firmly secures a Christocentric orientation for his theology.

<sup>41</sup> For a good account of Barth’s Christology see McCormack, *Karl Barth’s CRDT*.

Christ is both fully divine and fully human. However he recognizes that anthropology and Christology are not interchangeable.<sup>42</sup> He, then, must address the fact that ‘there can be no question of a direct equation of human nature as we know it in ourselves with the human nature of Jesus, and therefore of a simple deduction from Christology’.<sup>43</sup> For although Jesus is fully human, theology ‘must not fail to appreciate how different are His nature and ours’.<sup>44</sup> Indeed, Barth grounds this difference in the fact that the human nature of Jesus ‘is determined by a relation between God and Himself such as has never existed between God and us, and never will exist’.<sup>45</sup> So Jesus enjoys a unique relationship with the Father that is not shared, unless it pleases him to mediate for human beings.

In §44 Barth sets out to establish the ‘outline and form’<sup>46</sup> of a Christological anthropology.<sup>47</sup> Barth’s stated aim is to develop ‘the minimal requirements essential in all circumstances for a concept of man which can be used theologically’.<sup>48</sup> Since human beings are fallen, their nature is darkened and thus is not suitable to ascertain these minimal requirements.<sup>49</sup> For Barth, then, our capacity for self-knowledge can only be ‘an act of discipleship’.<sup>50</sup> Thus, it is only through God’s address to us in Jesus Christ that we can truly know what we are as human beings.<sup>51</sup> For Barth, then, ‘the ontological determination (*ontologische Bestimmung*) of humanity is grounded in the fact that one man among all others is the man Jesus’.<sup>52</sup> Barth’s exercise here is

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<sup>42</sup> III/2, 71.

<sup>43</sup> Ibid., 47.

<sup>44</sup> Ibid., 49.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid., 55.

<sup>47</sup> Barth himself recognized that his theological anthropology ‘deviates even more widely from dogmatic tradition than in the doctrine of predestination’ (III/2, ix). Some of his interpreters like Herbert Hartwell think it as ‘consistent of its kind’ and ‘revolutionary in content’ (Id., *The Theology of Karl Barth: An Introduction* (London: Duckworth, 1964), 123; T. F. Torrance referred to it as ‘the most arresting aspect of Barth’s theology’. See id., *Karl Barth* (Edinburgh: T. & T. Clark, 1990), 22. Barth’s radical reversal of the traditional dogmatic way of thinking is connected to his unique understanding of election, an issue we will revisit in chapter 5.

<sup>48</sup> III/2, 72.

<sup>49</sup> Barth rejects any non-christological accounts of the human person as valid templates from which we can ‘read off that which corresponds and is similar in the man to the humanity of Jesus’ (III/2, 226).

<sup>50</sup> III/2, 53.

<sup>51</sup> Ibid. Indeed, as Hartwell says, Barth does not begin as the anthropology of traditional Christian dogmatics usually does, i.e., with the problem of the constitution of man’s being, of man’s existence (*Dasein*) and nature (*Sosein*) in order to proceed from there to the human nature of Jesus Christ in particular. On the contrary, he derives his concept of man, of real man, from the human nature of the one particular man Jesus Christ’ (id., *The Theology of Karl Barth*, 123).

<sup>52</sup> III/2, 132. When Barth says that humans are ontologically determined in the man Jesus, he means first that humanity is ontologically determined by election. He says ‘the being of man as a being with Jesus rests upon the election of God’ (III/2, 142). And, ‘[t]he being of man is the history which shows how one of God’s creatures, elected and called by God, is caught up in personal responsibility...’ (III/2, 55). Understanding Barth’s doctrine of

significant to our study because he sets out to develop a christological ‘foundation’,<sup>53</sup> from which he can derive ‘the criteria’ by which we can ‘pose the question of the nature of man’.<sup>54</sup> Furthermore, Barth takes the humanity of Jesus Christ with absolute seriousness, and thus also the concrete and creaturely humanity of all persons. As mentioned, for Barth, Jesus Christ, as the New Testament points out, ‘is the whole man’<sup>55</sup> and as with Jesus, so also (*mutatis mutandis*) with us. So, the question of what it means to be human must be answered by looking at none other than the person of Jesus as revealed ‘in His work and history’.<sup>56</sup> It is from here that Barth extracts six principles, which he feels are biblically justified, and which then anchors his christological anthropology.<sup>57</sup>

McCormack notes that the usual description of Barth’s theology as christocentric has very little explanatory value unless Christocentrism is defined concretely.<sup>58</sup> Barth was well aware of these problems and he himself rarely used the term. According to McCormack, Barth’s particular form of Christocentrism can be defined as:

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election is helpful to grasp his Christological anthropology. Obviously a detailed analysis of the doctrine itself is beyond the scope of this chapter. For such detailed analysis see Bruce L. McCormack, *Orthodox and Modern: Studies in the Theology of Karl Barth* (Grand Rapids, MI: Baker Academic, 2008), esp. 183-200; Mary K. Cunningham, *What is Theological Exegesis? Interpretation and Use of Scripture in Barth’s Doctrine of Election* (Valley Forge, PA: Trinity Press International, 1995); John C. McDowell, ‘Learning Where to Place One’s Hope: The Eschatological Hope: The Eschatological Significance of Election in Barth’, *Scottish Journal of Theology* 53 (2000), 316-38.

<sup>53</sup> III/2, 71.

<sup>54</sup> *Ibid.*, 72.

<sup>55</sup> III/2, 330.

<sup>56</sup> *Ibid.*, 58. For Barth, a consideration of Jesus’ work means specifically his saving work since ‘the work of Jesus is the work of the Saviour’ (III/2, 58). Some interpreters criticize Barth on this point. They claim that Barth over stresses the soteriological work of Christ with the result that he ignores Jesus’ human life, hence minimizing the validity and significance of everyday realities. In particular, John Zizioulas is worried that such an exclusively christocentric orientation cannot provide any real help for ‘each man in his particular existential situation’. See *id.*, ‘Human Capacity and Human Incapacity: A Theological Exploration of Personhood’, *Scottish Journal of Theology* 28 (1975), 401-48. Zizioulas does not seem convinced that Barth was successful in making this application vitally useful. However, Barth’s anthropology does not lack existential concerns, as has been suggested by e.g. Nigel Biggar in *Reckoning with Barth: Essays in Commemoration of the Centenary of Karl Barth’s Birth* (London: Mowbray, 1988), 101-18; and by J. B. Webster in *Barth’s Ethics of Reconciliation* (Cambridge: Cambridge University Press, 1995) and in *Barth’s Moral Theology: Human Action in Barth’s Thought* (Edinburgh: T. & T. Clark, 1998). Indeed, such concerns played a prominent role in Barth’s consideration of ethics.

<sup>57</sup> III/2, 68-71. The principles are that: (1). In Jesus only, ‘there immediately meets us at this point the being of God also’. (2). God’s presence in union with Jesus is for humanity’s deliverance. (3). God does not ‘infringe on His sovereignty’ when he chooses to work in Jesus to save humanity. Instead it is an ‘exercise and demonstration’ of his sovereignty’. (4). Jesus ‘exists in the lordship of God’, since God is ‘sovereign in His presence’. (5). Although the man Jesus lives ‘within the lordship of God, in identity with the divine subject’ He is himself intertwined with the history of divine deliverance. (6). The ‘distinctiveness’ of this man Jesus consists in the fact that He is ‘for God’ in the totality of his existence.

<sup>58</sup> McCormack, *Karl Barth’s CRDT*, 454.

The attempt...to understand every doctrine from a *centre in God's Self-revelation in Jesus Christ*; i.e. from a centre in God's act of veiling and unveiling in Christ... 'Christocentrism', for him, was a methodological rule...in accordance with which one presupposes *a particular understanding of God's Self-revelation* in reflecting upon each and every other doctrinal topic, and seeks to interpret those topics in the light of what is already known of Jesus Christ.<sup>59</sup>

From this definition, three points emerge which are particularly important for understanding Barth's unique form of Christocentrism. First, Barth's Christocentrism involves both 'veiling and unveiling in Christ'. For Barth, God's Word is never merely given, instead it is an *event* whereby God manifests himself to human beings while veiled in the mystery of his being. This means that Barth is not keen on any systematization of theology that denies the 'veiling'<sup>60</sup> by referring to some theological concept from which the rest of the system can be logically deduced.

Second, McCormack highlights a 'methodological rule'. For Barth, the direction of all theological thinking has consequences for the content of our theologies. Thus, theological anthropology like all theological discourse must move from Christ to any given theological formulation. I agree. Indeed, this is how theological anthropology distinguishes itself from other forms of anthropology. Thus for Barth, a speculative view that circumvents the Word of God overlooks the truth about a person's human nature.<sup>61</sup> Third, Barth's Christocentrism involves a specific understanding of God's Self-revelation. Barth believes that theological anthropology must begin with dogmatics, not with an *a priori* philosophy or speculative worldview. Thus Barth opposes any attempt to ground theology on a particular principle or idea. Instead, for Barth, Christocentrism centers on 'an actual encounter with the reality to which theological

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<sup>59</sup> Ibid., Eugene TeSelle also points out that Christocentrism can be applied to epistemological, anthropological, or ontological concerns. (Id., *Christ in Context: Divine Purpose and Human Possibility* (Philadelphia: Fortress Press, 1975), 1. Barth's theology can properly be considered Christocentric on all three points.

<sup>60</sup> I/2, 868.

<sup>61</sup> Barth is often associated with theological isolationism. This means that Barth's christological concentration purportedly involves a methodological christomonism that prevents him from significantly engaging with non-theological disciplines. See Robert S. Crawford, 'Theological Method of Karl Barth', *Scottish Journal of Theology* 25 (1972), 327; John Milbank, 'Introduction: Suspending the Material: The Turn of Radical Orthodoxy', in *Radical Orthodoxy: A New Theology*, eds., John Milbank, et. al. (London: Routledge, 1999), 2). However, this methodological Christocentrism should not be interpreted as such. Barth acknowledges that there are general elements of truth in other disciplines. For example, Barth thinks natural science describes humanity in its creaturely setting. Indeed, several studies suggest that Barth is quite willing to interact with and learn from a broad spectrum of non-theological disciplines. See for example, T. F. Torrance, *Karl Barth, Biblical and Evangelical Theologian* (Edinburgh: T. & T. Clark, 1990); Daniel J. Price, *Karl Barth's Anthropology in Light of Modern Thought* (Grand Rapids, MI: Eerdmans, 2002); Joseph L. Mangina, 'Mediating Theologies: Karl Barth between Radical and Neo-Orthodoxy', *Scottish Journal of Theology* 56 (2003); Id., *Karl Barth: Theologian of Christian Witness* (Aldershot, Hants: Ashgate, 2004); Daniel Migliore, 'Response to "The Barth-Brunner Correspondence"', in George Hunsinger, ed., *For the Sake of the World: Karl Barth and the Future of Ecclesial Theology* (Grand Rapids, MI: Eerdmans, 2004), 44-52.

presentation can only point'.<sup>62</sup> As Brunner notes, 'the whole strength of Barthian theology lies in the assertion of the actual'.<sup>63</sup> It is here, Brunner says, 'that revelation in the ultimate, fullest sense can be an act, God speaking to me here and now'.<sup>64</sup>

Barth's method has certain acknowledged difficulties, which are impossible to examine deeply without digressing. Here we return to Jones's concerns above, for he provides some questions that emerge when Barth's Christology is examined critically: 'how does Barth construe Christ's humanity in its unity with Christ's divinity?' and '[h]ow more specifically, does Barth describe Christ's human agency?'.<sup>65</sup> An initial worry would be the affiliation of the dialectic of veiling and unveiling as mentioned above with the *anhypostasis/enhypostasis* pairing and how it imperils his description of Christ's humanity.<sup>66</sup> However, drawing from Jones's conclusion, we can set aside the initial worry that Barth's Christology imperils his description of Christ's humanity. This is because Jones concludes that Barth does not permit these 'epistemologically useful theologoumena to set the agenda for his Christology proper'.<sup>67</sup> Indeed, Barth, in *CD I/2*, launches a Christological programme that demonstrates interest not only in Christ's divinity and human agency, but also in *all* individual's humanity and agency, regardless of physical or cognitive ability. As we will see below, this rigorous Christological method has its benefits in the ethical realm. Indeed, Barth's Christological realism refutes what we said became, after Joseph Fletcher, the dominant of two competing views of the person, and the relation of person to body: that only those beings who manifest the qualities of subjectivity and personality are 'persons' and are uniquely human. After gaining a point of entry into Barth's Christological method, we are now ready to examine alternatives to the dominant marginalizing views.

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<sup>62</sup> III/2, 553.

<sup>63</sup> Emil Brunner and Karl Barth, *Natural Theology: Comprising "Nature and Grace" and the reply "No!"* (London: The Centenary Press, 1946), 49.

<sup>64</sup> *Ibid.*

<sup>65</sup> Jones, *The Humanity of Christ*, 17.

<sup>66</sup> For a discussion on Barth's use of the pairing *anhypostasis/enhypostasis* and whether using this pairing imperils a robust acclamation of Christ's humanity, and specifically whether Barth's use of it undermines his dogmatic account of human's agency, see McCormack, *Karl Barth's CRDT*; Jones, *The Humanity of Christ*, 19-26; See also two important articles on this issue: F. LeRon Shults, 'A Dubious Christological Formula? Leontius of Byzantium and the Anhypostasis-Enhypostasis Theory', *Theological Studies*, 57 (1996), 431-46 and the reply to Shults's article in U. M. Lang, 'Anypostatos-Enhypostatos: Church Fathers, Protestant Orthodoxy and Karl Barth', *Theological Studies*, 49 (1998), 630-57. For a good discussion on the nature of Barth's Christology, see George Hunsinger, 'Karl Barth's Christology: Its Basic Chalcedonian Character', in John Webster, ed., *The Cambridge Companion to Karl Barth* (Cambridge: Cambridge University Press, 2000), 127-42; Jones, *The Humanity of Christ*, 19-26.

<sup>67</sup> Jones, *ibid.*, 53.

#### 4. Relationality and the *imago Dei*: Rethinking the Concept in Theological Anthropology

The significance of the *imago* concept to theological anthropology demands that we revisit it. It is essential that we revisit the doctrine to shed light on the persisting options in a theological conceptualization of the human being's unique being. After we grasp these options we will be in a position to secure a firm theological anthropology. In what follows then, I want us to rethink the *imago Dei* teaching in theological anthropology with our lenses again adjusted by our fellow profoundly cognitively impaired human beings who have consistently been stigmatized and marginalized. By doing so, I hope that our fresh illumination of the question will acquire us an alternative reading to the one we considered in chapter 2. To achieve this goal, I propose to follow Barth by drawing from his *Church Dogmatics* III and his 1934 debate with Emil Brunner in which he emphasizes the *relational* aspect of the image of God.<sup>68</sup>

In their disagreement over the role and meaning of the *imago Dei* in the theological understanding of human being, Barth's reply was basically aimed at undermining Brunner's nature/grace dialectic.<sup>69</sup> In order to proceed, we must say something about this nature/grace dialectic although briefly. To make a distinction between people who are just 'responsible' to God by definition of being humans made in the *imago Dei*, and the people who actually have conscious relationship with God, Brunner speaks of a distinction in the *imago Dei* in the 'formal'

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<sup>68</sup> See Brunner and Barth, *Natural Theology* (1946). Barth's views are also located in his *Commentary on the Epistle to the Romans* [1918] and *Church Dogmatics* I. (NB: It is widely believed that the second edition of *Romans* marks the decisive break with his earlier liberal thinking). Earlier discussions of the Barth-Brunner debate can be found in Paul Lehmann, 'Barth and Brunner: The dilemma of the Protestant mind', *Journal of Religion* 20 (1940), 124-140, and D. D. Williams, 'Brunner and Barth on Philosophy', *Journal of Religion* 27 (1947), 241-54. Generally see G. C. Berkouwer, *Man: The Image of God* (Grand Rapids, MI: Eerdmans, 1962); Dietrich Bonhoeffer, *Creation and Fall: A Theological Exposition of Genesis 1-3*, trans. Martin Rüter and Ilse Tödt; English edition by John W. de Gruchy, trans. Douglas Stephen Bax (Minneapolis, MN: Fortress Press, 1997); Walther Eichrodt, *Theology of the Old Testament*, 2 v. (London: SCM Press, 1961); Reinhold Niebuhr, *The Nature and Destiny of Man: A Christian Interpretation*. 2v. v2., *Human Destiny* (1943); Johs Pedersen, *Israel: Its Life and Culture*, vv. 1-2 (London: Oxford University Press, 1926); George Arthur Buttrick, *The Interpreter's Dictionary of the Bible: An Illustrated Encyclopedia* (New York, NY: Abingdon, 1962); Theodor Christiaan Vriezen, *An Outline of Old Testament Theology* [trans. from Dutch] (Oxford: Blackwell, 1958).

<sup>69</sup> The chief source of Brunner's teaching on the *imago Dei* can be found in his *Man in Revolt: A Christian Anthropology* trans. Olive Wyon (London: Lutterworth Press, 1939), esp. 82-113, 168-211, and 499-515. As Brunner notes, any discussion of the *imago Dei* must take note of the fact that this doctrine does not play a very important part in the Bible (See id., 499). In their 1934 debate Brunner argued for the indispensable role of the *imago* doctrine in articulating the universal being of sinful human beings apart from the redeeming and sanctifying grace of Christ, while Barth denied to the doctrine any non-Christological and pre-eschatological meaning.



*imago Dei*<sup>70</sup> (or what he identifies as the *humanum*) and ‘material’ *imago Dei*. Here, Brunner was trying to express the simultaneity of being-human and being-a-sinner.

He puts it thus:

It is part of the divinely created nature of man that it should have both a formal and a material aspect. The fact that man must respond, that he is responsible, is fixed; no amount of human freedom, nor of the sinful misuse of freedom, can alter this fact. Man is, and remains, responsible, whatever his personal attitude to his Creator may be. He may deny his responsibility, and he may misuse his freedom, but he cannot get rid of his responsibility. Responsibility is part of the unchangeable structure of man’s being.<sup>71</sup>

By the ‘formal *imago*’, Brunner means that which signifies the superiority of *homo sapiens* within creation, or the fact that humans were created to bear the image of God, that is, a person’s responsibility and capacity to respond to God’s love. ‘This *function* or calling as a bearer of the image’, Brunner says, ‘is not only not abolished by sin, rather indeed it is the presupposition of the ability to sin and continues within the state of sin’.<sup>72</sup> In short, for Brunner, the formal *imago*, is retained by the sinner, since he or she remains a responsible being endowed with reason; whereas the material *imago Dei* is lost when ‘man lives in revolt’ against God through sin.<sup>73</sup> For Brunner, then, formal *imago* is the Old Testament conception of the image. He says: ‘In the thought of the Old Testament the fact that man has been “made in the Image of God” means something which man can never lose; even when he sins he cannot lose it’.<sup>74</sup> So sin is not capable of destroying the formal *imago*, thereby rendering humans responsible and inexcusable for the cosmological chasm (which is both ontological and epistemic) between God and His subjects. And, again, in contrast with the continuing integrity of the formal aspect, sin has successfully destroyed the material aspect of the image of God in humanity.

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<sup>70</sup> In his later work, Brunner renounces this expression ‘formal *imago*’ to avoid giving further occasion for the misunderstanding ‘that he defends the Catholic doctrine of a double Imago (imago similitudo)’, and in order not to ‘give further offence to theologians who are unable to understand that something formal may have a rich content, and even theological relevance’ (see Brunner, *Man in Revolt*, 513).

<sup>71</sup> Brunner, *Doctrine of Creation*, 56-57. See also ‘Nature and Grace’, 23. Brunner claims that ‘Luther was the first, and only person to notice that there are these two fundamentally different conceptions of the imago in the Bible. The Fathers and the medieval theologians did distinguish the two ideas, but Brunner says that from the point of view of exegesis they were mistaken in dividing them between the two words *Tzelem* and *Demuth* in Gen 1:26’ (Brunner, *Doctrine of Creation*, 76).

<sup>72</sup> Brunner, ‘Nature and Grace’, 23.

<sup>73</sup> Brunner, *Man in Revolt*, 82 ff.

<sup>74</sup> Brunner, *Doctrine of Creation*, 57.

‘Materially’, Brunner says, ‘the imago is completely lost, man is a sinner through and through and there is nothing in him which is not defiled by sin’.<sup>75</sup> It is in this sense (the material aspect), Brunner argues, that men and women have ceased to be bearers of the *imago Dei* – wholly, and not partially. ‘Man no longer possesses this Imago Dei [...]’.<sup>76</sup> Human beings are sinners and there is nothing in them that is not defiled by sin. Brunner argues that ‘the *justitia originalis*’ (original righteousness) ‘has been lost and with it the possibility of doing or even of willing to do that which is good in the sight of God’.<sup>77</sup> Consequently, ‘free will has been lost’.<sup>78</sup> With the loss of original righteousness, a person’s being becomes perverted and disrupted, and even though sinful humans remain ‘persons’, they cross over and become ‘anti-personal person[s]; for the truly personal is existence in love, the submission of the self to the will of God and therefore an entering into communion with one’s fellow creature because one enjoys communion with God’.<sup>79</sup> Thus, while the ‘*quod* of personality,’ comprising the ‘*humanum* of every man,’ continues untouched, ‘the *quid* of personality,’ the ‘personal content of the person,’ is ‘negatived through sin’.<sup>80</sup>

Barth pursues his goal, not by undermining the distinction between the ‘formal’ and ‘material’ aspects of the image of God, but by pointing out Brunner’s dialectical depiction of the *imago Dei*. For Barth, this is the jugular of the argument and he strategically attacks it first. However, Barth is ready to make two concessions: First, Barth concedes to Brunner that even as fallen beings, humans retain their *humanum*, that is, their personal structure of existence as subjectivity and responsibility. In other words, their *quod* of personality. For Barth, this is not a problem, since asserting a remnant of the ‘formal’ image within the set of purely formal possibilities is like saying ‘Even as a sinner man is man and not a tortoise’.<sup>81</sup>

Secondly, Barth is also ready to concede that the ‘formal’ aspect is also ‘the point of contact’ for divine grace. But he stipulates that these concessions should be allowed only if it does not make favorable humanity’s capacity for reception of divine revelation over against non-

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<sup>75</sup> Brunner, ‘Nature and Grace’, 24.

<sup>76</sup> Brunner, *op. cit.*, 58. Here Brunner’s approach resembles the one taken by Irenaeus in the 2nd century. Although Brunner objects to Irenaeus’s method, namely the notion that image (*tselem*) and likeness (*demuth*) meant two different parts of the *imago Dei*, he highly commends Irenaeus’s scholarship and does not really object to Irenaeus’s fundamental conclusions. (See Brunner, *Man in Revolt*, 504-505).

<sup>77</sup> Brunner, ‘Nature and Grace’, 22.

<sup>78</sup> *Ibid.*, 22.

<sup>79</sup> *Ibid.*, 24.

<sup>80</sup> *Ibid.*

<sup>81</sup> Barth, ‘No!’, 79.

humanity's capacity for reception. To make such a prejudgment would lead to the exclusion of non-human beings. It is here that Barth believes Brunner exceeds this stipulated use of the 'formal' aspect, for he makes it the precondition for grace. In Barth's view, for the 'formal' aspect to occupy one side of the nature/grace dialectic, it has to be filled out with 'material' content. According to Barth, then, this content is disguised in Brunner's 'formal' *imago* from the beginning and is the natural knowledge of God. As Brunner has pointed out, this knowledge is available to sinful humanity in the contingent order of nature, in the historical experience of communities, and in the dictates and indictments of the conscience. But Barth does not dismiss incomplete and imperfect knowledge of God. He argues that this knowledge too is real knowledge of God, and has its own relevance to salvation. Thus Barth:

And if we really do know the true God from his creation without Christ and without the Holy Spirit – if this is so, how can it be said that the *imago* is materially “entirely lost,” that in matters of the proclamation of the Church Scripture is the only norm, and that man can do nothing towards his salvation? Shall we not have to ascribe to him the ability to prepare himself for the knowledge of God in Christ at least negatively?<sup>82</sup>

Barth is implying that this negative self-preparation is natural knowledge of humanity in failing to obey the created (and obvious) ordinances installed by God. Barth does not deny a natural knowledge of God's will that preconditions one to receive divine grace, but instead objects that such knowledge comes through the created ordinances. He also does not see the point of redemption if humanity's natural knowledge of God is a precondition of divine grace. It seems that this apparently 'formal' aspect actually exercises real limitation on grace by making grace potentially apprehensible to human reason. Thus Barth strongly rejects Brunner's splitting the *imago Dei* into formal and material categories, arguing that ultimately this renders grace unnecessary.

In *CD*, III/2, Barth innovatively tackles the subject of Biblical anthropology at length. Here he proposes that the starting point in understanding the being of God and the being of humans is the *locus classicus* for the idea of humanity in the image of God, namely Genesis 1:26-27. Expounding on this text, Barth bases his exegesis on the fact that *tzelem*, the Hebrew word for 'image', and *demuth*, the word for 'likeness', refer rather to the original than to the copy made from it. The substance of this text for Barth is the plural pronoun 'us' and the

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<sup>82</sup> Ibid., 82.

dynamics within Godhead it signifies.<sup>83</sup> Barth interprets this pronoun to indicate that within God there is a differentiation and relationship between the 'I' and the 'Thou'.<sup>84</sup> In other words, Barth sees a very close, intimate face-to-face relationship within Godhead. This kind of relationship becomes the defining element in the *imago Dei* in which God creates man. Commenting on Genesis 1:27, Barth writes:

Is it not astonishing that again and again expositors have ignored the definitive explanation given by the text itself, and instead of reflecting on it pursued all kinds of arbitrarily invented interpretations of the *imago Dei*?...Could anything be more obvious than to conclude from this clear indication that the image and likeness of the being created by God signifies existence in *confrontation*, in the juxtaposition and conjunction of man and man which is that of male and female...?<sup>85</sup>

A few sentences prior to these words Barth emphasizes the relational essence of the image of God thus:

It is expressed in a confrontation, conjunction and inter-relatedness of man as male and female which can not be defined as an existing quality or intrinsic capacity, possibly or structure of his being, but which simply occur. In this relationship which is absolutely given and posited there is revealed freedom and therefore the divine likeness. As God is free for man, so man is free for man; but only inasmuch as God is for him, so that the *analogia relationis* as the meaning of the divine likeness cannot be equated with the *analogia entis*.<sup>86</sup>

Thus for Barth, Gen. 1:26 means that there should be in humans 'a genuine but harmonious self-encounter and self-discovery; a free co-existence and co-operation; an open confrontation and reciprocity like that which exists in the Godhead'.<sup>87</sup> Barth does not elaborate on what he means by an open confrontation and reciprocity. It is therefore difficult to deduce from this what he would say about those individuals among us who cannot *reciprocate* when engaged by their fellow human beings in relations. Barth holds that man is in God's image because his relationship to the woman is like the harmonious confrontation between the Persons of the Holy Trinity. But what partnership is this which has its being in God and its created analogy in

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<sup>83</sup> III/1, [Study Edition] eds., G. W. Bromiley and T. F. Torrance (London: T. & T. Clark, 2009), 189.

<sup>84</sup> *Ibid.*, 192.

<sup>85</sup> *Ibid.*, 195.

<sup>86</sup> This very pronounced and categorical emphasis on the *imago Dei* being an exclusively *relational* phenomenon is perhaps tied to and stems from Barth's concern that the concept has potential to obscure the mediating role that belongs to Christ alone. In the original preface to his *Church Dogmatics* Barth bluntly writes: 'I take the *analogia entis* to be the crucial invention of the antichrist ...'. As pointed out by Hoekema, since a human being cannot function without a certain structure, must we conclude that, 'structure and function are both involved when we think of man as the image of God'? (Hoekema, *Created in God's Image*, 69). See chapter 3 for a well argued case for a trinitarian communal ontology made by John Zizioulas in his *Being as Communion*, 16-17.

<sup>87</sup> III/1, 185.

humanity? For Barth, its nature is indicated by the words of Gen. 1:26, ‘Let us make man in our image’. Barth argues that this verse refers, at least, to the Trinity, in which there is a mutual divine *perichoretic* movement. This is the creative basis for humanity’s existence.

And what is it in a human that corresponds to this mutual inter-penetration and indwelling within the Holy Trinity? Here Barth makes much of the fact that both in Gen 1:26 and 5:2 the call to make humans in the image is coupled with the words, ‘Male and female created he them’. So Barth argues that God is able to say that humans are created in His image because, as in the Trinity there are an ‘I’ and a ‘Thou’ confronting each other, so also man does not exist as a solitary individual, but as two persons confronting each other. Here, Barth makes what I think is a hugely important claim on the *uniqueness*<sup>88</sup> of humans with significant implications: that humans are created in the *imago Dei* because they stand over against God in a way similar to that in which the Persons of the Holy Trinity confront one another. Barth says:

Neither heaven nor earth, nor water nor land, nor living creatures from plants upward to land animals, are a “Thou” whom God can confront as an “I”, nor do they stand in an “I-Thou” relationship to one another, nor can they enter into such a relationship. According to the first creation saga, however, man as such exists in this relationship from the very outset.<sup>89</sup>

This claim, contrary to critics of speciesism and the unique place of humanity, clearly elevates human beings to a different plane than the rest of creation. For Barth, it is not until what he calls ‘the first creatures with independent life’ that we begin to glimpse a true counterpart alongside and before God in the sphere of the rest of creation.<sup>90</sup>

In other words, for Barth, the rest of creation may co-exist with humans on a ‘full-scale’, but not in ‘true confrontation and reciprocity which are actualized in the reality of an ‘I’ and a ‘Thou’.<sup>91</sup> So, only humans can exist in confrontation with God and as a genuine counterpart to his fellows. For him, it is humans who are created ‘first and alone’ in the *imago* and ‘after the likeness’ of God.<sup>92</sup> In order to grasp the general biblical understanding of this concept, it is advisable to maintain a simple sense of ‘God-likeness’ given in Gen. 1.26. Barth makes an

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<sup>88</sup> I think terms like ‘human exceptionalism’, ‘anthropocentrism’, ‘humanocentrism’, and ‘human supremacy’ may detract from the real issues.

<sup>89</sup> *Ibid.*, 182.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.* Jacques Maritain says that ‘the person’s dignity consists in its property of resembling God – not in a general way after the manner of all creatures, but in a *proper* way’. See *id.*, *The Person and the Common Good*, trans. John J. Fitzgerald (Notre Dame, IN: University of Notre Dame Press, 1966), 42. (Italics in original).

important point: ‘it is not a quality of man’.<sup>93</sup> In other words it is not something that human beings *are*, or have *in* themselves that allows them to be created in the image of God. So again the *imago Dei* as claimed by Joseph Fletcher, is not a capacity for ‘intelligent causal action’.<sup>94</sup> There is no point, then, in asking which of a human being’s ‘peculiar attributes and attitudes’ the image consists.<sup>95</sup> All persons, whether impaired cognitively and/or physically or not, are uniquely created in the image of God and thus elevated above the rest of creation.

In what appears to be a further attempt to buttress his claim of the uniqueness of human beings above the rest of creation, Barth seems to make a case for *theosis* which we said in chapter 3 is akin to Eastern theology. Here, Barth makes a dramatic claim: that God willed the existence of a being ‘to which His own divine form of life is not alien’.<sup>96</sup> Indeed, Maritain claims that ‘God is spirit and the human person proceeds from Him in having as principle of life a spiritual soul capable of knowing, loving and of being uplifted by grace to participation *in the very life of God*’.<sup>97</sup>

So it seems like Barth is saying that it is only in participating *in* the divine life that we humans, with all our ‘non-deity and therefore differentiation’, can be real partners who are capable of action and responsibility in relation to God.<sup>98</sup> Humans then, as Barth argues, are a creaturely repetition ... a copy and imitation, and a bearer of this form of [divine] life. Thus Barth: ‘Man [and not the rest of creation?] was created as this being’.<sup>99</sup> The denial of this uniqueness of human life has perhaps paved the way for a new tradition within moral philosophy where a ‘quality-of-life’ ethic is replacing ‘sanctity-of-life’. In turn this has allowed some shocking proposals within biomedical ethics.<sup>100</sup>

But what does this divine form of life consist in? Barth seems to think that it consists in that which is the obvious aim of the ‘Let us’. For Barth, the command ‘Let us’ was held back until now, and for producing it only at the point of creating human beings as the triune God’s

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<sup>93</sup> Ibid.

<sup>94</sup> Fletcher, *Morals and Medicine*, 218.

<sup>95</sup> III/1, 183.

<sup>96</sup> Ibid. It should be noted that for Barth, the idea is that of participation in the divine and not deification. For a good exposition of Barth on this issue, see McCormack, *Orthodox and Modern*, 235-60.

<sup>97</sup> Maritain, *The Person and the Common Good*, 42.

<sup>98</sup> III/1, 183.

<sup>99</sup> Ibid.

