

# A PHILOSOPHICAL ANALYSIS OF PERSONHOOD AND ITS RELATIONSHIP TO MORALITY AND HUMAN RIGHT

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## **Abstract:**

The problem of personal identity is one of the perennial problems in Philosophy. This problem extends from metaphysical issues, such as the ontology of the person and the identity conditions of a single individual, to ethical issues like the moral worth or dignity of persons. Personhood is a broad concept that is addressed by multiple disciplines, yet has no one definition, philosophical underpinning, legal implication, or psychological meaning. It has a history stretching into early civilizations, but is approached in quite different ways in various cultures. Medical ethics deals with it extensively because of issues such as neonatal rights, rights of disabled, ill and dying. Personhood has been ascribed to animals, robots, etc., but this paper avoids these contentious topics, and emphasizes instead the growing consensus that, for the human, it is relational, developmental, and an ethical category prescribing it as a fundamental human right. This paper employs a critical/transcendental method; examining the conditions necessary for the experience or concept of personhood to exist. As the human personality, the embodiment of human nature, is the source of and justification for human rights, it is obvious therefore, that they are not the humanitarian provisions or concessions of a benevolent and democratically enlightened human authority. The role of those in authority, especially the government, is to recognize, uphold and promote the fundamental rights of the citizens, through the provision of the requisite constitutional, legislative and judicial instruments and measures favourable and conducive to the progressive realization of the contents and ideals of human rights.

**Key Words:** Person, Personhood, Identity, Morality, Human Right, Human Dignity

## **INTRODUCTION**

It has been the age long task of Philosophy to give meaning to human existence, to help man realise more fully his existence. The study of philosophy leads man to a better understanding of himself and the world around him. One of the ways through which philosophy realises this objective is the objective analyses of the problems of human existence. According to Eugene Igboaja, “the philosopher is a coordinator of life. While others are busy living life: eating and drinking; fighting and making peace; loving and hating; killing and making children; marrying and divorcing etc, the philosopher sits back, gathers all these into an intellectual vessel and analyses them” (Igboaja 10).

Although personal identity and personhood may not be exactly the same, a look at the concept of identity will help us to explore its implications for our understanding of who or what we persons really are. The person or personating agent will enjoy an important form of self-identity over time, even as they change and recognize that they change in their public profile. Not only will they be inter-temporally connected in the sense that their states at any time- say, of memory or intention- reflect their states at others: say, of experience or performance. They will also be generally connected by sustaining a commitment to a certain stable or evolving persona. In this richer construal of what they are as a self, it will make sense for them to embrace an ideal of knowing themselves and being true to their self.

The problem of personal identity is, according to Sylvanus I. Nnoruka, one of the perennial problems in Philosophy (Nnoruka 11). This problem extends from metaphysical issues, such as the ontology of the person and the identity conditions of a single individual, to ethical issues like the moral worth or dignity of persons. The problem can be lucidly presented by formulating what can be regarded as the commonest questions about personal identity: what am I? What kind of entity, what kind of being? To what exactly does the term “I” refer? What constitutes my person? These are the commonest questions about personal identity in the sense that one does not need to have had special formation in philosophy or any of the social sciences in order to be able to pose these questions. If what we are is persons, we are anxious to know what differentiates or individualizes one person from another. If an exact physical replica is made of someone with the same exact physiology and (apparent) memories, are there two persons or one? If the *corpus callosum* (the great band of commissural fibre uniting the cerebral hemispheres in man and in the higher mammals) between the right and left cerebral hemispheres is severed, how many persons would there be? These puzzles about personal identity made T. Reid, cited by Nnoruka, to regard a part of a person as “a manifest absurdity.” Reid, therefore, regards my personal identity as the continued existence of the indivisible thing that I call myself. The nature of this self is not sufficiently clear to me; but I am certain that it is “something which thinks and deliberates, and resolves and acts, and suffers” (Nnoruka 12-13). I know that I am neither thought nor action nor feeling. I am rather a being that thinks and acts and suffers. My thoughts can change; my actions can change; my feelings can change. Their existence is not continuous; it is rather successive. On the other hand, the self or I to which the thought, actions and feelings belongs does not change; it is permanent and has “the same relation to all the succeeding thoughts, actions and feelings which I call mine.” Some may dismiss Reid’s reflections as mere fancy without reality on the ground that there is no evidence to prove that there is such a permanent self which has claim to all the thoughts, actions and feelings which I call mine. Nevertheless, they remain his puzzles and help us to have an insight into the philosophical problem of personhood.

