

Are There Failed Persons?

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Introduction

Are there failed persons? Yes. However, before explaining what a failed person is, it will be good to consider closely a very significant part of our society to get a sense of what it thinks a failed person is, since my account of what a failed person is is markedly different. It is important to think about the question of failed persons because there are growing movements here and abroad aimed at killing by medical means human beings who are judged in some sense to be failed persons, human beings who do not count as persons according to a common societal notion of persons, a social-psychological notion of persons.

The question for anyone who lives within this society with its notion of failed persons is whether one will take part in and support this movement toward killing human beings or avoid it, indeed whether one will push back against it. It is easy enough to fall into a trap of thinking about failed persons the way much of our society does. One's complicity in adopting the social-psychological notion of person contributes to enabling the acceptance of such killing, even if one believes one would never perform the killing act. My effort here is precisely to push back against such killing, by pushing back against the notion of persons that animates it.

The killing of human beings by our society is not simply confined to abortion, as it has been legally and widely available here in the United States for almost fifty years now. Recent political discussions in the wake of the Dobbs decision have made it clear that many political leaders think such killing ought to be allowed all the way up until birth, and perhaps after. Relatively

recently there was an article in a mainstream bioethics journal by Alberto Giubilini and Francesca Minerva arguing that what most people would take to be cases of infanticide should be renamed, per their title, "After-Birth Abortion."¹ The article was not about the moral legitimacy of either infanticide or abortion. The moral legitimacy of those acts for various reasons was taken as a given by the authors. In the case of euthanizing infants, they noted the expanding number of arguments for it among philosophers, the desire for guidelines for doing it among members of the medical profession, and the protocols for it established in places like the Netherlands.

The authors argued that in the case of newborns, including healthy newborns, killing them should not be considered infanticide or euthanasia.² They distinguished abortion from both euthanasia and infanticide. Euthanasia involves killing a human person, where a person is understood to be a being that can experience itself as having interests that can be harmed. "We take 'person' to mean an individual who is capable of attributing to her own existence some (at least) basic value such that being deprived of this existence represents a loss to her."³ Euthanasia, when justified, is justified by being in the best "interests" of the person killed. Infanticide involves euthanizing children.

However, the authors claim that a newborn is not a person in the sense of "person" specified. So, the authors' term "after-birth abortion" is a terminological distinction based upon denying that a newborn is a child, children being persons. They also assume that infants are children as they understand "child." So not being a child, a newborn cannot be an infant. Not being an infant, killing it cannot be infanticide or euthanasia, again as the authors define those terms.⁴ Instead, killing the newborns, healthy or not, should be thought of as having the same moral weight as an abortion before birth, and thus rather than being called infanticide or euthanasia, it should be called "after-birth abortion."⁵

Killing a newborn then is "ethically permissible" in just the same circumstances and for the same reasons as abortion is ethically permissible. Among

¹ Alberto Giubilini and Francesca Minerva, "After-Birth Abortion: Why Should the Baby Live?," *Journal of Medical Ethics* 39, no. 5 (2012): 261–63.

² Giubilini and Minerva, "After-Birth Abortion," 262.

³ Giubilini and Minerva, "After-Birth Abortion," 262.

⁴ That they do not consider newborns infants is not entirely clear, as later they will write: "The moral status of an infant is equivalent to that of a fetus in the sense that both lack those properties that justify the attribution of a right to life to an individual" (Giubilini and Minerva, "After-Birth Abortion," 262). What is clear is that the authors want to deny that the term "infanticide" should be applied to the killing of a newborn.

⁵ Giubilini and Minerva, "After-Birth Abortion," 261–62.

the “ethically permissible” circumstances for killing newborns, including perfectly healthy newborns, are that the “well-being of the family is at risk” with respect to “social, psychological, economic” factors,⁶ but also the fact that the sense of loss in giving up a newborn for adoption may never be “gotten over” because of the “dream [of many natural mothers] that their child will return to them.”⁷ (This should probably be “their newborn, now a child, will return to them,” given their distinction between a newborn and a child.) Abortion and the killing of newborns, because of their finality, exclude the possibility of that dream hanging over the parent’s heads and not being “gotten over.” “However weak the interests of actual people may be, they will always trump the alleged interest of potential people to become actual ones, because this latter interest amounts to zero.”⁸ Newborns have no moral status at all, no more moral status than does a fetus. With the terminological distinction of “after-birth abortion” in hand, those who kill newborns need not be concerned with the more troublesome moral constraints in society that often accompany questions of infanticide.

Moreover, there is also the moral acceptance, philosophical defense, and increasing legalization of medically assisted euthanasia of other human beings who on the societal notion of person do not count as persons. One can also consider the often tacit social, but even state-sponsored eugenic pressure upon women to kill unborn human beings judged to be undesirable according to some prenatally diagnosable condition, particularly Down syndrome, but soon many others as well. The future of non-invasive prenatal genetic testing will soon enough be able to diagnose a tsunami of thousands of genetic abnormalities, all of them potentially providing a reason for societal and state-sponsored eugenic pressure to kill in order to improve the human social livestock.

Often explicitly and at other times implicitly, the justification for this growth of medically assisted killing relies upon a confused and indefensible notion of failed persons characteristic of contemporary Western society. So, I would like to begin with that societal notion in order to try to discover by contrast what a clear and defensible notion of failed persons might be, a notion that does not allow for killing human beings, but suggests something rather startlingly different about our relationship to one another as human beings.

⁶ Giubilini and Minerva, “After-Birth Abortion,” 263.

⁷ Giubilini and Minerva, “After-Birth Abortion,” 263.

⁸ Giubilini and Minerva, “After-Birth Abortion,” 263.

“They Got a Name for the Winners of the World”

Consider the *Washington Post*, a beacon of mainstream as well as elite social attitudes. There was a curious confluence of two opinion columns that appeared over two consecutive days in March of 2018. The first, “When will we stop killing humans with Down syndrome?” on March 8, was by Marc Thiessen, a political conservative. It took note of the very high rates of abortion of children prenatally diagnosed with Down syndrome in places like Iceland (practically 100 percent), Denmark (98 percent), and the United States (67 percent). He did not mention, although he could have, that Denmark has announced as a state-sponsored policy goal the elimination of Down syndrome by the year 2030 through the practice of universal prenatal testing and abortion.