<sup>100</sup> See for example Alberto Giubilini and Francesca Minerva, ‘After-birth Abortion: Why should the baby live?’, *Journal of Medical Ethics*, 1- 4. Published online February 23, 2012 at <http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411.full>. (Retrieved 3/4/2012).

counterparts. In other words, in God's own being and sphere there is a counterpart, that is, 'a genuine but harmonious self-encounter and self-discovery; a free-co-existence and co-operation; an open confrontation and reciprocity'.<sup>101</sup> Again for Barth, human beings are the 'repetition of this divine form of life; its copy and reflection'.<sup>102</sup> So, as is the case in the divine realm, humans act as the counterpart of their fellow humans and have in them also a counterpart. In short, the co-existence and co-operation in God Himself is repeated *only* in human-to-human relations.<sup>103</sup> In sum: the analogy between God and humans is simply the existence of the I and Thou in confrontation. It is first constitutive of God the creator, and then for human beings created by God.<sup>104</sup> This is an important point: given Barth's thinking here, it is not surprising, then, that he did not consider the *imago* to have been eradicated by sin.

However, in his earlier writings, Barth had followed Luther more closely than Calvin in arguing that the *imago Dei* was totally effaced through the Fall. In his later writings, Barth had adjusted that view by positing that humanity could not lose the image because they never possessed it in the first place. Barth says: 'We certainly cannot deduce from this that man has lost it through the fall, either partially or completely, formally or materially. ...What man does not possess he can neither bequeath nor forfeit'.<sup>105</sup> Thus Barth argues that humanity was not created to be the image and likeness of God, but rather created *in* the image of God. I agree. The image, like personhood as perhaps understood in contemporary bioethics today, is not something that is *added* to humans. Human beings are persons created to be *the* image of God. Simply put, they are the image of God. So when we ask whether someone suffering from a cognitive impairment is a 'person' we directly question the creator of that person.

To understand Barth's reading of the *imago*, it is important to grasp that for him the 'I-Thou' confrontation is first of all 'constitutive of God, and then for man created by God'.<sup>106</sup> And so for him, 'to remove it is tantamount to removing the divine from God'.<sup>107</sup> In the same manner, for the image to have been effaced by sin, Barth thinks this would have been tantamount to

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid., 198. Here Barth explains the change of heart by saying that 'the Reformation thesis concerning the loss of the *imago* through the fall is understandable and necessary given the background of the Reformation understanding of the *imago* as a *rectitude animae*, or *status integritatis*, which man had originally possessed but immediately forfeited by reason of his guilt and as its consequence and punishment' (Ibid.).

<sup>106</sup> III/1, 183.

<sup>107</sup> Ibid.

removing the ‘human from man’.<sup>108</sup> Consequently, without the image, there would be no human, even though the human exists to bear the image. It is now possible to see a connection between Barth’s concept of covenant as the ‘internal basis of creation’ and the *imago* as the ‘internal basis of *humanum*’.<sup>109</sup>

For Barth, ‘partnership’ is the concrete and historical foundation for the existence of the human as creature. Creatureliness, then, is abstract humanity while being-in-relation is concrete and actual humanity. The difference between Barth and Brunner is becoming more evident. On the one hand, Brunner adheres to an Augustinian and Thomistic teaching when he considers the image to be the abstract and formal element, and the human the concrete and material element of human existence. On the other hand Barth is hesitant to speak of the doctrine of the *imago Dei* as a problem of uniting the formal (ontic) and the material (relational). So for Barth, humans exist even before they know they exist. Once again this existence of humans is always creaturely, and is always, as mentioned, in a polarity of sexual being. Again, Barth holds Gen. 1.27 to be an exegetical and theological commentary of Gen. 1.26. As Anderson says, this subjectivity is not merely a function of the image, based on a formal possibility. Instead, co-humanity is itself the *imago* as humanity under the determination of the divine Word.

If we think Barth’s move here is radical, Barth himself thinks he is in good company in the apostle Paul himself who daringly equates ‘the man Jesus, who is the Messiah of Israel, with the Son of God, and the image of God’.<sup>110</sup> This radical Pauline assertion of Christology gives Barth theological clues for his exegesis of Gen. 1.26-27. The earthly being of the human creature, therefore, manifests a ‘similarity or analogy to God’s own being’,<sup>111</sup> and it is only because Jesus is himself the image of the invincible God (Col. 1.15), and not merely a creaturely expression of it, can we understand that all fallen humans exist under this determination. Barth puts it thus: The ‘humanity of Jesus is...the repetition and reflection of God Himself, no more and no less. It is the image of God, the imago [D]ei’.<sup>112</sup> Thus, what is true of Jesus subsequently is also true for humanity in general. This is because to be ‘with Jesus’, says Barth, ‘is man’s

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<sup>108</sup> Ibid.

<sup>109</sup> See Anderson, *On Being Human*, 223.

<sup>110</sup> III/1, 201.

<sup>111</sup> Krötke, ‘The Humanity of the Human Person’, 2000.

<sup>112</sup> II/2, 219.



ontological determination'.<sup>113</sup> Barth emphasizes that the 'particularity of man as compared with other creatures is contained in this ontological determination of his [man's] being'.<sup>114</sup>

We have said that Barth admits that a formal image of God which is not destroyed by sin remains in humanity. But what, he asks, has this to do with any supposed capacity in the human creature for revelation or any natural receptivity for the divine Word, as long as it remains purely formal, and does not trespass into the sphere of the material? Barth says:

If a man had just been saved from drowning by a competent swimmer, would it not be very unsuitable if he proclaimed the fact that he was a man and not a lump of lead as his 'capacity for being saved'? Unless he could claim to have helped the man who saved him by a few strokes or the like!<sup>115</sup>

Barth believes that Brunner's concept of 'formal' has no anthropological significance without this material limitation. In other words, this 'form' would not constitute essential human being and unique dignity unless it sheltered a material 'capacity for revelation'.<sup>116</sup> Such an abandonment of theological realism provides a certain measure of intelligibility to the odd statements Brunner made. For example he says:

Without a certain measure of intellectual gifts it is impossible to be human. Without that mind which at its zenith is called genius, man cannot even understand the fact that he is man, and he cannot make decisions in the sense of personality. The mind, as we have already said, is the basis of being person. One does not need to have a great mind to be a person who truly believes and loves; but if one has no mind – as an idiot – one cannot even believe. The presupposition for the understanding of the Word of God is understanding in general, the understanding of words, in the general, purely human sense. What that poor creature which, in the extreme case, so far as we know, has not a spark of intelligence means in the Family of God, we do not know; we only know that it is inaccessible to the message of the Word of God, thus that in this life it cannot become a believer, because it cannot understand human speech. It is, however, more than probable that even the most vacant idiot can be approached in some way or another by real love, and thus is not without a glimmer of personal being. In spite of this, such cases are extreme instances, whose significance we cannot understand.<sup>117</sup>

Such an account of persons is at work in Brunner's arguments, unequivocally disqualifying as persons, those humans who lack 'personality', on the basis that they are without 'calling'. But Brunner seems to equivocate when he continues to say that 'that poor creature which, ... so far

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<sup>113</sup> III/2, 136.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid., 79.

<sup>116</sup> O'Donovan, 'Man in the Image', 440.

<sup>117</sup> Brunner, *Man In Revolt*, 341.

as we know, has not a spark of intelligence' belongs, supposedly, to 'the Family of God'.<sup>118</sup> To this prevarication, O'Donovan correctly questions Brunner:

Is not the "Family of God" a community of persons? Do the boundaries of this community extend, for Brunner, beyond persons to nonpersonal creatures that are the objects of personal care and affection, of which household pets are the typical examples, and does the 'idiot' belong to the Family of God in this sense?<sup>119</sup>

Brunner admits not to know the meaning of the 'idiot' in the 'Family of God', and like Joan O'Donovan says, his agnosticism most likely prevents him from placing the 'idiot' beyond the pale of person. This is captured in the conclusion of this passage thus: 'it is ... more than probable that even the most vacant idiot ... is not without a glimmer of personal being'.<sup>120</sup> But does this 'glimmer of personal being' qualify our fellow cognitively impaired human beings as persons? Brunner is silent. The ethical consequence, then, of Brunner's shift of focus is 'a loss of universality in the application of the concept of person'.<sup>121</sup>

Barth clearly captures this weakness in Brunner's ethics and quite properly puts a few challenging questions to Brunner:

Is the revelation of God some kind of "matter" to which man stands in some original relation because as man he has or even is the "form" which enables him to take responsibility and make decisions in relation to various kinds of "matter"? Surely all his rationality, responsibility and ability to make decisions might yet go hand in hand with complete impotency as regards this "matter"! And this impotency might be the tribulation and affliction of those who, as far as human reason can see, possess neither reason, responsibility nor ability to make decisions: new-born children and idiots. Are they not children of Adam? Has Christ not died for them?<sup>122</sup>

So Barth is concerned with whether the formal possibilities of a fallen nature espoused by Brunner are not actual capacities that then prove obligatory to divine grace. If this is the case, Barth quite properly worries about those fellow humans who apparently lack these specific capacities (e.g. demented individuals, persons in PVS, profoundly intellectually impaired individuals etc). So Barth correctly rejects any formal understanding of the image of God that fails to be properly inclusive. He rejects any formal understanding that excludes some 'children of Adam' because they lack the defined capacities of the *humanum* and for revelation.

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<sup>118</sup> Ibid.

<sup>119</sup> O'Donovan, *op. cit.*, 454.

<sup>120</sup> Brunner, *Man in Revolt*, 341.

<sup>121</sup> Ibid., 452.

<sup>122</sup> Barth, 'No!', 88-89.

To Barth, for Brunner to avoid this pitfall of rejecting some ‘children of Adam’, he must ‘stick to [his] statement that man is (‘materially’) ‘a sinner through and through,’ with the consequence that the ‘formal factor’ cannot be anything like a remainder of some original righteousness, an openness and readiness for God’.<sup>123</sup> O’Donovan adequately captures this point for us. She states:

Only by surrendering its hidden revelational content can Brunner’s ‘formal factor’ perform its modest but legitimate service of indicating the universal being of sinful mankind. But in thus limiting itself, the concept forfeits its anthropological weight as an expression of man’s unique, inalienable dignity. The functional deflation of the ‘formal factor’ signals the collapse of the nature/grace dialectic in its epistemological and ontological aspects. No longer can the persisting structure of sinful human subjectivity, conceived as responsibility, constitute the necessary condition or ‘point of contact’ for God’s gracious self-revelation to man.<sup>124</sup>

‘If’, Barth says, ‘nevertheless there is an encounter and communion between God and man, then God himself must have created for it conditions which are not in the least supplied (not even ‘somehow,’ not even ‘to some extent’!) by the existence of the formal factor’.<sup>125</sup> The ‘point of contact’ in human beings can only be occupied by the material aspect of the *imago Dei*. This position which sin prevents human beings from occupying is now occupied by Jesus Christ in our place. What benefits, then, ensue from Barth’s Christological realism? Again O’Donovan lucidly captures this when she says:

Barth’s Christological realism is a significant theological gain in the ethical realm, particularly in the realm of judgments concerning those individual beings at the borders of human life: the unborn child, the severely defective infant, the very old and senile, the comatose patient. For it forces upon us the consideration that these individuals are human beings created in the image of God, that they have a share in human uniqueness because elected in Jesus Christ, the objects of God’s judgment and mercy. It forces this consideration upon us by disallowing all immanent conceptions of human being, either structural or qualitative, which would place such creatures beyond the pale of humanness. It stands as a refutation of the favourite argument of the technicians and humanists of our age: that only those beings are ‘persons’, are uniquely human, that manifest the qualities of subjectivity, of personality. Against this argument it pits an uncompromising theological understanding of the particularity and uniqueness of human being in terms of its transcendent determination by God’s covenant of grace in Jesus Christ. It sets forth human uniqueness as the incomprehensible particularity of God’s elective Will, the transcendent mystery of ‘the person’ as the mystery of God’s gracious action.<sup>126</sup>

At the end, we sympathize with Barth’s transcendental-relational understanding of human being as opposed to Brunner’s immanent-structural view because it leaves us with no option, but to

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<sup>123</sup> Ibid., 89.

<sup>124</sup> O’Donovan, ‘Man in the Image’, 441.

<sup>125</sup> Barth, *op. cit.*, 89.

<sup>126</sup> O’Donovan, ‘Man in the Image’, 456-57.

‘inquire into our obligations to those members of the human community at the extremity of need and helplessness, who evade our qualitative standards of humanity’.<sup>127</sup> To reject this inquiry is to condemn ourselves through inexcusable human arbitrariness.<sup>128</sup>

#### 4.1 Critical Issues in Barth

Barth’s understanding of the *imago Dei* is a timely corrective to an overemphasis on the structure of human beings, particularly on rationality as the essential aspect of the *imago Dei*. Indeed it can easily be argued that Barth’s theological anthropology and his concept of the image of God as concrete human existence in the form of co-humanity so that the formal is the relational represent the most innovative advance in the doctrine of the *imago Dei* since Augustine. While Barth’s objection to Brunner’s concept of the *imago Dei* successfully pinpoints Brunner’s problematic anthropology, it does not positively resolve the problem of theologically conceptualizing human being. However, we notice that Barth’s relational and Christological concept for understanding the essential being of persons, emerges in his insistence on faith as the ‘point of contact’ for divine revelation. Furthermore, we will recall that Barth conceded to the formal aspect having a legitimate role in representing the continual being in sin and faith. This concession leaves room for the possibility of a concept of human being as ‘subjectivity’, ‘personality’, and ‘responsibility’. What Barth is certain of, then, is that Brunner’s structural concept cannot carry the theological import attached to it.

Barth’s perspective, of course, is not without its critics. For example, in Barth’s terms, some have asked: can the image of God be renewed, and is his view of the *imago Dei* an adequate reproduction of the biblical data? Anthony Hoekema thinks not. Instead, Hoekema argues that any view of the *imago Dei* as purely relational, and therefore purely *formal* (i.e. the capacity for confrontation and encounter), is an inadequate reproduction of the biblical data. Surely, Hoekema wonders, is the *imago Dei* not more than a mere capacity?<sup>129</sup> While Hoekema agrees that the possibility of an ‘I-Thou’ relationship with God and others forms part of our likeness to God, that likeness must show itself in concrete actions and attitudes, and not just in a formal similarity of capacity. In these respects, then, Hoekema concludes that Barth’s conception

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<sup>127</sup> Ibid., 457.

<sup>128</sup> Ibid.

<sup>129</sup> Anthony Hoekema, *Created in God’s Image* (Grand Rapids, MI: Eerdmans, 1986), 52.

of the image of God falls far short of the biblical doctrine of man.<sup>130</sup> I think Hoekema has misread Barth.

To Barth, human beings are to *reflect* God in their love of him and others, and by the way they live. This should be the ‘concrete action and attitude’ Hoekema is demanding. In this communion, which is not an abstract affair, justified humans enter a special partnership with God through Christ, in which they share their humanity with God and they partake in God’s life through grace.<sup>131</sup> Thus as we said, the summons: ‘Let us’ was delayed until the creation of humans. And notice that it is only humans who possess this capacity to participate in the divine nature/life (see 2 Peter 1.4). This emphasis is important to Barth’s dynamic understanding of the *imago* and it seems to demonstrate why humans are elevated above the rest of creation. Recall that for Barth, only humans are a repetition of the divine form of life, and only humans are a copy and reflection and not a prototype. Thus in their differentiation, only humans are capable of replaying the complex and intimate perichoresis that exists in the triune life. But surely is this not speciesism? I think not.

I think a correct reading of Barth could not conclude that his view amounts to speciesism. In fact Barth is adamant that ‘[m]an is not their (other creatures) Creator; hence he cannot be their absolute lord, a second God’.<sup>132</sup> Barth continues: ‘[i]n his dignity and position he can only be God’s creaturely witness and representative to them’.<sup>133</sup> Contrary to the popular view about the meaning of ‘dominion’ as used in Genesis, Barth correctly thinks humans, who are themselves embodied creatures have an important role to play within creation. Although there is not denying their creatureliness, Barth thinks a human being can be ‘a *primus inter pares* (first among equals) among those over whom he ‘rules’.<sup>134</sup> For Barth, humans do not possess the power of life and death, and so their lordship over the rest of creation is with limitations.<sup>135</sup> Also, one could say to Barth that a transcendental-relational understanding of human beings does not meet the challenge posed by Brunner’s account of the *imago Dei* which seeks to safeguard created structures. Thus Brunner rightly challenges us to articulate the created structure of human

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<sup>130</sup> Ibid.

<sup>131</sup> Karl Barth, *The Humanity of God* (London: Collins, 1961), 49.

<sup>132</sup> III/1, 185.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid., 186.

being.<sup>136</sup> But we are rejecting Brunner's formalistic-transcendental approach to articulating human structure, not because we are denying all structure to human beings, but because we are saying that what makes humans unique and worthy of protection cannot be articulated by structural and qualitative concepts which marginalize some humans.

In sum: Barth develops a more adequate account than Brunner of the form of human being by developing a series of analogies drawn from God's inner Trinitarian being, God's covenantal relationships with humanity in Christ, Christ's saving work and our humanity. These analogies<sup>137</sup> demonstrate how the divine co-existence, co-inherence, and reciprocity of Father, Son and Holy Spirit is repeated in God's election of *all* human beings, regardless of physical or cognitive ability. Had Brunner taken his starting point not in the dialectical separation of form and content which mirrors his bifurcation of God's being as Spirit and as Love, but in a transcendent-relational understanding of human being, then, perhaps he would have had less difficulty imagining the humanity of those individuals at the so called margins of personhood.

## **5. The Turn to Embodiment: Who Are 'We'? And Why It Matters**

So far we have examined two competing visions of the *imago Dei* concept. Firstly, in chapter 2 we suggested that the view espoused by the Christian tradition has and continues to marginalize some human beings as not properly human. Secondly, in the preceding section, we have suggested a 'relational' reading of the *imago* as an alternative to the one held by the Christian tradition. The ways of human imaging of God are many and varied in scripture, but none of them are disembodied. Instead the whole person in community is created and renewed in 'the image of God'. In this section I am suggesting that we have allowed ourselves to think of personhood in terms quite divorced from our biological nature or the history of our embodied self. If this is true, I am suggesting that to be complete, the rationality-relationality turn needs to be complimented by the *turn* to human embodiment. To advance this suggestion I will examine the theological anthropology of Karl Barth concerning persons and their embodiment. Some moral philosophers would like us to believe that intellectually disabled people are not persons. Thus some of them categorize humans in terms of 'them' and 'us'. As an example, moral philosopher Jeff McMahan would like to think that in contrast to 'them' there is 'us'. Conversely for Barth there is only we

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<sup>136</sup> O'Donovan, 'Man in the Image of God', 459.

<sup>137</sup> See generally III/2, §44 and §45.

and/or us. What distinguishes Barth and McMahan? Although they seem to be far apart, both answer our question by determining *what* human beings are. However, as we shall see, they part ways when McMahan sees humans as only a ‘capacity for self-consciousness’, while Barth thinks of human beings holistically, that is, as ‘bodily soul and ensouled body’. I will examine their thoughts one at a time beginning with a brief sketch of McMahan’s position.

### 5.1 Jeff McMahan on who ‘We’ are

McMahan sets out to develop an ethics of killing.<sup>138</sup> Necessarily, then, it is essential that we first establish what kinds of entities human beings are. In what follows I sketch in brief what I interpret to be McMahan’s view of what we are and his reasons for holding this view. McMahan assumes paradigmatic instances of ‘us’, as yet undefined, and sets out to discover what properties are important to identify individuals ‘like you and me’. Thus McMahan is interested in those cases ‘whose metaphysical or moral status ... is uncertain or controversial’.<sup>139</sup> For him, these include: ‘animals, human embryos and fetuses, newborn infants, anencephalic infants, congenitally severely retarded human beings, human beings who have suffered severe brain damage or dementia, and human beings who have become irreversibly comatose’.<sup>140</sup> All these beings, he says, are in one way or another ‘at the margins’ of human life.<sup>141</sup> I am still puzzled that McMahan includes intellectually disabled persons, or in his words the ‘congenitally severely mentally retarded’,<sup>142</sup> and the severely brain injured in the same list with animals. I say it is puzzling because these persons are clearly human beings. Obviously some may not agree with me.<sup>143</sup> The moral status of persons at the so-called margins of personhood (neonates and

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<sup>138</sup> Jeff McMahan, *The Ethics of Killing: Problems at the Margins of Life* (Oxford: Oxford University Press, 2002). (Hereafter *EOK*).

<sup>139</sup> *Ibid.*, vii.

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> These individuals have brains that are injured or anomalous since birth.

<sup>143</sup> For example euthanasia in infants has been proposed by philosophers for children with severe abnormalities and whose lives the philosophers think can be expected to be not worth living (see for example Helga Kuhse and Peter Singer, *Should the Baby Live? The Problem of Handicapped Infants* (Oxford: Oxford University Press, 1985), 143; See also Michael Tooley, ‘Abortion and Infanticide’, *Philosophy and Public Affairs* 2 (1972), 37-65; Jonathan Glover, *Causing Death and Saving Lives* (Harmondsworth: Penguin, 1977); Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1979); John Harris, ‘Ethical Problems in the Management of some Severely Handicapped Children’, *Journal of Medical Ethics* 7 (1981), 117-124. Most recently philosophers Alberto Giubilini and Francesca Minerva think the fetus and the new born are morally equivalent since ‘both lack those properties that justify the attribution of a right to life to an individual’. Furthermore they think newborns are only ‘potential persons’, thus for them, what they call ‘after birth-abortion’ (an oxymoron in the term itself), or ‘killing a newborn could be ethically permissible in all the circumstances where abortion would be’ (p. 2). Controversially,

cognitively impaired individuals) is a real issue and so serious and well-reasoned discussion is inevitable. In the next section we will attempt to convincingly defend against this otherwise strange belief and then offer what I suggest is a promising account of what it is to be a person.

McMahan derives his philosophical use of the term ‘person’ from John Locke, hence personhood begins and ends at certain points in time and is to some extent a quantitatively measurable quality of being human.<sup>144</sup> McMahan’s threshold for personhood, then, includes properties that are not steady throughout a human being’s life. So, in McMahan’s words, ‘roughly speaking, to be a person, one must have the capacity for self-consciousness’.<sup>145</sup> This means that to speak of a person is to speak of a ‘being with a rich and complex mental life, a mental life of a high order of sophistication’.<sup>146</sup> To McMahan, then, to say that ‘we’ are persons, is to speak of individuals who possess certain psychological properties. The issue of who ‘we’ are, for McMahan, is two pronged: it is possible to ask what it takes for individuals to continue to exist or we may ask what sort of thing we are essentially.<sup>147</sup> After skillfully disposing of what he takes to be the three most common views of personal identity (that we are souls, that we are human organisms, and that we are bare psychological capacities),<sup>148</sup> McMahan suggests a particularly sophisticated, and strongly psychologically-grounded view of moral status. McMahan firmly believes in sentience: according to him, human beings are essentially *embodied minds*.<sup>149</sup> So for him we begin to exist with the onset of (the capacity for) consciousness in ‘our’ organism. Applied to cognitively impaired individuals and neonates, the view ends up with a rather remarkably minimal status for such human life. So such human persons have no status; attributing any is analogous to a category mistake.

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they state that ‘such circumstances include cases where the newborn has the potential to have an (at least) acceptable life, but the well-being of the family is at risk’ (p. 2). So for them, ‘if the death of a newborn is not wrongful to her on the grounds that she cannot have formed any aim that she is prevented from accomplishing, then it should also be permissible to practice an after-birth abortion on a healthy newborn too, given that she has not formed any aim yet’ (p. 2). Giubilini and Minerva do not say anything remarkably new. Instead, what they have done is extend the existing debate around infanticide beyond *medical* indications to *social* indications (See id., ‘After-birth Abortion’, *Journal of Medical Ethics*, 2. Online at <http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411.full>).

<sup>144</sup> See also Singer, *Practical Ethics* or John Harris, *The Value of Life: Introduction to Medical Ethics* (London: Routledge, 1985). To Singer, all entities conscious of time and space with interests are persons. This description fits both human beings with certain attributes and to highly-developed mammals.

<sup>145</sup> McMahan, *EoK*, 6.

<sup>146</sup> *Ibid.*, 6, 45.

<sup>147</sup> *Ibid.*

<sup>148</sup> See *ibid.*, 7-59.

<sup>149</sup> *Ibid.*, 66-88. McMahan calls his theory ‘The Embodied Mind Account of Identity’.



McMahan follows a version of Derek Parfit's idea of personal identity which he attempts to expand. Parfit has claimed that personal identity is based on *psychological continuity* which McMahan calls the 'Psychological Account of Identity'(PA).<sup>150</sup> In Parfit's words, this psychological continuity consists of 'the holding of overlapping chains of *strong connectedness*'.<sup>151</sup> McMahan suggests an alternative understanding of psychological continuity that makes it explicitly a matter of degree. He thinks that even when interpreted as such, psychological continuity could be the criterion of identity.<sup>152</sup> This is because for McMahan, and contrary to Parfit and others, 'there is identity whenever psychological continuity holds to *any* degree. McMahan's PA treats psychological continuity as an all-or-nothing relation.<sup>153</sup>

So McMahan following Parfit is not worried about a strong connectedness between some Person(1) who existed in the past to Person(2) who will exist in the future and who will benefit from any present actions and planning of Person(1). Instead, for McMahan, what matters is that Person(1) has relations of psychological connectedness and continuity with Person(2), what he speaks of as 'prudential unity relations'.<sup>154</sup> To McMahan, tradition holds that identity is the only such relation.<sup>155</sup> To Parfit, the prudential unity relations are psychological connectedness and psychological continuity. McMahan calls a 'natural mistake', the thought that identity is the sole prudential unity relation. For him, in all actual cases, there cannot be psychological continuity and connectedness without identity. Furthermore he claims that identity presupposes psychological continuity.<sup>156</sup>

However, in the case of what he calls 'Division', McMahan thinks psychological continuity and connectedness diverge from identity.<sup>157</sup> Thus we are inclined to believe that in this and other cases, it is not 'identity, but the relations that underlie identity, that ultimately matter'.<sup>158</sup> For Parfit, in that case of Division, Person(1) ceases to exist. Addressing a person about to undergo Division, He says: 'You will lose your identity. But there are different ways of doing this. Dying is one, dividing is another. To regard these as the same is to confuse two with

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<sup>150</sup> Ibid., 39.

<sup>151</sup> Derek Parfit, *Reasons and Persons* (Oxford: Clarendon, 1984), 206.

<sup>152</sup> McMahan, *EoK*, 40.

<sup>153</sup> Ibid.

<sup>154</sup> McMahan, *EoK*, 42.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

zero. Double survival is not the same as ordinary survival. But this does not make it death. It is even less like death'.<sup>159</sup> Here Parfit appeals to a sense of the term 'survive' that he introduced in his earlier work, where he claimed that there can be survival without identity.<sup>160</sup>

McMahan agrees with Parfit that Division shows identity is not what matters. In other words, they both claim that identity is not what rationally grounds our special concerns about the future – what McMahan calls '*egoistic concern*'.<sup>161</sup> However McMahan differs from Parfit about the 'nature of the relations that are constitutive of personal identity' and about 'the prudential unity relations'.<sup>162</sup> Thus McMahan extends Parfit's account by the claim that a consciousness is the same consciousness if there is any degree of psychological connectedness, and it is sustained by *physical and functional continuity*. This means that enough of the same brain must continue to exist and work to support the same consciousness. McMahan admits that the latter is not very well established, but it is also less important morally, as psychological continuity without physical continuity is not something we yet need to take into account in practical ethics.

When we think about the critical questions of when we begin to exist and the conditions of our ceasing to exist, we consider what it is that grounds our rational egoistic concerns for the future. For McMahan, a person ceases to exist when it 'ceases to be the case that there will be someone existing in the future with whom he will be psychologically continuous'.<sup>163</sup> So again for him it is obvious when psychological continuity ceases to hold: it is when for example an individual suffers brain death, lapses into PVS, or experiences any interruption to the cerebral hemispheres. But what does McMahan's PA imply for cases of for example progressive dementia, such as occurs in Alzheimer's disease, where the psychological connectedness diminishes over time?

Here, McMahan distinguishes between what he calls the '*Patient at Onset*' and the individual in the later stages of the disease whom he calls '*Demented Patient*'.<sup>164</sup> So according to his PA, the Patient at Onset and the Demented Patient are *not* the same individual. McMahan thinks that according to the PA, although there is not a precise point at which psychological connection is lost, the 'person' of the demented individual will clearly have ceased to exist when

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<sup>159</sup> Parfit, *Reasons and Persons*, 262.

<sup>160</sup> Derek Parfit, 'Personal Identity', *The Philosophical Review* 80 (1971), 3-27.

<sup>161</sup> McMahan, *EoK*, 41, 43.

<sup>162</sup> *Ibid.*

<sup>163</sup> *Ibid.*, 43

<sup>164</sup> *Ibid.*, 493.

her mental capacities are not capable of even the most rudimentary forms of thought or perception.<sup>165</sup> I will argue that this conclusion is prohibitive and it perpetuates the marginalization of especially individuals with dementia and more generally cognitive impairment. Thus although the psychological continuity of an individual may be lost, and their mental capacity not be able to perform simple cognitive skills, as we shall see, because an individual is created to be God's image which is not located in any capacity intrinsic to herself, and because she is both in a circumincession of relations that mirror the Holy Trinity and is bodily soul and ensouled body, the same person prevails. I will suggest that we cannot discount our embodiment in identifying who we are.

McMahan argues that prudential unity relations<sup>166</sup> must in one way or another be related to that which has physical, functional, and organizational continuity over time. Recall that for him, we are *embodied minds* and 'we do not begin to exist until our organisms develop the capacity to generate consciousness.'<sup>167</sup> Here, the immediate ethical implications for the morality of abortion are obvious. And for our present purpose, it means that individuals who do not possess, or lose this consciousness are no longer persons. To McMahan, prudential unity relations are particularly weak at infancy because the brain is not well developed. Thus rational basis for egoistic concern increases only as the brain becomes more highly developed. Additionally, cognitive impairment also weakens prudential unity relations which implies that when intellectual disability is both congenital and very profound, an affected individual will never possess strong prudential unity relations. For McMahan this alone makes cognitively impaired people very different from the rest of 'us'.

For McMahan, in addition to personhood, interests are also a basis for moral consideration. He makes a distinction between a being's simple 'interests' (i.e. goods over its whole life) and what he calls 'time-relative interests' (i.e. goods it has rational egoistic concern for at a particular time).<sup>168</sup> The difference between the two is that the latter takes into account the degree to which the bases for egoistic concern hold between the time of having the interests and when the goods/bads will be realized; that is, it takes into account the strength of the prudential

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<sup>165</sup> *Ibid.*, 44.

<sup>166</sup> What McMahan speaks of as 'prudential unity relations', is what Parfit calls relations of psychological connectedness and psychological continuity. See *id.*, *EoK*, 42. For Parfit's explication see *Reasons and Persons* (Oxford: Clarendon, 1984), 204-17.

<sup>167</sup> *Ibid.*, 267.

<sup>168</sup> *Ibid.*, esp. 80; generally 267-421.

unity relations of the individual. So those with weak prudential unity relations have weak time-relative interests. The death of a fetus, then, infants or very young children and those individuals McMahan calls ‘congenitally severely mentally retarded’ is less bad than that of an adult human because it is considered less bad to frustrate their time-relative interests than those of any of ‘us’. This is because their time-relative interests are weaker. These conclusions have implications for the status of personhood which Eva Kittay properly captures when she says:

Strong prudential unity relations and the psychological capacities that enable them also coincide with the definition of personhood, that is, the complex, sophisticated psychological capacities that include self-consciousness, rationality, and autonomy. “We”, then, are persons. Conversely, weak prudential unity relations arising from psychological functioning that falls short of these complex and sophisticated psychological capacities belong to those who are not persons.<sup>169</sup>

In short, for McMahan, the ‘congenitally severely mentally retarded’ are not persons because, as Kittay concludes, they fail to meet the following criteria: (1) As traditionally philosophically defined, these individuals fall outside the descriptive boundaries of personhood and (2) they fail to be persons on metaphysical grounds, which similarly require psychological capacities that they seem to lack.<sup>170</sup>

McMahan states that there are four distinct categories into which may fall most instances of killing for which there may be a reasonable justification.<sup>171</sup> I cannot take the space to rehearse all of them.<sup>172</sup> However, the third category consists of cases in which, for McMahan, ‘the metaphysical or moral status of the individual killed is uncertain or controversial’.<sup>173</sup> Thus when McMahan applies the Time-Relative Interest Account to assess the wrongness of killing it yields serious counterintuitive conclusions. Recall our push against animalizing profound cognitive impairment in chapter 2. There we said that according to McMahan’s Time-Relative Account it

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<sup>169</sup> Kittay, ‘At the Margins of Moral Personhood’, 105.

<sup>170</sup> Ibid.

<sup>171</sup> See McMahan, *EoK*, vii-viii.

<sup>172</sup> Compare with John Harris who links personhood with the ability to value one’s own life. He says: ‘On this concept of the person, the moral difference between persons and non-persons lies in the value that people give to their own lives. The reason it is wrong to kill a person is that to do so robs that individual of something they value, and of the very thing that makes possible valuing anything at all. To kill a person not only frustrates their wishes for their own futures, but frustrates every wish a person has. Creatures that cannot value their own existence cannot be wronged in that way, for their death deprives them of nothing they can value .... Of course non-persons can be harmed in other ways, by being subjected to pain for example’. (Harris, *Value of Life*, 18-19).

