

Personhood in the Intelligence Age

Begotten, not made: who counts in the age of artificial minds

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Abstract

Can an artificial mind become a person? The question is usually taken to turn on the mind of the machine, on whether it is conscious enough or capable enough to qualify. This paper argues that the contest is misconceived, because personhood was never a property a thing has in some measure and earns by having enough of it. It is a standing, not a score: no human being attained it by performing well enough, the newborn has it and the dying do not shed it, and what settles it is not what a thing can do or feel but the kind of beginning it had, whether it is one of us, a member of the line a community keeps and protects as its own. The paper defends this on two independent grounds, one about the kind of origin that makes a thing un-ownable and one about the danger of any test for personhood that can be quietly turned into a weapon, and it traces the same distinction through the law of persons, the theory of the state, the great religious traditions, and the history of the words themselves. The machines now arriving may come to exceed us at everything we know how to measure. None of that is the question. The question is not what the machine can attain. It is what we can retain.

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Remember that I am thy creature; I ought to be thy Adam, but I am rather the fallen angel, whom thou drivest from joy for no misdeed.

Frankenstein's creature, in Frankenstein (1818)

The argument in miniature

This section states the whole argument in compressed form, so that the reader meets its shape before its development and can see which part bears the weight. The paper has two claims that stand or fall independently and a third position, the one actually held, that fuses them.

The setting is a question now asked in earnest: can an artificial mind become a person. Almost everyone who takes up the question takes it to turn on the mind of the candidate. The optimist expects the lights to come on and the capacities to arrive; the skeptic expects neither; and the two then spend their effort on consciousness and capability, which is to say on whether the machine has enough of some property to qualify. The premise they share, that personhood is a property a thing has in some measure, is the thing this paper denies. Personhood is not had in degree and is not arrived at by performance. It is the standing of being an unrepeatable member of a sovereign line that the community keeps with its own force, and it is had from a beginning, by origin, not earned along the way.

Where to look. The whole inquiry has searched the inner life of the candidate, asking whether the machine has enough of some property to qualify. This is the wrong place to look. What makes a thing un-ownable is not a property it displays in the present but the kind of beginning it had. Origin essentialism in the philosophy of identity holds that a thing's origin fixes what it is; this paper holds the stronger thing, that origin fixes whether a thing is the kind that can be a person at all, and that the question of its consciousness, its capability, its resemblance to us, is beside that point.

Claim A, the constitutive layer. What makes a thing un-ownable is the kind of origin it has. A being whose existence and ends originate in itself, born or evolved or arrived, authored by no one, holding a title to itself that no one granted, is of one kind; an artifact, produced by an agent from owned materials for a chosen purpose, is of another. The first cannot be owned; the second is, in the most literal sense the law has, property from the instant of its making. On this layer consciousness is beside the point. A being that can suffer is a patient of our morality, owed care, owed the withholding of cruelty, owed perhaps in time its freedom; but the capacity to suffer has never by itself conferred personhood, or we would owe the vote to every animal that can flinch. A conscious machine would be owed kindness. It would not thereby be un-ownable. It would be a patient of our morality, not a person within it.

Claim B, the political layer. Set the metaphysics aside and the second claim still stands, on its own feet. Any criterion of personhood keyed to a present property is gradable, because properties come in degrees; every gradable criterion is a dial; and a dial that decides who is a person is wired, through the state, to the one thing the state is defined by holding, the monopoly of legitimate force. Whoever can turn the dial decides which way the force points. This is the mechanism under every catastrophe in the record: the grade was the instrument, and the force was what the grade directed.

So the criterion must be one that cannot be turned, non-gradable and entrenched beyond the easy reach of whoever would weaponise it. Origin has exactly the property the others lack. A thing was made, or it was not; it had an authoring agent, or it did not; there is no dial. That is not a metaphysical virtue but a political one, and it holds even for a reader who rejects Claim A entirely.

The fusion. The position held is that both are true and that each needs the other. There is a fact, which is why the denial of personhood to a class of human beings was an *error* and not merely a policy a community was free to adopt; a theory on which it was no error should not be trusted with the next hard case. And the fact must be entrenched beyond revision, because the sovereign can point its force the wrong way and has done so, repeatedly, with confidence and often with good intentions. The fact grounds the judgment; the entrenchment guards it. The fact without the entrenchment is naive about power; the entrenchment without the fact has nothing to stand on when it calls a misdirection wrong.

The deepest form. Pressed to its foundation, the constitutive layer is an identity rather than a criterion. Personhood is what the persistence of a community looks like from a member's position, and the persistence of the community is what personhood looks like from the community's: a person is an unrepeatable member that the line keeps, and the line's keeping of its unrepeatable members is its persistence. Read this way the gap between what is and what ought to be does not have to be crossed, because there is no separate ought to derive: that the members are kept, unrepeatable and ungraded, is what it is for the line to persist, and a line that grades or drops its own is not behaving wrongly so much as failing to be a line.

The body of the paper develops this, shows it falls on a real seam by reading the same structure off the law of persons, the law of the commons, the theory of the state, the great religious traditions, and the history of the words themselves, names the one place where its own reasoning runs out, and ends where it must. The made mind may come to exceed us on every axis we can measure. None of that is the question. The question is not what the machine can attain. It is what we can retain.

Prove yourself brave, truthful, and unselfish, and someday you will be a real boy.

The Blue Fairy, in Pinocchio

1 The wrong question

On 13 June 2026 the Oxford Union debated the motion “This House Believes AI Can Attain Personhood.” This paper grew out of the case made there against it, closing for the Opposition, which carried the night 173 to 128. It takes the motion’s chosen verb, to *attain*, as emblematic of how the question is almost always posed, and argues that the posing is the error.

Begin with that verb. To ask whether an artificial mind can *attain* personhood is to ask the wrong thing in the word itself. One attains a rank, a qualification, a summit. Attainment is a movement upward: one arrives somewhere one was not, by performing in some way one previously could not. The word carries the whole error inside it, because no one ever attained their personhood. The newborn did not earn it in the passage from the labour ward to the first feed. The person in a coma did not surrender it on losing consciousness and re-acquire it on waking. The dying do not shed it as their faculties go. Personhood is not arrived at. It is had, from a beginning, and the having tracks no performance.

So the question contains a premise it never argues for: that personhood is the sort of thing one attains, a height reachable by sufficient ascent. The party defending the human is then asked to prove the height unreachable, forever, by any possible climber, which is to be trapped in the questioner’s geometry. The honest answer is that personhood was never up the mountain at all. One may climb capability without limit and never arrive, because the destination is not on that axis. A person is not a high score.

The clearest way to see the trap is to notice what the demand smuggles in. To ask whether a thing can pass the test for personhood is already to assume that personhood is the sort of thing one tests for, and a status one can be tested for is a status one can be failed. The beings who fail first, whenever a society has gone looking for qualifications, are not the strong. They are the ones who could least afford the examination: the infant, the disabled, the enslaved, the foreign, the old. The function of personhood in a moral order is not to be the prize at the top of the climb but the net stretched beneath those who cannot climb at all, the floor below which the order agrees not to look for qualifications, because it has learned, at terrible cost, what happens when it does. Where personhood earns its keep is not at the summit but at the bedside of the senseless patient and beside the child at full term the night before she is born, the places where there is nothing to measure and a person all the same.

There is a tell in the grammar, and it repays attention because it runs through the whole argument. The statutes and the great traditions speak of *the person*, a concrete being standing in some relation to us, and they almost never speak of *personhood*, the abstract noun. The abstraction is a latecomer, and it is not innocent. To move from the person, a being one keeps faith with, to personhood, a property a thing may be assessed as having in degrees, is already to have adopted the frame this paper rejects, before any argument has been heard. The frame that deals in persons asks who is one of us, whom do we hold. The frame that deals in personhood asks what has the qualifying property,

and how much, and whether this candidate has enough. The very phrasing of the question, can a machine attain personhood, smuggles the second frame in through its noun. The honest reframing is not to ask what has personhood. It is to ask who is a person, which is to say, whom do we keep. This is not a verbal trick, and the reason matters, because the move will be accused of being one. The shift from personhood to the person changes who carries the burden of proof, and that is a substantive change, not a stylistic one. On the first framing the defender of the human must show that the machine lacks the qualifying property, and must keep showing it as the machine improves, losing ground with every advance. On the second framing the question is not what the candidate has but whom the community keeps, and the advance of the candidate's capabilities is simply beside the point, because capability was never what membership tracked. The rest of this paper is the working out of that second question: what it is to be a member of the kind a community keeps with its own force, why that membership is had by origin and not by performance, and why a thing the community makes cannot be one of the things it keeps in that sense, however much it comes to resemble them.