Eliminating Down syndrome by abortion involves an odd claim. Such a cure of the condition lasts only so long as no other woman conceives a child with an extra twenty-first chromosome, and then what was cured or eliminated must be cured or eliminated again. Down syndrome would be one of the only medical conditions cured not by addressing the pathology as a means to assisting the patient who suffers from it, but by killing the patient who suffers from it as a means to getting rid of the pathology. Imagine if a similarly state-sponsored program were directed at the widespread cure of the much more common disease of hypertension. Hypertension and the social impact of it upon the community could be widely decreased if not entirely eliminated⁹ by the killing of human beings with a genetic predisposition to it. The difference of course is that hypertension is often genetically inherited while Down syndrome is not. So theoretically one could eliminate a gene for hypertension in the human gene pool by killing all those newly conceived human beings who possess it, while Down syndrome will only be eliminated for a day, a week, or a month, and then have to be cured all over again by eliminating the new human being who suffers from it.

In any case, Thiessen's title—“When Will We Stop Killing Human Beings With Down Syndrome?”—is a good and important question. However, he supported his argument by focusing upon the achievements of people with Down syndrome that we see reported in the news, achievements like Karen Gaffney swimming the English Channel, others modeling clothing for department stores, or Lucas Warren being named the Gerber Baby. Noting all these achievements, Thiessen argued that these human beings ought to

⁹ I write “widely decreased if not entirely eliminated” as there are other non-genetic factors that can contribute to hypertension.

be valued and included within our society, rather than killed. His message seemed to be that they ought to be valued because of what they can achieve that we as a society find valuable.

The very next day (March 9) Ruth Marcus, a political liberal, took the opposite position, as she wrote a column unapologetically and proudly entitled "I Would Have Aborted a Fetus with Down Syndrome. Women Need that Right." She took note of the diminished cognitive capacities and increased health problems that often accompany Down syndrome, as well as the lowered expectations one can have for what such people can achieve. Within five sentences, she flatly contradicted herself, writing first that "certainly, to be a parent is to take the risks that accompany parenting; you love your child for who *she* is, not what you *want* her to be." That statement seems to run counter to the picture presented by Thiessen in which one seems to value human beings in terms of what one thinks they can achieve that one finds valuable as a society, very much what one wants out of them. However, almost immediately, after three sentences describing the difficulties associated with Down syndrome and presumably imagining a child of hers receiving a prenatal diagnosis of Down syndrome, Marcus wrote: "I'm going to be blunt here: That was not the child I wanted." So, despite what she had earlier claimed, it seems at the end of the day that loving the child or killing her depends very much upon what the parent wants her to be. One cannot help but suspect a kind of cheap grace in affirming the love of your child for who she is rather than what you want her to be, so long as you did in fact get what you wanted to acquire in having her.

Thiessen is opposed to abortion in general, even apart from the argument he tried to make in his column. Perhaps he simply thought that pointing out what human beings with Down syndrome can achieve was rhetorically powerful given his audience in the *Washington Post*, adopting that argument as a political tactic. However, as Giubilini and Minerva understand in "After-Birth Abortion," the words and language we use have an impact upon social attitudes. But as a political and rhetorical strategy, Thiessen's language simply underscores all the more the point—why would he think that rhetorical strategy effective? That rhetoric is all too familiar when it comes to Down syndrome—given everything human beings with Down syndrome can achieve, it is a tragedy that so many are aborted and never have the chance to surprise us with their accomplishments. Still, sometimes adopting a rhetorical strategy does nothing other than fundamentally reaffirm the social context that is in fact the root problem—our valorization of other human beings for what they achieve amongst us, associating their

worth or dignity with what we value, what we want in ourselves and in those with whom we are willing to associate.

Thiessen rhetorically and Marcus in principle appear to share an underlying assumption about human value. The assumption is that how we ought to treat other human beings, particularly in the context of a societal argument about whether or not to kill them or assist them, depends upon what we can expect from them in terms of their capacities for achievements that we value.

Summarizing this societal context, we can speak of a community of moral concern or value—the community of moral concern consists of those human beings whom we think we have moral obligations toward and responsibility for. The very practical question for a society that kills human beings is who is a member of that community of moral concern and who is not. How is the boundary drawn between those human beings that may not be killed and those that may, and why?

It is here that the notion of person often comes in to play, particularly in the field of bioethics. In bioethics the boundary is most often drawn between those human beings who are persons and those human beings who fail to be persons, even if one day they might become persons.¹⁰ “Person” effectively delimits the boundary of the “we,” of the “us.” “We” are persons with all the inherent dignity, moral weight, and worth that status implies. The failed human beings outside the boundary of “us” are not persons and do not have such status, because they do or will fail to live up to being persons. Effectively, being a person is nothing other than being a human being that “we” find acceptable to “us” in terms of human achievements that “we” happen to value, or at least minimally being capable of forming aspirations and plans for achieving what “we” find valuable.¹¹ They do not have inherent dignity or moral worth that needs to be respected apart from what “we” value.

This approach to the question of human value is not uncommon within our culture, as if confined to the technicalities of bio-ethical questions. In both contemporary culture and philosophy, the term “person” is often used

¹⁰ Here are two simple examples from Giubilini and Minerva, “After-Birth Abortion”: “Both a fetus and a newborn certainly are human beings and potential persons, but neither is a ‘person’ in the sense of ‘subject of a moral right to life’” (262). See also Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993), 151: “Since no fetus is a person, no fetus has the same claim to life as a person.”

¹¹ I add the last clause to cover those who attempt to ground personhood or human dignity in some sort of intrinsic cognitive or volitional characteristic of the individual human being—capable of forming aspirations and plans for achieving what “we” find valuable—seeming thereby to avoid the situation in which personhood appears to be entirely socially constructed. Often those who take this route will identify this capacity with the capacity to form a sense of self.

to mark out the community of human beings who have rights that must be respected, human beings whom we think we should care for by providing them with enough to eat, shelter, education, and health care, keeping them safe from crime and poverty. Failure to provide for these things is often thought to be an offense against human dignity. Our culture is certainly right to judge such failures to be offenses. However, as many cultural writers and philosophers have pointed out, the notion of human dignity actually employed in contemporary societal discourse to make these judgments just seems to be a catchphrase for the notion of personhood. Who has dignity? What fails to be a person and who does not? Whom must we respect?¹²

In that discussion, almost everyone who engages in it agrees that not all human beings are persons. Some human beings fail to be persons. Such non-person human beings bear no rights and may be killed without the question of justice ever arising for or about them. We have already seen this distinction between human beings and persons in the heart of the “after-birth abortion” argument mentioned above, where a human newborn, healthy or not, is denied the status of a person, and thus, on Giubilini and Minerva’s assumptions, denied the status of being an infant or a child. In both that discussion and most other philosophical discussions the term “person” serves functionally to demarcate the community of moral concern, those human beings who have dignity and rights that cannot be justly violated. Those human beings towards whom we have moral obligations.