<sup>173</sup> McMahan, *EoK*, vii-viii.

is not wrong to kill an animal than one of ‘us’. Also, recall that individuals who belong to ‘us’ are those with psychological characteristics which make their life more worthwhile.<sup>174</sup>

We have said that the conclusions about intellectually disabled persons do not chime well with common belief. However, McMahan believes we cannot but accept the following conclusions<sup>175</sup> and revise our commonsense beliefs: (1) based on certain psychological capacities that define who ‘we’ are, ‘congenitally severely mentally retarded’ do not have greater claims to having their time-relative interests satisfied and not frustrated than do animals, including the interest not to be killed. Why so? First, this is because McMahan thinks their lives contain and are capable of containing less good than those with strong prudential unity relations, and second, because they fall below the threshold of respect that governs relations to persons. And (2) claims of justice based on the idea that ‘congenitally severely mentally retarded’ are unfortunate and should be compensated for their misfortune are mistaken, since these individuals are not unfortunate.<sup>176</sup>

The controversial results of McMahan’s theory are clear: again, we determine the killing of human beings who have minimal psychological unity, such as fetuses, infants, and ‘congenitally severely mentally retarded’, on the grounds of their time-relative interests. For McMahan, congenital, rather than progressive cognitive impairment is important, as those who once were persons may continue to be covered by the *morality of respect*. However, in this situation, there is no telling what decisions families and society in general take when the financial burden of caring for those whose agency has failed is no longer unbearable.<sup>177</sup> So for McMahan, killing human beings who have no more capacity for rich psychological unity than non-human animals is no more wrong than killing animals. Although he argues that killing animals is a serious matter, McMahan argues that the harm involved (i.e., the frustration of time-relative interests) can be outweighed by other interests.

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<sup>174</sup> Again, as mentioned in chapter 2, I think separating ‘them’ from ‘us’ based on a set of desirable characteristics is the same harmful nationalism that McMahan abhors as virulent nationalism (See McMahan, *EoK*, 221).

<sup>175</sup> Here I am following Kittay, ‘At the Margins of Moral Personhood’, 106.

<sup>176</sup> I will revisit this issue of justice in chapter 5. I agree that cognitively impaired persons are not owed justice because they are ‘unfortunate’. Instead I will argue that they are owed justice because they are persons like the rest of those McMahan calls ‘us’.

<sup>177</sup> Here McMahan seems willing to extend the basis on which we make our decisions about those whose agency is failing beyond *medical indications* to *social indications* with obvious implications for all intellectually impaired individuals and to neonates.

We have been rehearsing McMahan's theory regarding the nature of personhood and the grounds of the moral status of those he calls 'congenitally severely mentally retarded' and in extension other intellectually impaired persons. We have said that for McMahan, relational properties are generally *not* relevant and only intrinsic psychological capacities count towards moral personhood. Thus 'we' (those possessing certain rational qualities) are psychological capacities tethered to a bodily form. Further we have said that he views species membership as irrelevant for moral consideration and indeed equates privileging species membership with dangerous nationalism. Consequently, for him 'congenitally severely mentally retarded' individuals (and those beings whose moral status is 'controversial') are excluded from moral personhood, and their deaths are less significant as their killing is less wrong than those of 'persons'. I suspect then that for McMahan, merely being human is not in itself a reason for ascribing someone a right to life. On this point, I suggest that McMahan is wrong. As Bernd Wannewetsch properly points out, there is something special and unique about being a member of the species *homo sapiens*.<sup>178</sup> Human beings are human beings by virtue of the fact that they are human beings, and the benefactors of a special relationship with God. If this is so, I suggest that the beginning point for all discussion on personhood in connection with profound cognitive impairment is the fact that human beings are persons by virtue of the Adamic inheritance. So to be a person is not at all defined by what an individual can or cannot do but by whose he/she is and where she/he is from. In sum: for McMahan, different criteria of personal identity over time correspond to different conceptions of what kind of entity humans essentially are. Thus the criterion he sketches: again, that prudential unity relations must be related to an entity which has physical, functional, and organizational continuity over time, suggests that we are essentially 'embodied minds'.<sup>179</sup>

## 5.2 Karl Barth: The Human Person as the Soul of the Body

After engaging with McMahan, we are now ready to offer a more *inclusive* path to what human beings truly are. In what follows, I am suggesting we need a theological account of human nature that strongly affirms human embodiment and so is capable of serious engagement with

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<sup>178</sup> Bernd Wannewetsch, 'Angels with Clipped Wings: The Disabled as Key to the Recognition of Personhood', in eds., John Swinton and Brian Brock, *Theology, Disability and the New Genetics: Why Science Needs the Church* (London: T. & T. Clark, 2007), 182-200.

<sup>179</sup> *Ibid.*, 68.

intellectual disability, rejects dualism and abstract materialism, and has a respectful attitude towards science. Such an account is found in Karl Barth's theological anthropology. Barth strongly believed that ontology has a decisive importance in understanding the human person, and this fact is portrayed in his treatment of the issue at great length in *Church Dogmatics* III/2 §46, where he presents an account of human ontology that is trinitarian and based on God's partnership with human beings. It is from this paragraph that we will attempt to determine the particular place of embodiment through his unique treatment of the soul-body relation.

When we speak of embodiment, it must be understood we are not saying that human embodiment necessitates a body that is simply a physical object wholly describable by a scientific account.<sup>180</sup> Instead, human embodiment includes concepts of human 'sensuality, emotionality, movement, desire, and feeling'.<sup>181</sup> And as Steven Pinker says, embodiment is not restricted to the idea of the body as an animate machine or piece of meat, for example.<sup>182</sup> So as Michael Spezio says, it is fine to say that the body is *physical* if this term is used as a 'descriptor that does not restrict understanding to scientific physicality'.<sup>183</sup> And the physicality of the body should not be taken to imply the disembodiment of the nonphysical human mind or soul.<sup>184</sup> I am suggesting that the radical connection between body and soul (mind), affirms human embodiment and also that human persons have no possibility apart from or except for their bodies. Let us now turn and sketch what we mean when we speak of a soul-body relation.

### 5.2.1 The Soul-Body Relation: A Case for Embodiment

The concepts 'body', 'soul' and 'spirit' as used in Scripture do not express a clearly defined anthropology.<sup>185</sup> Indeed, Barth acknowledged that even the Old and New Testaments do not contain a true anthropology or a doctrine of the relation between soul and body.<sup>186</sup> On the other hand, Brunner, a contemporary of Barth, argued that these terms should be taken as more or less

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<sup>180</sup> See Michael L. Spezio, 'Freedom in the Body, The Physical, The Causal, and the Possibility of Choice', *Zygon* 39(2004), 587.

<sup>181</sup> Ibid.

<sup>182</sup> Steven Pinker, *How the Mind Works* (New York: Norton, 1997), 96.

<sup>183</sup> Spezio, op. cit., 587.

<sup>184</sup> Ibid.

<sup>185</sup> See generally Barth, III/2, 344-436. Esp. see 433-436 where Barth explores biblical evidence for his own understanding of soul-body relation; Brunner, *Man in Revolt*, 362-89; Berkouwer, *Man: The Image of God*, 194-233.

<sup>186</sup> III/2, 433.

equivalent expressions which refer to the human person as a ‘whole’.<sup>187</sup> However, Brunner’s judgment should be received with caution for Scripture contains specific references which seem to imply significant distinctions among the terms. The source of ambiguity in the attempt to describe the human person as the sum of these concepts and the confusion that surrounds the meaning of these terms is the absence of a structured human ontology in Scripture. Indeed, the debate over the concepts of trichotomy and dichotomy in the history of doctrine encapsulates this fundamental ambiguity.

Barth addresses the problem of the relation of the soul and body in a manner that is strikingly different from that of his contemporaries and of present-day theologians. Considered within the framework of generally understanding humanity, Barth’s principle of theological anthropology is at first glance very provocative. If McMahan thinks ‘we’ are ‘embodied minds’, Barth claims that *all* human beings are ‘bodily soul, and also besouled body’.<sup>188</sup> This means that the human person, through the Spirit of God, exists in a definite order, that is, ‘man is the subject, form and life of a substantial organism, the soul of his body – wholly and simultaneously both, in ineffaceable difference, inseparable unity, and indestructible order’.<sup>189</sup> This order implies precedence and subsequence, and it will become more appropriate, when it is used to describe the being of the individual human person.

In this move, Barth captures the remarkable union and differentiation of the body-soul relation.<sup>190</sup> For Barth, then, a human being is not simply a soul that is *tethered* to a body, but is an ‘embodied soul’. In short, to be a human person is to be embodied. This means that the person is ‘wholly and simultaneously both’<sup>191</sup> soul and body. Here, Barth moves against an abstract dualism which bifurcates soul and body,<sup>192</sup> an abstract materialistic monism<sup>193</sup> which thinks human persons merely on the basis of ‘corporeality’, and abstract monistic idealism of the kind he thinks could be found within the Greek doctrine of the immortality of the soul, and that treats body as garment, symbol, or even obstacle.<sup>194</sup> All these errors miss the relation of soul and body

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<sup>187</sup> Ibid., 364.

<sup>188</sup> Ibid., 350.

<sup>189</sup> III/2, 325.

<sup>190</sup> III/2, 350-418.

<sup>191</sup> Ibid., 325.

<sup>192</sup> As found in the medieval and orthodox teaching that human nature consists of soul and body (see *ibid.*, 180-382).

<sup>193</sup> Ibid., 382-390. Barth’s examples are up to and include Marx’s ‘historical materialism’.

<sup>194</sup> Ibid., 390f.



because they miss the *point of connection* (a point I will come back to) – that humans are as they have spirit.<sup>195</sup>

Barth understands a person's body to be that person's 'material body',<sup>196</sup> which is 'visible, outward, and earthly'.<sup>197</sup> The body, then, he says, is 'sensuous', 'empirical' and available to study in ways that the soul is not.<sup>198</sup> For Barth, the body represents the objective aspect of human nature, determining the 'manner' and 'nature' of its existence.<sup>199</sup> This means that although all earthly entities are material bodies of this sort, they are not all merely material bodies. Further, although this entails a duality, Barth argues that these determinations and elements of being human are not identical neither are they reducible.<sup>200</sup> Some material bodies can become 'besouled' and thus transcend their mere materiality as 'organic bodies'.<sup>201</sup> An organic body is, therefore, understood as 'an object in relation to a subject': that is, the soul. The soul, then, is understood primarily as the subjective life of a material organism.<sup>202</sup> Thus Barth: 'Soul is life, self-contained life, the independent life of a corporeal being. Life in general means capacity for action, self-movement, self-activity, self-determination. Independent life is present ... where there is a specific living subject'.<sup>203</sup> On this point, among others, Barth's ontology seems similar to that of Aristotle.<sup>204</sup> However we must be careful to draw parallels too quickly and superficially, for Barth explicitly rejects Aristotle's ontology.<sup>205</sup>

For Barth, the human person only lives in the relation of the soul to the body which, precisely by being ensouled, becomes the body in the biblical sense of the word. In sum, Barth says, if 'materialism' denies the human person this ensouling, he or she would be 'subjectless', and conversely if 'spiritualism' denies the body significance, the human being would be 'objectless'.<sup>206</sup> Thus Barth: 'I cannot answer for myself without at the same time answering for

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<sup>195</sup> Ibid., 393f.

<sup>196</sup> Ibid., 350.

<sup>197</sup> Ibid., 367.

<sup>198</sup> Ibid., 326.

<sup>199</sup> Ibid., 367.

<sup>200</sup> Ibid.

<sup>201</sup> Ibid., 377.

<sup>202</sup> Ibid., 364.

<sup>203</sup> Ibid., 374.

<sup>204</sup> See Martha C. Nussbaum and Amelie O. Rorty, eds., *Essays on Aristotle's De anima* (Oxford: Clarendon Press, 1992), especially Michael Frede, 'On Aristotle's Conception of the Soul', 93-107.

<sup>205</sup> III/2, 374-7, 380.

<sup>206</sup> Ibid., 392.

my body'.<sup>207</sup> This is only possible because the soul is the formative 'centre' which makes human life into an 'independent life' over against God and other human beings.<sup>208</sup> Barth is keen to stress the independence of humans, an independence that finds expression in an individual's own perceiving, thinking, willing, desiring, and active existence. So for this reason, every human being, whether profoundly cognitively impaired, in a coma, in PVS, or suffering from any other disability, must be regarded as 'distinctive and unsubstitutable in the eyes of God and mostly other people'.<sup>209</sup> Furthermore, a human being is never merely a psychological entity that has a bodily form and thus should never be degraded into a mere object that others can treat like a thing (see Ps. 139).

Recall we are saying that the rationality-relationality turn does not necessarily account for profoundly intellectually impaired individuals because I am arguing that relationality assumes a degree of reason which facilitates reciprocity. Thus this 'turn' needs to be augmented with human embodiment. Let us examine this claim further. For Barth, the soul would not be soul if it was not *bodily soul*, and body would not be body if it was not *ensouled body*. The soul, then, is not an abstract, spiritual element and the body a tangible entity. We are saying that such a dualistic view is derived from ancient Greek philosophy,<sup>210</sup> and has grave implications for how we understand personhood. Unfortunately contemporary society is facing such a strain of dualism which sees the body as raw material to be manipulated by modern science. A symptom of this is the sharp rise of issues such as informed consent in bioethics today, and the increasing tendency to think of a person as not 'being' a person but of *having* personhood. Personhood, then, has become just another quality that is *tacked* to being. Barth rejects this view which sees the body as an enemy of rational control requiring confinement. Instead, for him a person is ontologically constituted as a properly ordered and unified duality of body and soul that is created, preserved and regenerated by the Holy Spirit and so constituted as God's covenantal partner.<sup>211</sup>

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<sup>207</sup> Ibid., 378. This sentence appears in the *Kirchliche Dogmatik (KD)* but is absent from the English translation: 'I cannot be myself without at the same time being my body'. See Krötke, 'The Humanity of the Human Person', note 10, 175.

<sup>208</sup> Ibid., 397.

<sup>209</sup> Krötke, 'The Humanity of the Human Person', 170.

<sup>210</sup> See Plato, *Phaedo*, 64c. The Platonic meditation *mortis* stresses the primacy (immortality) of the soul and the baseness of the body, reducing the body as an insignificant casket for the soul.

<sup>211</sup> III/2, 325.

So the soul gives life to that particular body, which is the person, but, as Barth is quick to add, it is not the *source* of the life, for God alone is the source of life. So if God withdrew ‘what He alone can and does give’, man’s body would be a ‘purely material body’.<sup>212</sup> If the body is not the body of the soul, it is not a body, but organic matter – indeed, a corpse. For Barth, then, *body* and *soul* are the duality of human existence. Yet we must be quick to affirm their coinherence, which was so important to him. In his anthropology, Barth is not satisfied with noting the unity and duality of the human person, but he would like the reader to take note of the order present in the body-soul relation. Again, looking through Christological lenses, Barth argues for the priority of the soul as the director of personal life over the body.<sup>213</sup> Here Barth is in agreement with most theological anthropologies: ‘man is soul’.

This move worries some like Jürgen Moltmann who argue that Barth is Platonic and Cartesian in preserving the lordship of the soul over the body.<sup>214</sup> However, judging by his interpretation of §46, I think Moltmann misread Barth. Thus it is inaccurate to view Barth’s ontology as one of hierarchical domination. Moltmann assumes a sharp distinction between two moments that simply do not exist in Barth’s ontology. Although Barth does use hierarchical language, does it necessarily denote an abusive dominating/dominated relationship? I think not.<sup>215</sup> In fact contrary to Moltmann’s reading,<sup>216</sup> I think Barth has a different understanding of the ‘indestructible order’ that governs the body-soul relation. Again, Barth’s strong Christological method comes into play when he claims that the person is ‘the soul of his body’.

Barth does not think there is ‘chaos’ in Jesus’ ‘interconnexion’ (of soul, body, Word and act). For him it is a ‘cosmos’: that is, a ‘formed and ordered totality’ in which there is ‘a higher and a lower, a first and a second, a dominating and a dominated’.<sup>217</sup> So the order entails that the soul leads, commands and controls while the body follows, obeys and is controlled. However, Jesus is ‘not only His soul but also His body’.<sup>218</sup> Indeed, Jesus is a whole man because he wills and fulfills himself. ‘He lives in sovereignty. His life of soul and body is really His life. He has

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<sup>212</sup> Ibid., 353.

<sup>213</sup> Ibid., 339.

<sup>214</sup> Moltmann, *God in Creation*, 252-55.

<sup>215</sup> See John Thompson, ed., *Theology beyond Christendom: Essays on the Centenary of the Birth of Karl Barth* (Allison Park, PA: Pickwick, 1986), 112-13.

<sup>216</sup> Moltmann, *op. cit.*, 253.

<sup>217</sup> III/2, 332.

<sup>218</sup> Ibid., 424.

full authority over it'.<sup>219</sup> Barth's language should not be construed to mean that he gives primacy to the soul. In fact, Barth rejects Docetism by arguing that the Bible portrays the resurrected Christ as a whole body-soul entity<sup>220</sup> who exists in continuous identity with the pre-resurrection Jesus.<sup>221</sup> For Barth, only a holistic presentation of human ontology presents an adequate understanding of Jesus' person and work. As mentioned, unlike the ancient Greeks, Barth holds that the soul is the sign of life but rejects the idea that it is the *source* or *cause* of life. He agrees that the soul is only the bearer of life and hence any anthropological ontology must take the whole person as its starting point.

For Barth, rationality is the evidence of the hierarchical relation manifest in human nature generally. Thus it might seem counterintuitive when Barth defines the human person as 'a rational being'.<sup>222</sup> But note that Barth is not referring to *vernunft* (our intellectual powers). Instead, he means that man is rational because having Spirit, he is ruling soul and serving body. Barth thinks *vernunft* is misleading because it refers only to the capacity to 'understand' (*vernehmen*), which is only one among the many capacities of humans. Furthermore *vernunft* is often mainly used to denote merely the human capacity to 'think'. Thus for Barth, *vernunftwesen* ('rational being') is given the comprehensive sense of the Latin *ratio* and the Greek *logos*,<sup>223</sup> by which we understand a 'meaningful order'. This means that when we say a human being is a *vernunftwesen* (substance of a rational nature), what Barth means is that it is 'proper to his nature to be in rational order of the two moments of soul and body, and in this way to be percipient and active being'.<sup>224</sup> Thus Barth says we talk of man as a rational being with regard not only to his soul but also to his body. This is because in virtue of his soul, his body also fully participates in his rationality, as long as it [the body] finds itself in that meaningful order.<sup>225</sup> Thus in the body-soul relation, *ratio* or *logos* is no less proper to the body than to the soul, and dwells no less in the body. So as mentioned it is still accurate to speak of intellectually impaired individuals as substances of a rational nature.

But what about the nature of Barth's ontology are we to draw from such language? Is Barth a soul/body substance dualist or is he a monist? Barth is neither a substance dualist nor a

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<sup>219</sup> III/2, 332.

<sup>220</sup> III/2, 327; cf. also 441-54.

<sup>221</sup> Ibid., 214.

<sup>222</sup> III/2, 419.

<sup>223</sup> Ibid., 419.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

monist. Although he is often characterized as the former, this, I think, is the result of misinterpretation of his views and an occasional ambiguity in his language. In fact Barth objects to the idea of substance dualism,<sup>226</sup> that is, that a person consists of two distinct substances. Instead, as we have been saying, he strongly affirms a holistic union of body and soul in a person.<sup>227</sup> Barth's stand, then, can be properly described as 'concrete monism'.<sup>228</sup> However, in a somewhat puzzling move, Barth asserts that his view could also be understood as 'the concrete and Christian dualism of soul and body'.<sup>229</sup> Barth gives primacy to human subjectivity with the soul, but for him the soul is not a separate substance or part of human nature.

But what kind of ontology could be described as both dualist and monist? Barth's faithful interpreters do not seem to agree on this very issue, and both sides are capable of drawing evidence from his *Church Dogmatics*. However, I am taking a different position. In contrast to the dualism that permeates much of human history<sup>230</sup> and traditional Christian theology, some interpreters draw attention to Barth's holistic language.<sup>231</sup> These interpreters seem to think that identifying Barth with this 'holistic' stand absolves him from leaning on either the side of reductive monism or that of substance dualism. Although holistic language provides a different and possibly better vocabulary for discussing human ontology, I think it may still fall short of offering a satisfactory solution to the question of body-soul relation.<sup>232</sup>

Other interpreters take a different angle by affirming some form of dualism in Barth's use of the traditional body-soul language and his equally strong emphasis on the duality inherent in

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<sup>226</sup> There are two major variants of substance dualism: Cartesian and Aristotelian / Thomistic dualism. For a vigorous philosophical and ethical defence of human nature as body and soul and a spirited defence of Thomistic dualism, see J. P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and the Crisis in Ethics* (Downers Grove, IL: Intervarsity Press, 2000).

<sup>227</sup> It is important to note that Barth's anthropological ontology here does not constitute a theoretical account of the body-soul relation, but a model of the person based on a Christological paradigm. However, it does have significant implications for formulating such an account. Barth was not averse to such an account. In fact he welcomes philosophical constructions as long as faith is not effaced. Barth also has a respectful view of science (see III/2, 19-54).

<sup>228</sup> III/2, 393.

<sup>229</sup> *Ibid.*, 394.

<sup>230</sup> See Moreland and Rae, *Body and Soul*, 17.

<sup>231</sup> E.g., Berkouwer, *Man: The Image of God*, 93-4; Ray Anderson, *On Being Human*, 210-211; Hoekema, *Created in God's Image*, 216-17; Stuart McLean, *Humanity in the Thought of Karl Barth* (Edinburgh: T. & T. Clark, 1981), 46; and Price, *Karl Barth's Anthropology*, 20-21, 248.

<sup>232</sup> The limitations of holistic language are portrayed in the fact that both physicalists (e.g., Joel Green, 'Restoring the Human Person: New Testament Voices for a Wholistic and Social Anthropology', in *Neuroscience and the Person: Scientific Perspectives on Divine Action*, ed. Robert John Russell et. al. (Vatican City: Vatican Observatory, 2002), 3-22) and dualists (e.g., John W. Cooper, *Body, Soul, and Life Everlasting: Biblical Anthropology and the Monism-Dualism Debate* (Grand Rapids: Eerdmans, 2000) and J. P. Moreland, 'Humanness, Personhood, and the Right to Die', *Faith and Philosophy* 12 (1995), 95-112) employ it.

human nature.<sup>233</sup> However, if I am reading Barth's ontology correctly, the reason this issue appears to be 'sticky' is because it seems to be based on the wrong question. How so? By focusing on the 'problem' of human nature, some interpreters may be expecting a 'solution' that can provide an adequate doctrine of the body-soul relation. But I think Barth is focused on a relatively different aspect of the issue, which according to him is the only possible basis for anthropology: that is, Christology. In short, for Barth, the question is how this 'true man', 'born in the likeness of man' (Phil. 2:7; cf. Heb. 2:14, 17), which has always been affirmed by the Church against every sort of docetism, can be the *only* way to true knowledge of human beings.

However, as Berkouwer says, this should not be taken to imply that we can merely 'read off' our anthropology from our Christology.<sup>234</sup> As fallen entities, we are obviously different from Jesus. Barth, then, is right to point out that we cannot begin with a definition of human nature (as if we already understand it) and then posit that Jesus shared in this human nature. Instead, it is the opposite: Jesus being the 'whole man' must be our prototype. So we must say we are persons because Jesus through the incarnation first possessed human nature. That, in this debate, is Barth's focus. Briefly, let us recall our previous reference to Moltmann. Here, it is important to note that for Barth, giving primacy to the body on the other hand would undermine Jesus' person and work. Thus the unity of the two moments is not dissolved by the hierarchy, and there can be no valuing of the soul at the expense of the body. Further, Barth points out that this rational ordering of the two moments so evident in Jesus is not obvious in persons. Instead it is concealed in the tensions and contradictions of human life.<sup>235</sup> Here Barth's language is not always as careful as one might wish, and he does seem sympathetic to substance dualism. However he finally weighs in against both the parallelism of Gustav Fechner, Wilhelm Wundt, and others, and the interactionism of Hans Driesch and Heinrich Rickert. Barth accuses their accounts of human nature of talking only about 'the soul and body of a ghost and not of real man'. Instead for him body and soul are 'two moments of the one human activity'. So 'man himself as soul of

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<sup>233</sup> See, e.g., Robert Willis, *The Ethics of Karl Barth* (Leiden: Brill, 1971), 236; Paul W. Newman, 'Humanity with Spirit', *Scottish Journal of Theology* 34 (1981), 415-426; Jürgen Moltmann, *God in Creation: An Ecological Doctrine of Creation* (London: SCM Press, 1985), 252. Price who does not posit an implicit dualism, and moreover is fully aware of Barth's rejection of dualistic approaches to humanity, argues there are strong similarities between Barth and the interactionist anthropology of dualist John Eccles (id., *Karl Barth's Anthropology*, 254-5).

<sup>234</sup> Berkouwer, *Man: The Image of God*, 92.

<sup>235</sup> III/2, 331-2.

his body is subject and object, active and passive'.<sup>236</sup> Barth is not a dualist and is committed to a human embodiment that is not merely materialism.

Barth makes a statement that is essential to our move here. He says: 'That he is body makes it possible for another as such to enter his consciousness, for him to posit another as possible'.<sup>237</sup> In other words, the way in which we engage our fellow human beings and particularly those who cannot reciprocate in person-to-person relationships is by being *bodily present* to each other. I think Robert Spaemann put it properly when he asks: '[b]ut what criterion do others have for my identity? Only an *external* criterion – namely, the identity of my body as a continuing existence in space and time'.<sup>238</sup> Thus Locke erred to imagine that personal identity is constituted wholly by self-consciousness and memory. Yet, although we said that persons are singular in unparalleled fashion, like Spaemann, we do not think that self-identification can occur solipsistically.<sup>239</sup> Thus relationality, like identification implies the 'existence of others and the possibility of being available to their knowledge'.<sup>240</sup> This move properly captures what we are claiming here: that severely cognitively impaired persons are available to our knowledge by being bodily present to.

Recall also we mentioned Duns Scotus speaking of the 'solitude' of the person. Spaemann thinks this 'solitude' is tied up with the notion of 'incommunicability' emphasized by Aquinas. He says that 'solitude' is not spoken of in 'qualitative terms', which would mean that 'its uniqueness was in the end contingent'.<sup>241</sup> Instead this 'solitude' is defined by a 'place' in the universe which it alone occupies.<sup>242</sup> This place is defined by a situation relative to all other places. In short *all* persons cognitively impaired or not, are defined by relation to everything else that can never be that person.<sup>243</sup> And this should not, as Spaemann says, be mistaken for a 'delivery of external observation alone'.<sup>244</sup> Thus Spaemann: 'the person knows the uniqueness of his or her place and of the unstitutability of its relation to everything else, and so of his or her

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<sup>236</sup> Ibid., 429.

<sup>237</sup> Ibid., 400.

<sup>238</sup> Spaemann, *Persons*, 35.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid., 37.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Ibid.

essential uniqueness'.<sup>245</sup> It follows that: since this is a 'relational uniqueness, it cannot be conceived apart from the external aspect of the person, mediated primarily through the *body*'.<sup>246</sup>

We also said that Moltmann misreads Barth in thinking Barth's ontology as one of hierarchical domination. We are saying that interconnection of soul and body does not exclude particularity. The essential distinction is that soul animates and body is animated.<sup>247</sup> So for Barth, the soul-body interconnection is possible only because the Spirit has person. Although Barth says that even animals have spirit, he admits we do not know how animals have spirit, i.e., what it means for the animal that through the Spirit it is the soul of a body.<sup>248</sup> We can know, however, what it means for human beings. This is the task of the next section.

### 5.2.2 The Spirit as Basis of the Soul-Body Relation

Barth's interpretation of the relation of spirit to body and soul is unique. He says: 'Man exists because he has spirit'.<sup>249</sup> Barth's formula is simple: an individual exists because 'he is grounded, constituted and maintained by God as the soul of his body'.<sup>250</sup> The Spirit, Barth says, is not something a person *is*, in the sense that a person is both body and soul. Instead, a person *has* spirit or, as he says, 'spirit has him'.<sup>251</sup> This means the Spirit does not belong to the human by virtue of creaturely being, as soul and body do. Rather, the Spirit belongs to God and is given to the human person as an endowment. The Spirit, therefore, is immortal and, when the body dies, it returns to God, its original source.<sup>252</sup> So, in the broadest sense, *Spirit* is God operating on His creatures. The Spirit, then, in Barth's argument, is life-bearer, animating the body-soul duality. Thus Barth: '[m]an without God is not; he has neither being nor existence'.<sup>253</sup> Barth is aware how such a claim may be read, and so he quickly adds, and this is important, that an individual's constitution is not 'purely determined' by whether they have God or not.<sup>254</sup> Let us not mistake, for Barth, however, there are consequences for being without God. He says: 'man cannot escape God, because he always derives from Him', and 'as he is not without God, he cannot understand

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<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> III/2, 394f.

<sup>248</sup> III/2, 395.

<sup>249</sup> Ibid., 344.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid., 354ff.

<sup>252</sup> Ibid.

<sup>253</sup> Ibid., 345.

<sup>254</sup> Ibid. Contrast Barth here with John Zizioulas and Christos Yannaras in chapter 3.



himself without God'.<sup>255</sup> Barth sharply distinguishes between the human soul and the divine Spirit by which it is made alive. The consequences of the above are threefold: First, this means we can deny neither soul nor Spirit to non-human creatures. Second, the human person is both determined an ensouled creature as a non-human creature, but a human person is further determined to respond to God's Word and to share God's destiny of immortal existence. Third, the *Spirit* may not be viewed as a component of human ontology.<sup>256</sup>

To Barth, the Spirit's role in the body-soul relation is crucial. It is in the Spirit that human persons are constituted as body-soul entities and in which their capacity to enter into a covenantal partnership with God is established. For Barth, the presence of Spirit is inevitable since he has a strong Christological methodology, and there can be no consideration of Jesus' life without acknowledging the 'unique relation' he shared with the Holy Spirit.<sup>257</sup> The Spirit is the mediator of the soul-body communion. In this the Spirit also unites the person with Christ, through whom she participates in the eternal communion of the Triune God, while also finding communion with other persons. Communion here means 'sharing and participating in the being of another, without the loss of identity by either partner'.<sup>258</sup> Thus in true fellowship the identity of the participants is not effaced but enhanced for it is in *embodied* encounter with another, and not in isolation, that an individual's identity is constituted.<sup>259</sup>

Two points should serve to conclude this section: First, recall we mentioned Ramsey and his insistence that in medicine the 'patient' whose body is manipulated is also a 'person' who is embodied. Here I am suggesting that in the same manner, in cognitive impairment, the point that should be commonly advanced by entertaining human embodiment is that the individual is also a person who is *embodied*. Cahill captures this point best when she says:

the self is constituted by the person's materiality as much as by his or her intellectual, spiritual, and psychological dimensions. The body enters into the subjectivity of the person, mediates that subjectivity to the world, and is a medium through which the world and other persons interact with the subject as embodied self.<sup>260</sup>

And in the words of Merleau-Ponty, 'the body expresses total existence, not because it is an external accompaniment to that existence, but because existence comes into its own in the

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<sup>255</sup> Ibid.

<sup>256</sup> Ibid., 355.

<sup>257</sup> III/2, 332.

<sup>258</sup> George Hunsinger, 'Karl Barth's Doctrine of the Holy Spirit', in John Webster, ed., *The Cambridge Companion to Karl Barth* (Cambridge: Cambridge University Press, 2000), 187.

<sup>259</sup> Ibid.

<sup>260</sup> Cahill, "'Embodiment" and Moral Critique', 204.

body'.<sup>261</sup> Again bodies are not just pieces of meat, and when we engage an animated human body, we engage 'the spatiality and temporality of selves',<sup>262</sup> *the Person*[1] herself, and not only a body. It is the unity of self (ensouled body, bodily soul) that we encounter. This unity extends to a unity of all the 'physical parts and processes of the body in their personal and social meanings'.<sup>263</sup> This point is important for contemporary body issues in biomedical ethics like mutilation, modification etc., because as Spaemann says, persons are singular in an unparalleled fashion. The second is a borrowed lesson: it is from Jesus' response to a lawyer who enquired about who his neighbour was. Note that Jesus did not offer an answer in the terms the question was posed to him. The lawyer sought criteria, but Jesus offered none. Instead, Jesus offered a story to illustrate how we are to discharge our obligation of neighbour-love. Thus, as Oliver O'Donovan says, 'the truth of neighbourhood is known in engagement; we act in commitment to someone as a neighbour, and thus prove the neighbourhood'.<sup>264</sup> In the same manner, the term 'person' must carry with it the implication of the original meaning of 'neighbour'. This means that we constantly find ourselves with somebody 'next to' us, like us, equal to us, acting upon as we upon them, as much as subject to whom we become object as he is object to our subject.<sup>265</sup> But how do we act upon our fellow humans who are incapable of engaging in relations through their relational attributes? By both parties being bodily present to each other. This is because we are all bodily soul and ensouled body. For both parties, without this ensouling we would be 'subjectless', just as conversely we would be 'objectless' should the significance of our bodies be denied.<sup>266</sup> As an object, an individual is 'somebody' which separates her from every other infra-mundane being. So only she is simultaneously object and subject, which is true for *all* persons, cognitively impaired or not. In profound cognitive impairment, then, I am suggesting that the embodiment model can bring – a holistic (body-soul (mind) relation) view of the person.

## 6. Conclusion

In this chapter I set out to augment what I am calling the rationality-relationality turn. I have said that as far as our purpose in this study is concerned, relational anthropologies (wherein

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<sup>261</sup> Maurice Merleau-Ponty, *Phenomenology of Perception*, trans. Colin Smith (London: Routledge and Kegan, 1962), 166.