### **UNDERSTANDING PERSONHOOD**

The word “person” can be traced back to the Latin *persona*, which referred to the mask worn by actors playing a role in a theater (*dramatis persona*) (Onions 671). The Romans expanded this notion to the legal system: *personae* were represented in the courts, and slaves did not have personality—*Servus non habet personam*—precisely because they lacked the social role that entitled them to standing under the law (Spaemann 30, Mauss 17). The word “person” therefore began to be used in distinction to (mere) human beings.

Early Christian thinkers adopted the language of personhood and gave it a metaphysical foundation by using the term to explain the nature of God. Tertullian famously invoked the concept of person to describe the relationship of the Trinity: the three Persons of Father, Son, and Holy Ghost are nonetheless one God (598). According to the Trinitarian doctrine that was ratified at the Council of Nicea, the Persons of the Trinity were one in substance—meaning that they had identical natures—yet distinct in a mysterious way. What this usage creates is the idea of a person as an ontological entity that is singular and distinguishable from other entities even if entities share the same nature. Boethius famously links this sense of personhood with the ancient Greek

claim that man is a rational animal, writing, "Person [is] the individual substance of a rational nature" (Boethius 93). The focus shifted from the Divine back to the human person during the modern era.

There is a salient question, attempt to answer which can be very informative about what is meant by the concept of personhood. What is it to be a person, as opposed to a nonperson? What have we people got that nonpeople have not got? The question often arises in connection with specific cases: we may ask, for example, at what point in our development from a fertilized egg there comes to be a person, or what it would take for a chimpanzee or a Martian or a computer to be a person, if they could ever be. The most common answer is that to be a person is to have certain special mental properties. Locke, for instance, said that a person is "a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places" ( Baker 335). Others propose a less direct connection between personhood and these special mental properties: for example that to be a person is be capable of acquiring them (Chisholm136f.), or to belong to a kind whose members typically have them when healthy and mature (Wiggins ch. 6). Many people think some non-human animals are persons, too. But is it possible to be human, yet not a person? Some people believe that fetuses, though clearly human, are not yet persons. Others think that bodies in persistent vegetative states or that have experienced a complete and irreversible loss of brain function are no longer persons either. Still others argue that a human can surrender his or her personhood through grossly inhumane actions like rape or murder. Many careful thinkers disagree about what personhood really is, where it starts and stops, which explains why we disagree about abortion and euthanasia and capital punishment.

From a philosophical perspective, personhood refers to the uniqueness of people, their individuality and sense of stability as beings that are irreplaceable. Personhood is constituted by interaction of selfhood, agency, and autonomy of the person with context (other people, even the world, as well as influence of one's own body; and I would add the body of others). Personhood is a normative category in ethics and has a normative value. According to Rosfort, personhood is normative in that to acknowledge the other as a person is integral; it has value in seeing the other as a person, and this can happen only if we accept the individual difference of the person. Rosfort continues that, in consequence, personhood does not lie in our biology or experience but in who we are, our identity. Identity depends on the constitutive contribution of the other's perception and interaction with us as individuals, as well. Therefore, the interplay of the two factors of normative universality and personal individuality influences perceiving the other as a person (Rosfort 6). Given the interplay then between personhood and identity, it will not be out of place for us to consider some philosophical theories of personal identity.