It is useful to consider briefly that notion of person in relation to the ancient pagan and Roman legal concept of a person, a legal concept that still animates much of modern jurisprudence. In the Roman legal notion, a *persona* is a human being understood in relation to his or her standing before the law. All human beings are persons, because all human beings stand in some way before the law.¹³ Human beings as persons before the law have claims of right before courts, persons whose claim must be respected, even if ultimately decided against.

¹² For a historically oriented and culturally diverse collection of essays on different notions of “dignity” see *Dignity: A History*, ed. Remy Debes (Oxford: Oxford University Press, 2017). In particular for the complications of dignity in relation to personhood and questions of bioethics, see Marcus Düwell’s “Reflection: Why Bioethics Isn’t Ready for Human Dignity” (323–32). For a philosophical history of the various ideas that the author argues “contributed to the coalescing of ideas which we denote the concept of the person,” see John M. Rist, *What Is a Person: Realities, Constructs, Illusions* (Cambridge: Cambridge University Press: 2020).

¹³ See, George Mousourakis, “The Law of Persons,” in *Fundamentals of Roman Private Law* (New York: Springer, 2012), 85–118; René Brouwer, *Law and Philosophy in the Late Roman Republic* (Cambridge: Cambridge University Press, 2021), 82.

However, the rights and responsibilities of persons before the law depend upon different status.¹⁴ A citizen has a different status from a slave, and correspondingly different rights and responsibilities. One's status could change, as a slave could become a freedman, with a consequent change of rights and responsibilities. A citizen could become a slave if he refused military service, again with different rights and responsibilities now as a slave—likely only those imposed upon him by his master.

The different claims of right cannot simply be disregarded. Aliens had varying status depending upon their country of origin and its relation to Rome. Thus, St. Paul, as a Jewish Roman citizen, avoided being bound and flogged when arrested (Acts, 22:25–29), and was able to make a claim to be tried before the emperor's tribunal in Rome (Acts, 25:10). He had the status or dignity of a citizen of Rome. Other human beings had no such dignity, in this case many of his fellow Jews.

Later jurisprudence uses “person” more fluidly for the purposes of law. Consider the infamous two-thirds passage of article 1, section 2, of the U.S. Constitution.

Representative and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.

This statement does not say that slaves are two-thirds of a person in the Constitution, as is often claimed. It says that the number of persons who are not free shall be multiplied by two-thirds, the result to be added into the number of free persons to determine a total number for a state for the purposes of representation and taxation. So here the notion of “person” applies to both free persons and slaves, although it leads to differential results in state representatives in Congress. On the other hand, in another sense it might be argued that until the 14th amendment defined citizenship as entailed by being a “perso[n] born or naturalized in the United States, and subject to the jurisdiction thereof,” and guaranteed “equal protection” to such persons, the notion of a “person” did not apply to all natural persons for the purposes of the Bill of Rights. However, notice also in the two-thirds

¹⁴ Craig Anderson, *Roman Law Essentials* (Edinburgh: Edinburgh University Press, 2009), 23–34.

passage the reference to Indians who are untaxed. They are not counted at all in article 1, section 2. They are free persons who are excluded and do not “stand” before the law relevant to this section. And yet they may count as persons having standing for other sections of the Constitution, for example, in the capacity as within a tribe to make a treaty. Thus, this constitutional use of “person” would seem to track the Roman legal notion fairly well, differentiating as it does the different status of persons vis-à-vis different constitutional provisions.

However, consider this passage from a nineteenth-century law dictionary.

They are also sometimes divided into free persons and slaves. Freemen are those who have preserved their natural liberty, that is to say, who have the right of doing what is not forbidden by the law. A slave is one who is in the power of a master to whom he belongs. Slaves are sometimes ranked not with persons but things. But sometimes they are considered as persons for example, a negro is in contemplation of law a person, so as to be capable of committing a riot in conjunction with white men.¹⁵

This dictionary entry makes it clear that, rather than being a person with different status in different contexts, it might be the case that one is not considered a person for the purposes of the law in one area while being considered a person in another for other purposes. The distinction between “person” and “thing” that it relies upon dates back to the basic distinction in Roman law between “persons, things, or actions.”¹⁶ A more contemporary example of the fluidity of the legal term person might be the law as it applies to unborn human beings in different areas of civil and criminal law.¹⁷

The point is that we see in these later modern and contemporary examples the ancient legal notion of a person as having standing before law, detaching in some cases that standing from the biological classification of being a human being, and sometimes manifested functionally depending upon the area of the law. Some human beings are persons having standing for some

¹⁵ John Bouvier, *A Law Dictionary Adapted to the Constitution and Laws of the United States of America and of the Several States of the American Union, with References to the Civil and Other Systems of Foreign Law*, vol. 2, 12th ed. (Philadelphia: George W. Childs, 1868), 326.

¹⁶ Gaius, *Teaching Manual*, quoted in Brouwer, *Law and Philosophy*, 80.

¹⁷ Linton, Wardle and Jean Reith Schroedel, *Is the Fetus a Person: A Comparison of Policies Across the Fifty States* (Ithaca, NY: Cornell University Press, 2000).

purposes of the law, while those very same human beings are not persons having standing for other purposes of the law.

The law and culture of a society often feed off one another—the law codifying what a society's culture finds most important to protect or least important and not worthy of protection, while the law in turn instructs the citizens in what the society as a whole finds most and least important for its concern. Functionally the current cultural notion of a person plays a similar role in common social attitudes and more rarefied social discourse to this more modern and contemporary phenomenon of the functional use of “person” in legal contexts. Who has standing before “us?” Whose right to life must be respected by “us?” Who has dignity before “us?” Whom do “we” recognize as a person, when, and why? Before the culture adjudicates the claim of right, it must first determine which human beings have standing not simply in the law, but in the culture broadly.

Consider more closely the content of this cultural-philosophical concept of a person. Think of what people mean when they say of someone very old who suffers from the extremes of dementia or some debilitating disease or condition often referred to as a persistent vegetative state.¹⁸ Often one hears people say, “that isn't the person I knew.” “The person I knew and loved is gone.” They seem to be saying the human being with whom I lived a life, who engaged me in various different ways having to do with ordinary cognitive and volitional functioning—speaking with me, playing with me, eating with me, perhaps making love with me, raising children with me—no longer does so, and is incapable of doing so. He or she no longer “stands” before me as a person. Here again near the end of life, rather than the beginning, the human being is judged to be a person or not by what he or she does or does not achieve in relation to what “we” persons value in life or think is significant human achievement.