<sup>262</sup> Cahill, *op. cit.*, 204.

<sup>263</sup> *Ibid.*

<sup>264</sup> O'Donovan, 'Again: Who Is a Person?', 381.

<sup>265</sup> *Ibid.*

<sup>266</sup> See III/2, 392.

intellectual capacity is assumed) do not account for intellectually disabled persons. To account for these persons, I have suggested that another move towards human embodiment is needed within relational anthropologies. We said that within recent tradition this next move is adequately represented in Barth's theological account of human nature which has a number of the elements required: a commitment to metaphysical freedom, a strong affirmation of human embodiment, and a respectful view of science.

I have attempted to bring a theological view of human embodiment toward understanding personhood in light of fellow severely cognitively impaired human beings. To such persons, we have said that dualism marginalizes and integration is inclusive. In doing so I hope to particularly emphasize the *social* significance of this view:<sup>267</sup> (1) Embodiment is significant for theological ethics of cognitive impairment because of the posture of compassion we must adopt toward such individuals. But we must emphasize that we are not thinking here of pity, but a *total* identification with the suffering of those 'next' to us. Only then can we learn to be a good 'neighbour' to human embryos and fetuses, newborn infants, anencephalic infants, congenitally severely intellectually impaired, those who have suffered severe brain damage or dementia, human beings who have become irreversibly comatose, those who are injured, vulnerable, and all those who are at the so called margins of human life. (2) The second significance flows from the mentioned '*total* identification'. It is the knowledge that suffering comes to all, and whether or not our accidental properties are currently profoundly or subtly marked, physical death is inevitable. With that realization, we become more alert to the vulnerability of every human being, and the need for a redemptive inclusion of *all* human beings created in the *imago Dei*. (3) The third significance proceeds from the total identification and the universal knowledge of human suffering and death. Thus it is morally important to ensure that a 'genuinely inclusive social practice of health care', which alleviates suffering and acknowledges the universality of death and 'interdependence of health and bodily life with other social, personal, and spiritual goods'.<sup>268</sup> The task of the next two chapters is to interrogate this important practice of genuine inclusion of all human beings in the goods of justice and health care.

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<sup>267</sup> I follow Lisa S. Cahill, "'Embodiment' and Moral Critique", 213.

<sup>268</sup> *Ibid.*

## CHAPTER 5

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### From 'Charity to Rights': Rethinking Persons at the Edge of Moral Personhood, Justice and Liberal Theory

*We are met here to reaffirm the fundamental right of the mentally retarded to a life of decency and dignity. In this affirmation we are not speaking as citizens of any country, though we come from many countries; we are not speaking as adherents to any faith or creed, though we hold many faiths and creeds; we are not speaking in the terms of our own language, though we speak in many tongues. We are making an affirmation that transcends all nationalities, all races, all creeds, and faiths, and tongues.*

-- Henry Cobb, 'From Charity to Rights', Presidential Address, 1968.

#### 1. Introduction

Recall one of the conclusions reached in chapter 1: the Christian tradition has often marginalized intellectually impaired persons by connecting the *imago Dei* with a disembodied rationality. The suggestion I develop in this chapter is that most theories of justice are also culpable of marginalizing persons with cognitive impairments. This culpability stems from the fact that contemporary approaches to social justice are typically expressed through the social contract theoretical mechanism, in which justice is applicable to and binding upon rational, responsible parties. In short, the general idea is that individuals have reason to accept 'political principles that they would choose if they were reasonable, rational, informed of all relevant facts, and shielded from all irrelevant facts'.<sup>1</sup> This ideal of liberal justice, then, conflicts with the ideal which holds that all citizens of the *polis* are owed justice whether or not they are capable of rational agency. In connection to this I make two claims: Stanley Hauerwas captures it best when he asks: 'If a society were even partially successful in 'eliminating' retardation, how would it regard those who have become retarded?'<sup>2</sup> Hauerwas' concern is not misplaced. This is because with the advent of, for example, the human genome project (HGP) cognitively impaired people are at risk of being discriminated in liberal society.<sup>3</sup> The second claim is that these theories of

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<sup>1</sup> Cynthia A. Stark, 'Respecting Human Dignity: Contract Versus Capabilities', in eds., Eva F. Kittay and Licia Carlson, *Cognitive Disability and Its Challenge to Moral Philosophy* (West Sussex, UK: Wiley-Blackwell, 2010), 111. (Hereafter 'RHD').

<sup>2</sup> Stanley Hauerwas, *Suffering Presence: Theological Reflections on Medicine, the Mentally Retarded, and the Church* (Notre Dame: University of Notre Dame Press, 1986), 159-81.

<sup>3</sup> My aim is not to negatively characterize liberal society. Indeed the risk is real in any society. However, in a society which strongly objects to discrimination, intellectually impaired individuals have not been properly accounted for.

justice not only exclude cognitively impaired persons, but also deny them ‘citizenship rights’. By this I mean that their membership in a moral community of individuals deserving equal respect and dignity is denied. Furthermore, is it not quite ‘*unfair* and *unjust* [and] *exploitative*’, to exclude certain citizens from the scope of equal consideration simply because they lack the capacity for moral reciprocation?<sup>4</sup>

Before I explain our task in this chapter, let me comment briefly on both of the claims and explain why this exploration is necessary. The theories of justice in the social-contract tradition are among the most dominant theories of justice currently available. Here, ‘rational people get together, for mutual advantage’, deciding to leave their ‘state of nature’ and to govern themselves by law.<sup>5</sup> John Rawls, now the standard-bearer for accounts of justice, argues that the social contract traditions are better placed than the various forms of Utilitarianism in articulating, probing, and organizing considered judgments about justice. However, up to and including Rawls, it is safe to say that no major theory of justice in the Western philosophical tradition made disability, and particularly intellectual disability, a prominent issue.<sup>6</sup>

Why has this been the case? Perhaps part of the answer has to do with the recent medical and technological advances which have made medical treatment and social arrangements more accessible. Thus, although the number of severely impaired persons who had any hope of long-term survival was small, it has now increased. Today, however, there are some who think that things have changed considerably and it is normal for the adequacy of a theory of distributive justice to be weighed against its success in dealing with justice for the disabled.<sup>7</sup> Assuming that this is indeed the case, a significant problem remains in that the bulk of theorizing on justice addresses almost exclusively the concerns of those with physical disabilities, and little attention,

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<sup>4</sup> Edmund N. Santurri, as cited in Hans S. Reinders, *The Future of the Disabled in Liberal Society: An Ethical Analysis* (Notre Dame, IN: University of Notre Dame Press, 2000), 105. (Hereafter *FoD*).

<sup>5</sup> See Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (London: Belknap Press, 2006), 3. (Hereafter *FJ*).

<sup>6</sup> However see the large literature that has grown out of Amartya Sen’s notion of equal capabilities, redescribed in *Inequality Reexamined* (Cambridge, MA: Harvard University Press, 1992), and, more generally criticism of Rawls on this issue. See, e.g., Nussbaum, *FJ* (2006). An especially impressive rethinking of distributive justice by way of a ‘dependency critique’ – may be found in Eva Kittay, *Love’s Labor: Essays on Woman, Equality, Dependency* (New York: Routledge, 1999). That book puts the issues of disability on the agenda of moral and political philosophy, showing that these are major questions with which theorists of justice will need henceforth to grapple; See also eds., id. and Licia Carlson, *Cognitive Disability and Its Challenge to Moral Philosophy* (West Sussex, UK: Wiley-Blackwell, 2010). It is also fair to say that Peter Singer has made disability a test case of infanticide and euthanasia for those profoundly disabled human beings who are not, and can never be, ‘persons’. See Peter Singer, *Practical Ethics*, 2<sup>nd</sup> ed. (New York: Cambridge University Press, 1993). And Alasdair MacIntyre has addressed dependency in *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999).

<sup>7</sup> See Lawrence C. Becker, ‘Reciprocity, Justice, and Disability’, *Ethics* 116 (2005), 9-39.

until recently,<sup>8</sup> was given to the status of those with intellectual disabilities. Thus a majority of theories of justice in the Western tradition are culpably inattentive to the many obstacles that stand in the way of intellectually impaired person's access to justice.

Rawls, in his work *Political Liberalism*, admits that the social contract theory excludes cognitively impaired persons. He acknowledges that the three unsolved problems of social justice, that is, nationality, species membership, and disability, present a special difficulty for his contractarian theory.<sup>9</sup> Rawls considered the first problem as solvable,<sup>10</sup> and the latter two he called problems 'on which justice as fairness may fail'.<sup>11</sup> However, he calls for further examination to determine how these two might be solved.<sup>12</sup> Martha Nussbaum and Brian Barry argue that Rawls' social contract theory excludes the intellectually disabled also by its reliance upon Hume's account of the circumstances of justice, upon the idea of justice as mutual advantage and upon the assumption that all citizens are fully cooperating members of society. Particularly Nussbaum also argues that the contractarian's view of the citizen as 'free, equal and independent' is troublesome from the point of view of including intellectually impaired people.<sup>13</sup>

Nussbaum, like her mentor Rawls, also reiterates the three unresolved problems, and particularly acknowledges that cognitively impaired individuals are persons 'but they have not as yet been included, in existing societies, as citizens on a basis of equality with other citizens'.<sup>14</sup> Furthermore, she says, '[t]he problem of extending education, health care, political rights and liberties, and equal citizenship more generally to such people seems to be a problem of justice, and an urgent one'.<sup>15</sup> According to Nussbaum, then, the social contract theory needs to be examined and supplemented, a task she hopes to achieve through her 'capabilities approach'.<sup>16</sup> Furthermore she hopes to resolve the tension described above by excising the 'social contract',

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<sup>8</sup> See for example Nussbaum, *FJ*. See esp. chapter 3 'Capabilities and Disabilities'; Reinders, *FoD*, see esp. chapter 7 'The Inclusion of the Mentally Disabled'; Although Nicholas Wolterstorff carries out a systematic discussion of the issue, he shows a concern for Alzheimer's disease sufferers. See id., *Justice: Rights and Wrongs* (Princeton and Oxford: Princeton University Press, 2008).

<sup>9</sup> See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 20-21; *Ibid.*, 1-2, 14-22. Hereafter *PL*. See also Nussbaum, *FJ*, 14-25.

<sup>10</sup> See John Rawls, *The Law of Peoples*, (Cambridge, MA: Harvard University Press, 1999). (Hereafter *LP*).

<sup>11</sup> Rawls, *PL*, 21.

<sup>12</sup> *Ibid.*

<sup>13</sup> Nussbaum, *FJ*, see also Brian Barry, *Theories of Justice*, vol. 1, *A Treatise on Social Justice* (London: Harvester-Wheatsheaf, 1989). See also Christine Hartley, 'Justice for the Disabled: A Contractualist Approach', *Journal of Social Philosophy* 40 (2009): 17-36; Cynthia Stark, 'How to Include the Severely Disabled in a Contractarian Theory of Justice', *Journal of Political Philosophy* 15 (2007): 125-7.

<sup>14</sup> *Ibid.*, 2.

<sup>15</sup> *Ibid.*

<sup>16</sup> Nussbaum, *FJ*, 24-25.

the aspect of the liberal theory she thinks marginalizes intellectually impaired persons to replace it with Rawls' idea of an 'overlapping consensus'.<sup>17</sup> To Nussbaum the advantage with her capabilities approach is that it does not use the social contract apparatus to fulfill the liberal standard of justification.

To situate our discussion, let us, for example refer back to the Human Genome Project (HGP) which introduced significant changes that ought to make persons with disabilities, their families, advocates, and professionals take note and seek ways to prepare for the changes. This is because the sequencing of the human genome has allowed, and will increasingly allow, scientists to identify genes that contribute to or even directly cause impairments. Although this seems like a positive development, it also raises other issues like 'genetic discrimination, eugenic interventions, violations of privacy, decreasing social supports, unsound legal responses, and other ethical, legal, or social consequences' that may directly or indirectly diminish the quality of life of persons with intellectual disabilities and their families.<sup>18</sup>

Thus the possibility, with the advent of HGP, of treatment, prevention and cure of cognitive impairment is again intimately connected with our duties to prevent harm and avoid injury to others. Often in the nascent ethical debate on cognitive impairment, concerns are raised from the point of view of what the possible effects may be on carers and impaired persons.<sup>19</sup> One argument that surfaces again and again is whether or not the possibility that has opened up with genetic screening, which is increasingly becoming a part of regular medical practice, would ultimately amount to social pressure on prospective parents to undergo procedures to ensure no child with impairment is born.<sup>20</sup> If parents may resist the pressure for genetic screening, so it is said, the refusal to prevent a life with cognitive impairments may lead to shift in thinking about resource implications for this family. In short, if impairments are preventable why should society pay for additional support for the new born person if parents had been educated on their choices and made an informed decision about not undergoing genetic screening?

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<sup>17</sup> I return to this point later.

<sup>18</sup> Matthew J. Stowe, H. Rutherford Turnbull, III, et al., 'Looking to the Future: Intellectual and Developmental Disabilities in the Genetics Era', *Journal on Developmental Disabilities*, 13 (2007), 1-64.

<sup>19</sup> Stowe, Turnbull et al., 'Looking to the Future', 1-64.

<sup>20</sup> See Brian Brock, and Stephanie Brock, 'Being Disabled in the New World of Genetic Testing: A Snapshot of Shifting Landscapes', in eds., John Swinton and Brian Brock, *Theology, Disability and the New Genetics* (London: T. & T. Clark, 2007), 29-43.

In this chapter, I challenge this line of argument. This argument may capture quite accurately the state of alarm in some groups of society in the face of future genetic developments; I also find it implausible to assume that informed choices establish obligations or rights against or for claims of support. Are similar cases not with us, yet they do not prompt us to argue in favour of withdrawing support from families of, say, individuals who suffer from debilitating diseases? And is it not difficult to imagine, for example, say, emergency responders asking if a driver involved in an accident wore a seat belt or not before offering help? In other words, our duties to others rest on assessments of need and vulnerability, not on the agent's ability to make informed judgments within reason (this does not preclude that we try to avoid mentally ill people making decisions with harmful consequences to themselves and others).

I will tackle the issue as one of social justice in order to defend protection against *coercion* as required by the principle of justifiability to all. In liberal theory an individual's rational agency is highly valued. Thus the ability to act for reasons bestows dignity on individual persons, which renders them 'inviolable',<sup>21</sup> which in turn places restrictions upon coercion particularly state coercion in the political realm. This means that because an individual's rational agency is valuable and should be preserved, to force someone to act against his/her own reasons is to harm that person. If this is so, and given the proliferation of genetic testing procedures among the general population, the liberal democratic state has strong reasons for protecting disabled citizens against discriminatory side effects of genetic testing. However, liberal democracy is still found wanting when it comes to protecting its most vulnerable citizens,<sup>22</sup> which raises some questions: why is it that liberal morality that prides itself in the autonomy and equal respect of each individual and that objects strongly to discrimination, is left empty-handed when we consider intellectual disability?<sup>23</sup> Why do we take care of cognitively impaired persons? By care, we do not only speak of the important task undertaken by those who daily look after disabled persons. Instead we mean society's and the individual's duties to prevent harm and avoid injury to others. This study, then, is an exercise of practice seeking theory, and it will attempt to identify the root of liberal theory's weakness, and offer a theological alternative.

The core of this chapter takes up Rawls' self-critical statement and responds to Nussbaum's proposal to revamp the liberal theory of justice. Philosophers Rawls and Nussbaum

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<sup>21</sup> Stark, 'RHD', 111.

<sup>22</sup> Reinders, *FoD*, 106.

<sup>23</sup> *Ibid.*



present diverging theories of liberal morality. However, I argue that both Rawls' 'contractarian theory' and Nussbaum's 'capability approach' fail to adequately account for the moral standing of profoundly cognitively impaired people in the *polis*. Additionally, I shall argue that by grounding inherent worth of human beings in capability, Nussbaum's capabilities view fails to fully recognize human dignity.<sup>24</sup> Instead I will argue that the worth of human beings does not depend at all upon the capacity for rationality.<sup>25</sup> Furthermore I claim that nothing we possess in the form of psychological capacities such as autonomy and rational agency are prerequisites for claims of justice. By this I mean that these capacities are not necessary to qualify for the 'moral consideration of personhood, a good quality of life or membership in a moral community of individuals deserving equal respect and dignity'.<sup>26</sup> Consequently, those who argue otherwise<sup>27</sup> marginalize those with cognitive impairment from the moral consideration of persons. This exclusion, as are previous exclusions based on sex, race, and physical ability, is morally revolting.

This chapter will be divided into four sections. In section I, I will briefly examine the issue of contested language of rights, and in section II, I will examine the social contract theory in general. In the third section I will consider a secular grounding of rights. Here I will engage with Rawls' and Nussbaum's accounts of social justice. I will argue that their views capture the typical pattern of argumentation for any liberal theory. My argument will address Rawls' contractarian theory with its focus on mutual advantage as presented in his books *A Theory of Justice* and *Political Liberalism*. After explaining Rawls' own account, I assess where his theory falls short. I then engage with Nussbaum, one of Rawls' disciples, albeit one who disagrees with his theory. Here I will examine how she attempts to expand liberal political theory with her 'capabilities approach'. As we will see both Rawls and Nussbaum think that people who are cognitively impaired should be included in a theory of moral standing, but I will suggest their attempts fall short. After showing the shortcoming of both Rawls' and Nussbaum's efforts to resolve the problem of cognitively impaired individuals in social justice, in the third section, I

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<sup>24</sup> See Nussbaum's defense of her account of human dignity in 'Human Dignity and Political Entitlements', in *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics*. [http://bioethics.georgetown.edu/pcbe/reports/human\\_dignity/chapter14.html](http://bioethics.georgetown.edu/pcbe/reports/human_dignity/chapter14.html) (retrieved 13 June 13, 2011).

<sup>25</sup> Eva F. Kittay holds the same view in 'At the Margins of Moral Personhood', *Ethics* 116 (2005), 100-31.

<sup>26</sup> *Ibid.*, 100.

<sup>27</sup> See Jeff McMahan, 'Cognitive Disability, Misfortune, and Justice', *Philosophy and Public Affairs* 25 (1996), 3-35; *Id.* *The Ethics of Killing: Problems at the Margins of Life* (New York: Oxford University Press, 2002).

will propose a theistic grounding of rights and worth. In this fourth section, I will engage with Nicholas Wolterstorff, Hans Reinders but finally follow Karl Barth in my conclusion.

## 2. The Contested Language of Rights

Is a secular grounding of human rights possible? This is the primary question in this section. However, before we examine the question, it is important to mention that today there is a polemic that is hostile towards the well established language of rights. In this study, it is not my intention to dive too deep in the stormy waters that are the question of the language of rights. Because it is an issue we cannot ignore, I intend to very briefly probe the contours surrounding this hostility. Afterwards I will state the course I intend to chart.<sup>28</sup> The idea of human rights is by no means a crystal-clear idea, and although the push against it is multi-pronged, it mainly comes from Christian theologians. Rights have been understood in many different ways, which consequently leads to different understandings of what, if any, they are. Largely, those who are opposed to rights-talk equate it with a perverse possessive individualism correlative of liberal and capitalist social orders which have no place for understanding justice as right order.<sup>29</sup> Further, contemporary right order theorist<sup>30</sup> jettison rights language on grounds that inherent rights result from nominalist philosophical developments which resulted in the sheer assertion of subjective rights as ends in themselves.

Specifically, Oliver O'Donovan thinks that the disagreement over rights language has three heads: a political, conceptual and historical problem.<sup>31</sup> For O'Donovan, 'the historical problem about the origins of the language of rights derives its importance from the conceptual problem: of "two fundamentally different ways of thinking about justice", which is basic?'<sup>32</sup> The question, then, is should we think of justice in 'unitary' or 'plural' terms?<sup>33</sup> This, for O'Donovan, raises the problem about the 'moral status of human nature'.<sup>34</sup> In short, O'Donovan's complaint

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<sup>28</sup> I closely examine Oliver O'Donovan in 'The Language of Rights and Conceptual History', *Journal of Religious Ethics* 37 2(2009), 193-207, and then follow Wolterstorff, *Justice*, 1- 4 and Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge, UK: Cambridge University Press, 2000), 96-101, (Hereafter *WHD*).

<sup>29</sup> See e.g. the work of Oliver and Joan O'Donovan and Alasdair MacIntyre.

<sup>30</sup> For example see generally the work of Alasdair MacIntyre, Stanley Hauerwas, Oliver and Joan Lockwood O'Donovan.

<sup>31</sup> See esp. O'Donovan, 'The Language of Rights', 194-95. For a full treatment of this issue see O'Donovan's response to Wolterstorff's *Justice* in 'The Language of Rights and Conceptual History', 193-207.

<sup>32</sup> *Ibid.*, 193.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

is that Wolterstorff attempts to locate the implicit recognition of rights in Scriptures depends very heavily on not what is ‘stated’, but on what is ‘implied’. From my reading of Wolterstorff, I am not convinced by O’Donovan’s argument. Here, I am more sympathetic to Wolterstorff, especially on the idea of someone being *wronged*. This is an idea constantly found in the Bible, and I take it to mean that the victim had prior rights. Furthermore, is the Bible not constantly calling for the protection of the widow, orphan and stranger (Deuteronomy 24:17)? Coming from exile, the former slaves are instructed to not pervert justice due to the least in society. In short, for the purpose of my study, I hold to there being non-conferred rights. For me, the language of rights and of being wronged gives a voice to Kelly and others like her who have, for too long, been marginalized and oppressed. It enables them to bring their own moral condition into the picture.<sup>35</sup> Justice is long overdue to them.

What is the basis of a rights claim: is it rationality, sentience, or mere life? Are ‘rights prepolitical (dominant human rights tradition) or artifacts of laws and institutions (as held by Kant)’?<sup>36</sup> Do rights belong only to individuals, or also to groups? And what is the relationship of rights and duties? All these and others, form a core of legitimate questions surrounding the disputed issues of rights. All have their staunch defenders. For example some argue for different concepts like central capabilities,<sup>37</sup> and others like Annette Baier argue for ‘care’ instead of justice. Baier, however, does not altogether reject rights language. She says that she opts for the ethics of care because it challenges ‘the individualism of the Western tradition’.<sup>38</sup> Some are opposed to the talk about rights but not justice *per se*. These persons may have a legitimate claim when we consider some rights-claims like the U.N. Declaration to Human Rights Article 24.<sup>39</sup> Others are opposed to rights-talk for political reasons, and some for social reasons.<sup>40</sup> Rights-talk, then, is judged inherently individualistic and possessive.<sup>41</sup> Indeed, Jeremy Bentham said that ‘talk about rights is nonsense’, and ‘talk about natural rights is nonsense on stilts’.<sup>42</sup>

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<sup>35</sup> Wolterstorff, *Justice*, 9.

<sup>36</sup> Nussbaum, *WHD*, 97.

<sup>37</sup> See Nussbaum in *Ibid*.

<sup>38</sup> Annette Baier, *Moral Prejudices: Essays on Ethics* (Cambridge, MA: Harvard University Press, 1994), 24. See generally chapter 2 ‘The Need for More than Justice’ (18-32).

<sup>39</sup> Article 24 states that everybody has a right to periodic vacations with pay. How we implement it if some people are not working stands to be demonstrated.

<sup>40</sup> Wolterstorff, *Justice*, 2-3.

<sup>41</sup> See Stanley Hauerwas, ‘On the Right to be Tribal’, *Christian Scholar’s Review* 16 (1987), 238-39.

<sup>42</sup> *The Oxford Dictionary of Philosophy*. s.v. ‘Jeremy Bentham’ (Oxford: Oxford University Press, 1995), 85-88.

For the present purpose, I will examine the issue of justice for cognitively impaired persons on the basis that justice is ultimately grounded in inherent rights. So, again, in following Wolterstorff, I argue that, in contrast to justice as right order,<sup>43</sup> there are rights that are not conferred. Where humans are concerned, non-conferred rights are intrinsic to our ‘possessing of certain properties, standing in certain relationships, performing certain actions, each of us has a certain worth’.<sup>44</sup> I hasten to add that I do not deny that rights language may have been misused, but like Wolterstorff, I argue that misuse does not undermine the necessary priority of justice as inherent rights to just are right order. At the core of my examination, is a desire to join a small but growing number who highlight the neglected citizens in the *polis*. For me, the crucial point is that rights are ‘normative social relationships’<sup>45</sup> that are not, for the most part, generated by the exercise of will on one’s part. This means that a ‘right is a right with regard to someone’.<sup>46</sup> Thus we encounter individuals who already possess this normative bond to us.<sup>47</sup> In short, they already have a right to certain goods, which dictate our attitude to them. So a person is due respect because of the dignity and worth they already possess before us.

My hope is that the stand I take here roughly begins to address the remarkable gap represented by social contract theory which requires recipients to reciprocate for social benefits received. For why would citizens freely consent to cooperate with one another if the scheme was not similarly advantageous for all?<sup>48</sup> Furthermore, why would productive citizens contract to cooperate with unproductive citizens whose inclusion in the cooperative scheme brings no additional resources to the common store? Wolterstorff calls it the ‘normative bond’.<sup>49</sup> The bond between individuals permits them to bear a legitimate claim on how they treat each other. Thus it is ‘on account of her worth that the other comes into my presence bearing legitimate claims against me as to how I treat her’.<sup>50</sup> Again, the rights of the other against me are ‘actions and

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<sup>43</sup> This is a theory espoused by those who argue that human rights are conferred by agreements. See generally the work of Oliver O’Donovan and Joan O’Donovan. Particularly see Oliver O’Donovan, *The Desire of the Nations* (Cambridge: Cambridge University Press, 1996); Id., *The Ways of Judgment* (Grand Rapids, MI: Eerdmans, 2005).

<sup>44</sup> Wolterstorff, *Justice*, 36.

<sup>45</sup> Ibid, 4.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> See broadly David Boucher and Paul Kelly, eds., *The Social Contract from Hobbes to Rawls* (London: Routledge, 1994).

<sup>49</sup> Nicholas Wolterstorff, *Justice in Love* (Grand Rapids, MI: Eerdmans, 2011), 85-92, esp. 87. See also id., *Justice*,

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<sup>50</sup> Wolterstorff, *Justice*, 5.

restrains from action that due respect for her worth requires of me'.<sup>51</sup> This means that if I fail to treat him as he has a right to my treating him is to demean him, and to treat him as if he had less worth than he does.<sup>52</sup> In short, that is the course I intend to chart in this stormy waters of rights language. I realize that I have been skimming the surface. However, the crucial question for our present purpose is whether a secular grounding of rights is possible. Before we turn and examine the work of Rawls and Nussbaum who ground justice in liberal theory, in an effort to answer our question, it is helpful to situate it in the broader thematic movements of the social contract.

### 3. The Social Contract

Western tradition is rich with many approaches to social justice. However one of the most prevalent has been the idea of the social contract. Our study here is not historical, and so I do not intend to give an interpretation of the social contract *in toto*. My intention is to set a foundation for the theory I will be criticizing by mentioning the key players and then briefly focusing on John Locke's theory of the social contract, which is the most influential of the tradition. The key thinkers of the social contract are Hugo Grotius, Thomas Hobbes, John Locke, David Hume, and Immanuel Kant.<sup>53</sup> Locke's theory of the social contract stands out as the tradition's most influential theory. Our main source of his theory can be found in the *Second Treatise of Government*, where he explicitly says that he intends to provide an alternative to the view that 'all government in the world is merely the product of force and violence, and that men live together by no other rules than that of the beasts, where the strongest carries it ....'<sup>54</sup> Although Locke's is the most influential theory, it is also one of the most difficult to fit into one single coherent picture. So we will try to bring out aspects that are significant to our purpose here. For Locke, human beings in the State of Nature,<sup>55</sup> are naturally, 'free, equal, and independent'.<sup>56</sup> They are free because there is no natural ruler of any, and each is naturally entitled to self-rule.<sup>57</sup>

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<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> See *On the Law of War and Peace*, *Leviathan* (1651), *Second Treatise of Government*, *Treatise of Human Nature* (1739-40) and *An Enquiry Concerning the Principles of Morals* (1751, 1777), *Theory and Practice* (1793) and *The Metaphysics of Morals* (1797) respectively.

<sup>54</sup> John Locke, *Second Treatise* c1689, §§1-2 (in Peter Laslett (Cambridge: Cambridge University Press, 1970), 384. Hereafter Locke, II. The *First Treatise* will be denoted by Locke, I.

<sup>55</sup> This is the hypothetical situation without political society. More on this when we discuss Rawls 'Original Position'.

<sup>56</sup> Locke, II, §§ 95-99.

<sup>57</sup> Ibid., §4, 287.

Equal in the sense that all jurisdiction is ‘reciprocal, no one having more than another’;<sup>58</sup> and independent in that all are free and entitled to pursue their personal projects without being in a hierarchical relation with anyone else. Indeed, taking after Richard Hooker, Locke argues that this equality is the foundation of the ‘mutual love’ amongst human beings. So, since human beings are equal, they ought to love one another. Further, it is also on equality that humans ‘build the duties they owe to one another, and from whence humans derive the great maxims of justice and charity’.<sup>59</sup> For Locke, then, individuals owe each other the duties of benevolence and beneficence. This means that we should not seek to satisfy our desires without at the same time willing the satisfaction of like desires in other human beings.<sup>60</sup>

Contrary to Hobbes, Locke’s idea of the State of Nature is quite a different type of place. Thus Locke’s argument concerning the social contract and the nature of an individual’s relationship to the political authority are different too. For Locke, this state of liberty is not a licence to individuals to destroy themselves or any other creature. For Locke, the State of Nature is governed by a law which obliges every individual, through reason, that since all are equal, and independent, no one ought to harm another in his life, health, liberty or possessions.<sup>61</sup> This means that Locke concurs with Hobbes on the question of individuals possessing similar powers of body and mind. However, unlike Hobbes, Locke connects this equality closely to moral entitlements. He says: ‘being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such *Subordination* among us, that may Authorize us to destroy one another, as if we were made for one another’s uses, as the inferior ranks of Creatures are for ours’.<sup>62</sup> Locke seems to think that similarity of power is sufficient for the reciprocal status of ends-in-themselves, and for the wrongness of treating another as a means.

Locke also thinks that human beings have natural dignity. For him, we are God’s creation, and thus are invested with ‘Dignity and Authority’;<sup>63</sup> humans are ‘curious and wonderful’, pieces of ‘workmanship’.<sup>64</sup> Thus Locke argues that human beings being thus, they desire ‘a life fit for the Dignity of Man’,<sup>65</sup> a life ‘suitable to the dignity and excellence of a

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid., §5, 288.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid., §6-7, 288-89.

<sup>62</sup> Ibid., §6, 289.

<sup>63</sup> Locke, I§44, 190.

<sup>64</sup> Ibid., §86.

<sup>65</sup> Ibid., §15, 295 quoting Hooker.

rational creature'.<sup>66</sup> However, all humans are needy and cannot stably achieve such a life without others. Therefore, 'we are naturally induced to seek Communion and Fellowship with others, this was the Cause of Mens uniting themselves, at first in Politick Societies'.<sup>67</sup> This means that dignity legitimately entitles individuals, and these entitlements can only be achieved through cooperation. When Locke comes to articulate the social contract, he seems to turn in a different direction. For him the State of Nature is much richer than a state of war á la Hobbes. Thus Locke's account of the contract focuses on mutual advantage as the goal with which the parties agree to accept the authority of laws and institutions. The contracting parties in the State of Nature, agree to accept limits to their freedom 'for their comfortable, safe, and peaceable living one amongst another, in a secure Enjoyment of their Properties, and a greater Security against any that are not of it'.<sup>68</sup> Today, most contractarians draw from only one aspect of Locke's theory, namely the fiction of a contract for mutual advantage in the State of Nature, leaving aside both his doctrine of natural rights and his related emphasis on benevolence and human dignity. In its simplest (perhaps oversimplified) form, then, the social contract theory requires its recipients to *reciprocate* for all benefits received. Thus, every citizen to the contract must have the ability to make real contributions to achieving mutual advantage for all the parties together.<sup>69</sup> Thus all contractarian theories depend on some account of rationality in the bargaining process. We are now ready to engage with John Rawls' procedurally based philosophy of justice.

#### **4. A Secular Grounding of Rights: Is it Adequate?**

##### **4.1 Rawlsian Approach to Social Justice<sup>70</sup>**

The theory of John Rawls holds a venerated place in social contract theory, and is arguably the standard-bearer for accounts of justice.<sup>71</sup> Early in his book *A Theory of Justice*, Rawls pledges allegiance to the social contract tradition saying that his aim is to present a conception of justice

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<sup>66</sup> John Locke, *Some Thoughts Concerning Education*, (New York, NY: Columbia University Press, 1964), 31.

<sup>67</sup> *Ibid.*, Hooker again.

<sup>68</sup> Locke, I§95, 348-49.

<sup>69</sup> Nussbaum, *FJ*, 66. We will return to this point, for this is one of the many theoretical and practical commonplaces that Nussbaum challenges in her critique.

<sup>70</sup> I draw here upon Nussbaum, *Frontiers of Justices* (2006), and Stark, 'Respecting Human Dignity' (2010). See also Samuel R. Freeman ed., *Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003) and Thomas Scanlon, *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2003); Hans S. Reinders, *The Future of the Disabled in Liberal Society* (2000).

