ABSTRACT. The article briefly analyzes the concept of a person, arguing that personhood does not coincide with the actual enjoyment of certain intellectual capacities, but is coextensive with the embodiment of a human individual. Since in PVS patients we can observe a human individual functioning as a whole, we must conclude that these patients are still human persons, even if in a condition of extreme impairment. It is then argued that some forms of minimal treatment may not be futile for these patients; they may constitute a form of respect for their human dignity and benefit these patients, even if they are not aware of that. Moreover, it is important to consider the symbolic significance of care: while many believe that PVS is a kind of imprisonment, for others providing food and fluids is the only way to testify our proximity to these persons. The best policy would be to provide, as a general rule, artificial nutrition and hydration to PVS patients: this treatment could be withdrawn, after a period of observation and reflection by the family and proxies, on the basis of the proxies’ objection to the continuation or of the patient’s advance directives specifically referring to this situation.

KEY WORDS: person, persistent vegetative state, neocortical death, artificial nutrition and hydration, advance directives

1. PERSONS AND RESPECT FOR PERSONS

“The loss of capacity for mutual relatedness is not a degraded human status but a tragic human status that must be cared for with deep respect and acceptance.” This is the conclusion of a working group in a 1994 colloquium on persistent vegetative state (PVS).a We perfectly agree with this sentence: we believe that patients in a PVSb are persons and maintain that they must be treated as such. The aim of this paper is to provide the philosophical basis of this theoretical contention and to show how it can be developed into a workable policy for the treatment of such patients: it is our contention that an option in favour of a presumption to treat does not commit ourselves to a vitalistic stance.

In order to show the reasonableness of our stance, it is of paramount importance that we draw attention on the concept of a person. It is frequently assumed that personhood is a concept that can be attributed to a being that has the capacity to disclose some distinctive intellectual and relational properties that make persons unique in the world of living bodies: prominent among these properties are consciousness, language, and thought.1,2,3 On the basis of this functionalistic understanding of person-
hood, the concept of a person is deprived of any reference to the ontological nature of the being referred to, concentrating exclusively on the properties it displays. It is thus perfectly consistent for this theory that, were it the case that a man-made robot could be programmed in order to display such properties with a certain degree of autonomy, it should be recognized as possessed of the dignity normally attributed to the human person. It is also true that, in this perspective, while human embryos and fetuses, at least for the first few months, cannot be said to be persons, certain species of primates, such as chimpanzees or gorillas, certainly are.²,⁴

We would call this position actualism, since maximum value is attributed to the actual enjoyment of self-awareness and relationship. It is a clear consequence of this theory that a human being can be of value only in so far as it is empirically verifiable that he or she actually has the capacity to perform the activities that are relevant for the attribution of personhood. This position seems to involve a kind of dualism, consisting in the detachment of personal qualities from the individual which is the subject of these operations; this detachment is also the ground for the now common distinction of different kinds of life, such as personal life, human (but not personal) life, biological life, and so on. Actualism thus seems to value an individual not per se, on the basis of what he/she is (including the fact of having the capacity to perform specific operations); rather, moral value seems to be attributed to the operations per se and to the individual only in the measure in which he/she performs those operations.

Contrary to this reduction of an individual’s being to its operations, we maintain that a person is an individual being who is endowed with a human nature; the intellectual operations that are behaviorally characteristic of the human person have a symbolic character, i.e. the capacities which are inherent to the human individual are signs which manifest something that is not susceptible of a complete evidence. A sign is something that refers to something else; a sign asks to go beyond what is empirically discernible to infer a deeper, not immediately accessible level of reality. This deeper level is constituted by what was classically defined as human nature: by this term we refer to the principle of unity which gets an entity to be what it is and coordinates its development. In this perspective, to share human nature is to participate in the whole of potentialities which are proper of a human being, in particular the potential to be a human body able to develop itself to the point at which it is able to perform characteristically human operations, such as consciousness, thought and language. A human individual who has the potential for such intellectual acts may be named “person”: following a long tradition of thought, and one that has been more recently revived by contemporary personalism,⁵ we mean by this