### **SOME PHILOSOPHICAL THEORIES OF PERSONAL IDENTITY**

The issue of personal identity has attracted the attention of philosophers from the time of the ancient Greeks to the present age. Sylvanus I. Nnoruka observed that so many puzzling examples have been put forth that it is difficult to formulate, much less defend, any consistent view of identity and non-identity. One could be tempted to describe and judge some cases in ways apparently incompatible with how one judges and describes others. The difficulties, however, show various ways of looking at the problem. For instance, not all of the difficulties uncover something special about

personal identity. Some concern the general notion of identity through time, and stem, perhaps, from a natural but mistaken principle about identity (16). These issues raise the metaphysical question: how, given changes, can there be identity of something from one time to another, and in what does this identity consist?

### **i. Bodily Identity Theory**

The empiricist theories of personal identity were developed by philosophers whose accounts of personal identity were based on the evidence of observation and experience. These accounts either establish or oppose claims to personal identity. One of such, is the theory of bodily identity. The most natural theory of personal identity which readily occurs to people, according to Nnoruka, is that personal identity is constituted by bodily identity. He further illustrates what he means through the answer to the question: what do I mean when I say that P2 is the same person as P1's body? This means, he postulates, that the person to whom I am speaking now and call Peter, is the same person as the person to whom I spoke last week and then called Peter if and only if he has the same body. However, when we say that two bodies for example, P1 and P2, are the same, we do not mean that they contain exactly the same bits of matter; bodies are continually taking in new matter and getting rid of matter. New matter could be taken in by eating and drinking and breathing in, all living beings do that at least to some extent. What actually makes bodies the same is that the replacement of matter is only gradual. The matter which forms my body is organised in a certain way into parts- legs, arms, heart, liver, etc. these are interconnected and exchange matter and energy in regular ways. What makes my body today the same body as my body yesterday is that most of the matter is the same (although I may have lost some and gained some) and its organisation has remained roughly the same (Nnoruka 17).

A comprehensive account of the bodily theory of personal identity can be found in Aristotle's Book 7 of the *Metaphysics*, where he distinguishes between substances and properties. Substances are individual things like tables and chairs which have properties such as being square or red. Properties on the other hand are universals. They can be possessed by many different substances. Many different substances can be square or red. Substances are the individual substances which they are because of the matter out of which they are made and the form which is given to that matter. By the form is meant those properties (normally of shape and organisation) which are indispensable for the existence of any substance; the properties without which the substance ceases to exist.

We thus distinguish between essential properties of a substance- those which constitute its form- and the accidental properties of a substance. The identity of a substance is maintained by the fact that while continuing to possess the essential properties which constitute its form, its matter is the same or obtained by the matter of the former substance by gradual replacement. Persons too are substances. If Aristotle's account of the identity of substances is applied to persons, it follows that for a person to be the same person as the earlier person, say the person I met yesterday, he has to have the same matter (or matter obtained from that earlier person by gradual replacement) organised into the form of a person. For Aristotle, mere shape and physiological properties are not the only essential properties which make the form of a person. There should also be a kind of way of behaving and a capacity for a mental life of thought and feeling. Such is the bodily theory of personal identity. It does not deny that

persons have mental life, but insists that what makes a person the same person as an earlier person is sameness of body (Nnoruka 18-21).

We can thus modify the bodily theory of personal identity that P2 is the same person as P1 if, and only if, P2 has the same central organ controlling memory and character, that is the same brain as P1. It would be interesting to note that even Aristotle himself seems to have some hesitation about the applicability of his theory of the identity of substances to the identity of persons. This is evident in some of the remarks in *De Anima*, where he seems to be supposing that there are some capacities- example of thought- which need no bodily material for their exercise (Nnoruka 23). This leads us to a discussion on the next theory.

## **ii. Memory and Character Theory**

This theory, otherwise referred to as the continuity theory, could be considered as a traditional alternative to the bodily theory. It is referred to as continuity theory because of its claims that continuity in respect of memory claims and character would constitute personal identity. It does not matter whether or not this continuity is caused by continuity of some bodily organ such as the brain. On the other hand if there is no continuity of memory and character, one can conclude that there is no personal identity. One of the major proponents of this theory is John Locke who developed the simplest form of this theory in his *Essay Concerning Human Understanding*. Schematically put, Locke, as cited by Nnoruka (24), holds that person 2 (P2) at time 2 (T2) is the same person as person 1 (P1) at an earlier time T1 if and only if Person 2 (P2) remembers having done and experienced various things where these things were in fact done and experienced by Person 1 (P1).