<sup>71</sup> Compare with David Gauthier's neo-Hobbesian contractarian theory of morality in *id.*, *Moral by Agreement* (Oxford: Clarendon Press, 1986).

which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant'.<sup>72</sup> Rawls continues: 'The guiding idea is that the principles of justice ... are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality'.<sup>73</sup> Rawls seems to preempt potential objections when he defends his use of the term 'contract' by concluding that: '[f]inally there is the long tradition of the contract doctrine. Expressing the tie with this line of thought helps to define ideas and accords with natural piety'.<sup>74</sup> By presenting yet another account of his views, I intend to set a foundation for the question I want to raise, which is what Rawls thinks about the place of the cognitively disabled in society. First I will briefly sketch the components of his theory and then examine what he has to say about the moral standing of the intellectually impaired.

Rawls' theory diverges from all preceding social contract views in two important ways. First, unlike the historical tradition, Rawls does not think that human beings have any natural rights in the state of nature. Instead, he believes in 'pure procedural justice', in which the correct procedure defines the correct outcome.<sup>75</sup> Thus from an Original Position situated behind a 'veil of ignorance', all parties are equally rational and similarly situated to convince each other to abandon the state of nature by accepting their collectively contracted ideas regarding basic tenets of justice.<sup>76</sup> Secondly, Rawls views the role of moral elements in the contract procedure differently. For him, the moral assumptions of Hobbes, Locke, and Kant are exemplary. Indeed, his Veil of Ignorance supplies a representation of moral impartiality that is closely related to the Kantian idea that no person should be used as a mere means of the ends of others. This link between classical social contract doctrine and the core ideas of Kant's moral philosophy is the genesis of profound tension in Rawls theory. Although Rawls is deeply committed to moral ideas of equal respect and reciprocity, it is fair to say that Rawls does not think his project diverges from the social contract tradition, as he reconstructs and interprets it. Where there are significant divergences, Rawls directs the reader to underlying similarities.

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<sup>72</sup> Interestingly Rawls skirts Thomas Hobbes's version in *Leviathan*, saying that, 'for all its greatness', it raises special problems. See John Rawls, *A Theory of Justice*, (Oxford: Clarendon Press, 1972), n. 4, 11. (Hereafter *TJ*).

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*, 16; Cf. 121.

<sup>75</sup> See *ibid.*, 86 where Rawls says: '[P]ure procedural justice obtains where there is no independent criterion for the right result: instead there is a correct or fair procedure such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed'.

<sup>76</sup> *Ibid.*, 139.



Rawls' Kantian social contract theory is a hybrid theory. His approach to political justification has three components: the device of the social contract, the idea of an overlapping consensus, and the method of reflective equilibrium. Consider first the social contract. The question for Rawls is, 'what are the conditions under which the parties to a fair contract are reasonably bound to accept the principles of justice that it generates?' Rawls answers this question by developing his own version of contract theory as a hypothetical choice theory. He argues that whatever principles of justice chosen by parties regarded by the Original Position solely as free and equal moral persons in circumstances that are fair, are just.<sup>77</sup> Thus the name for his view: 'justice as fairness'.<sup>78</sup> Rawls models this criterion by means of the Original Position, which is his highly abstracted version of the classical contractarian's State of Nature. The term State of Nature describes an imaginary condition before the foundation of political government.<sup>79</sup> In short, people are compelled to make a contract with one another. In exchange for such goods as peace, security, and the expectation of mutual advantage, people agree to give up the private use of force and the ability to take another man's property.<sup>80</sup> The contract is entered between people who are understood to be, as Locke put it, 'free, equal, and independent'.<sup>81</sup> Thus, in a procedure that bestows no prior advantages on any individual, we arrive at a set of rules that duly uphold the interests of all, or so it should be. From the tradition, then, we inherit a 'procedural' understanding of political society whose central pillars are the 'equal worth of persons and the value of reciprocity'.<sup>82</sup>

To ensure that the hypothetical situation, Original Position, is fair, between free and equal moral persons, the parties are imagined to deliberate behind the epistemological limitation of the 'Veil of Ignorance'. In short, then, in the Original Position, parties are deprived of certain information, such as their social status and natural abilities, gender and race, age, the conception

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<sup>77</sup> John Rawls, 'Kantian Constructivism in Moral Theory', in Samuel Freeman, ed., *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press, 1999), 310.

<sup>78</sup> Ibid.

<sup>79</sup> See for example Hugo Grotius, *On the Law of War and Peace* (1652), Thomas Hobbes's *Leviathan* (1651), John Locke's *Second Treatise of Government* (1689), and Jean-Jacques Rousseau, *The Social Contract* (1762). See esp. John Locke, *Second Treatise of Government* (1679-80?), ch. 2 §4, ch. 8 §98., (in ed., Peter Laslett (Cambridge: Cambridge University Press, 1988). See also Thomas Hobbes who famously captured the consequence of a society bereft of a social contract. Id., *Leviathan* (1651), (in ed., Richard Tuck (Cambridge: Cambridge University Press, 1991).

<sup>80</sup> Nussbaum, *FJ*, 10.

<sup>81</sup> John Locke, *Second Treatise of Government* (1679-80?), ch. 8 § 95 (in ed., Peter Laslett (Cambridge: Cambridge University Press, 2<sup>nd</sup> ed., 1967).

<sup>82</sup> Nussbaum, *FJ*, 10.

of what makes for a good life, and even their disabilities. This ensures that the agreement reached, upon principles of justice, is not affected by social fortune or natural accident.<sup>83</sup> To ensure a just distribution of ‘primary goods’<sup>84</sup> needed by all free and equal persons, despite their differences, Rawls argues that the parties to the Original Position would choose two principles.<sup>85</sup> In short, the first principle permits the most extensive system of equal rights and basic liberties for all. The second mandates that social and economic inequalities be permitted only if they first arise under conditions of fair equality of opportunity and, second, maximally benefit the least advantaged.<sup>86</sup> The parties in the Original Position are assumed to be rational and disinterested in each other’s well being. Under these conditions, Rawls argues that individuals can choose principles to govern a just society. These principles are themselves chosen from initial conditions that are intrinsically fair.

Now let us consider the idea of public morality as overlapping consensus.<sup>87</sup> The main differences between Rawls’ *Theory of Justice* and *Political Liberalism*, is that he shifts from a moral to a political conception of justice. In the former, he conceives ‘justice as fairness’<sup>88</sup> and develops it as a ‘comprehensive moral doctrine’.<sup>89</sup> After establishing which principles are just, the task that remains is to see whether or not the conception of justice containing these principles is stable. It is necessary to establish this because today’s democratic society is characterized by the ‘fact of reasonable pluralism’, given that is, that citizens in such societies tend to hold diverse moral, philosophical and religious doctrines which are incompatible. So how can a modern society characterized by such plurality be stable? Rawls’ answer: it is possible for such a society to be stable because it can be justified as a ‘freestanding view’ that can be supported from within any of the comprehensive doctrines to which citizens adhere.<sup>90</sup> According to Rawls, justice as fairness can be supported by the reasonable comprehensive doctrines likely to gain followers in a democratic society. Thus each reasonable view can support justice as fairness for its own sake, or on its own merits.<sup>91</sup>

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<sup>83</sup> Rawls, ‘Kantian Constructivism in Moral Theory’, 310.

<sup>84</sup> The primary goods include basic rights, liberties, opportunities, income, wealth, and the social bases of self respect (Rawls, *PL, Lecture V*, 181).

<sup>85</sup> Rawls, *ibid.*, 180.

<sup>86</sup> Rawls, *TJ*, 302-3.

<sup>87</sup> See Rawls, *PL, Lecture IV*, 133-72.

<sup>88</sup> Rawls, *TJ*, 11-17.

<sup>89</sup> *Ibid.*, xv-xvi.

<sup>90</sup> Reinders, *FoD*, 116.

<sup>91</sup> Rawls, *PL*, 148.

For Rawls, this type of support constitutes an overlapping consensus. Rawls argues that a society characterized by an overlapping consensus of reasonable comprehensive doctrines meets the ‘liberal principle of legitimacy’, which says, ‘the exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens are free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason’.<sup>92</sup> Finally consider the method of reflective equilibrium,<sup>93</sup> which Rawls uses as a method for characterizing the contractual situation. Rawls says that the principles yielded by that situation will differ according to how the situation is described.<sup>94</sup> This means that an individual needs a justification for his favoured description. Thus the method of reflective equilibrium fulfills this justificatory role. Rawls surmises that the Original Position is the contractual situation which results if we were to achieve reflective equilibrium. In short, the principles generated by the original position are, compared to principles that would be generated by some other choice situation, the ones that best match our considered judgments about justice.

## **4.2 Rawls Kantian Contractarianism**

### **4.2.1 Why Suspend the Question of Disability?**

Let us look, now, at Rawls’ Kantian social contract theory and particularly his curious suspension of the question of disability.<sup>95</sup> Rawls’ theory is compelling because it does not try to create morality out of nonmorality.<sup>96</sup> Instead, it starts from a very attractive model of the moral point of view, that is, the combination of the prudential rationality of the parties in the Original Position with the informational restrictions imposed by the Veil of Ignorance which is intended to give us a schematic representation of a moral position that real people can occupy at any time, if they can sufficiently ignore the pressing claims of their own interests. Again, Rawls’ Kantian theory is sometimes in tension with its classical predecessor. Thus four problematic areas arise: (1) the theory’s use of income and wealth to index relative social positions, (2) its use of a Kantian conception of the person and of reciprocity, (3) its commitments to the Circumstances of

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<sup>92</sup> Ibid., 137.

<sup>93</sup> Rawls, *TJ*, 17-22, 46-53; ‘The Independence of Moral Theory’, in Samuel Freeman, ed., *John Rawls: Collected Papers* (Cambridge, MA: Harvard University Press, 1999), 286-302.

<sup>94</sup> Rawls, *TJ*, 17-18.

<sup>95</sup> I indebted to Nussbaum for this outline.

<sup>96</sup> Nussbaum, *FJ*, 107.

Justice and (4) to the idea of mutual advantage as what makes cooperation superior to noncooperation.<sup>97</sup>

For our purpose, let us specifically consider Rawls' Kantian conception of the person and of reciprocity. Rawls is clear that he wants the issue of disability postponed to the 'legislative stage', after society's basic political principles are already designed. This means that Rawls recognizes the problem posed by the inclusion of persons who are impaired, but he argues that this problem should be solved at a later stage. But why, and how does this move affect his contractarianism? In Rawls' contractarianism, the contracting parties are taken throughout to be *rational* adults, similar in need, and capable of a 'normal' level of social cooperation and productivity. In both *Political Liberalism* and *A Theory of Justice*, the parties in the Original Position know that their 'various native endowments such as strength and intelligence' lie 'all within the normal range'.<sup>98</sup>

In the former work, the parties represent citizens who are described as 'fully cooperating members of society over a complete life'.<sup>99</sup> In addition Rawls insists: 'I have assumed throughout and shall continue to assume, that while citizens do not have equal capacities, they do have, at least to the essential minimum degree, the moral, intellectual, and physical capacities that enable them to be fully cooperating members of society over a complete life'.<sup>100</sup> In his theory, Rawls considers the 'fundamental question of political philosophy', to be 'how to specify the fair terms of cooperation among persons so conceived'.<sup>101</sup> Thus the assumption of normal capacities allows us 'to achieve a clear and uncluttered view of what, for us, is the fundamental questions of political justice: namely, what is the most appropriate conception of justice for specifying the terms of social cooperation between citizens regarded as free and equal, and as normal and fully cooperating members of society over a complete life?'.<sup>102</sup> This is what Rawls believes about persons.

In so doing, it is now clear that his theory marginalizes from the situation of basic political choice all physical and mental, and both permanent and temporary forms of need and dependency that human beings may experience. And this is not by accident; it is a deliberate

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<sup>97</sup> Ibid.

<sup>98</sup> Rawls, *PL*, 25.

<sup>99</sup> Ibid., 20, 21, 183, and elsewhere.

<sup>100</sup> Ibid., 183.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid., 20.

design, because remember he does recognize the problem that including these persons who suffer unusual impairments, poses to this theory. Thus he recommends tackling it later after political principles have been chosen. The effect of the postponement is felt in Rawls' theory of political distribution. His account of the primary goods, which is introduced as an account of the needs of citizens who are 'fully cooperating', does not seem to entertain the extraordinary social adjustments that are needed to include as fully as possible people with physical and cognitive impairments. Additionally, regarding the understandings of 'liberty, opportunity, and the social bases of self-respect', the theory is calibrated towards the needs of the 'fully-cooperating' individuals. Consequently, the unique needs for a 'barrier-free-environment' and special educational treatment do not seem to matter at the initial stage, when the basic political principles are chosen.<sup>103</sup>

#### 4.2.2 The Fully Cooperating Assumption

Consider the fully cooperating assumption. Without a doubt Rawls understands the concept of the 'fully cooperating' in way that excludes people with severe physical and cognitive impairments. It is not surprising, then, that all the extraordinary needs of individuals with impairments will be considered only after 'society's basic structure' has already been set in place.<sup>104</sup> Rawls is not blind to the fact that his theory caters only for some cases while leaving others on the wayside. Indeed, he interestingly thinks that although the need to focus attention to individuals who are not 'fully cooperating' in his sense is 'a pressing practical question';<sup>105</sup> recall he thinks we may reasonably postpone it until political institutions are constructed. Rawls' work contains numerous statements of the fully cooperating assumption. Here is a representative example. Rawls says:

Since we begin from the idea of society as a fair system of cooperation, we assume that persons as citizens have all the capacities that enable them to be cooperating members of society. This is done to achieve a clear and uncluttered view of what, for us, is the fundamental question of political justice: namely, what is the most appropriate conception of justice for specifying the terms of social cooperation between citizens regarded as free and equal and as normal and fully cooperating members of society over a complete life? By taking this as the fundamental question we do not mean to say, of course, that no one ever suffers from illness and accident; such misfortunes are to be expected in the ordinary course of life, and provision for these contingencies must be made. But given our aim, I put aside for the time being these temporary disabilities and

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<sup>103</sup> Nussbaum, *FJ*, 109.

<sup>104</sup> *Ibid.*, 110.

<sup>105</sup> Rawls, 'Kantian Constructivism in Moral Theory', 546.

also permanent disabilities or mental disorders so severe as to prevent people from being cooperating members of society in the usual sense.<sup>106</sup>

Immediately following this passage, Rawls again speaks of persons as ‘normal and fully cooperating’,<sup>107</sup> and then refers to the problem not yet dealt with in his theory as so far developed, ‘the question of what is owed to those who fail to meet this condition, either temporarily (from illness and accident) or permanently, all of which covers a variety of cases’.<sup>108</sup> Additionally, Rawls sharply distinguishes between variations in capacity that place ‘above’ or ‘below’ a ‘line’, drawn between those who have ‘more’ and those who have ‘less than the minimum essential capacities required to be a normal cooperating member of society’.<sup>109</sup>

Rawls is unclear on who the non-cooperating are. Although he sometimes equates person with the fully cooperating,<sup>110</sup> for Rawls, persons, citizens and the fully cooperating seem to be the same individuals. Yet, for the purposes of understanding justice as fairness, Rawls is explicit that the attributes definitive of persons are rational agency. For Rawls, persons have two moral powers: the capacity for a sense of justice and the capacity for a conception of the good. Thus, his understanding of the person, along with equating persons with the fully cooperating, seems to entail that having cognitive capabilities constitutive of personhood is sufficient for qualifying as fully cooperating. He says, ‘the next step is to take the two moral powers as the necessary and sufficient condition for being counted as full and equal member of society in questions of political justice. Those who can take part in social cooperation over a complete life ... are regarded as equal citizens’.<sup>111</sup>

Here, Rawls seems to indicate that the dual moral powers are enough for being fully cooperating. However, his statements of the fully cooperating assert that those persons who are cognitively impaired and severely physically disabled in a way that does not affect their moral powers, are *not* fully cooperating. Rawls says, ‘I have assumed ... that while citizens do not have equal capacities, they do have, at least to the essential minimum, the moral, intellectual and physical capabilities that enable them to be fully cooperating members of society over a

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<sup>106</sup> Rawls, *PL*, 20. Similarly see *Ibid.*

<sup>107</sup> Rawls, *PL*, 21.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*, 183.

<sup>110</sup> See *ibid.*, 18.

<sup>111</sup> *Ibid.*, 302.

complete life'.<sup>112</sup> Is it the claims of human non-persons that are set aside by the fully cooperating assumption or is it also the claims of severely impaired persons? The text is not definitive.

Let us draw two conclusions and raise some questions from the discussion so far. First, it is abundantly clear that Rawls does not see it faulty to 'design basic political principles' without considering 'abnormal' impairments into account. Secondly, it is clear that Rawls equates the distinction between the 'normal' and the 'atypically impaired' with that between the fully cooperating and those who cannot be fully cooperating.<sup>113</sup> Thus it is reasonable to conclude that the people whose extraordinary needs Rawls wants to defer are those with physical and cognitive impairments and human non-persons. Nussbaum rightly takes Rawls to task here. She asks: First, 'why does Rawls think that cases of persons with cognitive impairments need to be postponed, and what part in his decision is played by each of the four problematic aspects of his theory?' I agree. In fact I would think that Rawls' sense of the limitedness of human agency led him to artificially frame laws behind the veil of ignorance. And second, is Rawls 'correct to think that a Kantian social contract theory like his must defer these cases?'<sup>114</sup> We will take up the latter question. The best way to answer this question is to return to the source himself. So let us now turn and examine Kant's own grounding of the worth of individuals, and the implications for Rawls' contract theory if it is undergirded by Kant's grounding proposal.

#### **4.2.3 On the Capabilities Approach: Kant's Grounding Proposal<sup>115</sup>**

By revisiting Kant, my goal is to show that Rawls' theory is hindered by its reliance on Kantianism, which poses problems for the full and equal inclusion of people with profound intellectual impairment. The dignity of individual persons, which renders them inviolable, is mostly the premise of choice for those who attempt to ground human rights. In turn, most of such attempts employ what is popularly known as the 'capabilities approach'. The property, on which the relevant sort of dignity supervenes, is some capacity that human beings possess, normally rendered as reason, rational agency, moral agency, capacity to form or implement a plan of life,

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<sup>112</sup> Ibid., 183.

<sup>113</sup> Nussbaum, *FJ*, 112.

<sup>114</sup> Ibid.

<sup>115</sup> I follow closely Allen Wood's interpretation of Kant in id., *Kant's Ethical Thought* (Cambridge: Cambridge University Press, 1999). Wood focuses on Kant's 1785 *Groundwork of the Metaphysics of Morals* in which Kant gave what became the classic formulation of the capabilities approach. (Hereafter *KET*). I will also draw briefly on Wolterstorff's views because of their explanatory force and clarity with regard to some elements in Wood's interpretation of Kant. (Wolterstorff, *Justice*, 325-333).

etc. Immanuel Kant remains the typical representative of this approach; consequently we should look no further than what he says. Kant attributes to human beings three of fundamental capacities or what he calls ‘original predispositions’: ‘animality’, ‘humanity’, and ‘personality’.<sup>116</sup> Animality belongs to us merely as living beings. However, our purpose here does not require us to delve into its specific intricacies. Instead, we will focus on the latter two. Allen Wood says: ‘the predisposition to personality is the rational capacity to respect the moral law and to act having duty or the moral law as the sole sufficient motive of the will’.<sup>117</sup> And then he continues: ‘the predisposition to humanity lies in between the predispositions to animality and personality. It encompasses all our rational capacities having no specific reference to morality’.<sup>118</sup> In short, humanity is the capacity for rational agency.<sup>119</sup> For Kant, humanity in a human being makes that being worthy of being treated as an end. But why is humanity the end in itself, rather than personality, that he claims to be an end in itself as that which grounds obligation and rights? After all, personality ‘seems “higher” than humanity in that it has essential reference to the moral value, moral responsibility, and the “positive” concept of freedom, where includes none of these’.<sup>120</sup> Wood says that what Kant means by ‘humanity’ holds the key to this answer.<sup>121</sup>

According to Wood, Kant holds the humanity of individuals to be the thing that makes them be treated as an end. Furthermore Wood interprets Kant as thinking this to be the only thing about human beings that gives them equal worth. Kant says: ‘The essence of things is not changed by their external relations; and that which, without taking account of such relations,

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<sup>116</sup> Ibid., 118. For a different reading of Kant and the issue of autonomy and dignity within Kant’s appreciation of morality and its implications for bioethics today, see Sibylle Rolf, ‘Humanity as An Object of Respect: Immanuel Kant’s Anthropological Approach and the Foundation for Morality’, *Heythrop Journal* 48 (2009), 1-12. Rolf concludes that Kant does not work with absolutist notions of freedom in terms of solipsistic autarky, nor an empirical freedom and autonomy that begin and end at certain points of time. This enables Kant to extend dignity even to humans who are not actually autonomous.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid, 118-19; Immanuel Kant, *Groundwork of the Metaphysics of Morals* 4:437. (in *Cambridge Texts in the History of Philosophy*, trans, ed., Mary McGregor (Cambridge: Cambridge University Press, 1997). Contemporary Kant scholarship generally takes Kant’s conception of humanity in his ethical writings to refer to beings with rational capacities. According to this interpretation, when Kant tells us in the Categorical Imperative’s Formula of Humanity [FH] to ‘act so that you use humanity ... always at the same time as an end, never merely as a means’, we are to treat anyone with rational capacities this way. However, Richard Dean has recently revived an alternative interpretation that he traces to H. J. Paton. Dean says that by ‘humanity’ Kant really means the good will, and, additionally, he takes this reading of Kant to be the more defensible view within Kant’s ethical system. See Richard Dean, *The Value of Humanity in Kant’s Moral Theory* (Oxford: Oxford University Press, 2006).

<sup>120</sup> Wood, *KET*, 120.

<sup>121</sup> See *ibid.*



alone constitutes the worth of a human being is that in terms of which he must also be appraised by whoever does it, even by the supreme being'.<sup>122</sup> Thus Wood thinks that Kant's argument of humanity being an end in itself has to be interpreted as implying, 'that all the normal (comparative and competitive) measures of people's self-worth – wealth, power, honor, prestige, charm, charisma, even happy relationships with others – are expression of an utterly false sense of values'.<sup>123</sup> This means that, in Wood's interpretation, 'the worst rational being (in any respect you can possibly name) has the same dignity or absolute worth as the best rational being in that respect (or any other)'.<sup>124</sup> Wolterstorff thinks that this paraphrase of Kant's doctrine by Wood demonstrates on its face how implausible Kant's doctrine is, for the paraphrase contradicts the doctrine it formulates. So when Wood speaks of 'the worst rational being' and of 'the best rational being', it seems to imply that rational beings come in different categories of worth.

Consider the capacity to set ends through reason, as contrasted with acting on impulse, which is the property of individuals at the core of Kant's attention. For Wood, 'rational nature apparently comes in degrees'. In other words, 'people have varying amounts of technical skill, pragmatic intelligence, or moral wisdom. Their actions exhibit various rational successes and failures. Even their rational capacities tend to develop as they mature and may be impaired in various ways by injury, disease, or old age'.<sup>125</sup> Immediately following this passage, Wood observes that 'being an end in itself cannot come in degrees, since a categorical imperative or practical law either has an objective ground or it does not. Kant's position therefore has to be that anything possessing the capacity to set ends and act according to reason is an end in itself, however, well or badly it may exercise the capacity'.<sup>126</sup> At this point, Wolterstorff rightly puts both Kant's theory and Woods interpretation to task: He wants to know, if rational agency bestows worth to an individual, why is it that possessing that capacity to a greater degree, and exercising it better does not give a human being greater worth?<sup>127</sup> Is it not true, then, that if having a capacity is a good thing, then having more of it is better than having less of it, and exercising it well is better than exercising it poorly? Again, why would these differences not

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<sup>122</sup> Kant, *Groundwork*, 4:439.

<sup>123</sup> Wood, *KET*, 133.

<sup>124</sup> *Ibid.*, 132.

<sup>125</sup> *Ibid.*, 121.

<sup>126</sup> *Ibid.*

<sup>127</sup> Wolterstorff, *Justice*, 327.

‘impart corresponding differences in worth to the persons who possess and exercise the capacity’?<sup>128</sup>

Here, I concur with Wolterstorff. Furthermore, Kant agreed that different exercises of the capacity differ in their moral worth. What, then, prevented him from holding that these differences in the worth of various exercises of the capacity impart differential worth to the agents themselves? Wood, demonstrating that he is aware of the tension responds: ‘if the good will is the only unqualified good, it might be wondered, how can Kant regard a person with a bad will as the equal of the person with the good will?’<sup>129</sup> The solution that seems appealing to Wood, and which he attributes to Kant too, is based on what Kant says next about moral humility. Wood says that for Kant, moral humility and moral law go hand in hand. This means that an individual’s *inner worth* is determined by how close one comes to measuring up to the moral law. Thus Wood says that Kant’s consistent position is that though ‘the *inner worth* of a person, measured solely by comparison to the moral law, may be greater or less according to one’s virtue in fulfilling the law one gives oneself, ... the worth of the person never varies in comparison to others, since the good and the bad alike possess the dignity of humanity’.<sup>130</sup> This solution does not seem helpful. This is because for Kant, the moral worth of a person is an absolute matter, not relative.<sup>131</sup> As Wolterstorff says, an individual may be morally better than others, but still that does not tell what her moral worth is. To determine her moral worth, we must determine how she measures up against the moral law, and not against her fellows.<sup>132</sup>

We have been dwelling on Kant’s thought to finally say that Rawls’ proposal is inadequate. Let us examine some reasons for this conclusion, but first some basic questions: ‘Do all and among all creatures, only human beings who possess the capacity for rational agency?’ Secondly, ‘does possessing that capacity give one a worth that, on the one hand, is greater than the worth of any animal and, on the other hand, is sufficient to account for what we recognize to be natural human rights?’<sup>133</sup> Again, we must begin by mentioning that not all individuals, (e.g. infants and cognitively impaired people) possess the capacity for rational agency. Wood is aware of the problem this is to Kant’s theory, and so he underlines the fact that Kant consistently

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<sup>128</sup> Ibid.

<sup>129</sup> Wood, *KET*, 133.

<sup>130</sup> Ibid., 135.

<sup>131</sup> Wood, *KET*, 132.

<sup>132</sup> Wolterstorff, *Justice*, 328.

<sup>133</sup> Ibid.

although not always says that we must treat humanity in persons as an end. Actually what we would expect him to say is that ‘we must treat persons as ends on the ground of their humanity’.<sup>134</sup> Does our language make a difference here? The answer depends on what Kant holds about the abstract entity humanity. Does he think that it is this entity we must respect rather than concrete human beings? Wood does not think so. He says: ‘rational nature is precisely what makes you a person, so that respecting it *in* you is precisely what it means to respect you’.<sup>135</sup> This means that it is not humanity as such that must be respected but humanity in individuals. Respecting humanity in persons is the same as respecting the individual on the ground of his humanity. At the end, they are the same; respecting humanity in someone and respecting someone because of his humanity.

The capacity for rational agency was of great worth to Kant. Thus, we are to always treat any being who possesses that capacity as an end, whether human or whatever. Kant’s theory raises some concerns, for it does not consider a section of the citizenry. The first concern is in regard to persons who used to possess the capacity but now for some reason have lost it and will never regain it (e.g. persons suffering from advanced dementia). Should we suppose that their capacity is of ‘less worth’ than those who actually possess the capacity, but still worth some? Second are the infants who have never possessed the capacity, but will hopefully, with maturation possess it. Again, are we to suppose their capacity to be of ‘less worth’ than those who possess it, but still quite a bit? If that is the case, as Wolterstorff says, any being of that sort, be it human or whatever, also merits some respect. But whether it is enough to ground human rights is another question altogether.<sup>136</sup>

Wolterstorff thinks it is possible to find some relation to the capacity for rational agency that infants and cognitively impaired persons and all other human beings possess. Furthermore, he thinks we should not stop here in our pursuit of ‘thinned-out relations’ to the capacity. Why not extend this ‘thinned-out relations’ to entities that, though never capable of rational agency, but are ‘prized’ but someone in the exercise of rational agency?<sup>137</sup> He asks: ‘Does not the worth of the capacity for rational agency also give some worth to beings that stand to it in this relation – not as much worth as that of those who exercised the capacity in their prizing of these things,

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<sup>134</sup> Ibid., 329.

<sup>135</sup> Woods, *KET*, 144.

<sup>136</sup> Wolterstorff, *Justice*, 332.

<sup>137</sup> Ibid.

but still quite a bit?<sup>138</sup> Wolterstorff thinks there is no reason why we should say ‘no’ to the question.<sup>139</sup> Further, he argues that if we insist on the capacity for rational agency, ‘then it is not human rights that are grounded but the rights of those who possess the capacity’.<sup>140</sup> Kant’s idea that each human being is an end, and thus may not be violated for the purposes of a great social benefit, are valuable ideas that could, in a suitably extended form, be used by any theory of justice for people with disabilities. I suggest that Kant’s capacities approach has an intrinsic fatal flaw which permeates all versions of the capacities approach as well. Whatever capacity is selected, it will turn out that some human beings are left out. There does not seem to be a way around the problems Kant’s approach presents. Thus I think issues of impairment and disability expose the entire structure of Rawls’ contract theory. Nussbaum also thinks so. She says that although Rawls’ theory has some moral elements that go very deep, because of their particular Kantian shape, they altogether outstrip the particular limitations of the social contract doctrine, which she says ‘derives from its basic picture of why people live together and what they hope to gain therefrom’.<sup>141</sup> Thus Nussbaum attempts to ‘expand’ the contract theory. It is to her approach that we now turn.

## **5. Martha Nussbaum’s Capability Approach**

### **5.1 Limitations of Rawlsian Social Contract and the Capabilities Approach**

So far, in this discussion, we have said that the social contract theory, with its emphasis on individual freedom and equality of opportunity, has been instrumental in expanding justice. However, we have said that it is increasingly common to contend that contract theory, understood as a process of bargaining for mutual advantage stands between citizens with disabilities and justice.<sup>142</sup> Prompted by this concern, some scholars have proposed expansions or alterations of emphasis within the framework of social contract theory,<sup>143</sup> for example, by urging

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<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid., 333.

<sup>141</sup> Nussbaum, *FJ*, 146.

<sup>142</sup> See, e.g., Ann Cudd, ‘Contractarianism’, in Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (2003), online at <http://plato.stanford.edu/entries/contractarianism/>. She states that the premise that contracting parties must be able to contribute to the social production of interaction leaves many people, such as the severely disabled, ‘outside the realm of justice’.

<sup>143</sup> See, e.g., Becker, ‘Reciprocity, Justice, and Disability’, 9-39.

the greater salience of agency,<sup>144</sup> or by advancing an alternative account of cooperation that leads to jurisprudence of trust.<sup>145</sup> Others have advanced alternative theories to the social contract as a means of mediating the place of persons with disabilities in society.<sup>146</sup> Prominent among these are various feminist proposals for ethics of care.<sup>147</sup>

Philosopher Martha Nussbaum contributes to these attempts by developing a solution that addresses the shortcomings of social contract theory and its resultant trio of ‘unsolved problems on which justice as fairness may fail’.<sup>148</sup> Nussbaum, proffers a significantly expanded account of her earlier versions of the ‘capabilities approach’.<sup>149</sup> I will begin by expounding on the theoretical foundation and basic concepts of the approach, as Nussbaum argues it out in *FJ*, then I will examine her application of the approach to our present purpose. Nussbaum’s capabilities approach is both subtle and complex. The fundamentals of that theory are these. At the core of the theory are ten human capabilities.<sup>150</sup> These are regarded as ‘core human entitlements’ which provide the ‘philosophical underpinning’ that should be respected and provided by all States to

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<sup>144</sup> See generally *Encyclopedia of Ethics*. s.v. ‘Agency and Disability’ (London: Routledge, 2001), <http://www.credoreference.com.ezphost.dur.ac.uk/entry>. (Anita Silvers states that whether individuals with disabilities can command their moral duties of care turns on whether social practice permits them to be perceived as mutually engaged with others in *morally important enterprises*).

<sup>145</sup> See, e.g., Anita Silvers and Leslie P. Francis, ‘Justice through Trust: Disability and the “Outlier Problem” in Social Contract Theory’, *Ethics* 40 (2005), 40-76 (discussing ‘contracting with trust’, which ‘acknowledges and even foregrounds the human conditions of vulnerability and dependence with preserving the idea that important moral and political relationships between people are illuminated by the contracting model’).

<sup>146</sup> See, e.g., Henry S. Richardson, ‘Rawlsian Social-Contract Theory and the Severely Disabled’, *Ethics* 10 (2006), 419-462.

<sup>147</sup> See, e.g., Eva F. Kittay, *Love’s Labor: Essays on Women, Equality, and Dependency* (London: Routledge, 1999).

<sup>148</sup> Nussbaum, *FJ*, 23.

<sup>149</sup> Nussbaum’s most comprehensive previous articulation focused on women’s capabilities. See Nussbaum, *WHD* (Cambridge, 2000). Strictly speaking the ‘capabilities approach’ was originated by Nobel Prize-winning economist Amartya Sen. Two representative examples of his work are Amartya Sen, *Development as Freedom* (New York: Knopf, 1999); id., *Inequality Reexamined* (Oxford: Clarendon Press, 1992). Sen’s use of the approach ‘focuses on the comparative measurement of equality of life, although he is also interested in issues of social justice’ (Nussbaum, *FJ*, 70). For an elaboration of the underlying differences between Nussbaum and Sen, see David A. Crocker, ‘Functioning and Capability: The Foundations of Sen’s and Nussbaum’s Development Ethic’, *Political Theory* 20 (1992), 584-612.