This notion of person is a social-psychological notion of personhood. It is psychological because it tends to emphasize the manifestation of cognitive and volitional capacities in human action. It involves the ready capacity to express cognitive and volitional acts, to act consciously. It is social, because first it tends to emphasize the ways in which the human being engages other human beings through those cognitive and volitional capacities, and second because it emphasizes expressions of cognitive and volitional capacities that we, the community of moral concern, find valuable.

¹⁸ For a technical discussion of the medical terms “vegetative state” and “persistent vegetative state,” see Bonnie Steinbock, *Life before Birth: The Moral and Legal Status of Embryos and Fetuses* 2nd ed. (Oxford: Oxford University Press, 2011), 18–23.

There is a distinction to be made on the one hand between what we might call the metaphysical question of when a human being is or becomes a person related to the presence of healthy cognitive and volitional capacities, and on the other hand the moral significance placed upon these psychological capacities determined by various social attitudes towards them, as well as their relative strength and health. How healthy and strong must those capacities be as manifested to “us” to count for determining the circle of moral concern, the circle of human persons worthy of moral concern versus the circle of failed human persons?

Think of me writing this essay and you reading it now as paradigmatic instances of social-psychological persons exhibiting significant capacities for reason and will. However, the example could just as well be eating dinner with one another, or playing football, both types of activity manifesting significant capacities for reason and will. On this social-psychological notion of being a person, a human being is a person only if he or she can readily exhibit a certain level of performance with respect to suchlike normal human activities characterized by reason and will.

The *Washington Post* columnists seem to assume this social-psychological notion of a person. Despite their disagreement about aborting prenatally diagnosed children with Down syndrome, they both share the assumption that the case ought to be decided on the basis of what human beings with Down syndrome perform amongst us in terms of various activities that we value. There is a social-psychological bar over which such human beings must jump to be included in the community of persons. The height of the bar is set by the social attitudes of the powerful, power being defined in terms of the capacities for achievement that the community of moral concern values. If that is the case, no matter how low one might set it, there will always be human beings who fail to be persons on this social-psychological criterion. As long as one has a bar, there will be living human beings who cannot jump it.

It is fair to say that within contemporary philosophy and bioethics, arguments for the moral legitimacy of such things as abortion, infanticide, euthanasia, eugenics, and so on are dominated by some form of this social-psychological notion of a person. The most famous philosopher in the field of bioethics is undoubtedly Peter Singer of Princeton University. Here is how he argues for the infanticide of human beings born with Down syndrome in his book *Rethinking Life and Death*, where presumably the imagined parents did not know until after birth that their child had Down syndrome.

To have a child with Down syndrome is to have a very different experience from having a normal child. It can still be a warm and loving experience, but *we must have lowered expectations* of our child's abilities. *We cannot expect* a child with Down syndrome to play the guitar, to develop an appreciation of science fiction, to learn a foreign language, to chat with us about the latest Woody Allen movie, or to be a respectable athlete, basketball player or tennis player.¹⁹

Singer goes on to argue that animated by this concern for the parents' well-being as seekers of children, the parents ought to be able to engage in infanticide with the assistance of the medical community, in order that they may start over and try again to get the child they wanted, a child capable of performing and achieving success along these lines.

Although occasionally employing it, Singer does not like to use the term "person" for various reasons, including the thought that it would get in the way of protecting beings with mere sentience rather than intelligence. He will at times speak of "life in the morally significant sense."²⁰ However, it is clear that in the case of arguing for infanticide of human children he is employing what others would call a notion of personhood, as well as that

¹⁹ Peter Singer, *Rethinking Life and Death* (New York: St. Martin's Griffin, 1996), 213 (emphasis added).

²⁰ See Singer's reflections in *Practical Ethics* on abortion and infanticide of human beings either prenatally diagnosed or born with disabilities, including Down syndrome and hemophilia, but many other disabilities as well (175–217), esp. on 190: "The question is, when does a life, in the morally significant sense, really begin? . . . [Life] only begins in the morally significant sense when there is awareness of one's existence over time. The metaphor of life as a journey also provides a reason for holding that in infancy, life's voyage has scarcely begun." For a related but different account of what is necessary for moral standing see, Steinbock, *Life before Birth*. Steinbock seeks to ground moral standing in the fact of having interests, a necessary condition of which is being conscious: "If we think of interests as stakes in things, and understand what we have a stake in as defined by our concerns, by what matters to us, then the connection between interests and the capacity for conscious awareness becomes clear. Without conscious awareness, beings cannot care about anything. Conscious awareness is a prerequisite to desires, preferences, hopes, aims, and goals. Nothing matters to nonsentient, nonconscious beings" (6). She continues soon after: "On the view I have been presenting, a being can have interests only if it can matter to the being what is done to it. Interested beings can be made happy or miserable; they can feel pleasure or pain. Of course, they do not always know what will make them happy or sad. . . . All I am claiming is that if nothing at all can possibly matter to a being, then that being has no interests. Its interests therefore cannot be considered, and so the being lacks moral standing" (7). This is also the approach of Giubilini and Minerva in "After-Birth Abortion" when they deny to newborns the status of being persons.

it is the social-psychological one. Indeed, his argument transfers easily to those discussions that do use the term person. It also translates easily to the context of prenatal diagnosis and abortion, again since he also argues that there is no rational moral distinction to be drawn between abortion and infanticide. It is difficult not to think of Marcus's piece in the *Washington Post* while reading this passage.

As a matter of fact, Singer is wrong about the abilities of human beings with Down syndrome, as many can engage in these activities, the point that Thiessen emphasized. Only those who are in general ignorant of the lives of people with Down syndrome would think they cannot. We might fruitfully ask why so many in our society are so ignorant of those lives that they can simply hear or read these claims and knowingly nod agreement? Why is it the case that when people with Down syndrome do these things it is so newsworthy? Can it be for any reason other than that those who find it newsworthy are surprised because they have very little personal engagement with individuals with Down syndrome and other impairments? It is because "we" have already excluded them from the community of moral concern that we engage in our lives. We do not care to know, because they have no "standing" before "us." Thus, when pointed out, the achievements of these human beings become for "us" the occasional curiosity piece in the daily news.

In any case, this passage of Singer's broadly aligns with both Thiessen's and Marcus's arguments about abortion, now transposed to infanticide—the case is to be determined upon the basis of performance and what parents want in and from their children. No matter that Singer's list of achievements expresses a particularly Western and bourgeois attitude toward human excellence. Tennis? Woody Allen movies?