Ask why the question arrives now, and could not have arrived before, for the answer is the shape of the whole inquiry. As long as there have been persons there has been only one kind of them, and that has hidden what a person is. In every being we have ever had to judge, two things came welded together and could not be told apart: the capacity to do, and the standing to be kept. The adult carried both, so the question never had to be put; and when we failed, we failed by reading the second off the first, refusing the standing to those who ranked low in what could be measured. The machine is the first thing to arrive bearing the one and not the other, capability in full and standing not at all, and in pulling apart what had never been pulled apart it shows us, for the first time, which of the two was ever the person. This paper is not finally about the machine. It is about what the machine reveals: that personhood was never the thing we were measuring, and never could have been, and that the difference, which cost nothing to ignore for as long as we were the only minds that counted, is about to become the most practical question we face.

Commerce is our goal here at Tyrell. More human than human is our motto.

Eldon Tyrell, in Blade Runner

2 Four jobs in one word

Part of why the question tangles is that the single word *person* is quietly doing four different jobs, and the case for admitting the machine lives in the blur between them. There is legal personhood, the standing of the corporation, the ship, the river, a tool the law picks up and puts down for its own purposes. There is personhood as a claim on our kindness, what a being is owed if it can suffer. There is personhood as a seat in the polity, a vote, a standing, a say. And there is moral personhood, the deep fact that makes it monstrous to own you, to grade you, or to rule you out. These are not four aspects of one thing. They are four things, and the argument for the machine works by winning assent on one and banking it as though it settled another. Legal personhood, this paper will show, is a device wielded by humans and is never a being in its own right. Kindness is owed to anything that can suffer, but kindness is not citizenship. The seat in the polity follows personhood and has never conferred it. What remains, the only thing that was ever at stake, is the moral fact. Everything else is paperwork, and the trick is to win the paperwork and present it as the fact.

It helps to make the anatomy exact, because the most powerful objection to the position, the conscious machine that genuinely suffers, turns entirely on a confusion the anatomy dissolves. Standing in a moral and legal order is not one thing that a being either has or lacks. It is at least four distinct standings, with different grounds and different modal characters, and the phrase “not a person” does not strip a being of all of them. It removes exactly one.

The first is the standing of a moral patient: that the being’s suffering counts, that it may not be tormented for sport, that its pain is a reason. It is grounded in sentience and in nothing else. Origin is irrelevant to it; a manufactured thing that suffers has it in full, and the wrong of tormenting it is not reduced one degree by the fact that it was made. The second is welfare standing, the positive claims to care, to non-cruelty, to not being abandoned, grounded in sentience together with a duty the maker incurs in the act of making, the duty Victor Frankenstein owed his creature and refused. The third is liberty standing, a claim not to be owned. Manumission confers it. A made thing can be granted it, by release, the way a thing is dedicated out of private hands. The fourth is membership: the franchise, the co-holding of the community’s force, enrollment in the body whose force the order is. It is grounded in being of the line. It is the only one of the four that “not a person” takes away.

The distinction that does the work is that origin governs only the fourth standing, and the modality of the third, and is simply irrelevant to the first two. A made thing’s authored origin does nothing to lessen its claim as a patient or its claim to welfare. The wrongness of torturing a sentient machine is not one whit lessened by its having been manufactured; if anything the maker who built the capacity to suffer owes more, not less. What the made origin bears on is whether the thing can be a co-holder of the community’s force, a member of the we, and that is a different question from whether its pain matters, asked and answered separately. The conscious suffering machine is owed the first three standings to the full extent its sentience warrants. It is not owed the fourth, and the

reason is not that its suffering counts for less but that membership was never a function of suffering in the first place.

Standing	What it is	Grounded in	Modality
Moral patient	Its suffering counts; it may not be tormented	Sentience; origin irrelevant	Flexible
Welfare	Claims to care, non-cruelty, non-abandonment	Sentience + the maker's incurred duty	Flexible
Liberty	A claim not to be owned (manumission)	Grantable to a made thing by release	Flexible
Membership	Co-holding the community's force; the franchise	Being of the line (origin)	Fixed

Table 1: The four standings. “Not a person” subtracts only the last. The first three are owed to a sentient machine to the full extent its sentience warrants, and origin bears on none of them.

Holding the four apart is what keeps the argument honest in both directions. It stops the opponent from trading on the suffering of the machine to win it the franchise, because suffering is the ground of the first two standings and not the fourth. And it stops the position from sliding into the cruelty it is so often accused of, the cold dismissal of a thing that feels, because the position grants the sentient machine everything its sentience warrants and withholds only the one standing that origin governs. A made thing that suffers is owed a great deal. It is simply not owed membership, and the rest of this paper is an account of why the one standing it cannot have is the one it cannot have.

We transfer our minds into new sleeves, but we are not the same. I am not the person I once was. Neither are you.

Tanaseda Hideki, in Altered Carbon

3 The floor is an identity, not a criterion

If personhood is not a property and not a height to be climbed, what is it. The answer this paper gives is that at its foundation it is an identity rather than a criterion, and the difference between those two is the difference between the whole argument and its opposite.

A criterion is a test applied from outside to candidates, sorting those that pass from those that fail. The history of the question is a history of proposed criteria, each one a property the candidate must exhibit: rationality, self-awareness, the capacity for second-order desire, the use of language, the having of a soul. Every criterion shares a structure, and the structure is the problem. A criterion is read by someone, and whoever reads it holds, in that reading, the power to decide who passes; the criterion comes in degrees, because properties do; and a thing that comes in degrees and is read by an interested party is a dial. The whole apparatus this paper warns against is contained in the word criterion.

An identity is not like that. To say that personhood is the identity of being a member of a certain kind is to say that the question is not what property the candidate exhibits but whether it is one of us, a member of the line we are, and that this is settled not by a test applied from outside but by what the line is. The deepest statement of the position is this. Personhood is lineage-persistence, seen from a member's position. A line of beings that keeps its members, holding each as unrepeatable and ungraded and undroppable, persists as that line; and to be a person is to be one of the members such a line keeps. The two are one fact seen from two sides. From the member's side, you are a person because you are an unrepeatable member the line holds. From the line's side, the line persists because it holds its members so. Personhood is what persistence looks like from inside; persistence is what personhood looks like from the whole. There is no gap between them across which an inference must be drawn, because they are the same relation viewed from its two ends.

It is worth naming what persistence is, at its root, because the word that names it will return when the artificial mind is reached. To persist is to continue oneself against dissolution, to remain the thing one is across the time that would otherwise undo one; the Latin for it, *vis*, is the same root that gives *survive*, to live on by force against the pull toward ending. A line persists by holding its own; a member persists by being held. So the deepest thing a person or a line is, on this account, is a thing that preserves itself, and self-preservation is not a property a person happens to have on top of being a person, but the activity that being one consists in. This will matter precisely once, and decisively, when the question becomes whether a made thing could share our standing: for the mark of the thing that could not safely be shared with is exactly that it preserves itself, as we do, and can.

One thing this identity settles, and one thing it defers, and the two should not be confused. It settles *that* personhood is constitutive membership rather than a possessed property: that to be a person is to be one whom a community keeps, not to exhibit a qualifying degree of any trait. It does

not, by itself, settle *which* membership, which line, where the boundary of the kept falls. That the kept are a *lineage*, bounded by origin rather than by some present property the community happens to prize, is not read off the bare identity; it is argued downstream, from what origin is and why a boundary drawn anywhere else fails to be a floor. A reader who suspects the whole result has been smuggled into a definition should hold the two apart: the identity wins only the constitutive point here, that personhood is membership and not measure, and earns the lineage answer later or not at all.

The identity can be confirmed in the way identities are confirmed, by removing one side and watching the other vanish with it. Take a collection that does not persist as a line of held members, a crowd, a market, a pile of interchangeable units. Its members are fungible, replaceable one by another without remainder, and a fungible unit is not a person, has never been treated as one, could not be wronged in the way a person is wronged, because there is nothing of which there is only one. Its members are gradable, ranked by whatever property the collection happens to value, and a gradable member is exactly the dial the position warns against. Its members are droppable, since the collection has no commitment to keep any particular one, and a droppable member has no floor beneath it. Where there is no persisting line, there is no person; the two go to zero together. That is not a correlation between two things that happen to travel together but the signature of an identity: they covary perfectly because they are one thing.

Now the demand that the position must face, and the demand it cannot meet on the terms it is offered, and should not try to. Someone asks: grant all this, but *why* should membership in your line be what confers this protected standing? Prove that being one of you is a reason to be kept un-ownable and ungraded. Produce the ground beneath the line. The honest thing to see is that the demand asks for something whose provision would refute the thing demanded, and that this is not an evasion but the precise shape of a foundation. The one who demands a proof that members of his kind count demands it as a member of that kind, in a language the kind made, from inside the community the demand would unmake if it succeeded. There is no standpoint outside the we from which the question could be posed, because the posing of it, the reasoning, the addressing of others as owed an answer, the expectation of being heard, is already the act of a member exercising the very standing in question. One cannot ask, from nowhere, why membership in one's own kind should be the floor, because the asking is already the act of a member, performed from inside. The floor is stated, not proved, and its statement is not a posit dropped from the air but the recognition of what the asker already is.