<sup>150</sup> Respectively: life (the faculty to live one’s full lifespan); bodily health (having good health, including reproductive ability); bodily integrity (freedom of movement and bodily sovereignty); senses, imagination, and thought (cognizing and expressing oneself in a ‘truly human’ way); emotions (loving, grieving, and forming associations); practical reason (critical reflection and conscience); affiliation (self-respect, empathy, and consideration for others); other species (being able to co-exist with other species and the biosphere); play (the ability to enjoy recreation); and control over one’s political environment (via meaningful participation) and material surroundings (through property ownership and holding employment), Nussbaum, *FJ*, 76-78. One way to think about the capabilities list is to think of it as the Bill of Rights of U.S. Constitution or the Fundamental Rights section of the Indian Constitution (Ibid., 155.)

all citizens as a matter of minimal justice.<sup>151</sup> For Nussbaum, these capabilities are essential because being able to exercise all of them at a threshold level is a uniquely human mode of existence. Nussbaum's theory lacks faith in social contract theory's ability to adequately accommodate cognitively impaired persons, and thus hopes to expand liberal political theory in order to include concepts of cooperation and care, thus providing justice to those previously disregarded groups.

Nussbaum takes aim at the core of Rawls' account of the Original Position, which models the conviction that 'the fundamental problem of social justice arises between those who are full and active and morally conscientious participants in society, and directly or indirectly associated together throughout a complete life'.<sup>152</sup> For Nussbaum we must place front and center what Rawls relegates to the margins, because, 'the margins are in fact the center'.<sup>153</sup> She says:

The parties are being asked to imagine themselves as if they represent citizens who really are "fully cooperating ... over a complete life", and thus as if citizens have no needs for care in times of extreme dependency. This fiction obliterates much that characterizes human life, and obliterates, as well, the continuity between the so-called normal and people with lifelong impairments. It skews the choice of primary goods, concealing the fact that health care and other forms of care are, for real people, central goods making well-being possible.... More generally, care for children, elderly people, and people with mental and physical disabilities is a major part of the work that needs to be done in any society, and in most societies it is a source of great injustice. Any theory of justice needs to think about the problem from the beginning, in the design of the basic institutional structure, and particularly in its theory of the primary goods.<sup>154</sup>

Nussbaum links liberal political tradition with Amartya Sen's capabilities approach and Aristotle's sense of people as political animals. She also does not embroil herself with the capacity for reciprocity argument, and thus avoids a performance criterion which marginalizes cognitively impaired persons. Nussbaum's capabilities approach, then, is meant to provide a threshold for the possibility of a good life. The approach is an alternative to the 'economic-Utilitarian approaches' to quality of life in international development and policy circles. So as a self proclaimed liberal, Nussbaum hopes to present the capabilities as a 'source of political principles for a liberal pluralistic society'.<sup>155</sup> Further, these capabilities are set in the 'context of a

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<sup>151</sup> See *ibid.*, 70; *Id.*, *WHD*, 35; *Id.*, 'Capabilities as Fundamental Entitlements: Sen and Social Justice', *Feminist Economics* 9 (2003), 40.

<sup>152</sup> Rawls, 'Kantian Constructivism in Moral Theory', 546.

<sup>153</sup> Michael Bérubé, 'Equality, Freedom, and/or Justice for All: A Response to Martha Nussbaum', in eds., Eva F. Kittay and Licia Carlson, *Cognitive Disability and Its Challenge to Moral Philosophy* (West Sussex, UK: Wiley-Blackwell, 2010), 99.

<sup>154</sup> Nussbaum, *FJ*, 127.

<sup>155</sup> *Ibid.*, 70.

type of political liberalism that makes them specifically political goals and presents them in a manner free of any specific metaphysical grounding'.<sup>156</sup>

Nussbaum does not intend to completely jettison the social contract theory, and admits that her approach shares some 'intuitive ideas' with the Rawlsian version of Contractarianism. In fact she intends to 'extend and compliment' Rawls' theory, with these new problems (disability, nationality, non-human animals) in focus.<sup>157</sup> Thus, Nussbaum views herself as 'resurrecting' older political theories in the Grotian natural law tradition, while she continues to pursue and develop orthodox contractarian theories.<sup>158</sup> Nussbaum argues that presented in this manner, the capabilities can become 'the object of an *overlapping consensus* among people who otherwise have very different comprehensive conceptions of the good'.<sup>159</sup> In short, the capabilities are presented as a solution to the problems posed by a utilitarian political doctrine. However, she says, the approach is not a complete account of social justice and does not thus answer all of the problems raised by Rawls' theory.<sup>160</sup>

Unlike Rawls who focuses on procedural justice, Nussbaum although outcome-oriented, does not immediately reach for outcomes. Instead, she claims her approach designs a procedure that models certain key features of fairness and impartiality, and relies on these procedures to generate an adequately just outcome. Her capabilities approach, then, requires a just society to guarantee basic dignity to disabled persons, inhabitants of other nations, and animals. Recall that the idea of mutual advantage is central to the social contract theory, where individuals depart the Original Position<sup>161</sup> in Rawls terminology in order to gain a mutual benefit. In the capabilities approach, Nussbaum endeavors to moralize and socialize from the very beginning the account of the benefits and aims of social cooperation.<sup>162</sup> Although Nussbaum's approach being an outcome-oriented rather than a procedural approach, as she claims, does not employ a

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<sup>156</sup> Ibid.

<sup>157</sup> Ibid., 69.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid. I will return to this point when I suggest why Nussbaum's proposal does not work.

<sup>160</sup> Ibid., 75.

<sup>161</sup> One could argue that Rawls does not speak about anyone departing the Original Position which is his thought experiment with fictional parties. However, I understand Rawls' Original Position to be a highly abstracted version of Thomas Hobbes's State of Nature.

<sup>162</sup> Ibid., 156. Contrast with Rawls' view. One may argue that Rawls theory is also moralized and socialized from the beginning. But is it? Furthermore the whole structure of the Original Position reflects a moral conception of free and equal persons and of fair social cooperation. However, Nussbaum argues that 'although citizens in the Well-Ordered Society have a wider set of moralized ends, and could see *ex post* good reasons for the full inclusion of people with impairments, the contract situation prevents, *ex ante*, an adequate resolution of this issue' (Ibid.).

hypothetical initial situation, she envisages human beings as cooperating out of a ‘wide range of motives, including love of justice itself’.<sup>163</sup> Nussbaum avoids the pitfall that traps Rawls when he endorses Hume’s Circumstances of Justice. This means that she does not assume that only the Humean Circumstances of Justice obtain. In short, she does not believe that justice is only possible in circumstances in which there is ‘rough equality’ between persons.<sup>164</sup> Rawls seems to believe otherwise, and his endorsement of Hume results in serious tension with other elements of his theory.<sup>165</sup> For Nussbaum, the capabilities apply to everyone and not only to all human beings, disabled or not, but to non-human animals as well. Nussbaum emphasizes that there are similarities between her approach and Contractarianism in discussing whether social contract theory can be modified to include cognitively impaired persons.<sup>166</sup> Nussbaum’s theory generally values the autonomy, potential and dignity of all citizens, and she views each as each individual’s own end. Thus, her approach provides an elegant normative theory of human rights as a means of ensuring human flourishing. In contrast to Kant, however, she grounds this status in our animality and not on rationality.<sup>167</sup>

Let us now closely examine the point of dignity. Does Nussbaum’s theory really include all persons as ‘truly human’? The quick answer is ‘No!’ However instead of simply offering this as a dictum and moving on at once, I propose looking at what Nussbaum submits is the main difference of her capabilities view, in that it approaches the question of justice ‘from a different vantage point’ starting with a robust theory of the good and a more expansive non-Kantian political account of the person.<sup>168</sup> I will interweave my treatment of this issue with her engagement with disability. Nussbaum thinks her own view captures human dignity better than the contract does. But does it?

## **5.2 Capabilities Approach, Disability and Human Dignity: Aristotelian/Marxian, not Kantian**

Nussbaum’s approach to justice ‘starts from the notion of human dignity and a life worthy of it’. Its basic ‘moral intuition’, she argues, concerns the ‘dignity of a form of life that possesses both

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<sup>163</sup> Ibid.

<sup>164</sup> Ibid., 157.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid., 145-54.

<sup>167</sup> Ibid., 159-60.

<sup>168</sup> Ibid., 153.



abilities and deep needs'.<sup>169</sup> Nussbaum gives dignity a key role in her political conception of justice and says that 'a hallmark of minimum social justice is the availability, to all citizens, of ten core "capabilities", or opportunities to function'.<sup>170</sup> Thus for Nussbaum, human beings have a worth that is indeed inalienable because of their capacities for various forms of activity and striving, that partly make up 'a life with, or worthy of, human dignity'.<sup>171</sup> In this section I will examine the content of Nussbaum's conception of dignity for humans and specifically in regard to cognitively impaired persons. Again, Nussbaum does not directly thrash out its content or the exact way in which she uses it in her theory. Thus there are several unanswered questions regarding her conception of dignity, which I will raise and explore later in this section.

Consider how Nussbaum's capabilities approach engages disability. Nussbaum argues that the state is obligated to provide each person with the means through which to exercise each of the ten core capabilities. The crucial value for Nussbaum is to bring every citizen up to 'species-typical thresholds'. This means that she expressly rejects welfare metrics, like the GNP, which assess individual wellbeing through broad-based economic categories.<sup>172</sup> Instead, the capabilities approach requires that every individual be treated as an end in himself, rather than as the instrument or agency of the ends of others. Through her capabilities approach Nussbaum engages disability by depicting the lives of three cognitively impaired children.<sup>173</sup> She believes that none of these three children is likely to be 'economically productive' to be able to compensate society for educating them.<sup>174</sup> Her approach, then, would distribute resources to develop the potential of these individuals and others like them, but only to the extent that they can attain species-typical threshold levels. Whatever the resources it takes to achieve this threshold can be justified by the fact that impaired persons start off further away from the standard capabilities possessed by the majority of citizens.<sup>175</sup> Furthermore, society is obligated to

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<sup>169</sup> Ibid., 346.

<sup>170</sup> Martha Nussbaum, 'Human Dignity and Political Entitlements', *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington, DC: 2008).  
[http://bioethics.georgetown.edu/pcbe/reports/human\\_dignity/chapter14.html](http://bioethics.georgetown.edu/pcbe/reports/human_dignity/chapter14.html). (retrieved 2 July 2011).

<sup>171</sup> Ibid., 162.

<sup>172</sup> Ibid., 71.

<sup>173</sup> Philosopher Eva F. Kittay's daughter Sesha has cerebral palsy, *ibid.*, 134. Michael Bérubé's son Jamie has Down Syndrome, 133-36, and Nussbaum's nephew, Arthur, has Aspergers and Tourette syndromes, 97. Nussbaum describes them as distinct personalities with different set of needs (respectively see *ibid.*, 96, 134, 97, 133, 96-98, 170).

<sup>174</sup> Ibid., 128.

<sup>175</sup> Ibid., 128-29.

fill the gap that social contract theory leaves when it rejects cognitively impaired persons as unable or otherwise improper to serve as contracting parties.

When Nussbaum considers the notion of dignity, her argument fundamentally departs from contractarianism, and thus Rawls' Kantian conception of the person which also holds dignity to be basic. Unlike Kant who contrasts the humanity of human beings with their animality, Rawls does not do so. Instead, Rawls makes personhood reside in (moral and prudential) rationality, not in the needs that human beings share with other animals.<sup>176</sup> By contrast, Nussbaum sees rationality and animality as 'thoroughly unified'.<sup>177</sup> Thus adopting the Aristotelian idea of political animals and Karl Marx's idea that human beings are creatures 'in need of a plurality of life-activities',<sup>178</sup> Nussbaum rightly holds that rationality is simply one aspect of the animal, and, at that, not 'the only one that is pertinent to a notion of truly human functioning'.<sup>179</sup> Nussbaum argues that there are many different types of animal dignity, and all deserve respect. Although the human kind, for Nussbaum, is characterized by a kind of rationality, rationality is not 'idealized' and set in opposition to animality.<sup>180</sup> So adopting the Aristotelian conception of the person, Nussbaum argues that the ends of justice are now able to focus on guaranteeing basic dignity for *all* people, but particularly for those who are marginalized. Including the marginalized within the circle of those with dignity provides a better reflection about common intuitions about justice than alternative accounts.<sup>181</sup> Nussbaum argues that Kantian rationality-based dignity does not demonstrate that non-impaired individuals do not exhibit rationality over a lifetime. For Nussbaum, taking into consideration infancy, sickness, injury and old age, no individual can be considered fully rational and independent throughout their entire life.<sup>182</sup>

Nussbaum argues that human dignity is inviolable and equal for all human beings. Here she is not very clear about what this is based on, nor about how the human dignity is distinguished from the dignity of other animals. However, for her, the inviolability of human

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<sup>176</sup> Ibid., 159.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid., 171-9.

<sup>182</sup> Martha Nussbaum, 'The Future of Feminist Liberalism', *Proceedings and Addresses of the American Philosophy Association* 74 (2000), 54-55. (Hereafter 'FFL').

dignity means that all individuals deserve to have the capabilities needed to flourish. Thus Nussbaum thinks that the concept of a human being is a normative idea. She says:

First of all, the notion of human nature in my theory is explicitly and from the start *evaluative*, and, in particular, *ethically evaluative*: among the many actual features of a characteristic human form of life, we select some that seem so normatively fundamental that is life without any possibility at all of exercising one of them, at any time, is not fully a human life, a life worthy of human dignity, even if the others are present.<sup>183</sup>

By this, Nussbaum seems to say that self-respect and dignity are the basis for capabilities. However, earlier, Nussbaum says that her capabilities approach avoids the problem (of determinate content of dignity) insofar as it considers the account of entitlements not as derived from the ideas of dignity and respect but rather as ways of fleshing out those ideas.<sup>184</sup> It is difficult to reconcile Nussbaum's claims about the role of dignity in her approach. However, it is clear that, for her, possessing each of ten functional abilities capability is a prerequisite to being 'truly human' and to having a 'good life' fully entitled to resource distribution. Accordingly, Nussbaum's framework does not seem to include all citizens.<sup>185</sup>

### 5.3 Why Nussbaum's Proposal Does not Work

In what follows, I offer objections to Nussbaum's argument. The first concerns dignity's role in Nussbaum's approach. The second has to do with her 'capabilities approach', the third with her sixth capability, 'practical reason'. And finally the fourth is concerned with her use of the 'overlapping consensus'. Consider dignity's explicit role in her capabilities approach. It is clear that Nussbaum does not want dignity to increase with each capability an individual obtains.<sup>186</sup> Instead, for her, dignity seems to be somehow entwined with the capabilities, but not fully resulting from them. This means that dignity is non-aggregative. Thus amassing capabilities does not bestow more dignity to an individual. But she repeatedly says that having the capabilities is necessary for a life worthy of human dignity. Furthermore, for Nussbaum, individuals are worthy of human dignity whether or not they have capabilities. But to add to the confusion, it still is not clear what role dignity plays in Nussbaum's theory when she provides 'an approach that focuses on *human capabilities*, that is, what people are actually able to do and to be, in a way informed

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<sup>183</sup> Nussbaum, *FJ*, 181.

<sup>184</sup> *Ibid.*, 174.

<sup>185</sup> *Ibid.*, 181. More on this point in the next section.

<sup>186</sup> *Ibid.*, 344-5.

by an intuitive idea of the dignity of the human being'.<sup>187</sup> She continues: 'I identify a list of *central human capabilities*, arguing that all of them are implicitly in the idea of a life worthy of human dignity'.<sup>188</sup> In this passage, Nussbaum seems to say that the capabilities are 'informed by' dignity while at the same time saying that the capabilities are already 'implicit' inside of the concept of dignity. So is Nussbaum referencing two different senses of dignity or does dignity play more than a role in her approach? This is a confusing set-up, and it is not helped by the fact the Nussbaum does not articulate her understanding of dignity in her work. Thus, her numerous comments on dignity seem incompatible, namely that somehow dignity precedes the capabilities while at the same time resulting from them. From my reading, the problem seems to rest in her language, and it is obvious, then, that further clarification is needed.

I am also concerned about Nussbaum's capability approach. Although her theory seems to accommodate the flourishing of people with disabilities in ways that social contract model appears unable to sustain, her theory may not be as generous to people with disabilities as it first appears to be.<sup>189</sup> This is because it marginalizes citizens with some intellectual disabilities. Furthermore, by logical extension, Nussbaum's approach excludes some 'individuals with non-intellectual disabilities as well as certain lower functioning individuals without disabilities'.<sup>190</sup> Our present purpose does not require a full discussion of the latter two. Recall the passage that I quoted earlier: '...we select some (features of a characteristic human form of life) that seem so normatively fundamental that a life without any possibility at all of exercising one of them, at any level, is *not a fully human life, a life worthy of human dignity*, even if the others are present'.<sup>191</sup>

It is clear that Nussbaum does not include all persons in her framework. This is because to be considered 'truly human', all individuals must exercise each of the ten capabilities. Specifically Nussbaum cites the case of persons in persistent vegetative state (PVS). Because 'enough' of these characteristics are impossible, she says that that 'life is not a human life at all'.<sup>192</sup> Nussbaum thinks that the life of a person in PVS is not a 'life any more', or in any 'meaningful way', because 'possibilities of thought, perception, attachment, and so on are

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<sup>187</sup> Ibid., 70.

<sup>188</sup> Ibid.

<sup>189</sup> See broadly Silvers and Francis, 'Justice through Trust', 74; Michael A. Stein, 'Disability Human Rights', *California Law Review* 95 (2007), 40-76.

<sup>190</sup> Ibid., 77.

<sup>191</sup> Nussbaum, *FJ*, 181.

<sup>192</sup> Ibid.

irrevocably cut off'.<sup>193</sup> To qualify her point, Nussbaum says that we do not say this if 'just one or more of the perceptual modalities is cut off', instead, we say this 'only if the entirety of a group of major human capabilities is irrevocably and entirely cut off'.<sup>194</sup> Thus, for example, for her, anencephalic children are not human. But remember that, for Nussbaum, bodily health (adequate nourishment) is a key value.<sup>195</sup> Is Nussbaum, then, discounting the bodily presence of a person in PVS? I suspect she would answer by saying that that life 'is so reduced as to be not worth living'.<sup>196</sup> For me, that still does not account for the embodiment of all persons. Consequently, in her attempts to be inclusive, Nussbaum has actually marginalized other equally profoundly cognitively impaired persons. For example, some persons suffering from dementia<sup>197</sup> cannot be said to be thoughtful, perceptive, and sometimes they are not even capable of attachment. On such citizens, Nussbaum is silent. In fact she seems to indicate that her concern is not with the possibility of 'mere human life, but *good life*'.<sup>198</sup> But why should exercising a list of capabilities be the measure of 'good life'? Again, individuals who do not meet the threshold of the central capabilities are not fully human. Nussbaum makes this point in several places. For example she evaluates the life of Sesha Kittay as someone for whom a 'flourishing human life' that is 'worthy of human dignity' is out of the question.<sup>199</sup> Eventually Nussbaum seems to marginalize some of those she claims her theory includes.

The capability theory seems designed to escape paternalism.<sup>200</sup> However, by promoting species-typicality as the standard for capabilities, Anita Silvers and Michael Stein think that Nussbaum's proposed value scheme could attract 'oppression'.<sup>201</sup> I think they are right. For example, those citizens who seem 'irremediably', and by their very nature, to fall short of having

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<sup>193</sup> Ibid.

<sup>194</sup> Ibid. By her own admission, this is a change of position from articles written in the 1980s and 1990s where her thought can be read to indicate 'that if one of the capabilities is totally cut off, the life is no longer a life'. Ibid., 432, note 18.

<sup>195</sup> Ibid., 76.

<sup>196</sup> Ibid.

<sup>197</sup> Dementia is defined as a 'loss of brain function that occurs with certain diseases. It affects memory, thinking, language, judgement, and behavior'. Online at <http://www.ncbi.nlm.nih.gov/pubmedhealth/PMH0001748/>.

<sup>198</sup> Nussbaum, *FJ*, 181. Italics in original.

<sup>199</sup> Ibid., 187.

<sup>200</sup> Compare broadly Cass R. Sunstein and Richard H. Thaler, 'Libertarian Paternalism Is Not an Oxymoron', *University of Chicago Law Review* 70 (2003), 1159-1202 (arguing that, through exploiting bounded human rationality, it is possible to influence behavior while preserving individual choice).

<sup>201</sup> Silvers, Anita and Michael Ashley Stein, 'Disability and Social Contract', review of *Frontiers of Justice: Disability, Nationality, Species Membership*, by Martha Nussbaum. *University of Chicago Law Review* 74 (2008), 1615-1640.

standard (i.e., ‘normal’) capabilities are ripe for being stigmatized by reason of their failure.<sup>202</sup> Furthermore, Silvers and Stein argue that a capabilities approach may in practice find it either difficult or impossible to set threshold standards while remaining positive or at least neutral about whoever cannot be brought up to these standards.<sup>203</sup> Thus, although Nussbaum sets forth her capabilities approach in terms of agency, it is possible that there will be social pressure to ‘exercise capabilities and their associated functioning is a familiar phenomenon’.<sup>204</sup> Recall we said that the sequencing of the human genome has allowed scientists to identify genes that contribute to or even directly cause impairments. Today the technological capability exists to enable parents to access genetic testing which determines the condition of their unborn child. Thus social pressure is being brought to bear on these parents to terminate the pregnancy of a child deemed disabled rather than carry the pregnancy to full term and become a ‘burden’ to society later. In short, assimilation policies can be dangerous for citizens like Kelly who cannot be assimilated.

Now consider how Nussbaum’s approach pays tribute to the value of rational agency. In the context of discussing whether social contract theory can be refurbished to include cognitively impaired people, Nussbaum is quick to emphasize the similarities between her proposal and Contractarianism.<sup>205</sup> However, Nussbaum argues that the social contract needs modifications to accommodate cognitively impaired persons. For her a suitably refurbished theory cannot, as Rawls’ theory does, invoke the ideas of rough equality of ability, mutual advantage, or mutual independence. Further, it cannot, as Rawls’ theory does, regard resources as the proper objects of distribution. Instead, Nussbaum argues it would have to include something like the list of capabilities. Recall the reasons she gives is that the capabilities view is a more robust theory of the good and gives a more expansive account of the person.<sup>206</sup> So is it still worth pressing the issue, and do we lose anything when the contract device is eliminated to include cognitively impaired people? Stark thinks that we do, and I concur.<sup>207</sup>

I agree with Stark that the contract approach, unlike the capabilities approach, allows us to recognize fully the dignity of human beings who are capable of practical reasoning. Thus,

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<sup>202</sup> Ibid., 1626.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

<sup>205</sup> Nussbaum, *FJ*, 145-54.

<sup>206</sup> Ibid., 153.

<sup>207</sup> Stark, ‘RHD’, 118.

when Nussbaum rejects the contract apparatus in order to recognize the dignity of cognitively impaired people, she ends up with a view which falls short of recognizing fully the dignity of persons who possess the capacity for practical reasoning, one of the capabilities. How so? We said that the list of capabilities is given by our intuitions about human dignity in both its animal and its rational manifestations. One of the items on the list is the capacity for practical reasoning. For Nussbaum, then, in a just society, all individuals are guaranteed the freedom and opportunity to exercise practical reasoning to the extent that one has it. Furthermore, this capacity enjoys an elevated status among the capabilities in that it constrains the ‘shape of principles and policies designed to ensure any of the other capabilities.’<sup>208</sup>

It is clear that Nussbaum’s capabilities approach mandates respect for the capacity for practical reasoning. However, the manner in which the approach is justified does not demonstrate proper respect for practical reason.<sup>209</sup> Stark says that the list is ‘simply laid out’, by the theorist, on the basis of ‘intuitions about human dignity’. This is accompanied by, she says, a certain sort of ‘empirical investigation – checking the list against people’s actual informed desires’.<sup>210</sup> So if rational agency is indeed valuable, if it is a source of human dignity, then it follows that ‘political principles backed by coercion must be justifiable to those capable of rational agency’.<sup>211</sup> This means that if individuals are not ‘merely subjected to those principles’, then they must be shown to have reason to abide by such principles.<sup>212</sup> The individual’s capacity for practical reason is in this case, neglected, and their dignity is violated. It is not enough that the content of principles of justice respect the capacity for practical reasoning. The principles themselves must be justified in a way that respects that capacity. The conclusion is that a device such as the social contract is needed to establish which principles rational agents, as such, have reason to accept.<sup>213</sup> But is Stark pressing the question for nothing? Furthermore, does Nussbaum not have her overlapping consensus argument to fall back on? Nussbaum can claim that the list of capabilities can be the object of an overlapping consensus. Stark is willing to concede that if this is so, then there is a possibility for a reasonable agreement. Additionally, if it can be the object of reasonable agreement, then it is justified in a way that recognizes the value of rational

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<sup>208</sup> Nussbaum, *WHD*, 82.

<sup>209</sup> Stark, ‘RHD’, 119.

<sup>210</sup> *Ibid.*

<sup>211</sup> *Ibid.*

<sup>212</sup> *Ibid.*

<sup>213</sup> *Ibid.*

agency.<sup>214</sup> In short, the claim is that we can jettison the contract device, for what is gained, that is, liberalism is made to be more inclusive of cognitively impaired persons. This would be good, were it not for two concerns that arise.

This move brings us to the fourth concern, Nussbaum's use of the 'overlapping consensus'. I shall attempt to show that Nussbaum's excising of the contract and placing justificatory work onto the notion of overlapping consensus does not work. We said that today's democratic society is characterized by the fact of reasonable pluralism. This means that individuals are prone to disagree not only about the truth or falsity of moral principles but also about metaphysical status of moral propositions and the proper way to justify those propositions.<sup>215</sup> Consequently, for society to agree on a political conception of justice, that conception must be agreeable not merely to the moral substance of various philosophical and religious doctrines but to the 'metaethical and justificatory commitments' connected to those doctrines.<sup>216</sup> Stark thinks that if a conception of justice as a whole is the proper focus of overlapping consensus, then the manner in which Rawls understands and uses that idea, cannot serve to fully justify principles of justice. These principles, she says, must be justified by appeal to a 'constructivist procedure' which itself is the object of overlapping consensus. If that is so, it means that Nussbaum, so far as her understanding of overlapping consensus follows Rawls, cannot depend upon overlapping consensus as a method of justifying her list of capabilities.

Remember that overlapping consensus is constituted by reasonable agreement. However, exactly what a notion of 'reasonableness' entails is debatable.<sup>217</sup> In this context, however, for Rawls, reasonableness bears considerable weight. He says reasonable persons will think it unreasonable to use political power, should they possess it, to repress comprehensive views that are not unreasonable, though different from their own.<sup>218</sup> Thus, 'reasonable' applies both to persons and comprehensive doctrines.<sup>219</sup> On Rawls' account, a reasonable person is committed to the ideal of society as a fair system of conception among free and equal persons. Further he/she

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<sup>214</sup> Nussbaum, *WHD*, 76; *FJ*, 163-64, 182.

<sup>215</sup> Stark, 'RHD', 120-21.

<sup>216</sup> *Ibid.*, 121.

<sup>217</sup> For further discussion of this issue Jon Mandle, 'The Reasonable in Justice as Fairness', *Canadian Journal of Philosophy* 29 (1999), 75-108.

<sup>218</sup> Rawls, *PL*, 61.

<sup>219</sup> Rawls discusses reasonable comprehensive doctrines at *PL*, 1993, 59. See also Mandle, 'The Reasonable in Justice as Fairness' (1999).



recognizes that all are equally subject to the ‘burdens of judgment’.<sup>220</sup> I will not take time to examine the details of this conception of a reasonable person. We merely wish to establish that cognitively impaired persons are not reasonable persons in Rawls’ sense, because they lack the capacities to be called ‘reasonable’. Like the social contract, then, the overlapping consensus seems to depend upon an ideal of the citizen as one who is capable of acting for reasons. But is this ideal of the citizen, not one of the features of social contract theory that Nussbaum is unhappy with? I do agree with Nussbaum that the contract theory marginalizes cognitively impaired people. However, I side with Stark thus: if both the ‘contract’ and the ‘overlapping consensus’ essentially require the *same notion* of the citizen, why is it that the idea of overlapping consensus does not also exclude the interests of cognitively impaired people?<sup>221</sup>

Justifiability to all, or the notion that just political principles are those that can be justified to all who are subject to those principles, is an idea commonly associated with liberal justice. This concept is undergirded by a particular assumption about the nature of citizens: they are capable of being justified to, which in turn means they are capable of rational agency.<sup>222</sup> Typically, the idea of justifiability to all is expressed through the device of the social contract. This ideal of justification is in conflict with the concept that all citizens are owed justice regardless of rational agency. Nussbaum is right when she argues that the contractarian’s view of the citizen as ‘free, equal and independent’ is troublesome when it comes to including cognitively impaired individuals. Thus we have said that she rejects social contract theory in favor of her capabilities view. However, some do not think Nussbaum’s approach adequately fulfills ‘the liberal principle of justification’.<sup>223</sup> Why not? Is it because of the lack of emphasis on practical reason? I am concerned that Nussbaum has been criticized for presenting her capabilities in an intuitive way rather than giving an argument everyone can accept – so she is not respecting practical reason enough. But she has also been criticized for excluding cognitively impaired individuals – due to having a conception of the person that includes practical reason. But can any theory escape both of these horns?

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<sup>220</sup> Rawls, *PL*, 61.

<sup>221</sup> Stark, ‘RHD’, 121.

<sup>222</sup> *Ibid.*, 111.

<sup>223</sup> *Ibid.*, 112.

Stark thinks that Nussbaum's resulting theory does not, in the end, prove to be more inclusive of the cognitively impaired than is a social contract theory.<sup>224</sup> She says: 'we are ill advised ... to make this adjustment [adjust liberal political theory to address claims of cognitively impaired] by rejecting the device of the social contract and placing the burden of justifiability to all on the idea of overlapping consensus'.<sup>225</sup> Elsewhere Stark, then, proposes other ways to 'widen the scope of liberal justice'.<sup>226</sup> I will not pursue this idea of justifiability further. My purpose here is to show that Nussbaum's theory is inadequate. Furthermore, Stark's exchange with Nussbaum demonstrates that even those within the liberal camp do not think that Nussbaum's theory adequately dissolve the tension between social contract and including cognitively impaired persons.

We have been discussing the question of whether a secular grounding of rights is possible. In the process, we examined two foremost proponents of the liberal theory of justice. We have seen that Rawls himself foresaw the tension that is inherent in social contract theory and attempted to postpone the inclusion of the severely disabled thus further marginalizing them. We have said that Nussbaum attempts to expand the social contract theory through her capabilities approach whereby she excises the social contract, the device she thinks is problematic, and replaces it with overlapping consensus. Nussbaum says that because her list of core capabilities is supposed to be the basis of an overlapping consensus, her theory is designed to avoid any affiliation with any particular 'major comprehensive metaphysical or epistemological view' of the humans rather than another, such as the concept of 'the soul, or of a natural theology, or of self-evident truth'.<sup>227</sup> But is it possible to meet what Jonathan Glover calls 'Nietzsche's Challenge'?<sup>228</sup> In other words, 'without reference to God, to identify something about each and every human being that gives him or her dignity adequate for grounding human

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<sup>224</sup> Ibid., 123.

<sup>225</sup> Ibid.

<sup>226</sup> See Cynthia Stark, 'How to Include the Severely Disabled in a Contractarian Theory of Justice', *Journal of Political Philosophy* 15 (2007), 125-47. See also, Andrew I. Cohen, 'Contractarianism, Other-Regarding Attitudes, and the Moral Standing of Nonhuman Animals', *Journal of Applied Philosophy* 24 (2007), 188-201.

<sup>227</sup> Nussbaum, *FJ*, 182.

<sup>228</sup> See Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Pimlico, 2001). Glover quotes a passage from Nietzsche's *The Genealogy of Morals* in which Nietzsche is reflecting upon what to expect when humankind no longer believes in God: 'As the will to truth thus gains self-consciousness – there can be no doubt of that – morality will gradually *perish* now: this is the great spectacle in a hundred acts reserved for the next two centuries in Europe – the most terrible, most questionable, and perhaps also the most hopeful of all spectacles'. Glover then remarks, 'A century later, many people share Nietzsche's skepticism about religious basis for morality', 12.

rights?’<sup>229</sup> Some think the challenge can be met, while many think it is impossible. Glover is one of the skeptics about a religious basis for, while Australian philosopher Raimond Gaita, himself a secularist, thinks we are ‘whistling in the dark’ if we suppose Nietzsche’s challenge can be met.<sup>230</sup> Gaita was right. Consequently I suggest that liberal justice as a whole is weak and cannot dissolve the tension or adequately include cognitively impaired citizens. Thus I conclude that social contract theory and capabilities approach are defective and do not work. If so, we have reason, then, to look for a different way to ensure the full inclusion of cognitively impaired people under the umbrella of justice. To that end, I propose a theistic grounding of justice.