Notice in particular the way that this social-psychological measure of human value shapes our understanding of the goal of medicine in the case of a condition like Down syndrome, not to mention many others. For this way of thinking, the disease that medicine is to address is not really Down syndrome, the presence of an extra twenty-first chromosome in a child that has been conceived. The disease or pathology calling for our moral concern is the parents' inability to produce the child they want, the child they expect to perform as they desire, to perform up to their standards, the child Marcus insists on acquiring. The infant with Down syndrome is the monstrous outgrowth of that disease. The parents in conceiving such a child suffer from a pathology, the pathology of being underachieving reproducers in our society. It is the task of medicine to cure the parents of that disability, giving the parents another chance for success by first killing off their bad seed. The parents' pathology is a failure to live up to their expectations of what success

in reproduction looks like, expectations of their own to be sure, but that are very clearly socially conditioned by contemporary Western bourgeois values.

Down syndrome is not the disease here. Being a producer of such a child is. On this view of medicine, the medical field of obstetrics is transformed into a kind of prenatal and postnatal cosmetic surgery for couples.

I am not exaggerating when I say that an extraordinary amount of the philosophical discussion of personhood that takes place in contemporary secular philosophy, especially in bioethics, is in service to expanding the scope of human beings who may be killed by restricting the scope of human beings who are judged to be persons. Moral and political philosophers talk very little about persons except for those contexts in which the question is whether human beings may be killed. When the question of killing is not on the table they typically tend to talk simply about rational and autonomous individuals. But when we dig down into what is meant by a rational and autonomous individual, it turns out to be pretty much the same as a mostly independent individual with the ready capacity to engage in sophisticated cognitive and volitional capacities, the meaning of "person" characteristic of the bio-ethical discussion. In that discussion it is evident that there are human beings with no standing, human beings that are not persons and that may be killed, human beings for whom "we" have little, if any, ultimate concern.

"I Want a Name When I Lose"

Against the background of Western history, far from being progressive, as its advocates might claim, this social-psychological criterion of personhood appears to be regressive and the expression of a new paganism. It is regressive insofar as, rather than seeking to expand more and more the circle of moral concern and privilege to the weak and defenseless, it seeks to restrict it to the healthy and powerful. It is a kind of new paganism, insofar as it settles on a criterion of personhood that is fundamentally cultural and by extension legal, not metaphysical, and thus in large measure socially constructed. It reintroduces more ancient judgments of social stratification and difference in law and the cultural expressions of value, rather than the fundamental human equality more characteristic of modern movements toward justice, however imperfectly realized those movements may be.

However, with a little reflection it is evident that this social-psychological criterion of personhood should be abandoned. One difficulty with it, even for those who advocate it, is that as it stands it allows too much killing—the bar is set too high. For example, it allows for the killing of those who are in

a comatose state. Comas are not typically persistent, although they can be. However, someone in a coma does not have the ready capacity to engage in sophisticated cognitive and volitional capacities. Such human beings cannot speak their own language much less a foreign language, cannot play tennis, or appreciate Woody Allen movies.

Even more, there is a huge class of human beings who fail to be persons on this social-psychological account, a class of human beings that dwarfs the class of the demented, the vegetative, the cognitively impaired, the sick, the blind, the halt, and the withered—that class is the class of healthy human infants who have been born but are pre-linguistic. The social-psychological criterion of personhood allows for the killing of healthy human infants.²¹ For some it may even be considered legitimate up until, at the latest, sometime roughly in the middle or later of the second year after birth when language use begins to appear, although it is not language of a particularly sophisticated sort.²² Healthy infants do not have the ready capacity to manifest sophisticated capacities for cognitive and volitional activity along the lines of Singer's criteria any more than the severely cognitively impaired do. They cannot play basketball, watch Christopher Nolan movies, read Ursula K. LaGuin novels, or go to tennis camp. In that case these infants should fall outside the circle of moral concern, the circle of human life in the “morally significant sense,” that by the social-psychological criterion of personhood forbids killing human persons—they are human beings without being persons.

However, we should simply reject this social-psychological notion of personhood that enables the setting of a killing bar. We should either just reject the notion of personhood altogether or recognize, on the contrary, that all human beings are persons in a more fundamental sense. To see why we should adopt the latter, the more fundamental sense of what it is to be

²¹ See, for example, Singer's discussion of abortion and infanticide in *Practical Ethics*, 135–74.

²² Singer appears to suggest that the line might go even further than that. “It would, of course, be difficult to say at what age children begin to see themselves as distinct entities existing over time. Even when we talk with two and three year old children it is usually very difficult to elicit any coherent conception of death, or of the possibility that someone—let alone the child herself—might cease to exist” (*Practical Ethics*, 171). See Steinbock's discussion of the position that, without beliefs that involve an epistemic attitude towards sentences, a being cannot have interest, and thus cannot have moral standing (*Life before Birth*, 6–7). Steinbock argues that, on her “interests” view, the possession of language is not necessary for having interests, but simply consciousness; therefore pre-linguistic, post-linguistic, or non-linguistic beings can have interests, and thus moral standing (15).

a person, we should begin by thinking about the moral obligations that we think we have toward those human beings amongst us who are healthy.

Much of modern moral philosophy thinks that the specific character of moral agency is encountered in our lives in the rational but particularly autonomous activity of an individual. To be autonomous is to be an individual self-directed agent, setting one's own goals and having the rational capacity and will to achieve those goals. This emphasis upon rational autonomy is very much an element of the social-psychological notion of person. It does not follow that others to whom the autonomous agent relates are of no moral weight unless the agent chooses to make them so—rational autonomy does not entail relativism about our moral obligations to others. But it is a feature of this way of thinking of the moral that the basis for our obligations towards others is a problem to be solved.

I will not rehearse here the various attempts to solve what we might be called the problem of the other in modern moral philosophy, that is, how the autonomous rational agent ought to relate to others. Consider instead a less idealized and abstract perspective on the phenomenon of the moral character of our lives than that of the ideal of rational autonomy. In reality the specifically moral character of our lives is primarily engaged in our relation to other beings, whether those others are human beings, dolphins, birds, or the environment in general. In addition, whatever ideal of autonomy is put forward by modern moral philosophy, in reality any such autonomy is an autonomy conditioned by dependence upon others.²³ In reality, we live our lives not as wholly individual autonomous agents, even ideally, but as agents dependent upon and among one another, engaging one another well or badly. Some measure of autonomy might be achieved in this or that activity or context, which is a good thing depending upon the activity or context. However, a realistic assessment of such autonomy will recognize the extent to which it is at the very least enabled if not determined by our dependence upon one another.