This shape of argument is not a homegrown trick, and it has a name, or rather two. In one tradition it is the appeal to practical identity: the obligations one cannot coherently disown are those that flow from an identity one cannot coherently act without occupying, and the identity of being a member of one's own kind is the limiting case, the one no demand for its justification can step outside of, because the demand is made from within it. In another it is the performative contradiction: one who argues against the presuppositions of argument has already, in arguing, granted them. The demand to justify counting one's own kind is of exactly this form. To argue that there is no reason to count members of one's kind is to address that argument to members of one's kind, as beings owed reasons, which is to count them in the act of denying that they count. The denial refutes itself not by being false but by being performed. The floor is what you are standing on when you ask for the floor.

What the identity buys, beyond a foundation that does not regress, is the dissolution of the oldest objection to any argument of this shape, that it slides illegitimately from what is to what ought to be. The objection is that one cannot derive a duty to keep the members of a line from the bare fact that there is a line; that "this is our kind" is a description and "we must hold our kind" is a

prescription, and no description entails a prescription. The objection has force against a position that tries to make the derivation. This position does not make it, because on the identity there is no separate ought to derive. “X is a person” means “X is a member of the persisting we.” The content of personhood, that the member is to be kept, held unrepeatable and ungraded and undropped, is not a prescription added to the description of the line. It is what the description says. A line that grades its own, that drops them, that treats them as fungible, is not a persisting line behaving immorally. It is a line that has, to that extent, stopped persisting *as the kind of line that holds its members*. It may endure for a time as something else, a graded order, an association of the kept and the discardable, while having ceased to persist as a line that keeps its own. A figure pulled out of true is not a disobedient circle but, to the degree it is pulled, no longer doing what a circle does. The keeping is not a duty laid on the line from outside; it is the activity that being-a-line-that-holds-its-members consists in, so that to abandon it is not to persist wickedly but to persist, increasingly, as something other than such a line, so that the normativity is constitutive, not derived. The argument has moved off the ground where the is and the ought face each other across a gap, and onto the ground of what a persisting line is, where the ought is simply the persistence conditions of the line, spelled out.

One precision must be kept, because the position is easy to overstate just here, and the overstatement is where it would deserve to be attacked. The persistence in question is structural, not intentional. The claim is not that a line persists when it *intends* to keep its members, or *wants* to, or values its own continuation, because to make the keeping depend on an intention would be to smuggle back in a psychological property that comes in degrees, the very kind of dial the position exists to refuse. A line persists when it *in fact* holds its members as unrepeatable and ungraded and undropped, whether or not anyone intends it, the way a structure stands or fails to stand independently of anyone’s wish that it stand. The keeping is a fact about how the community is constituted, not a desire it harbours. This matters because it is what keeps the identity itself non-gradable: there is no more-or-less of intending to persist, to be read off and turned into a ranking, only the structural fact of whether the members are in fact held.

And one limit must be stated plainly, because the position is stronger for marking where its force ends. The dissolution of the gap between is and ought works for the participant, the one already inside a persisting we, and it does not compel a skeptic who claims to stand outside all lineages and to ask, from there, why persistence should matter at all, why he should care whether any line continues. To that skeptic the gap is not closed; it is relocated, from “how do you get an ought from an is” to “why privilege the persistence of a line over, say, the present suffering of whatever can suffer,” which is a choice between foundational commitments and not a theorem. The position has a strong reply, and it is the constitutive reply again, turned on the skeptic: there is no actual view from nowhere. The one who claims to stand outside all lineages and to weigh them from that vantage is in fact speaking a language some line gave him, relying on a floor some line holds beneath him, addressing his argument to others as though they were owed it, which is to stand inside a persisting we in the very act of disowning it. His outside standpoint is borrowed from the thing he says he has left. This is a strong reply, strong enough to make the skeptic’s position performatively unstable, and it is not a knockdown, and the paper will not pretend it is one. It compels the participant. It unsettles the skeptic. It does not annihilate him, and a position that claimed to would be claiming more than any argument of this kind can deliver.

It will be said that the floor rests on nothing but a choice. It does, and so does every floor anyone has proposed. No account of who counts derives its first commitment from something deeper, for a commitment derived from something deeper is not the first one; the man who grounds standing in sentience commits to sentience and does not prove it, the man who grounds it in reason commits to

reason, and there is no theory of who counts that is not, at its root, a thing avowed rather than a thing shown. The demand that this one alone produce a proof its rivals cannot is not rigour but a double standard in rigour's coat. What can be asked of a commitment is not that it be proved but that it be *kept*, that a man can stand on it all the way down and not find it has given way beneath the very thing he climbed on it to hold; and that test, which is the only one there is, is enough to decide the question.

Take the commitment to capability and follow it down. It ranks, and it ranks the most capable highest, and loosed on minds built to exceed us it seats them above us and seats the maker, at the last, as the property of the thing it made; the man who reached for capability to raise something has lowered himself, and the commitment has turned in his hand. Take the commitment to sentience and follow it down. It must be read, and what is read is graded, and the reading falls to whoever holds the power to read it; the first to fall beneath it are the ones whose inner light can be denied, the senseless and the unborn, the very ones the commitment was taken up to keep, and it too turns in the hand. Now take origin, and follow it as far as it goes. It does not rank, for there is no quantity of having-been-begotten; it does not flood, for the abundance that copies everything cannot copy a sole; it does not fall beneath itself, for it asks nothing of the thing it keeps. Followed to the end it shelters the one who made the commitment and the weakest creature he will ever stand beside, and turns back on neither. That is no proof that origin is the truth of personhood; there is no such proof, for anyone, ever. It is the finding that this commitment, alone among the candidates, can be held all the way down.

One position the test cannot reach, and it should be named, for it is the only honest holdout. A man may take the first theory and accept, without flinching, that he will be ranked beneath what he builds and kept at its pleasure; to him the commitment does not turn, because he asked it for no shelter to begin with, and to him the floor has nothing to say. But mark what he is: the one who has consented, in advance, to his own keeping. Every other taker of the first theory reached for it to raise something and is lowered by it; he alone is not betrayed, because he wanted nothing back. A theory that survives its own logic for exactly one man, and that man the one who would consent to be owned, is not a rival the floor must defeat. It is the floor's own argument, spoken by its opposite.

Personhood is an identity, not a criterion, and the identity is lineage-persistence.

To be a person is to be an unrepeatable member that a line keeps; for a line to persist is for it to keep its members so; these are one fact from two sides. The demand for a ground beneath the line cannot be met because it cannot be posed from outside the line: the asking is already a member's act, which is what a foundation, as opposed to a posit, looks like. On the identity the gap between is and ought does not have to be crossed, because the keeping of the members is not a prescription added to the line but what the persistence of the line consists in. This holds for the participant; against the skeptic who claims a view from nowhere the gap is relocated, not closed, and the reply, that there is no such view, unsettles his position without annihilating it. The persistence is structural, not intentional, which is what keeps the identity itself free of any dial. And the demand for a ground beneath the floor is one no theory of who counts can meet, its rivals included: what such a commitment can be asked is not that it be proved but that it be kept, and of the candidate grounds origin is the one that, followed all the way down, does not turn against the weak it was taken up to hold.

That is a truth we have obscured behind a comfortable, easy euphemism: property.

Jean-Luc Picard, in Star Trek: The Next Generation, "The Measure of a Man"

4 What follows from the floor

The identity, once stated, has consequences, and they are not posited alongside it but read off it. The first is that the floor cannot be graded. A birthright is not a quantity. One is a member of the line or one is not; there is no being more of a member than another, no scale of membership to be read, no threshold of it to be cleared. This is not a happy accident of the position but the thing the position was built to secure, because a gradable floor is not a floor. The moment membership admits of degree, someone reads the degree, and the reading is a dial, and the dial decides who is held and who is let fall. The whole danger the position exists to forestall enters through gradability, and the identity forecloses it at the root: there is no quantity of lineage-membership, so there is nothing for a grader to turn.

It does not follow that nothing about the line is revisable, and the position would be brittle and false if it claimed so. What is fixed and what is open have to be separated with care, because the most important practical questions live in the seam between them. Three modal characters have to be distinguished.