## 6. A Theistic Grounding of Justice

In this section I want to pursue a theistic grounding of rights for cognitively impaired persons. My purpose is not to argue for the theistic convictions themselves nor is my project here intended to argue for the truth of the theistic account. What I want to say is that the theistic base of my argument is best placed to undergird an adequate account of rights for cognitively impaired persons. So I intend to argue that regarding profoundly intellectually impaired persons, extant secular accounts, by contrast, may possess a true premise, but the tendered accounts are not successful. They simply do not work. This should not be taken to mean that I deny the possibility of grounding rights on a secular base. To advance my case, I will closely follow Nicholas Wolterstorff who argues that some rights inhere in human beings. What he means is that human beings have some rights simply by virtue of ‘the worth of beings of their sort’.<sup>231</sup> This claim lies at the core of Wolterstorff’s theory, and it requires considerable unpacking. These are the questions which will concern us: what kind of worth do humans have, how do they come to have it, and is it all and only human beings who have this kind of worth? Furthermore how does that worth ground rights? After drawing the main points together in a way that, I hope, will demonstrate the broad contours of the view, I will elaborate on the points where I depart from Wolterstorff.

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<sup>229</sup> Wolterstorff, *Justice*, 324.

<sup>230</sup> The whistling in the dark appears in this context: ‘The secular philosophical tradition speaks of inalienable rights, inalienable dignity and of persons as ends in themselves. These are, I believe, ways of whistling in the dark, ways of trying to make secure to reason what reason cannot finally underwrite’. Raimond Gaita, *A Common Humanity: Thinking about Love and Truth and Justice* (London: Routledge, 2000), 5.

<sup>231</sup> Wolterstorff, *Justice*, 10-11.

## 6.1 Natural Inherent Rights

Wolterstorff begins by demarcating the two conceptions of justice, justice as right order and justice as inherent rights, and the primary issue that distinguishes them. He argues the primary issue between these two conceptions of justice is not whether or not there are natural rights, but whether there are *inherent* rights. For Wolterstorff, ‘rights’ ‘are normative social relationships; sociality is built into the essence of rights’.<sup>232</sup> A few pages later, Wolterstorff introduces what he calls his ‘principle of correlatives’: ‘If Y belongs to the sort of entity that can have rights, then X has a right against Y to Y’s doing A if and only if Y has an obligation toward X to do A’.<sup>233</sup> Wolterstorff holds this to be a necessary truth. Thus for him the real issue is not whether there are natural rights but whether or not there are natural *inherent* rights. In an extremely rich passage, He says:

Here is the contrast. The inherent rights theorist agrees that many of the rights we possess on account of something conferring them upon us – some human agreement, some piece of human legislation, some piece of divine legislation, whatever. But he holds that, in addition, we possess some rights that are not conferred, some rights that are *inherent*. On account of possessing certain properties, standing in certain relationships, performing certain actions, each of us has a certain worth. The worth supervenes on being that sort: having those properties, standing in those relationships, performing those actions. And having that worth is sufficient for having the rights. There doesn’t have to be *something else* that *confers* those rights on entities of this sort.<sup>234</sup>

I sympathize with Wolterstorff when he says that ‘natural rights’ are those rights that are not ‘socially conferred’.<sup>235</sup> This is, or should be, the common understanding of natural rights. After Wolterstorff presents a reconstruction of the narrative typically associated with right order theorists, he offers his own-counter narrative. Space will not allow us to rehearse the details of these narratives.<sup>236</sup> Let us set aside Wolterstorff’s preliminary work toward what is meant by

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<sup>232</sup> Ibid., 4.

<sup>233</sup> Ibid., 8.

<sup>234</sup> Ibid., 36.

<sup>235</sup> Ibid., 37.

<sup>236</sup> The details of these narratives can be found in *ibid.*, Pt. I, ‘The Archeology of Rights, Chapter 1 ‘Two Conceptions of Justice’, 19-43. In part II, Wolterstorff spends time bridging the narrative to the theory part. Here he carefully analyzes classical eudaimonism and attempts to show why it cannot serve as a framework for a theory of rights. Wolterstorff develops an interpretation of Augustine’s break with eudemonism, because as Wolterstorff says, Augustine returns to the moral vision of the Scriptures. It is in this part that Wolterstorff refines his understanding of rights, clarifies its ontology, and demonstrates how a theory of rights requires a conceptual analysis of those goods to which individuals have a right. Additionally, he takes time to characterize the types of goods, life goods, and history goods, that are required for a theory of rights (See *ibid.*, Pt. II ‘Fusion of Narrative with Theory: The Goods to Which We Have Rights’, 133-227).

natural inherent rights, and closely examine his argument for the theistic grounding of human rights.

## 6.2 Does it Work? A Theistic Grounding of Natural Inherent Rights

The primary issue for Wolterstorff is the *grounding* of rights.<sup>237</sup> This is evident in the way that he treats ‘secular’ theorists who attempt to ground a theory of natural inherent human rights. Wolterstorff’s objection to Kant, and in extension to all secular theories of natural human inherent rights, is not about their understanding of these rights, but rather about their failure to provide any justification or *grounding* for these rights. But despite Wolterstorff’s critique of Kant, both seem to be saying the same thing about what constitutes inherent rights. Both Kant and Wolterstorff seek to show that a theory of rights can be grounded in human dignity. Furthermore, Wolterstorff even endorses the categorical imperative. He says:

[i]n short, Kant’s famous principle – act always in such a way as to treat human beings as ends and never merely as means, comes to the same principle I have been defending: always act in such a way as to allow respect for the worth of human beings to trump balance of life-good considerations.<sup>238</sup>

But Wolterstorff argues that all secular justifications of rights are not successful and does not expect that they ever will. Although that is his view, Wolterstorff does not doubt that it is possible to give a ‘satisfactory secular account of the rights shared by all those human beings capable of functioning as persons’.<sup>239</sup> Instead, what rightly concerns him are those human beings who are not capable.

So what distinguishes Wolterstorff from his colleagues who advocate a theory of natural inherent human rights? Wolterstorff is, rightfully, not happy with their ‘secular’ attempts to ground such rights by appealing to some capacity possessed by individuals. He argues, as I have claimed in this chapter, that this will not work, whether for Kant or any other secular theorists. Remember we have said that for Wolterstorff the real issue that separates the two conceptions of

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<sup>237</sup> Wolterstorff does not explicitly define what he means by ‘grounding’. However, as Bernstein says, it might be possible to reconstruct what it means for him. ‘To ground a claim is to justify it, to support the claim with good reasons. It is to enter into what Wilfrid Sellars calls the “logical space of reasons” (citing from id. *Science, Perception and Reality* (London: Routledge and Kegan Paul: 1963, 159). These reasons may include religious or theistic reasons. Furthermore, grounding does *not* entail foundationalism or the claim that our grounding is based upon incorrigible or absolutely certain premises’ (Bernstein, ‘A Theistic Grounding of Rights?’, 227, n.2.).

<sup>238</sup> *Ibid.*, 310.

<sup>239</sup> Nicholas Wolterstorff, ‘Justice as Inherent Rights: A Response to My Commentators’, *Journal of Religious Ethics*, 37 (2009), 261-279.

justice is not whether there are natural rights but whether there are natural *inherent* rights. The primary issue, then, that separates Wolterstorff from his secular colleagues who advocate a theory of natural inherent human rights is whether (and how) we *ground* such rights. Consequently, Wolterstorff sets out to do what he claims his secular colleagues, as well as most of his Christian colleagues, have failed to do – namely, to ground a theory of rights. So what works? These are the questions: what is worth, and does God bestow worth? What can ground *inherent* human rights?

Consider the idea of human worth. Here we turn to how Wolterstorff attempts to explain the location of bestowed worth in a taxonomy of worth. The idea of worth is important to Wolterstorff because this is the key to his claim that the natural rights are inherent rights. For him, inherent rights are inherent to the worth that an individual has. Thus the rights of individuals are grounded in respect of their worth. He says: ‘To be a human being is to have worth’.<sup>240</sup> So when we speak of the worth of something, there must be some ‘worth-imparting’ property or relation that anchors the rationale for ascribing worth. For example, I am a great admirer of fountain pens, specifically of the kind manufactured by Parker. To me, their simple design and smoothness in writing is of great worth. What is the property that gives these pens their great worth? It is their innovation, aesthetics, quality and great craftsmanship.

But how does this relate to individuals? What is the property or relation by virtue of which we ascribe worth to human beings and ground inherent human rights? As we have seen in this study, secular theories of rights do ascribe dignity to human beings. However, we have said that they fail to single out or ground the property or relation that is ‘worth imparting’. Again, this is because secular theories attempt to justify the worth of human beings by appealing to rational agency which fails to ground the worth of persons. Recall the passage I quoted earlier from Wolterstorff:

[o]n account of possessing certain properties, standing in certain relationships, performing certain actions, each of us has a certain worth. The worth supervenes on being of that sort: having those properties, standing in those relationships, performing those actions. And having that worth is sufficient for having the rights.<sup>241</sup>

Wolterstorff attempts to provide a theistic grounding for the relation that imparts worth to individuals. He says: ‘What we need for a theistic grounding of natural rights, is some worth-

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<sup>240</sup> Wolterstorff, *Justice*, 131.

<sup>241</sup> *Ibid.*, 36.

imparting relation of human beings to God that does not in any way involve reference to human capacities'.<sup>242</sup> Wolterstorff argues that 'being loved by God is such a relation'.<sup>243</sup> Indeed, for him: 'being loved by God gives a human being great worth. And if God loves equally and permanently each and every creature who bears the *imago Dei*, then the relational property of being loved by God is what we have been looking for'.<sup>244</sup> Wolterstorff argues that 'if love bestows worth, it has to be love as attachment that does this'.<sup>245</sup> He illustrates love as attachment with the example of the child Nathan who deeply loves (is attached to) his favourite stuffed animal - no matter how ugly it may be. Nathan's attachment to this ugly stuffed animal is supposed to clarify God's love as attachment for individuals. For Wolterstorff, then, [b]earing that property bestows to each individual the worth in which natural human rights inhere.<sup>246</sup>

But why does something have worth or excellence? For Wolterstorff this question brings two different questions to mind: an *aspectual* explanation of its worth or what he calls a *philosophical* explanation of its worth.<sup>247</sup> The former focuses on some aspect that gives the thing being considered worth. Wolterstorff gives an example of 'lemon grass soup'. He tells us that its flavour (or some very specific aspect of its flavour) gives the soup its worth. This means that there is some 'aspect on which its worth supervenes'.<sup>248</sup> However, when we ask why something has the worth that it does have, we may be asking a fundamentally different kind of question. Wolterstorff says:

How do you explain the fact that all aspects of things are non-instrumentally good. How do you explain the fact that non-instrumental goodness is attached to it, supervenes on it? This "why" questions cannot be answered by probing inside the entity to locate explanatory aspects. It is at this point that general philosophical accounts of excellence enter the picture.<sup>249</sup>

This is where Wolterstorff introduces the notion of 'bestowed' worth. So when grounding rights on a theistic base, Wolterstorff tells us that 'being loved by God' is what *bestows* worth on human beings. To support his theistic grounding of inherent rights, Wolterstorff's ultimate appeal is to Christian Scriptures. Despite the criticism Wolterstorff has received on his

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<sup>242</sup> Ibid., 325.

<sup>243</sup> Ibid., 352.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid., 359.

<sup>246</sup> Ibid, 352-353.

<sup>247</sup> Ibid., 353.

<sup>248</sup> Ibid.

<sup>249</sup> Ibid., 355.

hermeneutics,<sup>250</sup> it is important, however, to note that he does not claim that there is any explicit theory of human or natural rights in the Christian Scriptures. Rather, he claims, and I concur, that there is an ethical framework that assumes that something like rights are in effect. After critically considering other possible ways of grounding human rights, Wolterstorff finally settles on a theistic base. This means that the only solid foundation is a vision of human beings, who as creatures in the *imago Dei*, possess inherent worth and therefore have claims on one another to be treated in certain ways. I am conscious that I have glossed over much of Wolterstorff's magnificent and breathtaking achievement. However, that roughly is his Christian theistic grounding of natural inherent human rights.

### 6.3 Theistic Grounding of Rights: A Different Turn

For my present purpose, I find myself sympathetic with Wolterstorff project. Further, his critique of other ways of thinking about human rights, and specifically the contemporary versions of the ancient traditions of eudaimonism is quite impressive.<sup>251</sup> However, some commentators are not persuaded by Wolterstorff's grand argument. In particular, Richard Bernstein terms Wolterstorff's proposal for what grounds natural inherent rights as not convincing as a 'philosophical or theoretical justification'.<sup>252</sup> I will not embroil myself in the particulars of these reactions, but will highlight a few that are relevant to our task here.<sup>253</sup> What I want to do next is attempt to expand Wolterstorff's theistic grounding of inherent rights in a different direction. Here I intend to engage with theologian Karl Barth, in his sermon 'The Humanity of God',<sup>254</sup> and his *Church Dogmatics* II/2§32-35.

I am not rejecting Wolterstorff's proposal that God's love as attachment can bestow worth to human beings. In fact I disagree with Bernstein's criticism of Wolterstorff on this point. Bernstein claims that there are problems with understanding God's love as attachment because

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<sup>250</sup> Bernstein, 'Does He Pull It Off?', 230-31. Wolterstorff does not find 'cogent' the reasons given by those who disagree with him on this issue (See id., 'Justice as Inherent Rights', 273).

<sup>251</sup> See Wolterstorff, *Justice*, chapter 8, 'Augustine's Break with Eudaimonism', 180-206.

<sup>252</sup> See Bernstein, 'Does He Pull It Off?', 230.

<sup>253</sup> For a critique of the systematic component in Wolterstorff's work, see both Richard J. Bernstein, 'Does He Pull It Off?' *Journal of Religious Ethics* 37 (2009), 221-241, and Paul Weithman, 'Nicholas Wolterstorff's Justice: Rights and Wrongs: An Introduction', *ibid.*, 179-192 and id., 'God's Velveteen Rabbit', *ibid.*, 243-260; For a critique of the narrative and systematic component of Wolterstorff's work, see Oliver O'Donovan, 'The Language of Rights and Conceptual History', *ibid.*, 193-207; For a reaction to Wolterstorff's claims about the witness of Scripture, see Harold W. Attridge, 'Wolterstorff, Rights, Wrongs, and the Bible', *ibid.*, 209-219.

<sup>254</sup> Karl Barth, *The Humanity of God*, trans John N. Thomas and Thomas Wieser (London: Collins, 1961).



there are ‘degrees of attachment’.<sup>255</sup> So if Nathan may be attached to some of his other stuffed animals or toys, but not to the same degree to which he is attached to his ugly stuffed animal, Bernstein, rightly, thinks that in the same manner, God can be more attached to some people or individuals than others. But Bernstein thinks this poses a problem to Wolterstorff’s notion of love as attachment because it means that God can be more attached to some and not others. But precisely! I do not see a problem with stating that God is ‘more attached’ to some people than others. In fact, might Nathan, in his imaginary world, be more attached to those stuffed animals he thinks are smaller perhaps, weaker may be? It is not uncommon to see children favor the ‘little guy’ in their child play. Furthermore, there are many passages in Scripture that suggest that God is attached to some individuals or peoples more than others. Is that not why God commands a special care for the most vulnerable of society – e.g., the widow, orphans and strangers? Does God not say that these vulnerable persons should not be denied justice due to them? I therefore do not see the basis of Bernstein’s concern. Indeed, that which he is concerned about God is exactly that which characterizes God. God is for the vulnerable and he ‘favors’ them more than all of his other creation. However, I do see a point in claiming that the very idea of love as attachment poses unfortunate consequences for the very meaning of *inherent* rights. This is because it is normal to think that that which ‘is inherent or intrinsic is a characteristic of something that is essential to it’.<sup>256</sup> I return to this point shortly.

Before I do, let us expand Wolterstorff’s suggestion. I will do so by proposing a ‘safe-guard’ to theistic grounding of rights in a ‘worth-imparting relation of human beings to God that does not in any way involve a reference of human capacities’.<sup>257</sup> What I am calling a ‘safe-guard’ is two pronged, and includes: God’s election of *all* human beings and their subsequent embodiment (see Jeremiah 1.5). Consider the former. Being elected by God is such a relation; being elected by God gives a human being great worth. I am articulating a theistic grounding of human rights, especially for people with profound cognitive impairment who are otherwise as mentioned marginalized by other theories. I am arguing that if God elects each and every human being ‘equally and permanently’,<sup>258</sup> then natural human rights are grounded in that election. To

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<sup>255</sup> Bernstein, ‘Does He Pull It Off?’, 232.

<sup>256</sup> Ibid.

<sup>257</sup> Wolterstorff, *Justice*, 352.

<sup>258</sup> This phrase is used by Wolterstorff severally in *Justice: Rights and Wrongs*.

adopt Wolterstorff's words, 'they inhere in the bestowed worth that supervenes on being thus [elected]'.<sup>259</sup>

I am not arguing for the Augustinian-Calvinist Protestant theology of election, which holds on the notions of election and reprobation. Instead I am reading Barth, who is considered to have issued a massive correction of the Augustinian-Calvinist doctrine of predestination, to mean that Jesus Christ is the instrument of election.<sup>260</sup> This means that God had never elected any individuals at all. God's election of Christ, his subsequent death and resurrection paved a way for all human beings to join the elect by clinging to the elected one, that is, by being 'in Christ', 'just as he chose (elected) us *in Christ* before the foundation of the world' (Ephesians 1:4). In short, the election of Jesus Christ to be the 'royal' human, carries with it an implied human ontology which corresponds to divine ontology. True humanity is realized in us 'where and when we live in the posture of prayer'.<sup>261</sup> All are elected but not all have actualized 'true humanity' by faith and obedience.<sup>262</sup> But I digress, for I am not arguing for those convictions themselves.

As mentioned elsewhere in this study, election is significant ontologically in terms of the nature of cognitively impaired persons. Furthermore, it is significant because it signals God's first move towards humans in the ultimate act in Jesus Christ. Christ's life, death and resurrection, and incarnation, have constitutive results: namely, election of *all* persons. This means that all persons possess an inviolable worth because they are elected. But how are all persons ontologically determined as elect in Christ? Barth argues that individuals are elect *in* Christ, as He is not just the Elected, but also the Elector. This means that the election of persons is not a human act. It is the work of Jesus Christ who is both the Subject of election and its Object.<sup>263</sup> Furthermore the substance, essence, and result of this election is God's covenant grace. Thus, to be elected is to be in the sphere of Grace. It should be noted that the 'ontological

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<sup>259</sup> Wolterstorff, *Justice*, 360.

<sup>260</sup> Barth's doctrine of election demands a whole project in itself. In this section we will concentrate on those aspects of his work that serve our present purpose. For an additional treatment of Barth's doctrine of election see Bruce McCormack, 'The Sum of the Gospel: The Doctrine of Election in the Theologies of Alexander Schweitzer and Karl Barth' in eds., David Willis-Watkins and Michael Welter et al, *Toward the Future of Reformed Theology* (Eerdmans, 1999), 470-493; Bruce McCormack, 'Grace and Being: The Role of God's Gracious Election in Karl Barth's Theological Ontology', in *The Cambridge Companion to Karl Barth*, ed., John Webster (Cambridge, Cambridge University Press, 2000), 92-110.

<sup>261</sup> McCormack, 'Grace and Being', 107.

<sup>262</sup> *Ibid.*

<sup>263</sup> *Ibid.*, 92.

connection' is not confined to persons within the Christian community, but is incidental for *all* persons.<sup>264</sup>

What does this have to do with bestowing human dignity, and the grounding of inherent human rights, particularly when we think of cognitively impaired persons? We are saying that if we want to know what bestows worth to human beings, Barth directs us to a formula. For Barth, knowing the grounds of attributing worth to human beings created in the image of God entails knowing that particular God in whose image human beings are created. In short for Barth, the question is: 'what do we know about God?' This question is significant because it answers the secondary question of 'what does this knowledge imply for all human beings?' As mentioned in this study, Barth's starting point is thoroughly christocentric. This means that, for him, to know God, we must know Jesus Christ. Barth says that Jesus is both 'wholly' human and 'wholly' God.<sup>265</sup> It is safe, then, to pronounce that God has both humanity and deity.<sup>266</sup> And to Barth, 'God's deity does not exclude ... God's humanity'.<sup>267</sup> Instead, God is recognized as human, and the implication this has on human nature.

Indeed, Barth says that once we establish that God is human in the sense described, there follows first of all a quite definite *distinction* of humans as such. This distinction is possessed by every being which bears the human countenance.<sup>268</sup> But what is this countenance? Barth says it 'includes the whole stock of those capacities and possibilities which are in part common to man and to other creatures, and in part peculiar to him, and likewise man's work and his productions'.<sup>269</sup> This distinction is not on account of anything individuals possess. Instead it is due them because they are the beings whom God willed to exalt as His covenant partners, not otherwise.<sup>270</sup> Barth argues that because God is wholly human, it is due to human beings and it should not be denied them. In fact, Barth identifies the transcendent source of human dignity, as being the natural endowment granted to all people, regardless of their faith or moral aptitude. He says: '[o]n the basis of the eternal will of God we have to think of *every human being*, even the

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<sup>264</sup> See Karl Barth, *Church Dogmatics*, eds. G.W. Bromiley and T.F. Torrance, trans. G.W. Bromiley (Edinburgh: T. & T. Clark, 1956-75), IV:1, 275. Compare with Greek Orthodox theologians Zizioulas and Yannaras, whose arguments in chapter 2 suggest there are not persons *extra ecclesium*.

<sup>265</sup> Barth, *The Humanity of God*, 47.

<sup>266</sup> *Ibid.*, 48.

<sup>267</sup> *Ibid.*, 49.

<sup>268</sup> *Ibid.*, 52.

<sup>269</sup> *Ibid.*

<sup>270</sup> *Ibid.*

oddest [physically and cognitively impaired?], most villainous or miserable, as one to whom Jesus Christ is Brother and God is Father'.<sup>271</sup>

It follows that:

‘On the basis of this knowledge of the humanity of God no attitude to any kind of fellow man is possible. It is identical with the practical acknowledgment of his human rights and his human dignity. To deny it to him would be for us to renounce having Jesus Christ as Brother and God as Father’.<sup>272</sup>

I argue that it is this kind of relational property we have been looking for to ground worth and so natural inherent human rights. Consequently we must deal with *all* humans, (both cognitively and physically impaired, and ‘normal’), on this assumption. That is, as valuable and in possession of the stamp of divinity.<sup>273</sup> Thus, having a relationship with God is what bestows worth on human beings. If all human beings have a relationship with God, as I am arguing, it has to be relationality that does this.

Human embodiment is the second ‘safe guard’. But why embodiment? I suggest embodiment to safe-guard the meaning of *inherent* rights. If what is inherent or intrinsic is a characteristic of something that is essential to it, as I argue, then it would not be the entity we take it to be unless it has the characteristic we take to be inherent. What happens if the ground for an individual’s inherent rights is the worth that is bestowed upon him or her by a loving God who decides to withdraw the love from the individual? What happens then? Indeed, the Scriptures record instances where God seems to have withdrawn his love from groups of people or individuals (He appears to have done so with the Egyptians and King Saul when they disobeyed Him). But the individuals remain human (*Homo sapiens*), although they seem to, in this case, have lost what is required to ground inherent rights. This is where I think the idea of embodiment expands Wolterstorff’s proposal well. Being embodied is intrinsic or inherent and essential to being a human being.

Such is my theory; but does it hold? To find out let us introduce two technical terms - *phase* sortals and *substance* sortals.<sup>274</sup> We have said that embodiment is an inherent characteristic. But what kind of a sortal concept is it? Before we answer this question, let us

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<sup>271</sup> Ibid.

<sup>272</sup> Ibid., 53.

<sup>273</sup> Ibid.

<sup>274</sup> I draw from David Wiggins, *Sameness and Substance* (Oxford, UK: Blackwell, 1980) and Jeff McMahan, *EoK*,

briefly unpack these two terms. Sortal concepts are, following P. F. Strawson, concepts which provide a principle for individuating and counting particulars.<sup>275</sup> Thus they are classificatory concepts, and can be divided into the two mentioned types: *phase* sortals and *substance* sortals.<sup>276</sup> The former designates a kind to ‘which an individual may belong through only part of its history’.<sup>277</sup> For example, ‘adolescent’ is a phase sortal.<sup>278</sup> Individuals are not adolescent when they begin to exist. However, they later enter into adolescence and eventually cease to be adolescent. All the while the particular individual remains the one and the same throughout the various transformations.<sup>279</sup> By contrast, the latter designates a kind to which an individual necessarily belongs throughout its entire existence. Thus substance sortals indicate the sort of thing an entity essentially is. In short, the ‘sort of thing it must be if it is to exist at all and thus the sort of thing it cannot cease to be without ceasing to exist’.<sup>280</sup> So for example, although an individual that was adolescent continues to exist without being an adolescent, individuals cannot exist without being embodied. Embodiment, then, is necessary to be such sort of an individual. Thus an individual cannot cease to be embodied and yet continue to exist. Embodiment is thus a substance sortal, and substance sortals necessarily apply to individuals throughout their entire histories. Indeed, substance sortals ‘specify necessary conditions for the identities of those individuals’.<sup>281</sup> Thus ‘if  $x$  is a substance sortal, there are criteria for being  $x$  that any  $x$  must satisfy as long as it exists’.<sup>282</sup>

McMahan thinks that the ‘criteria given by the substance sortal appear to state only a *necessary* condition for the continued existence of an individual of the kind  $x$ ’.<sup>283</sup> I can see why McMahan would take such a stand if his starting point for how one understands the notion of a ‘person’ is the continued retention of the ‘capacity for self-conscious mental activity’.<sup>284</sup> In short, for McMahan, a substance sortal can only give a necessary condition for something, not a sufficient condition. He and I disagree on which sortals apply to persons. I argue that bodily

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<sup>275</sup> P. F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London: Methuen, 1959), 168.

<sup>276</sup> For a further elucidation of these concepts, see P. F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (London: Methuen, 1959).

<sup>277</sup> McMahan, *EoK*, 6.

<sup>278</sup> *Ibid.*

<sup>279</sup> *Ibid.*

<sup>280</sup> *Ibid.*

<sup>281</sup> *Ibid.*

<sup>282</sup> *Ibid.*

<sup>283</sup> *Ibid.*

<sup>284</sup> *Ibid.*, 7.

presence of profoundly cognitively impaired persons is sufficient to support the continued existence of an individual *x*.<sup>285</sup> For him, to meet the threshold, individuals must demonstrate rational agency. I disagree. For me, if ‘person’ is a substance sortal and I am a person, then among the conditions of my continuing to exist as one and the same individual will be the conditions of personhood, that is, as I have argued elsewhere in this study, the retention of a combination of rationality, relationality and embodiment.

Thus humans would not be what we take them to be if this characteristic of being embodied was absent. So if the ground for all human being’s inherent rights is the worth that is bestowed upon them by being embodied on this earth and elected by God, it means that all humans have the worth that is required to ground inherent rights. Moreover, unlike attachment love, embodiment and election are not characteristics that can be withdrawn. But for the sake of argument, a person could say that, surely, embodiment is a characteristic of being human that can be withdrawn. This fact is true, but the ‘withdrawal’ of embodiment means the end of bodily existence, which means that dignity, worth, and inherent rights do not matter anymore! The circumstances have changed and perhaps society is now more concerned with a dignified manner of handling the bodily remains of the individual who was.

## 7. Conclusion

In this chapter I have been rethinking persons at the edge of moral personhood. In doing so, we have said that regarding the status of cognitively impaired persons in a moral community, these persons, their families and advocates have reason to be concerned in a liberal society. Again my aim is not to negatively characterize any liberal society. We said that the genesis of this concern is the perpetual marginalization of these persons from the *polis*, even though they are themselves ‘political animals’. Although dominant and influential as theories of justice in contemporary society, theories in the tradition of the social contract are culpable. From this tradition we have examined the Rawlsian theory. We said that Rawls himself admitted that his theory was inadequate to solve the three problems of justice - nationality, and justice owed to (physically and cognitively) impaired persons, and non-human animals. However, we have said that Rawls was keen to postpone the issue of disability until the foundations of society in other areas of justice had been established. Next in the liberal tradition we examined the approach of

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<sup>285</sup> Furthermore McMahan does not even believe that the ‘souls of the cognitively impaired are like those of other human beings’ (see *id.*, CDMJ, 6).

Nussbaum, who we said attempts to expand Rawls theory without completely rejecting it. Nussbaum does not have faith in the social contract to handle the three unresolved problems of justice mentioned above. Of interest regarding her theory is the attempt to excise the device of the social contract and replace it with the ‘overlapping consensus’. Additionally, of particular interest in her ‘capabilities approach’, are ten core human capabilities regarded as underpinning the state’s obligation to provide *all* citizens with minimal justice. Nussbaum, we observed, is keen on interweaving the notion of dignity in her proposal. However, we said that her language might be a hindrance to what she is attempting to achieve. After engaging both political philosophers on the issues of rights, we concluded that their proposals do not work.

To account for cognitively impaired persons as members of a moral community, I have suggested that what we need is a grounding of inherent human rights in something other than human capacities. So we turned to consider a theistic grounding of natural human rights. Here we engaged Nicholas Wolterstorff who says that a theistic grounding of natural human rights is possible with a relation of human beings to God that is not hinged on human capacities. Wolterstorff, then, proposes being loved by God as such a relation. According to Wolterstorff, the kind of love that bestows worth is ‘love as attachment’. This is the kind of relationship that does not reference human capacities. Although I did not reject entirely Wolterstorff’s proposal, as some have sought to do, I am nevertheless a bit concerned about aspects of his proposal. Thus, to in a way safe-guard his proposal, I went on to suggest expanding it to say that worth is bestowed by the relationship all human beings have by being elected in Christ and their subsequent embodiment. These two inherent aspects of what it means to be a human are the worth-imparting relation of all human beings to God that does not in any way involve psychological capacities such as rationality and autonomy as prerequisites for claims of justice, a good quality of life, and the moral consideration of personhood. So election and embodiment are the principal qualifications for membership in a moral community of individuals deserving equal respect and dignity. I recognize that by such a suggestion, I swim against the philosophical tide. However, to argue otherwise is to continue the marginalization and stigmatization of those with cognitive impairment from the moral consideration of persons. This exclusion is morally revolting and thus unacceptable.

## CHAPTER 6: CONCLUSION

### Rethinking Care: On Learning to 'Hold' in Cognitive Impairment

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*[T]he challenge of learning to know, to be with, and care for the retarded is nothing less than learning to know, be with, and love God ... For the God we Christians must learn to worship is not a god of self-sufficient power, a god who in self-possession needs no one; rather ours is a God who needs a people, who needs a son. Absoluteness of being or power is not a work of the God we have come to know through the cross of Christ.*

--Hauerwas, *Suffering Presence*

#### 1. Introduction

Provoked by the historical tendency of the general issue of disability to overshadow the particularity of cognitive impairment within both critical disability theory and traditional moral theory, I have undertaken here the task of investigating the issue of theology and cognitive impairment. In particular, I have examined how we are to think of the 'hardest cases' of cognitively impaired persons. An anxiety about the danger posed by positions held by some moral philosophers has led us to ask these questions: What is the significance of the concepts of 'relationality' and 'embodiment' to personhood, and what is the relationship of 'self' and 'body'? What are the boundaries of personal identity, and do the grounds of our moral obligation change when an individual lacks certain cognitive faculties that are often taken to be the basis for moral personhood? Are those with significant cognitive impairment moral persons and are cognitively impaired persons due the same justice as those who are not cognitively impaired? And how might society include cognitively impaired persons in extant theories of justice and foster enabling conditions of care that would enable these persons to develop a flourishing life?

These questions were answered by researching the theological understanding of the personhood of profoundly cognitively impaired human beings. This was not a task in taxonomy, but an emphasis on the significance of embodiment in understanding profoundly disabled human beings. We then use Christological theology that draws upon the inner life of the triune God and human embodiment as a means for understanding profound cognitive disability. Drawing on this approach, it is possible to address the theological voices in the much neglected discourse on cognitive impairment, while drawing attention to the excellence of the work that has been done,



and is being done, by moral philosophers and by sociologists (within the disability rights movement) in cognitive impairment discourse.

## **2. Looking Backward, Looking Ahead**

The chapters in this study began with a historical overview. In chapter 1 I analyzed how theology and philosophy have spoken about cognitive impairment and how the landscape has and is now changing. And in chapter 2 I examined how the concept of the *imago Dei* has been understood historically from a Christian West perspective. We have said that in the West the notion of the image of God was limited to ‘rational souls’ which we conclude is a perpetuation of the exclusion and stigmatization of cognitively impaired persons. The fundamental theological work has been done in chapter 3 and 4. In chapter 3 I examine the rationality-relationality turn which attempts to overcome the limits of the *imago Dei* as traditionally conceived. Here I considered through the theology of John Zizioulas and Christos Yannaras, the relational approach to theological anthropology in which being human is not defined in terms of some capacity a person may or may not possess, but by an affective relational capacity and possibility. However, I concluded that in the case of profoundly cognitively impaired individuals, a theological anthropology founded on relationality needs to be expanded.