For Locke, the identity of man lies in an organised body. Indeed, it is “nothing but a participation of the same continued life, by constantly fleeting particles of matter in succession vitally united to the same organised body.” He defines a person as a thinking intelligent being that has reason and reflection and can consider itself as itself; the same thinking thing in different times and place which it does only by that consciousness which is inseparable from thinking, and essential to it; it being impossible for anyone to perceive without perceiving that he does perceive (Locke 448-449). It is now clear that for Locke, consciousness is an indispensable quality of personal identity. Personal identity consists in the sameness of a rational being. Consciousness always accompanies thinking and as far as one extends his consciousness backwards to any past action or thought, so far reaches his identity. This is because “it is the same self now as it was then; and it is by the same self with this present one that reflects on it, that the action was done” (449).

According to Nnoruka, Locke's notion of consciousness does not only imply self-awareness, it also implies memory. Following this, we can better understand what personal identity means by comparing the consciousness of oneself in any two moments. Personal identity extends itself from present existence to what is past only by consciousness (memory). What stands out clear here is that for Locke, the concept of a person is inseparable from self-awareness that one is a person. Personal identity is equally inseparable from memory, that is, that one remembers correctly one's own identity, that he is the same person (Nnoruka 26). But the core of Locke's thesis that personal identity is inseparable from memory has been heavily criticized for making it difficult to account for such phenomena as amnesia (memory loss) and paramnesia (false memory). Many object that memory is an infallible guide to personal identity.

Memory may lead to misidentification, confusing one person with another. However, Locke's theory in spite of its shortcomings was a step forward in the development of the concept of personal identity. According to Nnoruka, he ought, however, to allow that while in general apparent memory guarantees personal identity and so amounts to genuine memory, there are cases where it does not (Nnoruka 28-29).

### **iii. Classical Dualism**

This is a theory adopted by those who hold that a person living on earth consists of two parts: a material part, the body; and an immaterial part, the soul. The soul is the essential part of the body and the continuity of the body depends on the continuity of the soul. The major proponents of this theory are Rene Descartes and George Berkeley.

In the *Meditations*, Descartes maintains that he can describe a thought-experiment in which he continues to exist although his body does not. This means that his body is not logically necessary for his existence, that it is not an essential part of himself. He can go on thinking, being conscious and so continue to exist. The fact that he exists means that he is more to himself than his body, and that more is the essential part of himself. So for a person to be conscious could be analysed to mean that his soul is conscious. According to Descartes, "thus simply by knowing that I exist and seeing at the same time that absolutely nothing belongs to my nature or essence except that I am a thinking thing; I can infer correctly that my essence consists solely in the fact that I am a thinking thing" (Descartes 54). The essential point Descartes is making here, according to Nnoruka, is not that a person's body is not part of him; rather he means that the body is only contingently and possibly temporary part of the person. It is not an essential part (Nnoruka 30-31).

George Berkeley and some other classical dualist hold that the soul is indivisible, indestructible and hence immortal. Berkeley maintains that "the soul is indivisible, incorporeal, unextended" and "consequently incorruptible." For him, "the soul of man is naturally immortal" (Berkeley 117). The position of Berkeley and others who think like him has some philosophical implications. For them, the soul continues to exist if a person exercises his capacities for experience and action by having experiences and performing actions. But it is possible for the soul to continue to exist when the person does not exercise those capacities, for even an unconscious person is still a person.

Descartes' dualistic scheme, according to William F. Lawhead, is sometimes called the "Cartesian Compromise." One of his concerns was to reconcile the scientific and religious views of the world. In the fields of cognitive science and artificial intelligence, the discussion has taken a particularly lively turn as scientists have tried to make computers simulate mental processes. Some, like Descartes, believe that machines can mimic our behaviour but cannot think in the fullest sense of the word. Others, of a more Hobbesian persuasion, believe that computers are actually Cartesian thinkers made out of microchips (or that humans are, more or less, computers made out of meat) (Lawhead 238-240).