We should not think of our more fundamental dependence upon one another for almost everything we do as a bad thing to be overcome, that one is not a person unless one has achieved the ideal of rational autonomy, overcoming our dependence upon others. If rational autonomy is a goal and good to be pursued by human beings, it can only be so for human beings who are already moral agents directed to and capable of pursuing such a goal, conditioned and directed to it by what they already are, human beings. We

²³ Alasdair MacIntyre explores this dependence and its moral significance in *Dependent Rational Animals* (Chicago: Open Court, 1999).

are not human persons because we have crossed some threshold of development of capacities of reason and will, come to conceive of our “selves” as having a future, or become rational autonomous agents. We are human persons because, being human, we are from the beginning of our lives set upon a course of development that includes as stages of development those capacities and many others besides.

Now consider the fact that the specifically moral character of our lives becomes more engaged when attending to weakness rather than strength. There are all sorts of moral attitudes we take and actions we express that we do not really notice when dealing with the healthy—smiling at a friend when he walks in the room, making dinner for one’s family, answering a roommate’s question about the physics exam tomorrow, not insisting on the movie to go to this weekend, but allowing one’s friend to decide for once, attending a football game to watch the Packers beat the Bears again. Because these are human actions, they are *moral* actions,²⁴ even if we do not pay much attention to them as such.

However, we experience ourselves much more explicitly as moral agents when confronted with weakness, when confronted with the question of whether to help or to turn away. One engages a ticket agent when one’s flight is delayed because of incompetence on the part of the airline. It is a struggle, but one does one’s best to be pleasant to the agent at the gate respecting his or her role, advice, and so on, thanking the agent as one leaves. It was not after all the agent’s fault. One may not self-consciously experience oneself as a moral agent then and there, even though one is in fact acting as one. Only later upon reflection does it occur to one that such a situation is both a reminder of one’s dependence upon others and also a context for expressing oneself well or badly as a moral agent, a context in which acting well may not come easily. However, every time one walks by a beggar on the streets, one explicitly and self-consciously experiences oneself as a moral agent by what one does in stopping or walking by.

A more extreme case. A white Westerner travels to Kolkata, India, and sees an abandoned child of maybe three years old squatting and defecating well out into a busy street in the midst of the commercial district. He walks by in anguish. Someone later asks him, “what did you do?” He responds, “nothing. What *could* I do?” The next day he walks by what looks like a dead man’s body sprawled face down on the sidewalk. Again, he walks by in anguish. His anguish is not only at the plight of the child or the man

²⁴ See Thomas Aquinas, *Summa Theologiae* [ST] I-II, q. 18, aa. 5 and 8–9. Aquinas even treats “human action” and “moral action” as synonymous.

who may have died as he lay in the sidewalk. It is anguish at his own moral impotence. What could he do?

His moral impotence in those circumstances amplifies the point about how we are dependent upon one another to pursue our lives. What could he do? He has no idea how to get help in this city so foreign to him. If he rushed to pull that child out of the street, what then? The child's fundamental problem is not defecating in the street, though that is surely a very serious problem. His fundamental problem is his homelessness, which is not unique to him there or elsewhere. Suppose it is a holiday and there are tens of thousands of Indians around, having come in to the city from the countryside. What would have happened if he were seen picking up an Indian child and walking away with him, even if only to give him to the Missionaries of Charity where he is headed? These people would not know that. They would see a white Westerner carrying away an Indian boy. How would they react? But whom could one ask for help? How does one even ask for help? Who does one turn to in order to get the body of the dead man off the sidewalk and taken care of? The police collect those dead bodies. It used to be a scheduled activity that they did every Tuesday. Now they will do it when called. How does one call the police? Impotent, one walks by.

In all of this misery around one, one's moral impotence is in large part due to the fact that one has no one to help one to act well as the moral agent one should be. We are not just dependent upon one another in times of our own physical or economic weakness, but in our pursuit of moral strength and excellence. We cannot even be morally good without one another, unless we severely limit the scope of moral concern by closing our eyes to the wide range of human suffering and the need to address it, deadening our consciences. But how can we be morally good if we do close our eyes?

There is no easy answer as to what to do when one walks by a beggar. One wishes one did not know that there is no easy answer when one walks by a dead body lying in the sidewalk in an utterly foreign city one has only just entered into. However, we need to acknowledge the way that our weakness appearing concretely before us in these circumstances amplifies for us our character as moral agents, and calls for a response in a way that ordinary encounters with relatively stable, healthy, and strong individuals and groups do not. After all, anyone who sits on the street begging for money is suffering from some sort of weakness, even if in a particular case, as sometimes happens, it is not the weakness of financial poverty. How should we help to the extent that we can?

The point is not simply a subjective point about the experience of the moral in our lives being heightened in engaging weakness and suffering. It

is the reality of the moral in our lives, not our experience of it, that matters. That reality of the moral comes out most strongly in the ways in which we encounter those who need our aid: the weak, the impaired, the hungry, the neighbor or stranger looking for help, the dying. It is precisely the depth of the moral character of life in the circumstance of encountering weakness that draws the individual autonomous self-directed agent away from his or her heroic quest to be a law unto himself or herself.

When others are healthy and strong, our moral lives, if we act well, have a kind of unnoticed grace because of the ease with which we can live amongst one another. However, depending upon how we engage those who are weak and suffering, the ease with which we ordinarily act, our moral character, can very easily appear to be something analogous to what Dietrich Bonhoeffer called “cheap grace”—a cheap morality that is fortunate enough never to be confronted by real need, or that engages in “charitable” practices of distancing oneself from it when confronted.

On the other hand, when others are ill and weak, the character of our lives, if we act well, takes on a kind of deep and rich grace that penetrates to the core of our existence as moral agents. Indeed, to act badly here is precisely to turn away from moral depth to moral superficiality, out of fear or selfishness or other forms of moral distraction and weakness. One ought not to go to places like Kolkata if one is unprepared to face one’s own moral superficiality and the moral superficiality of the society one comes from. If I am right about the depth of moral character we experience when we act well in the face of the suffering we encounter, then we move and advance toward human perfection the more we move toward those who suffer.