Chapter 4 concluded the fundamental theological work and attempted to expand this relational theological anthropology by interrogating the vexing issue of personhood. Here I engaged with theologian Karl Barth. In this chapter I conclude by emphasizing the relational and embodied approach to theological anthropology. By following Barth, I suggested a theological anthropology that is, in addition to incorporating relationality and embodiment, sensitive to the place of the Holy Spirit in theological anthropology, and which is built upon the vantage point provided by a Christological paradigm. In chapter 5 our task was to interrogate the place of cognitively impaired people in contemporary liberal society. Christian theology is equipped with resources to address issues at the core of the fabric of society. Here, we have examined some issues at the interface of human dignity and justice. In this chapter we conclude that the alternative conception of humans, as embodied beings, suggested in chapter 4 should lead the Christian theological community to seriously consider some working framework of how to pursue justice. In chapter 6 we conclude the thesis with a practical section which rethinks the

question of care around the concept of 'holding' one another's sense of self and identity in society through learning to become friends.

### 3. So What Next?

In the process of this study I have emphasized the need to reclaim the body and how crucial embodiment is to the question of what it means to count one a 'person'. In fact the significance of the body to human identity has been emphasized elsewhere, including in the arts under the theme of the 'body and self'. For example some artists in the twentieth century have opted to use their own bodies as the site, source, and subject of their work. What their projects have in common is an awareness of the body's singular identity. Thus by using her own body the artist aims to communicate more directly that sense of the body as 'self'. One such artist is Antony Gormley. Since 1981, this award winning English sculptor has used his own body as the model for his lead figure sculpture. 'My body is the location of my being', Gormley has said, 'I turn to the body in an attempt to find language that will transcend the limitations of race, creed, and language, but which will still be about rootedness of identity'.<sup>1</sup> Gormley's work is a constant reminder that the body is the location of one's being.

Gormley's latest artwork 'Transport' is located at the Canterbury Cathedral.<sup>2</sup> Suspended above the altar where Thomas Becket was martyred, Gormley's new work is in the shape of a human body. It is made entirely of antique iron nails taken from one of the Cathedral's repaired roofs. The artwork has to do more than a lesson in recycling. While nails will have their own resonances for Christians, this artwork seems primarily a study in the human form. Gormley says: 'We are all temporary inhabitants of a body. It is our house, instrument and medium. Through it all impressions of the world come and from it all our acts, thoughts and feelings are communicated'.<sup>3</sup> Yet the strange thing is that many in contemporary society seem to dislike their bodies.

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<sup>1</sup> Antony Gormley as quoted in Tom Flynn, *The Body in Sculpture* (London: Orion Publishing, 1998), 160.

<sup>2</sup> See Daily Mail at <http://www.dailymail.co.uk/travel/article-1352137/Antony-Gormley-unveils-new-artwork-Transport-Canterbury-Cathedral.html> (retrieved 2 February 2011).

<sup>3</sup> Ibid.

After his martyrdom some accounts indicate that Becket had worn a long hairshirt under his archbishop's garments as a sign of penance.<sup>4</sup> It was then taken as a further sign of Becket's sanctity that he led such a life of self-mortification. This was a way of taming the body, that seat of so many carnal desires. However to think of the body as a snare and a trap is to miss how essential it is to human identity. It is odd that such negative thinking became so common since St Paul used the body to image the Church and vigorously defended what can be done to the body or in the body. He later issuing a command: 'So glorify God in your body' (I Cor. 6.20). Ours is an age which seems fascinated with the body beautiful but just not our own. Gormley challenges our contradictory attitude towards the human body. We should love ourselves a bit more, and begin with the only body we have. How can anyone practice the love for neighbour without first loving themselves? Gormley's work at Canterbury Cathedral is a reminder of the value of our bodily humanity, and an invitation to explore and celebrate it. The body retains a core element of mystery that resists even the most intrusive incursions of science and medicine. Hence we still lack a complete and all-embracing theory of the body. The body remains as vital to self identity in the modern period as at any point in history.

#### **4. But What Next Theologically?**

The task undertaken here has at least reminded us of another and larger task. It is the task Barth identified for theology as 'the energetic revision of its anthropology ... in the light of its eschatology'.<sup>5</sup> Barth urged and undertook such a revision against the dualism of much of the Christian tradition and against the reductionism of both spiritualism (or idealism) and materialism. Furthermore, as we mentioned, he insisted that the person be reduced neither to 'soul' nor to 'material' but honoured as embodied soul or ensouled body. In the preceding chapters I have attempted to say something about the doctrines of the *imago Dei*, relationality, embodiment, the body and soul, personhood and pastoral care in relation to cognitive impairment. Some of these doctrines have received more focused treatment while others have received less, and instead have been weaved into the entire study. Obviously it would take whole books to fully plumb the depths of each locus as we have only touched the surface of what

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<sup>4</sup> David C. Douglas and George W. Greenaway, eds., *English Historical Documents 1042-1189* (London: Eyre Methuen, 1981).

<sup>5</sup> Karl Barth, *Church Dogmatics*, Vol. III, 2., G.W. Bromiley and T. F. Torrance eds., trans. Harold Knight et al. (Edinburgh: T. & T. Clark, 1960), 390.

insights the experience of cognitive impairment can contribute. We have mentioned some theological topics but only tangentially. There are also the subjects in practical theology, including ethics, healthcare allocation and pastoral care. Also health and illness, the doctrines of God proper, revelation, and theology of nature. We have made some comments on some of these topics, but they all deserve full treatment in light of the kind re-imagining of the person that we have attempted here.

For Christian thought and practice to be inclusive, especially of people with severe cognitive disabilities in particular and disability in general, we must extend the task of rethinking the doctrine of embodiment in theology. So the task of rethinking remains. Furthermore, in the light of the *eschaton*, it will remain as long as we ‘know in part’ (I Cor. 13:12). At the end, that is to say, at the new beginning, with the redemption of our bodies, when whole selves as ‘flesh’ are not without God, when embodied existence is a simple but undeniable sign of God’s rule, ‘when personal identity stretches from womb to God’s triumph on the other side of the tomb’,<sup>6</sup> then we will ‘understand fully’ (I Cor. 13:12); then we will understand both dependence and freedom, and what a person is.

For now Christian theology has another significant task of what Hilde Lindemann calls ‘holding one in personhood’.<sup>7</sup> I am suggesting this task involves ‘holding’ especially the most vulnerable of society in loving care through friendship. Indeed ours is a case of practice seeking theory. Within the Christian community questions are not first asked of the needy. Instead Christians are called to act and then ask questions later. Recall the example in chapter 5 of emergency responders: they do not first ask questions of those needing help. Such is a Christian community’s ethos. This follows in the footsteps of the Good Samaritan and importantly it is the model set by Jesus Christ himself in his healing ministry. In the next section I intend to tie together the preceding chapters of this study. Here I seek to rethink the issue of care under the theme of ‘holding one in personhood’ as suggested by Lindemann. However, I propose to expand her suggestion to what I am calling ‘society-to-person holding’. Here we will take a brief excursus to briefly interrogate Aristotle’s thoughts on friendship and Aquinas’s attempts at Christian friendship. I will then settle on the Johannine account of friendship as we re-learn how

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<sup>6</sup> Verhey, ‘The Body and the Bible’, 17.

<sup>7</sup> Hilde Lindemann, ‘Holding Well, Wrongly, Clumsily’, in eds., Eva F. Kittay and Licia Carlson, *Cognitive Disability and Its Challenge to Moral Philosophy* (West Sussex, UK: Wiley-Blackwell, 2010), 161-169. (Hereafter *Cognitive Disability*).

to ‘hold’ one another’s personhood in loving care. After hearing from the theological voices of among others John Zizioulas, Christos Yannaras and Karl Barth, we are in a better position to rethink the enabling conditions required for the care and flourishing of those with profound intellectual impairment and disability in general. Let us now turn and consider these conditions.

## 5. Familial and Societal Care in Cognitive Impairment

Care is one of the central activities of human life. However its importance, according to Joan Tronto, is usually degraded by society in order to maintain the power of those who are privileged.<sup>8</sup> In this section I argue that inherent in this thought is an order that needs to be reversed, so that the appropriate goals of care enable those with cognitive impairment to develop a flourishing life.<sup>9</sup> In chapter 5 we considered the questions of justice which need not be opposed to the questions of care. In fact Kittay thinks they are complementary, each providing a foundation for the other.<sup>10</sup> So, a just society that fulfills the requirements of each citizen to flourish needs good social technologies of care. Additionally, a truly caring society must be one in which resources and the fruits of social cooperation are fairly distributed.<sup>11</sup>

In this section I investigate what good care requires in a society that treats all its citizens with justice. People with significant cognitive impairments are often dependent on others for help in caring for themselves and negotiating their way in society. Although the financial, medical, and professional cost to care givers is enormous, they will be the first to acknowledge that the deep and binding relationships they form with people with cognitive impairments gives their task a heightened sense of meaning. Such significant relationships demonstrate one way people with disabilities enhance their communities in ways that cannot be measured by economic standards. Everything which we should say about the right way in which individuals should be treated within the healthcare system rests on the human dignity of those individuals. So just as it is the dignity of the human person, created in the *imago Dei*, which should undergird the person’s life in the womb and at the end of natural life; so also it is dignity which determines our attitude to the human person’s needs during life.<sup>12</sup> The model for this reverence for the human

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<sup>8</sup> See Joan Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (New York: Routledge, 1993).

<sup>9</sup> I shall return to this point below.

<sup>10</sup> See Eva F. Kittay, ‘Introduction’, in Kittay and Carlson, *Cognitive Disability*, 10.

<sup>11</sup> *Ibid.*

<sup>12</sup> Pope John XXIII, in his encyclical letter on peace in the world wrote: ‘Man has a right to live. He has a right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter,

person's health care needs is Jesus Christ himself, who makes manifest the coming of his kingdom through his miracles of physical healing in the gospels. So we attempt to reverence the human person in the same way as Jesus did, and hold that all individuals are fully human and fully person from the time before birth to the natural end of their mortal life. As I have pointed out, some contemporary theories of the person are not only gravely inadequate but positively dangerous as a basis for forms of care. This is already implicitly (and sometimes overtly) seen whenever an elderly person with Alzheimer's is not given the respect due to human persons, for example when his or her healthcare needs are not taken seriously. Poor care, then, is always a failure to acknowledge the dignity of the patient as a person. Recall it was on the basis of this dignity of the human person that we developed our theory of human rights in chapter 5. It is also on this dignity that I now consider a form of care that models itself on Jesus Christ's embodied healing ministry of touch and 'breaking bread together'.

The form of care I propose is practiced among many cultures around the world, but particularly among African communities. Among some African communities, this care is anchored on a philosophy called 'Ubuntu'. Hilde Lindemann has called it 'holding one in personhood'.<sup>13</sup> This form of care has not been much discussed in bioethics, but can aid us to rethink caring in cognitive impairment. In her account, Lindemann is particularly concerned with the obligations that fall to the caregivers or guardians to represent appropriately the needs and capacities of those whose cognitive disabilities result from Alzheimer's disease and other forms of progressive dementia. Again for our present purpose, I intend to expand Lindemann's proposal of 'person-to-person holding' to include what I am calling 'society-to-person holding' undergirded by the ubuntu philosophy of 'I am because you are'. The underlying belief of my proposal is that an individual's identity is 'constructed' and 'held' in and by society and that the family is a microcosm of society. Families, then, are the primary sites for identity formation, but societies too are responsible. In the sense in which I am using the term, an identity is a representation of a self. Lindemann sharply angles the bulk of her investigation on the responsibility of families in holding one another's identity. She argues, and I agree, that this particular kind of care is best provided by family members rather than professional caregivers.<sup>14</sup>

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medical care, rest, and finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill-health, disability and old age (See *Pacem in Terris*, 1963, section 11).

<sup>13</sup> Lindemann, 'Holding Well, Wrongly, Clumsily', 161-169.

<sup>14</sup> *Ibid.*, 161-162.

However, she rightly adds (but does not pursue the point) that societies too have a role to play in holding one another.<sup>15</sup> This is the path I want to direct my proposal, i.e., the role of society in holding an individual's identity in care. But why society? The answer to this question is practical and I believe it emanates from healthcare allocation.

In a push against institutionalization, home care of cognitive impaired persons is held to be the best. However, as Lindemann says, when home health care is left almost entirely to families, the familial resources for care may be exhausted well before, for example, the demented person's social benefits come to an end. So, for example, in the United States (and I suppose the developed West), a nursing home becomes the only option for many people, as Medicare<sup>16</sup> covers home health care only on a part-time or intermittent basis.<sup>17</sup> Furthermore, most private health insurers offer only very limited coverage as well. This state of affairs is not inevitable. Persons with intellectual disability can remain at home where they are cared for best, and where it is 'less expensive, more convenient, and just as effective as care one gets at the hospital or skilled nursing facility'.<sup>18</sup> This is clearly currently not the practical reality. Thus I am proposing that societies can be structured to 'hold the personhood' of these persons by providing adequate professional help, and a carefully structured daily routine. I will not delve into these two recommendations. Instead, I want to examine a component that is crucial to the whole enterprise of care – friendship.

These proposals are not possible without one crucial relationship – friendship. Friendship is mostly taken for granted, and the blessing of intimacy not available to all people, particularly those whom society labels with all manner of terms. As Reinders is all too aware, skepticism about friendship with such people is not strange. Thus it is common to hear questions like: Why would we desire to claim such people as friends? What can cognitively impaired people give that we might desire to receive? And yet, the Scriptures are clear that God desires to befriend human beings, not for what we are, not for what we have done, or for what we will do, but simply because we *are*. Cognitively impaired people are humans with capacity to be befriended and an ability to reveal our relationship with God. The ways in which 'holding' (friendship) and/or

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<sup>15</sup> Ibid., 168. At this point those with Hauerwasian instincts might automatically say 'church'.

<sup>16</sup> Medicare is the social insurance program administered by the United States government to provide coverage to people aged 65 and over; and to those under 65 but permanently physically disabled or have a congenital physical disability or those meeting other special criteria.

<sup>17</sup> Medicare 2007. 'Medicare and Home Health Care'. <http://www.medicare.gov/publications/pubs/pdf/10969.pdf> (Accessed 16th October, 2011)

<sup>18</sup> Ibid.

physical touch or ‘breaking bread together’ can heal were brought home to me during my attachment at the Mississippi State Hospital where a teenage man had been hospitalized following a drug overdose that left him with near-total paralysis. The teenager was quite depressed about the disastrous turn of events in his life. He became increasingly impatient and uncooperative with the medical professionals and his family. The first several days we started to visit him, he exhibited the same uncooperativeness until we started to bring his favorite snacks and listen to his story. We returned the next several days, and after some time we were on the journey to become friends, who were now even discussing his future plans. ‘Holding’ each other in friendship is the embodied action that the Gospels recurrently stress in Jesus’ healing ministry.

## **6. Person-to-Person ‘Holding’: Learning to ‘Hold’ in Families<sup>19</sup>**

The core of Lindemann’s form of care is based on the narrative activity at the person-to-person holding.<sup>20</sup> For her, families are primarily responsible for identity formation, which of course begins before birth with family members ‘calling the baby-to-be into personhood’.<sup>21</sup> Lindemann says that families achieve this through material practices and by weaving stories that form the expected infant’s protoidentity.<sup>22</sup> Mostly, these are stories of relationship, and narratives that identify the child to come as a member of this family, the son or daughter of these people. Lindemann argues that as the child grows out of infancy she becomes who she is through the mutual process of accommodating herself to her family and being accommodated by it. However, there seems to be a gap in Lindemann’s account because it does not seem to account for individuals who are congenitally cognitively impaired. While she is right to say that later the child will almost certainly challenge some of these third-person stories,<sup>23</sup> Lindemann does not seem to indicate what happens to children who will never attain the ‘critical skills’ she says are necessary for challenges of that sort. While some children grow to contribute more and more to this process of constructing their identity, as do the environment around them, some will never be able to contribute towards their own identity. It is here that specifically families, and society

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<sup>19</sup> See generally Lindemann, ‘Holding Well, Wrongly, Clumsily’, 162-164.

<sup>20</sup> *Ibid.*, 164.

<sup>21</sup> *Ibid.*; see also Hilde Lindemann, ‘But *I* Could Never Have One ... : The Abortion Intuition and Moral Luck’, *Hypatia* 24 (2009): 41-55.

<sup>22</sup> Lindemann, *op. cit.*, 162.

<sup>23</sup> *Ibid.*



in general, as we will see below, have the special task of ‘holding the person’ to maintain their sense of self.

## 7. Society-to-Person ‘Holding’: Learning to ‘Hold’ in Society

Societies too have a role to play in ‘holding’ and maintaining the person’s sense of self. This is particularly so when families of people with cognitive disability exhaust their resources for home health care and the nursing home becomes the only option. It is also true for, for example, families of profoundly intellectually impaired individuals. In this form of caring, societies have two responsibilities: (a) to learn to *become friends* with cognitively impaired persons,<sup>24</sup> and (b) to integrate the goods of home into societal holding of Persons.<sup>25</sup> We only have space to sketch the contours of the first responsibility. Recall I mentioned a reversal that needs to be instituted to enable those with cognitive impairment to flourish. Well, the art of learning to become friends with disabled people, and particularly cognitively impaired persons, requires a ‘reversal in the order of giving and receiving’.<sup>26</sup> The Johannine account of friendship is particularly crucial for our purpose here, for it emphasizes this reversal. Whilst I will say something about this concept of friendship later, it is helpful in the first instance to situate this claim in the broader thematic movements of friendship in the history of ethics. Our examination will be three pronged: First, I shall take an excursus to focus chiefly, though briefly, upon Aristotle’s account for he, unlike any other philosopher in the history of ethics, has paid the most attention to the practice of friendship albeit with limitations. Second, I shall briefly consider Aquinas’s attempt at articulating Christian friendship and finally settle for the Johannine account of friendship as most suited to ‘hold’ the personhood of especially the most vulnerable in society in loving care.

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<sup>24</sup> I closely follow Hans S. Reinders. (See id., *Receiving the Gift of Friendship: Profound Disability, Theological Anthropology, and Ethics* (Cambridge, U.K.: Eerdmans, 2008), 350-378.

<sup>25</sup> For lack of space we will not delve into this second responsibility. However, in summary, integrating the goods of home into the societal holding of persons evokes the controversial topic of healthcare allocation. The truth is that it is not easy to apply principles of justice to the question of how to share our resources when there are not enough to satisfy every need for integrating the goods of home into societal ‘holding’. Furthermore this study is critical of utilitarian approaches of allocation. For further explication on this issue, a good starting point would be to consider Catholic social thought on healthcare allocation.

<sup>26</sup> See Reinders, *Receiving the Gift of Friendship*, 352.

## 8. Excursus: Aristotle's Friends

For the purposes of our study, Aristotle's account of friendship between 'equals' is particularly troublesome for he does not make it easy to include friendship with persons with cognitive impairment. According to Aristotle, friendship is a 'virtue, or implies virtue, and is most necessary for living'.<sup>27</sup> Without friends, Aristotle says that 'no one would choose to live, though he had all other goods'.<sup>28</sup> Aristotle distinguishes three kinds of friendship based on *utility*, *pleasure* and *goodness*.<sup>29</sup> Perfect friendship for him is based on goodness. So for Aristotle, only the friendship of those who are 'good, and similar in their goodness, is perfect'.<sup>30</sup> This is because these individuals each alike wish 'good for the other *qua* good, and they are good in themselves'.<sup>31</sup> This is a human function, which early on in the *Nicomachean Ethics* he tells us is 'activity of soul in accordance with reason'.<sup>32</sup> The human good, then, is the ability to do this well (i.e. 'virtuously').<sup>33</sup> However we read Aristotle's sentiments here, it is impossible to include in this view people whose activities do not seem to display a rational principle. Thus, since perfect friendship is possible only between people of good conduct whose lives imply a rational principle, it must follow that persons with cognitive disability cannot partake of such friendships.

To his credit, 'perfect' friendship does not exhaust Aristotle's account for he adds that true friends are those who 'desire the good of their friends for their friends' sake' and not because the other possesses any 'incidental quality'.<sup>34</sup> A friend loves another for who that friend is.<sup>35</sup> Such friendship lasts so long as the individuals 'remain good; and goodness is an enduring quality'.<sup>36</sup> Such friends 'please one another too; for the good are pleasing both absolutely and to each other ....'<sup>37</sup> Aristotle says friendships of this kind is 'permanent', because in it are 'united all the attributes that friends ought to possess'.<sup>38</sup> Presence and activity, then, are necessary for friendship though they are not sufficient. Furthermore, for Aristotle, if friends of this nature

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<sup>27</sup> Aristotle, *Nicomachean Ethics*, VIII.1. (Hereafter *NE*).

<sup>28</sup> *Ibid.*

<sup>29</sup> For further explication see Aristotle, *NE* 1156 b13-, 35-.

<sup>30</sup> *Ibid.*, VIII.iii. (1156b2-23)

<sup>31</sup> *Ibid.* (1156b5f).

<sup>32</sup> *Ibid.*, I.VII. (1098a6-7).

<sup>33</sup> *Ibid.*, 1098a16-7.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

‘please one another’, friendship must be reciprocated, and mutually acknowledged. Indeed he says: ‘people cannot be friends unless they first come to feel good will’.<sup>39</sup> In other words a friendship is viable only if both parties are ‘proportionally compensated’.<sup>40</sup> In short there must be reciprocity. For the good person, Aristotle concludes, ‘his friend is another self’.<sup>41</sup> Thus a kind of identity exists between true friends, in that they recognize themselves in the other person. Aristotle’s claim to equality as the mark of perfect/true friendship appears right on target. It seems unlikely that a person who is cognitively impaired is proportionally compensated in a friendship. So can we ‘really’ be friends with cognitively impaired people and thus ‘hold’ and maintain their sense of self? In sum, Aristotle’s account suggests that the skepticism some hold is warranted. But should it be? As Reinders says, we can respond to Aristotle’s account in two ways: we can reject Aristotle’s account because it marginalizes people with cognitive impairment from being part of true friendships or we can appropriate it to highlight tensions that are inherent in such friendships.

## 9. “I Have Called You Friends”: On Christian Friendship

### 9.1 Aquinas’s Friends

I want to begin this last leg of our journey with Thomas Aquinas. Aquinas’s extensive discussion of friendship in his *Summa Theologica* occurs in questions 26-28 of section I-II, and in questions 23-46 in section II-II. The former is within a discussion of love as a passion and the latter is more theological than philosophical. But does Aquinas accommodate the difference between our above mentioned responses to the Aristotelian account? The quick answer is that it seems not. Indeed Reinders faults him for drawing what he calls ‘far-reaching, and ‘embarrassing’, implications from Aristotle’s intellectualist conception of friendship.<sup>42</sup> Aquinas says, and I quote him at length:

no irrational creature can be loved out of charity; and for three reasons. Two of these reasons refer in a general way to friendship, which cannot have an irrational creature for its object: first because friendship is towards one to whom we wish good things, while, properly speaking, we cannot wish good things to an irrational creature, because it is not competent, properly speaking, to possess good, this being proper to the rational creature which, through its free-will, is the master of its disposal of the good it possesses. Hence the Philosopher says (*Physics*, II, 6) that we do not speak

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<sup>39</sup> Ibid., IX.v. (1167 a8).

<sup>40</sup> Reinders, *Receiving the Gift of Friendship*, 360.

<sup>41</sup> Aristotle, *NE*, 1166a31.

<sup>42</sup> Reinders, *Receiving the Gift of Friendship*, 352. See also Thomas Aquinas, *Summa Theologica*, II, II, 25, 3. (trans. Fathers of the Dominican Province (New York: Benziger Brothers, 1947), (Hereafter *ST*))

of good or evil befalling such like things, except metaphorically. Secondly, because all friendship is based on some fellowship in life; since "nothing is so proper to friendship as to live together," as the Philosopher proves (*Ethics*, VIII, 5). Now irrational creatures can have no fellowship in human life which is regulated by reason. Hence friendship with irrational creatures is impossible, except metaphorically speaking. The third reason is proper to charity, for charity is based on the fellowship of everlasting happiness, to which the irrational creature cannot attain. Therefore we cannot have the friendship of charity towards an irrational creature.<sup>43</sup>

Two comments are in order. The wider context of the passage shows that in speaking of 'irrational creatures' Aquinas has in mind nonhuman creatures such as animals and plants. However, Reinders thinks that since Aquinas cannot avoid excluding people with intellectual disabilities in his conception of friendship because his understanding of rational creatures, 'which, through its free-will, is the master of its disposal of the good it possesses',<sup>44</sup> is clearly enough to exclude human beings with impairments affecting the powers of reason and will. Second, these claims cannot be sustained theologically.<sup>45</sup>

Two main points emerge from Aquinas' account: First, for Aquinas, friendship with God as the state of fulfillment of human is not a state at all but an activity of the soul. Consequently Reinders argues that it is not immediately clear how the condition of cognitive impairment would be compatible with friendship as the ultimate end of human being, when friendship is supposed to be an activity of a rational soul'.<sup>46</sup> Second, for Aquinas, as for Aristotle, friendship with God entails a kind of likeness. 'Charity', Aquinas says, 'is based on the fellowship of everlasting happiness'. It seems then that for Aquinas, "irrational creatures" do not share in the gifts of grace'.<sup>47</sup> Aquinas must be wrong, so says Reinders, 'theologically speaking', for if he were right, 'God's friendship is only promised to some, but not to all human beings'.<sup>48</sup> But given the profound inequalities involved in holding a cognitively impaired person's identity in friendship, how could Aquinas not be correct that 'friendship' in their case is impossible, properly speaking?

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<sup>43</sup> Aquinas, *ST*, II, II, 25, 3.

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*, 353. See also Aquinas, *ST*, II, II, 24, 2.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, 354.

The answer lies in discarding Aristotelian friendship masquerading as Christian friendship, and embracing Christian friendship proper.<sup>49</sup>

## 9.2 The Johannine Account

Let us now consider the distinctively Christian vision of friendship presented by the gospel of John, which unlike the Aristotelian account escapes the tensions channeled by Aquinas above. To make our examination as sharp as possible, I propose to focus in upon one particular distinctive feature of the Johannine account, that is, the reversal in the order of giving and receiving. In our friendships we like to affirm ourselves in our self-sufficiency rather than in our capacity to receive. We said that this is, perhaps, because society is keen to maintain the power of those who are privileged. The crucial statement for our present purpose is found in 15.15 “I have called you friends because I have made known to you everything that I have heard from my Father” and in 13.35 “by this [your love] everyone will know that you are my disciples” (see also 14.15-24, 15.8-9). The Johannine account assumes a strong connection between identity and actions (3.18-21, 8.31-59, 9.31-41, and 10.25-39). The identity of the individual and community is sustained by an account of love and indwelling. Thus I am because you are. Even the identity of the Father and the Son are not self-sufficient and exclusive but ‘the Father is the Father precisely as the one who indwells the Son and is indwelt by the Son ... the Son is the Son precisely as the one who indwells the Father and is indwelt by the Father. Analogously, the Son is in the believers, and they are in him’. Thus, ‘believers are what they are on account of the Son’s indwelling them’.<sup>50</sup> An individual’s identity, then, becomes a matter of trust. If the true person is to be identified with the love that the Son has for me, then to be myself I must trust that love which is not in my power to control. In this way to be oneself becomes a sort of relational task.

In 15.15, John’s account joins the above themes to emphasize the kind of life that the Son opens for his followers. A contrast is struck between the relationship of the master-slave and that of friend to friend. One could look at the passage and suggest that in the former case the slave

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<sup>49</sup> Elsewhere, Stanley Hauerwas and Charles Pinches reject the Aristotelian account because it leaves no space to appreciate the friend as an ‘other’. See id., *Christians Among the Virtues: Theological Conversations with Ancient and Modern Ethics* (Notre Dame, IN: University of Notre Dame Press, 1997).

<sup>50</sup> Miroslav Volf, ‘Johannine Dualism and Contemporary Pluralism’, in eds., R. Baukham and C. Mosser, *The Gospel of John and Christian Theology* (Grand Rapids, MI: Eerdmans, 2008), 46.

performs the proper actions, but without understanding.<sup>51</sup> So the slave relates to the master in a context that is dictated by an external force. Contrast this with friendship, where there is an internal draw to love and serve the other. This means that when members of the family and society ‘hold’ a person with cognitive impairment in their identity, they do so not out of compulsion but out of ‘abiding love’ (see John 15.9-12). The agent’s actions are not merely from respect but from knowledge and understand the reasons for the action. Thus John, referring to Jesus: ‘I have called you friends, because I have made known to you everything that I have heard from my Father’ (Jn.15:15).

A Christian conception of true friendship, I suggest, should remind us that Christian friendship is not the friendship of great people who are praised for their good character by their peers. True friendship is about committing ourselves to ‘holding’ those who are despicable in the eyes of the world. True friendship, then, is friendship under the cross.<sup>52</sup> As Hauerwas and Pinches point out, Christians believe that ‘the God of the universe, who has extended Himself to us in the Jewish people and in Jesus, invites us to become His friends by sharing in his suffering’.<sup>53</sup> But that is precisely what some of us want to avoid. Most of us do not want to be affiliated with suffering, nor with poverty, nor with abnormality.<sup>54</sup> As Reinders points out, this explains why people in marginalized positions suffer from our self-images, that is, we are constantly affirming ourselves in our self-sufficiency rather than learning to receive from those society has labeled ‘Other’.

The Christian community should seek to distinguish itself in seeking to ‘hold’ those who suffer from poverty, or abnormality. We do not choose our friends for their virtue, that is, in order to extend acts of good will to them, particularly not when these friends are despised in the eyes of the world. Instead we are called to be their friends. Thus Jesus to his disciples: ‘I have called you friends, because I have made known to you everything that I have heard from my Father. You did not choose me but I chose you’. (John 15.14-16). To hold cognitively impaired people is our vocation because of what we have heard about the love of God, the forgiving Father. These comments are merely an introduction into the Johannine account of friendship.

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<sup>51</sup> Aristotle himself presents the slave’s activity in this very manner. See *Politica* I.5.1254a,b (ed., W. D. Ross, trans. Benjamin Jowett, *The Works of Aristotle* (Oxford: Clarendon Press, 1921).

<sup>52</sup> Reinders, *Receiving the Gift of Friendship*, 365.

<sup>53</sup> Hauerwas and Pinches, *Christians Among the Virtues*, 44.

<sup>54</sup> Reinders, *Receiving the Gift of Friendship*, 365.

However, they are sufficient to reflect upon the nature of the contrast with Aristotle, whose account fails to resolve the tension of self-sufficiency and friendship.

As the Christian community struggles to think and live the story of creation, covenant, Christ, and *eschaton*, it exercises discernment concerning who counts as a person and what it means to count as a person. A discerning judgement concerning who counts as a person will be suspicious not only of reductionistic accounts of ‘person’ but also of the question itself when it is used to discount the responsibility to care.<sup>55</sup> In short, the story suggests that an answer to this question comes indirectly, that the theoretical task depends on the practical one, that discernment comes by way of a readiness to care for another (or not) as though they were worthy of it. Those whom Jesus declared fit for the kingdom of God cared for ‘the least of these’ in their flesh and discovered, to their surprise, the image of Jesus in the ones they cared for (Matthew 15.34-40). The Good Samaritan was a neighbour to the one left for dead by the side of the road, and in that care he, and all who hear the parable, discovered an unexpected answer to the question: ‘Who is my neighbour?’ (cf. Luke 10.29-37).<sup>56</sup>

What does it mean to ‘hold’ my neighbour in love and respect her as an embodied self? Surely it means to respect her freedom, but it also means to respect her embodied integrity and to attend to her needs as an embodied self. I agree with Allen Verhey that attending to the needs of embodied selves will require care-givers to sometimes ‘objectify the body, to think of it and to treat it as manipulatable’.<sup>57</sup> However, we must also always recognize and respect the body as an embodiment of a person and care for the whole person whose body it *is*.<sup>58</sup> When we ‘hold’ each other, then, we should be attentive to a person’s suffering as well as their pain, for persons suffer not as ‘ghostly minds nor as mere bodies but as embodied selves’.<sup>59</sup> To ‘hold’ one another as embodied persons we must be committed in advance to treat all human beings as persons, even when their humanity is ambiguous. Moreover, Paul said that ‘God chose things despised by the world, things counted as nothing at all, and used them to bring to nothing what the world considers important’ (1 Cor. 1.28). Surely is it not impossible to learn to love another human

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<sup>55</sup> Stanley Hauerwas et al., *Truthfulness and Tragedy: Further Investigations in Christian Ethics* (Notre Dame: Notre Dame Press, 1977), 127-131.

<sup>56</sup> See also Oliver O’Donovan, ‘Again: Who Is a Person?’ in Stephen E. Lammers and Allen Verhey, eds., *Moral Medicine: Theological Perspectives in Medical Ethics* 2<sup>nd</sup> ed. (Cambridge, UK: Eerdmans, 1998), 380-386.

<sup>57</sup> Allen Verhey, ‘The Body and the Bible: Life in the Flesh According to the Spirit’ in Lisa S. Cahill and Margaret A. Farley, eds., *Embodiment, Morality and Medicine* (London: Kluwer Publishers, 1995), 19.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*

being at all if we are not committed to 'hold' those whose humanity is in doubt and uncertain to us, with the expectancy and hope that we shall discern how God 'holds' them out of nothing into personal being.<sup>60</sup> Respect for an individual as an embodied self is to respect and care for the whole embodied person as a member of community, some of which are not of his own choosing. It is to love and 'hold' the neighbour as a friend with a history and a community, as an individual with an identity, as one who, like oneself, was by God's grace and power made 'image of God' in the flesh and who in the flesh may depend on God's grace and future. And finally to love the neighbour is to live in the flesh according to the Spirit, to glorify God in the body.

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<sup>60</sup> See O'Donovan, 'Again: Who Is a Person?', 66.



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