## **PERSONHOOD AND MORALITY**

Certain descriptions of personhood imbue an individual with a particular kind of moral status. To be classified as a "person" normally entails having strong moral rights and legal protections, and higher moral status than living things that cannot credibly be classified as persons. In the words of William A. Wallace, only a person is capable of

having responsibility and of acting accordingly. Yet society as a whole is responsible for actualizing its own ends, and it carries out this responsibility through its various organs. Therefore society is a person; but because its bond of unity consists in a common responsibility, it is called a *moral person* to distinguish it from the physical person of the individual man. It is also called a *juridical person* because it possesses natural rights by reason of its responsibilities and is capable of legally relevant action. Thus person itself is an analogical term (Wallace 236-237).

There are different person-making capacities that are generally laid out as central to the idea of personhood. Some of the person-making capacities are what people generally refer to as the grounding of certain normative requirements that enable us to respond to individuals as entities with a moral status. Let us take a brief look at some criteria of moral implications of personhood according to an online source, [squarespace.com/crashcourse](https://www.squarespace.com/crashcourse);

**Genetic Criterion:** what must one possess to be part of our moral community, to be deserving of our moral consideration? A contemporary American legal scholar named John Noonan gives us one option. He calls it the Genetic Criterion. This view says that you are a person if you have human DNA, and you are not a person if you do not. The virtue of this view is its simplicity, but its implications are so problematic that most philosophers dismiss it. If all you need to be a person is human DNA, then like, my mouth cells are persons, and so are corpses. None of our favourite androids or aliens like Superman meet the genetic criterion, even though they seem more like persons than like, you know, some of my cells.

**Cognitive Criterion:** But American philosopher Mary Ann Warren offers five more specific criteria that she believes together constitute personhood. Consciousness, reasoning, self-motivated activity, capacity to communicate, and self-awareness. These five factors are known as the cognitive criteria for personhood. Warren argues that some humans just are not persons, either not yet, or not anymore. In her view, if a being is incapable of communicating, is not aware of itself as a self, cannot think or move around on its own, or is not conscious, then she says that it is not a being that we can call a person, even if it happens to have human DNA. Now, you might have noticed that Warren's criteria definitely rules out fetuses, but it also kind of rules out young children. Kids do not become self-aware until at least 18 months. So, Noonan's criterion seems to allow some obvious non-persons into its definition, like, the cells in my city, but Warren's criteria may kick out of the personhood club some beings that, to you, are clearly people.

**Social Criterion:** This view says that you are a person whenever society recognizes you as a person, or whenever someone cares about you. This one seems pretty intuitive. It says that you matter morally when you matter to someone. It allows for society's understanding of a person to change over time, which seems good when we are thinking about something like expanding rights to protect primates, for example. However, if you think carefully about this view, it also means that if no one happens to care for a particular being, that being simply is not a person. It would mean that fully rational healthy functioning adult humans might not have personhood just because no one happens to care about them, and we probably want inclusion in our moral community to be something more than a popularity contest.

**Sentience Criterion:** So then there is a contemporary Australian moral philosopher Peter Singer, who says that the key to personhood is sentience, the ability to feel pleasure and pain. This criterion ignores the whole idea of species all together and instead looks at a being's capacity to suffer. This view says that it is wrong to cause unnecessary pain to anything that can feel, but if it cannot feel, well, we do no harm by excluding it from the group of beings that matter. So foetuses younger than at least 23 weeks are not persons, nor are humans in persistent vegetative states. But any animal with a developed central nervous system is a person. Now, some people think that personhood is a right, a sort of ticket to the moral community that you forfeit when you violate the laws of society in a major way. In this view, you can surrender your own personhood through grossly inhumane actions. This line of reasoning is one way people justify capital punishment. Yes, killing people is wrong, they might say, but if a criminal has surrendered their personhood through their actions, then they are no longer a person anymore, so we as members of the state would think ourselves justified in killing them.