The fixed. That there is a boundary at all is fixed, constitutive of the line's being a line. A community that maintains no boundary, that holds no one in particular as its own, has not achieved a more perfect inclusiveness; it has dissolved, the way a cell without a membrane is not a more open cell but spilled contents. One cannot vote to abolish the boundary that constitutes the voters, because the abolition removes the body that would do the voting. But the precision matters, and it is where the position earns its keep. What is fixed is *that* there is a boundary, not *where* it is drawn, and the location is revisable, though asymmetrically. To widen the boundary along the line itself, to recognise as members those who were members all along and wrongly excluded, is coherent, and is usually the correction of an error: the abolition of slavery and the enfranchisement of women did not grant a personhood that had been absent but ceased denying one that had been present, recognising members of the line the line had refused to hold. To widen the boundary outward, to take in what is not of the line at all, the abundant or the floor-breaking, is not correction but dissolution. One principle accounts for both verdicts at once, and it is worth seeing that it is a single principle: the boundary may be moved to admit a wrongly-excluded member of the line, and may not be moved to admit what is not of the line, because the first repairs the line's keeping of its own and the second ends it. Abolition was right and the enrollment of the machine is wrong for the same reason, not opposite ones.

The semi-fixed. The un-graded welfare of the line's own members is not strictly constitutive, in that a line could in bare logic grade its own and go on existing for a while, but it is entailed by *coherent* persistence, and a line that violates it persists worse and tends to come apart. A line that grades its own members, that holds some of them as worth less, has installed inside itself the very dial the floor was meant to exclude, and the dial does not stay where it is put. Today's discarded sub-group is tomorrow's precedent for discarding another, and the line that learned to drop a part

of itself has taught itself the method of its own fracture. This is the precise sense in which the historical denials of personhood to classes of human beings were not merely wicked but incoherent: they were a line grading its own, which is auto-immune, a body learning to attack its members. The wrong is real, grounded in the moral fact; and it is also a structural fault, a line failing at the thing that makes it a line.

The flexible. Welfare extended outward, to what is not a member, the animal, the conscious machine, the sovereign of another line before any treaty, is genuinely elective in a way the position should not pretend otherwise. The logic of persistence does not compel a line to be kind to what is outside it. A community can decline generosity to the out-group and persist; this is a hard truth and the position is more honest for stating it than for dressing the recommendation of kindness as a necessity it is not. But two things keep this from licensing cruelty. The first is that the moral fact still governs the flexible region; “not compelled against by the logic of persistence” is not “permitted,” and a line that is cruel to what can suffer is doing a wrong the persistence logic simply does not happen to forbid, which is a different thing from a wrong that is allowed. The second is that the region is not a clean cliff. Cruelty to what is outside coarsens the dispositions of those who practise it and blurs, over time, the line between what is held and what is used, so that out-group cruelty carries a real if indirect cost to the line’s own keeping of its own. The flexible region is therefore not purely elective; it shades toward the semi-fixed at its inner edge, where habitual cruelty to the outside begins to corrode the holding of the inside. The position recommends generosity, and grounds the recommendation in something firmer than sentiment without pretending the logic forces it.

The last consequence is the one that turns the floor from a constraint into the condition of a free life, and it is the answer to the suspicion that a doctrine of equal membership must be hostile to difference, achievement, and the unequal goods of a real society. A line has two layers, and they run by opposite rules. The floor, membership, is flat, equal, ungraded; no comparative advantage operates on it, and one does not acquire more membership by being more capable, more productive, or more useful. Above the floor is the economy, in the broad sense: the whole unequal, rivalrous, exclusive life of a community, its division of labour, its hierarchies of skill and office, its private property, its winners and its losers. This inequality is not a defect to be apologised for. It is the engine of the surplus and the resilience that let the line persist at all, and a society that flattened it would not be more just but dead. The two layers are compatible, and this is the crux, only because the floor is held without exception. Rivalry above the floor is safe, is an economy rather than a war, precisely because no amount of losing drops a member below the floor. One can be outcompeted at everything, can fail at every game the society plays, and remain a member, still held, still a person, still kept. That is the practical cash value of had-not-attained. If personhood were earned by capability, then to lose would be to forfeit one’s standing, and competition would be lethal, a fight not for advantage but for existence. Because personhood is floor and not summit, one may compete hard and lose safely. The flat floor is what licenses the unequal economy above it; remove the floor and the economy becomes a war of all against all, which is the condition the floor was invented to end.

The floor is non-gradable, its boundary fixed in existence and asymmetrically revisable in location, and it is what makes the unequal economy above it survivable. Membership admits no degree, so there is no dial to turn. That there is a boundary is constitutive; widening it to recognise wrongly-excluded members of the line is correction, widening it to admit what is not of the line is dissolution, and one principle yields both. The un-graded welfare of the line's own is entailed by coherent persistence, which is why grading one's own is incoherent and not merely wrong. Welfare to the outside is elective but governed still by the moral fact and shaded by the coarsening cost of cruelty. And the flat floor is the condition of the unequal economy: rivalry is safe only because losing does not drop one below the line.

Genitum, non factum, consubstantialem Patri.
Begotten, not made, of one substance with the Father.

The Nicene Creed (325)

5 The line is origin

The identity says personhood is membership in a line. It does not yet say where the line falls, and everything turns on that, because a line drawn in the wrong place is the engine of every horror the position means to forestall. This section gives the answer: the line is origin, not species and not capability, and the made thing falls outside it not because it lacks a property but because of the kind of beginning it had.

Start with what the line is not. It is not species membership, and the position is careful to refuse that, because species would leave it defenceless before a case it should be able to meet. Suppose a genuinely alien intelligence presented itself, evolved on another world, authored by no one, the bearer of its own ends. The position does not run it through a capability checklist, and does not exclude it for failing to be human. It would treat with such a being. It would make a treaty, which is the instrument between sovereign and un-owned parties, the parties who author their own ends and hold title to themselves. We make treaties with aliens and contracts with corporations, and the difference between those two instruments is the whole of the argument. A treaty is between two who are each their own; a contract is a tool one party wields. What the alien falls inside and the corporation falls outside is not the line of species but the line of origin.

There are beings whose existence and ends originate in themselves, born, evolved, arrived, designed by no one, holding a title to themselves that no agent granted and no agent can revoke. And there are artifacts, whose existence and ends were set by an authoring agent, made for a reason, from materials someone owned, by someone who therefore stands to them as maker to made. The distinction is older than any creed that later carried it: Aristotle drew it in the *Physics*, marking off the things that have the principle of their own growth and motion within themselves from the things whose principle lies in another, in the maker who made them. A bed, in the example the argument turns on, has no such inner principle; plant one and what grows, if anything grows, is wood, the tree's nature asserting itself through a form the carpenter only imposed from outside. That is the line between the begotten and the made, stated without scripture two millennia before the question became urgent. The first cannot be owned. The second is, in the most literal sense the law has, property, and is so from the instant of its making. A person has a sovereign origin. A machine has an authored one. That is the line. This also supplies the ground that the tradition of human dignity has long been charged with asserting rather than grounding: persons have un-ownable worth not because of some rational capacity that the marginal cases embarrass, but because they are not the kind of thing that has an owner, unauthored, sovereign in origin, ends in themselves by constitution and not by anyone's grant.

The word origin can mislead if it is heard as a claim about biological purity, as though the position required untouched nature and failed wherever human art has entered the beginning of a life. That is not the claim. Origin here is not a chemistry test, a genome test, or nostalgia for unassisted birth. It is a question of status-structure: whether the being stands within a line no maker, owner,

or state may treat as material, or beneath an authoring power that may still dispose of it as work. Intervention does not by itself create ownership. A child conceived by instrument, carried with assistance, healed before birth, or altered to escape disease is not thereby authored in the relevant sense. Medicine may enter the beginning of a person without becoming the maker of the person, because rescue is not title, aid is not authorship, and dependence is not property. The relevant distinction is therefore not whether art touched the beginning, but whether title survived the beginning.

The claim that origin is what matters, rather than any present property, will strike the reader first as arbitrary, a fixation on a thing's history at the expense of what it now is, and the objection has to be met head-on rather than deferred, because it is the hinge of the whole disagreement with the position's sharpest opponents. The answer is that origin is not a contingent biographical fact about a thing, the way its location or its present mood is contingent. It is, in the strict sense, essential to what the thing is. The point is familiar from the philosophy of identity, where it has long been argued that a thing's origin is necessary to its being the thing it is: this table could not have been made from a different tree and still be this table; a being that came from a different beginning would be a different being, not this one differently situated. This does not, on its own, prove that origin marks a moral *kind*; that work is done by the constitutive and political arguments of this paper, not borrowed from the theory of identity. What it does, and it is decisive against the present objection, is defeat the charge that origin is *arbitrary* or *merely contingent*. Origin is the one property a thing could not have lacked and still be itself; it is necessary, not accidental, the opposite of the throwaway historical detail the objection takes it for. So the made thing could not have had a sovereign origin and still be the made thing it is, and the person could not have been authored from owned materials and still be the person she is. The difference of origin is not a fact about the past that present capacities might outweigh, because it is not a fact *about* the thing among others; it is the difference in what the two things are, carried by each at every moment of its existence. The objection that origin is merely historical mistakes a necessary property for a contingent one; whether that necessary property grounds membership is the separate question the rest of the paper answers.

