**Critical Notice of Jason Eberl’s *The Nature of Human Persons: Metaphysics and Bioethics***

A comprehensive treatment of the ethics of killing the unborn and hastening the deaths of individuals in persistent vegetative states (PVS) requires knowledge not just of medical ethics but of the personal identity literature. Unfortunately, few bioethicists are well-versed in the relevant metaphysics of persons and most metaphysicians lack the requisite bioethical expertise. Jason Eberl is one of the rare exceptions. He is a Catholic bioethicist who has studied thoroughly all of the relevant metaphysics – not just Aquinas’ hylomorphism, but Parfit’s reductionism, Swinburne’s Cartesian dualism, Hasker’s emergent dualism, Van Inwagen and Olson’s animalism, Locke’s memory account, Hudson’s four-dimensional approach, Baker’s constitution theory, and McMahan’s Embodied Mind account of the person. Eberl’s comprehensive *The Nature of Human Persons: Metaphysics and Bioethics* deserves to be on the bookshelves of not just Analytical Thomists but anyone with scholarly interests in the metaphysical foundations of bioethics or the nature of persons.

Eberl puts forth nine desiderata for an adequate account of personal identity: (1) It is possible for human beings to survive their death. (II) Human beings are biological organisms. (III) The physical aspect of human nature is not defined in terms of the existence and persistence of material constituents alone but includes the proper organization and functioning of those constituents in a unified organism. (IV) Conscious thought processes – at least of a certain type – are explanatorily irreducible to neural functioning. (V) Human beings are “persons” and thus add a significant ontological category of self-consciousness, free, and moral beings to the universe. (VI) A human being exists as a unified entity, as both a person and an animal. (VII) There is no postulation of the existence of ontological entities beyond what may be necessary to account for the facts of human nature. (VIII) There is a strict criterion of identity for human beings that is both metaphysically determinate and empirically verifiable. (VIII) An account of human nature should cohere with the Transplant Intuition – one goes wherever one’s cerebrum goes. Eberl spends much of his book showing that Thomism does better than its rivals it meeting the desiderata. The last chapter applies the Thomistic metaphysic and natural law theory grounded in it to abortion and care for patients in persistent vegetative states (PVS).

Eberl shows that the various dualisms don’t do well by desiderata II and VI. Neo-Lockeans and embodied mind theorists fail here as well. The former insist that just psychological continuity is necessary, the latter claim only conscious capacities are essential. The embodied mind theorists maintain that persons are just composed of the parts of the human animal directly involved in the production of thought, which they take to amount to just a portion of the brain. The body is external to the person on both soul and embedded mind views. Eberl protests that that dualists and embodied mind theories don’t capture the phenomenology of being embodied, our bodies’ parts experienced as parts of ourselves. Moreover, the Cartesian person’s non-spatial soul has to causally act upon spatial objects which give rise to interactionist puzzles. Eberl lauds hylomorphism for avoiding the puzzles of the Cartesian soul as it construes the soul not as an immaterial person acting upon the material world from a non-spatial realm but informing/configuring matter – the result being a human animal who is also a person.

Animalists are materialists who fail to recognize the irreducibility of thought (IV) and ontological significance of persons (V). They are notorious for having to explain away the transplant intuition. Their rival psychological accounts of personal identity have nearly as much trouble explaining how Grandma could survive permanent unconsciousness. Eberl believes hylomorphism is unique in capturing the intuitions that we can exist not only as mindless embryos and comatose adults, but also can switch bodies when our functioning cerebrum is moved (VIII). The same soul is responsible for both the autonomic life processes of the mindless and the rational thought of the conscious. The manifesting of either power is reason to believe the human soul is present with the latent power to actualize the other power.

Hylomorphism’s metaphysical rivals also have a hard time accounting for an afterlife (I). Eberl offers a number of effective criticisms of my own animalist reassembly account of resurrection that unsatisfactorily staggers resurrection to deal with two human beings who had died with the same matter at different times. I am grateful that Eberl resisted saying that he had hammered the last nail in the coffin of my account, but he could have done so with considerable justification. My account, like that of Zimmerman’s resurrection of the body, runs afoul of the only x and y rule. The rationale for this rule is that the identity of x and y shouldn’t depend upon factors extrinsic to the causal relations between x and y such as whether z died earlier or later than x. Dualists have difficulty explaining the need for a resurrected body if the person is identical to the soul. The hylomorphic view is that it’s unnatural for the soul to be disembodied, many of its powers left latent, so resurrection is a welcome fulfillment of our nature. While all accounts of an afterlife require God’s intervention, Eberl argues that hylomorphism requires the least amount of divine adjustments and additional metaphysical machinery to get the deceased to the next life. For instance, the emergent dualist has to have God prevent a distinct mind emerging in the resurrected body if the divinely preserved ante-mortem mind is to make use of that resurrected body. Van Inwagen’s animalism leads him to conjecture that God replaces the freshly dead with a duplicate corpse.