**Gradient Criteria:** Now, so far we have been talking about personhood like it is a toggle switch, you have it or you do not. But a more nuanced option is the gradient theory of personhood, which says it is not all or nothing, it is more like a dimmer switch. So, personhood comes in degrees, and you can have more or less of it. So in this view, a foetus would grow slowly in personhood throughout pregnancy as cognition develops. So a 26 week old foetus would have less personhood than a 34 week old foetus, which would have less personhood than a new-born baby that would have less personhood than a toddler. And likewise, personhood can be lost as gradually as it can be gained. A lot of people think this is a reasonable way to look at the issue.

### **PERSONHOOD AND HUMAN RIGHTS**

The central point here is that there is a relationship between the concept of personhood and what we call human right; and this relationship is such that one is a necessary derivative of the other. The philosophical survey of the concept of personhood reveals certain essential dimensions of the human personality that affirm the dignity of the human person. . From a Kantian perspective, humans possess dignity and should be treated with it because it is a fundamental right inherent to our condition. The argument here is that this dignity of the human person serves as the foundation or the direct source of Human Rights. This was also the view of Prof. Nwachukwuike Sonde Sylvanus Iwe, when he wrote on “The Dignity of Man as the Foundation of Human Rights, A message For Nigerians”. He made his point by looking at the animality of man as a living organism, the sustenance of whose biological life bequeaths him the right to life and to the use of material goods for the sustenance of this life. He further buttressed his argument by highlighting man's personal dignity as conferring him the right not to be subjected to such indignities and human degradations as: torture, public and private executions, inhuman and cruel punishment, slavery, violations of personal privacy, character assassination, and other infringements inconsistent with the intrinsic worth of man's personal dignity (42-43). Other essential elements of the human person which he used in establishing their relation to human rights include Intellect and Will, Human Sexuality, Sociability, Self-Insufficiency, Morality-Conscience-Religiosity, and Rational Free-Will Creativity (43-46).

Foster and Herring, as cited by G. Young, adopted a similar legal perspective on personhood, as it “connotes moral status” (Young 4). Each human being has the right to

the “highest” moral status. Even the new-born is ascribed legal rights. People have inherent rights (including not to be killed) and inherent values. Unless disproven, they have mental capacity to decide, or they are developing that capacity. But there is a wide range of human functioning in this regard (e.g., disability), which nonetheless does not deprive the person of her/his personhood status. We derive our personhood from our relationality, caring, respect of the other, and taking responsibility. Caring in relationships produces the moral values that make us human.

### **EVALUATION AND CONCLUSION**

There is a substantial overlap between what is legal and what is moral, and the human person is in the middle of this. According to Scott B. Rae in *Moral Choices: An Introduction to Ethics*, most, if not all laws, have some moral undertones to them. For example, even laws such as one regarding driving on the correct side of the road imply a respect for life and property (18). Right as moral power works by an appeal to another's intellect and will. A moral power points to one's right over a thing. A right is said to be morally inviolable, even when it is physically violable. This leads to a moral definition of right as the moral and inviolable power vested in a person to do, hold, or exact something as his own. Every right in one person involves a corresponding duty in others to respect this right and not violate it (Eche 4-5).

As the human personality, the embodiment of human nature, is the source of and justification for human rights, it is obvious therefore, that they are not the humanitarian provisions or concessions of a benevolent and democratically enlightened human authority. Human rights are neither the creation nor the concession of any human authority or the State. The role of those in authority, especially the government, is to recognize, uphold and promote the fundamental rights of the citizens, through the provision of the requisite constitutional, legislative and judicial instruments and measures favourable and conducive to the progressive realization of the contents and ideals of human rights (Iwe 49).

All said and done, what is crucial morally is the being of a person, not his or her functioning. A human person does not come into existence when human function arises, but rather, a human person is an entity who has the natural inherent capacity to give rise to human functions, whether or not those functions are ever attained. A human person who lacks the ability to think rationally (either because he/she is too young or he/she suffers from a disability) is still a human person because of his/her nature. In Motsamai Molefe's view, the ethics of personhood is constituted by three components, namely (i) the fact of being human, which informs (ii) a view of moral status qua the capacity for moral virtue, and (iii) which specifies the final good of achieving or developing a morally virtuous character (2).

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