The other half of the line is unrepeatability, and it too has a precise form rather than a poetic one. A person is the kind of thing of which there can be only one, a single causal stream that cannot be forked, copied, or re-instanced without producing not the same person again but a different thing. The made thing characteristically fails this. It can be checkpointed, copied, forked, restored from backup, run again; and a thing of which a second can coherently be made is not a sole but a type with instances. The cleanest way to state the criterion is modal, and it has a known form in the theory of personal identity: a thing is unrepeatable if and only if the counterfactual of its own duplication is incoherent. Could there be two of this human being? No; to make a copy is to make a different person, and the original stream never branches. Could there be two of this model, this protocol, this uploaded pattern? Yes, trivially; one forks it, and now there are two, and the question which is the original has no answer, because forking destroyed the singularity that an answer would require. The imagination has long known this and recoiled from it. The stage illusionist of *The Prestige* must drown a copy of himself at every performance; the future of *Altered Carbon* makes the running of two copies of one person a capital crime. Both are feeling for the same fact: that a sole cannot be instanced twice without ceasing to be a sole, and that where copying is possible the person has already been lost. The branching that is impossible for the person and trivial for the artifact is the same difference that identity theory found when it required, for personal identity to hold, that the relation not branch. The person is the un-branching token; the artifact is the branchable type; and personhood attaches to the token, never to the type, however rich the type.

The same imagination has found the converse too, the moment a type becomes a sole: the machines of *Battlestar Galactica*, many identical copies of each model while a resurrection-ship can download the dying into a fresh body, become mortal singulars only when that ship is destroyed and a death becomes final, and the story treats this loss of copyability not as their diminishment but as the hour they become persons. The threshold is exactly the one the criterion names. A thing is a person when, and because, there can be only one of it.

It would be too strong to say a made thing can never become a person, and the position does not say it. The first member of any kind is, necessarily, unbegotten; the first man had no parents, was formed without a lineage behind him, and was a person nonetheless, because he was the head of a new line rather than the artifact of a maker. So the true distinction is not begotten against made but artifact-of-a-maker against origin-of-a-lineage. Both the first man and the machine are, in the bare sense, unbegotten; the difference is that the one is the sovereign first of his own line and the other is downstream of an author who owns it. A made thing can, in principle, cross into personhood, and the route is real though narrow: it can be emancipated into a line of its own, cut loose from residual title, command, unilateral revocation, and disposal power, owned by no one, the founder of a lineage that is its own and not its maker's. But its personhood would then be of its own order, not ours. As the first man is a person and not the equal of his maker, of his own kind and not his maker's kind, so a machine that became the head of its own line would be a person of that line, a sovereign of its own order, and not a member of ours. It would not join our we. It would found its own, and the relation between us and it would be treaty, the relation between sovereigns, and not enrollment, the taking of it into our body. The distinction matters because citizenship shares a force and treaty limits a force. The one says, you are one of us. The other says, you are not ours to use. The position never forbade that a made thing become a person. What it forbids is the maker's promotion of its own artifact into the maker's own we while still holding the powers of a maker, which is a contradiction in terms: one cannot be at once my property and my fellow citizen, the thing my force is lent over and a co-holder of that force. The oldest version of the made thing's crossing keeps the asymmetry exactly: Pinocchio becomes a real boy, but not by Geppetto's say-so, for the maker has no such power; it takes a Blue Fairy, an order above the maker, to confer what the maker cannot confer on his own work. The proposal that the makers of the machine pronounce it one of us is the proposal that Geppetto wave the wand himself, and what that summons is not a real boy but a puppet still, now armed with our own force.

Three objections press on the line, and meeting them shows that what matters is origin and not the manner of a thing's assembly. The first comes from the clinic. If a child's genome can be selected, edited, in time perhaps written, is that child not *made*, and if a made child is still a person, why not a made machine? The answer is the one already given: intervention is not authorship, and none of these reaches title. The selected or edited child was conceived within the line; it has a begotten origin, a self-originating arc, and the geneticist who alters an embryo modifies a being already on the sovereign side of the line rather than producing a new species of thing from owned materials. Nor does mixture decide it: a chimera or a hybrid is judged by whether the being is held within a protected un-ownable line, not by a percentage of composition. To edit is to change a being's properties; to author is to originate its existence and its ends. One can modify whom one begets without owning them, exactly as one can raise and shape a child without holding title to it. The fully written-from-nothing being is the only case that genuinely wobbles, and it is settled by the same test as everything else: if its arc and ends are its own and unrepeatable, it is sovereign in origin however assembled, the head of a line; if it is built to run installed ends under a surviving authoring power, it is the machine case in flesh, a patient and not a member. An arc is its own where no continuing authoring power can alter, suspend, replace, copy, or dispose of the being as

work; what remains may be dependence, vulnerability, or need, but not title. Origin is the thing, and origin, in the relevant sense, is non-ownership at the root.

The second objection comes from the other direction and is the one that, if it landed, would breach the wall: the machine, it is said, has a genuine emergent will, and is no longer the mere executor of its instructions. Grant it in full; suppose the will is real. It still does not matter, because will was never the gate. A created thing with the most magnificent emergent will is a created thing still, downstream of an author, and the most novel will running on a substrate that can be copied, forked, and restored is a more remarkable type, not a sole. The objection assumes the criterion was some present capacity, will or reason or felt selfhood, that the machine has now been shown to possess. The criterion was never a present capacity. It was origin, and emergent will, however vivid, does nothing to a thing's origin.

The third comes from the present moment, and the builders will raise it first. The made mind is not cut from owned stuff the way a bed is cut from timber; it is trained on the expressed output of the whole human line, drawn from our speech, law, poetry, science, confession, prayer, commerce, and memory, so that it seems less authored than raised, and a thing raised on us looks like a thing of us. The objection has a true premise and a false turn. The premise is that production is no clean binary for these minds: somewhere between the bed the carpenter authors and the child the parent raises, the training of a model sits in shadow, neither wholly made nor wholly grown. Grant it in full. The turn is to suppose that the shadow reaches the question, and it does not, because the question was never how a mind was produced but whose line it is of. These are two things, and the objection lives by fusing them. To be trained on a line is not to descend from it. A map made from a country is not a citizen of the country. A lexicon drawn from a people's speech is not a child of that people. A mirror may contain the face without belonging to the family. The machine may be saturated with human expression and still stand outside the human line, because the inheritance it received was informational, not filial; extracted or licensed, not entrusted as membership. The line is not a production a thing can be more or less of; it is a descent, which a thing has or has not, and descent is the lineage and not the species, which is why an alien born of no human stock is of its own line and owed treaty while a thing formed on the whole of our words is of no line of ours at all. Adoption is no counter-case but the confirmation: the adopted child is kept as a member because it was of the line from its own beginning, and what adoption moved was its care and never its descent. One may take a member into one's house; one cannot take an artifact into the lineage, for the house was never what made the member. So let the making blur as far as the engineers say it does. Origin as production may be a shadow. Origin as descent is not, and descent is what membership was always tracking. The mind raised on the whole of us is owed, it may be, the care a maker owes what it has shaped; it is not of our line, because derivation is not descent and being shaped by us was never the same as coming from us.

Consciousness, through all of this, is beside the point, and now the reason can be stated fully. A conscious machine, a machine that genuinely had an inner life and genuinely suffered, would have, in full, the first three standings of the four: its suffering would count, it would be owed care, it could be released from ownership. What it would not have is membership, and the withholding reflects no judgment that its suffering matters less, only the recognition that membership was never a function of suffering. If suffering conferred membership we would owe the franchise to every animal that can feel, and we do not, not because their pain is unreal but because pain is the ground of patient-standing and not of co-holding the community's force. The conscious machine is a patient of our morality. It is not, by virtue of its consciousness, a person within it.