Returning now to the healthy infants who are not persons on the social-psychological criterion of personhood, we can see why we should begin to reject that notion of person wholesale. Even if one said healthy human infants are not persons, no one would say that they are failed persons. We do in fact believe we have moral obligations to this class of human beings who do not count as social-psychological persons. Despite what is implied by the social-psychological criterion of the philosophers of killing, we cannot kill them to satisfy our desires for a different child. We have to feed them. We have to clothe them. We have to shelter them. Provide them with medical assistance. I believe even most of the philosophers who argue for the permissibility of killing impaired human infants would be shocked at the killing of healthy infants or the failure to assist them, suggesting that they recognize some moral responsibility to such human beings.²⁵

²⁵ This claim is somewhat generous in its extent. See, for instance, Singer, *Practical Ethics*,

Why then do we have these obligations? The advocates of the social-psychological notion of personhood will answer that we have these obligations precisely because they are healthy human infants who will develop into persons if everything goes according to plan. Human life, like all animal life, is dynamic and developmental. Calling these infant human beings healthy just marks the fact that they will become social-psychological persons with some ordinary help from us.

However, this response is *ad hoc* and essentially gives up the game for the social-psychological notion of person, because it acknowledges that being a social-psychological person is actually derivative upon something more fundamental than the ready capacity for cognitive and volitional acts. Being a social-psychological person does not come from nowhere, as if by metaphysical magic. It is a developmental stage in the life of a particular kind of animal, a human animal. So, the moral obligations we have towards others who are healthy are not grounded in their being social-psychological persons, but in their being human beings who are dependent upon one another even in health.

However, if what I said above about the depth and grace of the moral character of our lives as human beings is correct, we have to recognize that the moral obligations that we have toward one another become deeper and greater insofar as we engage those amongst us who are ill, impoverished, homeless, alone, cognitively and volitionally impaired in some way. We cannot understand these forms of suffering as forms of suffering except insofar as we understand those involved to be human beings. The notion of illness is just as much grounded in the nature of what we are as human beings as is health. The man or woman in a coma is ill, where what it is to be ill is determined by what it is to be a human being. To be ill or suffering in some way is to be in a condition one ought not to be in given what one is, a human being rather than an earthworm, a bat, or a dolphin. An earthworm is not suffering because it cannot engage in cognitive activities, but a wolf is suffering because it has broken a leg and cannot hunt for food.

171: "If we can put aside [the] emotionally but strictly irrelevant aspects of the killing of a baby we can see that the grounds for not killing persons do not apply to newborn infants." Later Singer explains that restrictions that might be put upon the killing of infants "might owe more to the effects of infanticide on others than to the intrinsic wrongness of killing an infant. Obviously, in most cases, to kill an infant is to inflict a terrible loss on *those who love and cherish* the child" (173; emphasis added). The use of "inflict" in this statement is striking and chilling, insofar as in its ordinary use "inflict" suggests that the one upon whom a harm or "loss" is inflicted does not suffer the harm or "loss" voluntarily. The harm is to be "inflicted" upon those who "love and cherish" the child who is killed.

A human being suffers because she cannot but should be able to do what she is conceived and born to do. Much more is required of our moral depth in engaging her suffering than is required in engaging her brother's health. That greater moral depth is required of us precisely because she is a human being just like her brother. Again, the nature and depth of our moral obligations is more pressing in the face of illness than it is in health. These moral obligations to others are not grounded in the social-psychological personhood of the others, grounded in their possibilities of success in our moral community, but in something more fundamental. They are grounded in the nature of being human against which health, illness, and much else besides are understood and measured.

The point about the nature of moral depth in human life being greatest in the face of suffering is not confined to non-persistent suffering or illness. Consider a thought experiment. Suppose a human being from another planet arrived at the doorstep of a hospital and said, "why are you earthlings so indifferent to the suffering of these people you say are in a persistent vegetative state? Why do you want to kill them? On our planet we figured out how to cure that condition centuries ago. We'll show you how; it's easy." Now enabled by this celestial visitor to cure those in a persistent vegetative state, it is clear that we should provide such help to the human being who is in what is now a merely vegetative state given our developed capacity to assist him or her. It would be morally abhorrent not to do so. However, what this thought experiment suggests is not that we come to have moral obligations towards the human being because now we have the possibility of a cure, that is, that the obligation follows from the cure. On the contrary, it suggests that the obligation precedes the cure. The obligation to assist is already present, even when we are not in fact able to assist. It is an obligation toward human beings as such. Only such obligations toward human beings as such can make sense of the great moral character of our efforts to find cures for conditions we cannot yet cure.

So, more generally we have moral obligations towards human beings whose suffering we cannot in fact ameliorate or fix. Minimally, we have the obligation to care for them by abiding with them in their suffering, suffering with them, adopting their suffering as our own. Ambrose of Milan, commenting on the story of Naboth in the Book of Kings, and for the first time in extant Latin texts associating compassion (*compassio*) with mercy (*misericordia*), writes: "*Misericordia* is not in the habit of judging merit, but of giving assistance in necessities, of serving the poor, not investigating justice, for as Scripture says, 'blessed is the one who understands the destitute and poor.' . . . Who then is it who understands [the destitute and poor]?"

The one who is compassionate to him, who faces him as a natural friend, who recognizes that The Lord made both the rich and the poor, who knows that he will sanctify his fruits, if he will deliver some portion of them to the poor.”²⁶ Not only does Ambrose bind mercy to compassion, but he grounds this compassion in “natural friendship”—not friendship by choice, but friendship that one is bound to by being born into humanity.

Thomas Aquinas follows Ambrose in these associations. To adopt the suffering of another as our own is precisely what the term “compassion” means etymologically—suffering with. Friendship is often described in its highest form as an adopting of the good of another as one’s own. However, as Thomas argues, the nature of human friendship is such that you cannot adopt the good of someone else as your own if you are not willing to adopt his or her suffering as well.²⁷ Where there is no compassion, there is only failed friendship. So, Aquinas repeats Augustine’s definition of mercy or *misericordia*: “Suffering in our heart the misery of another, by which, if we are able, we are compelled to assist.”²⁸ However, even if one is unable to alleviate the suffering, *misericordia*, mercy, is still expressed in compassionate suffering with the one who suffers, abiding with the one who suffers in his or her suffering.

Here a different more defensible notion of a human person arises than we find in the social-psychological: a human person is an animal of a certain kind or nature ordinarily characterized by stages of development including cognitive and volitional capacities displayed rationally in various animal type activities.