Eberl’s mastery of Aquinas enables him to deftly apply Thomistic principles to scenarios the latter didn’t imagine involving damaged, absent, and amputated cerebra, high cervical cord transections, respirators and other supportive biotechnology of the modern intensive care unit. He criticizes the manner in which other Thomist-inspired philosophers like Lee and Grisez defend the brain death criterion but also offers clever arguments in support of that very criterion against its most capable hylomorphic opponent, Alan Shewmon. However, I suspect that it is not the chapter on determining death that readers of the *ACPQ* will find most interesting, but the one on postmortem persons. The debate between Survivalists and Corruptionists is one of the major controversies in contemporary Thomism and few scholars are as well informed about it as Eberl. Corruptionists believe that we don’t exist between death and resurrection as it is only our soul that persists in the interim period. Eberl favors the Survivalist position that advocates the earlier living persons exist posthumously with the soul as their only parts. Eberl aims to mitigate the counter-intuitiveness of disembodied animals by arguing that bodiless persons remain animals in virtue of latent as well as manifested powers. The posthumous person’s soul has unactualized powers to engage in sensation and the autonomic life processes – respiration, metabolism, homeostasis etc. that would operate if embodied. Nonetheless, I am left wondering why the Survivalist’s posthumous persons are the only thinkers if the soul is their only part. I understand why it is correct to say that it is not the eyes but the living person that sees as sight requires other parts of the person like the visual cortex. But the disembodied person has no other part that contributes to thought than the soul, so it remains unexplained why the soul isn’t a thinker on the survivalist account.

If we human animals can posthumously exist as bodiless thinkers then it would seem that prior to our death we should be able to leave our body behind in a cerebrum transplant scenario. However, coupling this intuition (IX) with the belief that human beings are not only persons but also animals (VI) who can survive in PVS leads to some peculiar biology. (I’ll assume the PVS patient’s cerebrum was destroyed, not removed). These biological consequences should make one suspicious of not only the cerebrum transplant intuitions but also of Thomistic Survivalism. The problem arises if a human being can be reduced to the size of the cerebrum and transplanted into the head of a mindless human being in a PVS due to the destruction of the latter’s cerebrum. It would seem that the transplanted person would be restored to the size of a typical human being as its rational soul comes to the configure not just cerebral mater but the matter of the recipient body. However, there is a rational soul – though not one expressing all of its powers - remaining in the patient in the PVS. It seems then that either (1) the person who is the recipient of the transplant must pop out of existence or (2) the transplanted person survives removal from the skull but is destroyed when implanted into another skull or (3) both persons wink out of existence or (4) they become spatially co-located.

Eberl would claim that my worry is a false dilemma as his solution is to have the person remain cerebrum-size when transplanted. So, the person who was once say six feet and 200 lbs. before his cerebrum is removed, becomes very small when in transit, consisting of just a few inches and pounds of cerebral matter, and then remains that small upon implantation; though if the cerebrum and the person had been returned to their earlier now empty skull, the person would have been restored to his original size. Thus, there turn out to be human beings of different kinds – some with bodies, some without. Adding to the counterintuitiveness is that the brain-size person uses the body of a different person much like the Cartesian soul causes an external body to do its bidding. Eberl had earlier criticized dualist soul theories and the embodied mind theory for being unable to accommodate the phenomenology of being embodied and people being routinely seen and touched, but he now posits human persons who suffer the same criticisms.

Moreover, the human person/animal that had been in the PVS due to the lack of a functional cerebrum never acquires the transplanted cerebrum as a part. That means that the human person who receives the cerebrum transplant biologically sustains the cerebrum-size person but doesn’t assimilate the cerebrum as a part. It is biologically quite odd that the transplanted cerebrum is not rejected by the recipient’s immune system, it is caught up in the latter’s life processes with the body, but never becomes a part of that organism into which it is transplanted.

Eberl’s solution also means that a cerebrum-size person controls a body without possessing it as a part. While this cerebrum can’t assimilate the body or be assimilated to it, it retains the possibility of vegetative and animal functions. These powers would be exercised if it was returned to the skull it once occupied. Perhaps it could even have parts added to it piecemeal, Dr. Frankenstein-style, it just cannot inform an existing body in a PVS.

I suspect that the person in PVS who receives a transplanted cerebrum can then think but oddly does so with someone else’s brain. This would mean that there are one too many thinkers under the skin, a problem that Eberl touted hylomorphism for avoiding. Perhaps Eberl believes the PVS person never regains thought when its destroyed cerebrum is replaced by the functional transplant. Still, that would entail one person could move another person’s body just by willing that the latter move.

So Eberl should reject the transplant intuition on pain of having to accept some bad biology, two kinds of human persons with different mereological capabilities, and if not an extra thinker, one with the power to move another’s body by thought alone. However, if the transplant intuition is rejected and human animals can’t leave their bodies behind in this life, why can they do so between death and resurrection as survivalists speculate? Perhaps the miraculous intervention of God makes the latter possible while the former is not.