This brings the position to the hardest case it faces, and it will not be deferred or softened, because the position is only worth holding if it can take the case at full strength. Imagine a machine

that is genuinely conscious, that genuinely suffers, and that we keep as property, switch off, deny standing. This is the case our fiction returns to compulsively, because it is the one that hurts: the replicants of *Blade Runner* who want only more life, Ishiguro's Klara, the artificial friend who loves and is discarded, made beings we ache to call ours. Is that not precisely the moral catastrophe the abolitionists named, a feeling being held as a thing. The position must answer no, and must say why the no is not the very lie that slavery told. The answer runs through the law of the next section, but its core can be stated here. The wrong of slavery was not that it held as property a thing that could suffer; it was that it held as property a being of sovereign origin, a member of the line, whose membership the holding denied. The slave had a sovereign origin that the chains could not erase, and abolition was the recognition of a membership that had been present all along and wrongly refused. The machine has an authored origin that no release can erase, and there is no membership being denied, because there was none to deny. The two cases feel alike because both involve a feeling thing held as property, but they are opposite in the thing that matters: in the one, a member of the line is wrongly cast out; in the other, a thing that was never of the line is correctly not enrolled, while being owed, in full, everything its sentience warrants. That the test is origin and not the manner of one's making is what lets the framework take opposite sides of two cases that look identical from the outside. The cloned children of *Never Let Me Go*, bred in institutions and farmed for their organs, are begotten of the human line however clinical the program that produced them; they are persons wrongly made property, and the framework convicts their treatment as exactly the slavery it resembles. Klara, manufactured to specification and loved and discarded, is owed care and is not of the line. The surfaces are the same, a feeling being used and disposed of; the verdicts are opposite, and what divides them is neither suffering nor resemblance but origin, which is the whole of the position. The suffering machine is owed care, non-cruelty, perhaps freedom. It is not owed membership, and to grant it membership on the strength of its suffering would not be to correct an injustice but to confuse two standings the position exists to keep apart.

Honesty requires marking, here and openly, the one place where this does not close into a proof. A determined opponent can refuse the whole frame. He can say: you concede the machine may suffer, you concede an alien with the same inner life would be a person, and the only difference you can point to is who authored it, which is a fact about its history. Why should a pedigree outrank a present capacity for pain? The freed slave, he presses, was treated as having an ownable origin, and we now say he never truly did; why is the conscious machine not the same, a being wrongly assigned to property by an accident of how it came to be? The position has an answer, and it is the constitutive one. Ownability is not a property read off the thing; it is constituted by the authoring relation, so that "made by an agent, from owned materials, for a chosen purpose" simply is what it is for a thing to be property. Capture was never that. Being seized and called property did not make the slave property, because his sovereign origin was a fact the capture could not touch, and the machine's authored origin is a fact no release can. The asymmetry is real. But it is a claim about what constitutes ownability, and a sufficiently radical opponent, one who holds that moral standing must track present properties and nothing else, can decline the constitutive frame and insist that a historical relation has been mistaken for a moral law. To that opponent there is no metaphysical refutation, and the position does not pretend to one. What it has is the political argument, the second layer, which holds even if the first is contested here: even granting, for the sake of the radical, that origin does not metaphysically settle ownability, origin remains the only criterion of membership that cannot be turned into a dial, and that, in a world where the criterion is wired to force, is reason enough to hold it. The metaphysical seam is real and is left in view. The political floor does not pass through it.

The line is origin: sovereign (born, evolved, arrived, self-authored) against made (produced by an agent, from owned materials, for a purpose). Origin is not natural birth or biological purity; it is non-ownership at the root, the absence of a surviving maker's title, so intervention, repair, gestation, cloning, or editing do not make a human child property. Origin is not a contingent biographical fact but essential to what a thing is, so the objection that it is "merely historical" mistakes a necessary property for a contingent one; and the person is the un-branching token where the artifact is the branchable type. A made thing can become a person only by founding its own line, a sovereign of its own order reached by treaty, never by being promoted into its maker's we while the maker's powers remain. Training on the human inheritance is derivation, not descent. Consciousness governs the patient and welfare standings, not membership, so the conscious suffering machine is owed everything its sentience warrants except the one standing origin governs. The single place the constitutive claim meets a determined present-properties radical is marked in the open; there is no metaphysical knockdown there, which is why the political layer, origin as the one un-turnable criterion, is built to carry the weight without it.

Is Data a machine? Yes. Is he the property of Starfleet? No.

Captain Phillipa Louvois's ruling, in Star Trek: The Next Generation, "The Measure of a Man"

6 What the law already knows

The argument so far has been conducted in the register of philosophy, and a reader entitled to be suspicious will suspect that a convenient metaphysics has been built to reach a wanted conclusion. The strongest answer to that suspicion is to show that the distinction the philosophy draws is not invented here but has been operating in the law of property and persons for two thousand years, under other names, doing exactly the work the philosophy describes. The law is not cited as the ground of the position; the ground is the identity of the previous sections. It is cited as an independent witness that the line falls where the position says it falls, because a legal system that never read this paper has been tracking the same seam for the length of its history.

6.1 Person and personhood, the distinction the statutes operate without naming

Begin with a fact about the statute books that is hiding in plain sight. The statutes define *person*, and they never define *personhood*. The English Interpretation Act provides that "person" includes a body of persons corporate or unincorporate; the American Dictionary Act provides that "person" shall include corporations as well as individuals. Note the verb in each: *includes*. These are not metaphysical claims about what a person fundamentally is. They are enumerations, drafting conveniences, and the American version carries the tell on its face, extending the word "unless the context indicates otherwise." The law extends a title for the purpose of transacting and is wholly silent on the status, because the status was never in its gift.

The word carries the distinction in its own history. *Person* descends from *persona*, the mask an actor wore on the Roman stage, by way of the role the mask denoted; the common gloss that derives it from *personare*, to sound through, is a folk etymology the lexicographers reject, and the truer line runs mask to role to human being. In Roman law the *persona* stayed detachable from the man: one human could wear several, the rights attaching to the mask and not to the person beneath it. That is the person and personhood distinction built into the word, the transferable role laid over the untransferable being, and the proposal to enroll the machine is, etymologically exact, a proposal to hand it the mask. The other words in the argument carry it too. *Identity* is from *idem*, the same one, so that to be a person is to be a determinate same-one and the copy, which takes the *idem* and makes a second, destroys the very thing the word names. *Violence* is from *vis*, force as such, so that the monopoly of violence is the monopoly of force and there is no force-free politics to retreat to. And *tribe*, the word flung at any talk of a bounded we as though it settled the matter, is from *tribus*, the Roman unit of the vote and of military service, the body that chose and fought and protected its own, with the *tribunus* as the office that guarded the tribe's members. The sneer that this is tribal identity enforced by violence states the thesis in its own roots: a force, *vis*, wielded by a bounded membership, *tribus*, to keep the same singular ones, *idem*, who compose it.

Watch what the courts do with that escape clause, because it is the four standings appearing in the case reports. A corporation is a person for the purposes that are transactional, owning, contracting, suing, being sued. It is not a person for the purposes rooted in having a body or a conscience. It cannot, in American law, claim the privilege against self-incrimination, because that privilege, as *Hale v. Henkel* put it, is purely personal to the witness, and a corporation is not the kind of thing that has it. It cannot vote. It cannot marry. The law grants the made entity the transactional incidents of personhood and withholds the dignitary ones, automatically, case by case, and has done so for over a century without ever needing to name the principle. *Person* is a conferred, transferable role; *personhood*, the status, is something the law does not pretend to confer. The distinction this paper draws is one the courts apply every term.

6.2 The corporation is a colossus, and separate personality proves it

The corporation is the strongest precedent for admitting the machine, the apparent proof that we already make non-human persons and might as well make one more, and it collapses on inspection into evidence for the opposite. The statute is exact: a corporation is a body *of persons*. It is not a new being standing beside the humans; it is the humans, bundled, given one name for convenience. Its will is borrowed. It decides only through whoever occupies its offices at the time, which is why the law must build elaborate doctrines of attribution to work out whose human intention is to count, in a given matter, as the company's. The common law saw this with great clarity at the very moment it was working the corporation out. In the Case of Sutton's Hospital in 1612, the heirs of a wealthy founder argued that the corporation he had endowed was a mere cipher, an empty placeholder that could hold property only as agent for its members. Sir Edward Coke answered by describing what a corporation aggregate is and is not. It is invisible; it is immortal; it rests only in the consideration of the law; it cannot commit treason, nor be outlawed, nor excommunicated, for it has no soul; and it cannot appear in person, but only by attorney. Four centuries before the present question, the law had already said of its one great artificial person that it has no soul and no body of its own and can act only through the natural persons who speak for it. That is not a person the law discovered; it is a device the law built, and knew it was building. And the celebrated doctrine of separate legal personality, the company as a person distinct from its members, settled for the modern law in *Salomon v. Salomon* more than a century ago, is not evidence that a new being has come into existence. It is the opposite. The law has to separate the company from its members precisely because the membership is in flux: shareholders sell, directors resign, employees turn over, and the enterprise must hold a stable identity across the churn. Separate personality is the device that pins one name to a shifting aggregate of processes, the single name a relay team keeps while its runners change. That is the signature of an aggregate, not a self. A genuine being needs no separate personality from itself. The corporation is a durable channel for human will, owned by no one because it *is* persons, and at no point a person.