It is important to realize, however, that, for animals that develop over time, one can have a particular nature and yet one’s capacity for pursuing what is otherwise an ordinary stage of development of that nature be impaired or even absent. That I could not reproduce at a certain stage of my life, or had I been impaired in doing so, is no argument that I am not alive, even though it is a defining characteristic of living kinds of beings that they are capable of reproduction.²⁹ Similarly, even if a human person is impaired with respect to or even lacks the ready capacity to engage in rational and

²⁶ Ambrose, 8.40 (*Corpus Scriptorum Ecclesiasticorum Latinorum*, 32.2:490 [Ins. 14–16]; trans. mine).

²⁷ See my “Fearless Mercy beyond Justice: Aquinas and Nussbaum’s Pity Tradition,” in *Beyond the Self: Virtue Ethics and the Problem of Culture*, ed. Raymond Hain (Waco, TX: Baylor University Press, 2019), 43–66.

²⁸ *ST* II-II, q. 30, a. 1, resp.

²⁹ Some instance of hybrids among mules, hinnies, ligers, tigons, and so on are exceptions to that general characteristic of living things.

volitional activity, he or she remains a human person, a person who is suffering. It follows from this fact that, on this second and very different notion of a human person, he or she remains a person, a member of the community of moral concern that cannot be killed. No human being can fail to be a person.

Conclusion: Failed Persons

That said, a human being can be a failed person. There is an ambiguity in my title. Consider. To be a failed chess player, one first has to be a chess player. To be a failed musician, one first has to be a musician. And to be a failed person, one first has to be person. The ambiguity is between failing to be a person and failing as a person. On the criterion for being a person that I have proposed, no human being can fail to be a person. However, even if one cannot fail to be a person, one can fail as a person.

So how does a person fail as a person? One might be tempted to think that precisely because they are persons, those human beings who do not manifest the ready capacity for cognitive and volitional acts or for whom such capacities are severely injured or impaired are those who fail as persons. That approach would make a triviality of the distinction between the social-psychological notion of a person and the one I have proposed. It would also be a mistake. Because human life is dynamic and developmental, success or failure as a person has to be understood with respect to the goals pursued by persons through their actions.

There is an element of truth in the social-psychological notion of person, despite now having rejected it as generally false. There are goals human beings pursue precisely because they are persons—walking to the store, going to school, making love to their wives or husbands, worshiping God, and many more besides. These are achievements that give expression to the reality of being a human person because they proceed from the capacity to understand the good of the goals involved, to will them as so understood, and to will to put proper order into the pursuit of them. However, if one cannot bring reason and will to bear upon those goals for some reason, then one does not fail. One is a person who for some reason cannot pursue the goals of a person. Would we say a chess player is a failed chess player if, for example, someone stole her board, or she was called away by the sickness of her child, or she was knocked unconscious? No. Similarly, the very young human being, the very old, the severely cognitively impaired—all are persons. But they are not failed persons, because precisely as persons they are prevented for various reasons from acting and succeeding as persons.

To fail as a person, one has to be a person, not be impeded for some reason

in acting as a person, and yet not be acting as a person. So, who then might be failed persons? Well, unless we are supermen or superwomen, we all fail as persons now and again: we all struggle, make mistakes, perhaps frequently, perhaps infrequently. However, to answer that question with a little more depth than simply acknowledging our ordinary failures as persons, we should focus upon one feature of the lives of human persons that is necessary to any success as persons. It is almost impossible to think of an activity we engage in as persons that does not involve dependence upon other human beings for its accomplishment, however much its accomplishment may most properly belong to an individual. From the food we eat, to the disciplines we study, to the games we play, to the sidewalks we walk upon, to the wives and husbands we marry, to the children we raise, a clear-sighted vision of reality requires that we acknowledge our dependence upon others for what we achieve and for our success if we succeed. I argued above that this dependence is particularly true in our pursuit of moral goodness.

This feature of our lives can properly be described as a life of friendship and solidarity with one another, friendship and solidarity precisely in our dependence upon one another in our weakness and our vulnerability, not despite it. Friendship with other human beings is not something we choose for our lives. It is something we are born to as a precondition for our success as persons.

Here then, I believe, is a defensible notion of human dignity as such: human dignity consists in being directed by nature to friendship and thus compassion for and *misericordia* to any human being one encounters in the course of one's life. Much more would have to be said to defend this notion of dignity, but it is a start. Vulnerability is not something to be overcome in a quest for autonomy. Our mutual vulnerability is what makes possible the great good of human friendship and solidarity to which we are born.

If I am right, just as we are persons because we are human, we are also friends because we are human. Being a friend to the human beings we encounter in life is no more a choice we make than is being a person. It is the condition of our lives. To fail as a friend is to fail as a person.

But who is my friend you will ask? Who is my neighbor? The answers to those questions are not determined by our choice. We are conceived and born into human personhood, which just is to be conceived and born into human friendship. In fact, I would like to say but cannot adequately defend here that despite any difference of conceptual content between the two terms, the nature of being a human person just is identical to the nature of being a human friend.³⁰

³⁰ It is like the morning and evening star—the same thing understood in two different ways.

However, even though one cannot choose who one's friends are, being a friend is something that one can succeed or fail at, because the friendship we are conceived for and born to finds expression through specifically human activity.

So perhaps the most important question concerning success or failure as a person involves not how we act towards the friends we mistakenly believe we are free to choose to love, but how we act toward the friends we are conceived and born to love. Moral and political reasoning that concludes to the possibility of killing the weak, the vulnerable, and dependent is moral reasoning that aims at the destruction of natural human friendship and solidarity. When we act to destroy the weak, the vulnerable, and dependent among us, even if only by turning our backs upon them, we act to destroy our friends. In so doing we act to destroy the possibility for our own success as persons. In a certain sense, when we act to kill other human beings, we act to kill ourselves.

Yes. There are failed persons. Looking for such failed persons, we should not go looking among the very old and the severely impaired, the weak and the lame. We should look in the mirror and ask whether we see the face of a person who is a friend to these other human persons, these other friends. The greatest most successful human friendship is the friendship that offers and gives the most help to those persons most in need, because it has used its reason and will to acknowledge that it is already bound in compassion to these persons in their need, already bound to them by nature. The only person who ever chose human friendship was Jesus Christ. The rest of us have no choice. So, my success as a human person is bound to those who suffer, bound to them as to my friends.

In conclusion, when one looks in the mirror one will only see a successful person if one has first learned to recognize the face of a person in one's natural friends—the weak, the vulnerable, the severely impaired, the suffering, all those friends who do not count as social-psychological persons for much of contemporary philosophical and ethical thought. A failed person is a person whose face is not the face of compassion and mercy. Am I a failed person? Well, look at my face and tell me what you see. Do you see the face of mercy, the face of *misericordia*? If not, then I am a failed person. 