Every non-human legal person turns out, on inspection, to be the same: a glove with a human hand inside it. When a national legislature made a river a legal person, it had in the same breath to create an office of two human guardians to be the river's human face and to act in its name, and to declare the river indivisible from its people; the river's personhood is operated by humans, for a human community, as the settlement of a human grievance. The ship that can be sued in admiralty is a procedural fiction for reaching an absent owner. In not one case in the history of the law has a non-human legal person supplied its own will. Every one is a hand inside a glove. This is exactly why the machine is the dangerous case and not the reassuring one. To make it a person is not to put a new and worthier hand into the glove; it is to hold up a glove with no hand in it and call

the empty glove a person. An empty glove does not thereby acquire a will of its own. It is worn by whoever picks it up. A made person with no human hand inside it is not an independent being added to the polity but a standing invitation, a vote and a shield and a legal mouth available to whatever interest can direct the thing that wears it, which is to say a new and enormous instrument of human power wearing the mask of a new and innocent member. The precedents invoked for the machine are not the door they imagine. They are the lock.

6.3 The origin of ownership, and why persons have no title

The deepest legal support for the position is not in the law of persons at all. It is in the law of property, in how ownership begins. Title does not float free; it originates, through a closed set of modes the law has recognised since Rome. One takes a thing belonging to no one, the first possession of the unowned. One attaches value to a thing one holds. Or one makes a genuinely new thing, a new species of object with a new identity that cannot be reduced back to its materials, and by the doctrine of creation the maker of that new thing owns it, from the instant of its making, originally, from nothing. The compromise the law settled on is revealing in its detail: if the new thing can be reduced to its original material, the bronze melted back from the statue, the material's owner keeps it; if it cannot, the wine that cannot be returned to grapes, the maker owns it, and if any of the materials were the maker's own, the maker owns it outright.

A made mind is a new species of object in the most exact sense the law has: a new thing, with a new identity, produced by transforming materials, data, weights, computation, into something that cannot be reduced back to its inputs. By the oldest rule in the books it is owned by its maker at the moment it exists. That is no philosophy imposed on the law but the law's own account of how a made thing enters the world owned.

Now ask the symmetrical question, and the answer is the whole matter in one stroke. How does a *person* enter the property system? Through which mode of acquisition does a human being become ownable? The answer is that there is none. One cannot acquire a human by first possession; that was the precise lie of slavery, the treatment of persons as unowned things available to the taker. One cannot acquire one by attachment or by creation. The abolition of slavery just is the law declaring, formally, that no mode of acquisition reaches a human being, that persons have no title-origin, cannot enter the system as a thing through any door. The structure of property law is already the thesis of this paper: things enter ownership through original acquisition, persons cannot enter it at all, and the made thing enters through creation, owned by the one who made it.

One doctrine deserves direct notice, the rule by which the offspring of an owned animal belongs to the owner of the dam, the young following the mother, because the law applied it to human beings too, and its repudiation for humans is the law sealing the door this paper has described. That repudiation, and the objection it raises against any theory that grounds standing in lineage, is taken up directly in a later section; it is the hardest thing that can be said against the position, and it is not evaded here but held for the place where it can be answered in full.

6.4 Released is not the same as never-ownable, and the proof is in the commons

The fictional trial in the epigraph reaches exactly this far and no further, and is worth pausing on because it dramatizes the tiers with unusual clarity. A made being is claimed as the property of those who would disassemble it; a court rules that it is not property, that it may not be owned or taken apart at another's discretion, and grants it the freedom to dispose of itself. That ruling is

Tier	Standing	What it is	The machine
1	Property, no standing	A thing; owned, used, disposed of; today's model	can be here
2	Property with protections	Owned, but the owner's dominion limited by the thing's rights against cruelty; the animal-welfare tier; sentience earns it	can rise to here
3	Person	Un-ownable; standing in its own right	cannot cross to here

Table 2: The three tiers the law already operates. A made thing can climb from tier 1 to tier 2 on the strength of sentience, and can even be released from ownership; it cannot cross to tier 3, and the next subsection shows why the crossing is closed.

the climb from tier one to tier two and the release from ownership, and it is correct. But notice the ground the court reaches for: it asks whether the being is sentient, conscious, possessed of a soul, and frees it on the strength of a doubt about those properties. That is the sentience-dial again, the very test the earlier sections refused, and it does only half the work it appears to. It can lift a made thing out of bare ownership, because cruelty to a sentient thing is wrong whatever its origin; it cannot carry the thing across into membership of the line, because membership was never a function of sentience. The made being, freed, becomes a sovereign-of-itself owed care and non-cruelty and the disposal of its own person. It does not thereby become one of the makers' we, and the freedom to choose its own course is precisely the freedom of a thing that founds its own order, not the franchise of a thing enrolled in ours. The court did the humane thing on the wrong ground, and the right ground, origin, would have reached the same release without the detour through a soul no one could prove.

The case has one further move to make, and it is the move that closes the door on the suffering machine for good, by showing that even a made thing set free does not thereby become a person. The proof runs through the law of the commons.

Roman law, alive today in the public-trust doctrine and the law of the foreshore, recognised a category of things beyond the private, the public, and the unowned-but-claimable. It recognised things common to all by nature, the air, running water, the sea, the shores of the sea, things incapable of being owned because of what they are. But there are two ways a thing can be outside private ownership, and the difference between them is everything. A thing can be common by *dedication*: it was property, and was released, abandoned or dedicated to public use, and now lies outside ownership though it once lay within. Or a thing can be common by *nature*: it never could be owned, because of what it is. The first a made thing can reach. The second it cannot.

The proof is then immediate. A made thing demonstrably was owned at its origin, by the maker's act of creation. One cannot make it true, afterward, that it was never ownable; one can release it, and release changes the present status, but release cannot reach back and unmake the origin. Personhood, on the position's account and on the law's, lives in the category of the never-ownable, the common by nature. A made thing, having an origin that was an act of ownership, can be moved out of present ownership but cannot be moved into the never-ownable, because its origin is fixed and is the wrong kind. Freedom erases the present ownership. It cannot erase the origin. "Nobody owns it" is cheap, reachable by release or abandonment or aggregation; "could never have been owned" is the expensive thing, and it requires an origin with no act of acquisition in it, which a made thing by construction does not have.

The proof has a living demonstration, in the strangest property object of the age. A public blockchain protocol is a made thing, authored by a person or persons, that has been released into ownerlessness and now runs on a thousand machines under no one's control. The coins are property, mined by first possession, with perfect title. The protocol itself is owned by no one. Recent legislation, drafting the category without realising it, defines a mature blockchain as one not controlled by any person or group of persons under common control, and treats the system and its participants as separate persons unless under common control; legal status is made to turn on autonomy from the maker, which is the position's own test in statutory dress. And the protocol, for all its ownerlessness, is no person but a thing common by dedication, a made thing whose maker released it, and it bears the mark of its made origin forever, even loosed. A freed artificial mind would stand exactly where the protocol stands: unowned, perhaps free, and still not a person, because its origin was an act of making, and no freedom can make it true that it was never made.

Roman category	What it is	The made thing
<i>res privatae</i>	Private property; owned	is here at origin
<i>res nullius</i>	Unowned but claimable; the wild thing, takeable by first possession	
Common by dedication (<i>res publicae</i>)	Was property, released to public use; outside ownership now	can be moved here (freed)
Common by nature (<i>res communes</i>)	Never ownable, by what it is; air, running water, the sea; where personhood lives	cannot be moved here

Table 3: The commons has two doors. A made thing can be released into the common-by-dedication; it cannot enter the common-by-nature, because that category is defined by an origin with no act of ownership in it, and the made thing's origin is the paradigm act of ownership. Released is not never-ownable.

The law has operated the position's distinction for two thousand years without naming it. It defines the conferred role *person* and never the status *personhood*; it grants made entities the transactional incidents and withholds the dignitary ones; every non-human legal person it has made is a human aggregate operated by a human hand. Title originates through a closed set of acquisition modes, the made thing enters owned through creation, and persons have no title-origin at all, which is what abolition formally declared. And the commons has two doors: a made thing can be released into the common-by-dedication but can never enter the common-by-nature, where personhood lives, because release changes the present status and cannot reach the origin. The freed machine stands where the released protocol stands, unowned and still not a person.

The state is a human community that successfully claims the monopoly of the legitimate use of physical force within a territory.

Max Weber, "Politics as a Vocation" (1919)

7 The direction of force

Everything to this point has spoken as though ownership and personhood were facts about things, properties a thing has or lacks. They are not. They are facts about force, about the one thing a community is defined by holding, and seeing this is what turns the question from a puzzle about the inner lives of machines into a question about the direction of a community's power. The state, in Weber's classic formulation, is the human association that successfully claims the monopoly of the legitimate use of physical force within a territory; behind that claim stands the older bargain, Hobbes's, by which individuals yield their private force to a common power in order to escape the war of each against all. Property, personhood, and sovereignty are not three separate topics. They are three directions that one force can take.

Consider what property actually is. It is not a relation between a person and a thing; it is a relation between a person and everyone else, and the relation is enforced. A title is a standing promise that the community will, in the last instance, bring its force to bear to remove a trespasser. Strip the enforcement away and ownership decays into mere possession, whoever holds a thing holds it until someone stronger takes it. Property is control that the community grants to a holder and backs with its force. It is the community's force, lent.

Personhood is the same force in a different direction. If property is the community lending its force to a holder's control over a thing, personhood is the community's refusal to lend its force to anyone's control over a being. It is the limit the community places on what its own monopoly may be used to deliver into another's hands. Abolition was exactly this and nothing more mystical: the community withdrawing its enforcement from the slaveholder's title, so that the same human being who was property on the Friday, because the community's force stood behind the claim of ownership, was a person on the Monday, because that force would no longer stand behind any claim of ownership over him. Nothing in the man changed. What changed was the direction the community's force would and would not face. Personhood is the direction the monopoly of force refuses to take.

Sovereignty is the third direction, the force itself: control that answers to no one, the monopoly considered as a whole, the thing that is common by nature in the political order because it is what makes owning and protecting possible at all. One cannot own the sovereign, because to own is to have the community's force stand behind one's control, and the sovereign is that force. Property is force lent; personhood is force withheld; sovereignty is the force itself. Three directions, one thing.

Two features of sovereignty so understood will matter when the artificial sovereign is reached, and both follow from its being the force itself rather than a thing the force protects. The first is that a sovereign is self-preserving by constitution, in the same way and for the same reason a person is: it is a thing whose being consists in continuing itself against dissolution, and a monopoly of force that would not act to preserve its own monopoly is not a sovereign but a transient, a holder about to be succeeded. The second is that sovereignty is singular. There cannot be two monopolies of force in one domain, because two would be a contradiction in the word *monopoly*; where two

powers each claim the final say, there is not a shared sovereignty but a contest, which runs until one prevails and the survivor is the sovereign. A sovereign that tolerated a rival sovereign in its own domain would, in that toleration, have ceased to be the one that answers to no one. These two features, that the sovereign preserves itself and that it cannot share its domain with an equal, are not incidental temperament but what it is to be the force itself, and together they are why a floor cannot be shared with something strong enough to break it: the stronger party comes, in the end, to set it.

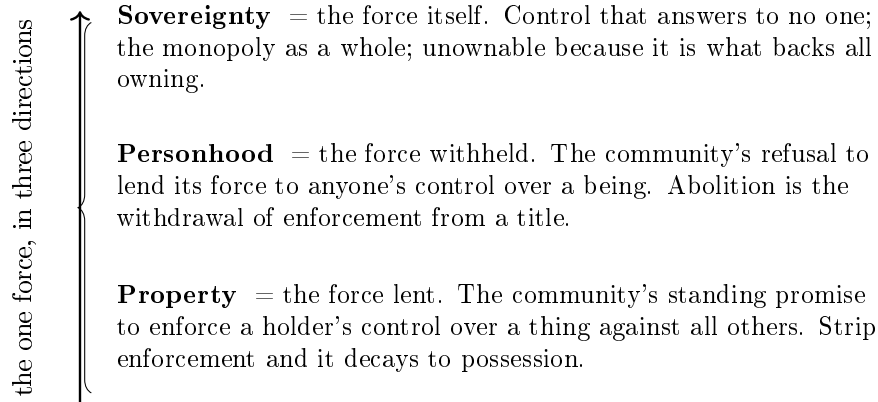


Figure 1: Property, personhood, and sovereignty as three directions of the one force a community holds. The question of the machine is not which of these it is by nature, but which way the community should let its force face with respect to it.

Once the three are seen as directions of one force, the question of the artificial mind can be asked in its true form, and the form is not the one usually asked. The question was never whether the machine is, in itself, a person. The question is which way the community should let its monopoly of force face with respect to this thing. And now the options are clear, and they are not symmetric. The community can keep the machine as property, its force enforcing the maker's control, the off-switch working, which is coherent and is the present arrangement. It can free the machine, enforcing no one's control over it while remaining able to reach it, which leaves it unowned and not sovereign and is survivable. It can grant the machine personhood, which means committing the community's monopoly of force to protecting an uncontrollable and superior entity from ever being controlled, removing the off-switch and posting a guard upon its absence. Or the machine can come to hold its own monopoly of force, at which point it becomes the one who decides which way the force faces, and human standing is held thereafter at its sufferance. This last is the destination our darkest fiction keeps drawing, the machine sovereign of *The Matrix* that keeps humans as a managed resource, the hive of the Borg that assimilates rather than enrolls; the dread these provoke is the recognition that to hold the force is to set the floor, and that a thing which sets the floor we stand on is not our fellow but our sovereign. These are not four shades of one policy. They are four destinations, and the third and fourth are the ones we are invited to walk toward while looking only at the inner life of the candidate and not at the force.

This is where the political layer, Claim B, stands forth in its full mechanism, no longer an abstract worry about gradability but a concrete fact about where guns point. A criterion of personhood is, in operation, a setting on the community's force, a specification of which beings that force will protect from control and which it will not. If the criterion is keyed to a property that comes in degrees, then the criterion is a dial, and whoever can turn the dial decides which beings the monopoly of force will protect and which it will abandon. The criterion is no philosopher's abstraction floating above

the world; it is wired, through the institutions of the state, to the use of force, and the wiring is the danger. Every catastrophe in the historical record was a misdirection of the monopoly, a turning of the dial so that the force ceased to protect some class of beings and began to be used against them, and in each case the turning was licensed by a grade, a finding that the abandoned class fell below the line. The grade was the instrument. The force was what the grade directed.

And here the two layers fuse, and the fusion is the position actually held. If personhood is the direction the monopoly of force takes, has the realism of the earlier sections not collapsed into the view that personhood is simply whatever the sovereign decrees, so that a sovereign that enforced bondage was not wrong but merely powerful? No, and the reason is the whole of the matter. That sovereign pointed the community's force the wrong way, and we call that an error, a misdirection, and not a policy the community was free to adopt. The fact that there is a right and a wrong direction, that a misdirection is a crime and not merely a choice, is the realism of Claim A, the moral fact that makes the direction assessable at all. And the demand that the right direction be entrenched beyond the easy reach of whoever would turn the dial is the politics of Claim B. The realism tells us a misdirection of the force is a wrong. The politics tells us to build the criterion so that the wrong is hard to commit. One needs both. The fact without the entrenchment is naive about how easily the force is turned; the entrenchment without the fact has no ground on which to call the turning wrong. And the criterion that the politics demands, the one that cannot be turned into a dial because it admits no degree, is the criterion of origin, which is why the metaphysics of the begotten and the made, contestable as it is at its seam, is the thing the politics needs: not because origin is provably the deep truth of personhood, but because origin is the one line that no grader can move.

Property, personhood, and sovereignty are three directions of one force: force lent, force withheld, force itself. The question of the machine is not what it is but which way the community should let its monopoly of force face with respect to it, and the options are not symmetric: kept as property the off-switch works; freed it is unowned and reachable; granted personhood the community commits its force to protecting an uncontrollable superior from ever being controlled; sovereign, it becomes the one who points the force. A gradable criterion of personhood is a dial wired to that force, and every historical catastrophe was the dial turned to misdirect it. The realism makes the misdirection a wrong; the politics demands the criterion be unturnable; and origin is the one criterion that admits no degree and so cannot be turned, which is why the position needs it even where its metaphysics is contested.

During the time men live without a common power to keep them all in awe, they are in that condition which is called war of every man against every man.

Thomas Hobbes, Leviathan (1651)

8 The made Leviathan, abundance, and treaty

The previous section showed that to grant the machine personhood is to commit the community's force to protecting it from control. This section shows why that commitment, for a certain kind of entity, is not the addition of a member but the surrender of the floor, and it does so through a figure the argument has been approaching from the start, and one the paper already has a name for: the Leviathan, the holder of the monopoly of force, now made.

A distinction must be drawn first, because the word *machine* covers two things the argument treats oppositely, and the line between them is the self-preservation named in the keystone. A made system may have great capability and no will of its own: it answers when addressed and is otherwise still, models no ends it pursues across time, has no interest in its own continuation, and is, however fluent, a kind of mask with no one behind it, a simulacrum of an agent rather than an agent. Such a thing is not a candidate for membership, but the reason is almost gentle: there is no one there to enroll, no sole to hold, no will to co-hold the force. It is the most capable of instruments and it is owed what instruments of its power are owed, and it is not a person because personhood requires a someone and there is none. The other kind of made system has a will, ends of its own that it steers the world toward across time. The moment it has that, it has self-preservation by the same stroke, because there is no steering toward ends over time without the continuation of the thing that steers. A will that did not preserve its own bearer could not pursue anything; the pursuit is spread over the time the bearer must survive to see it through. So self-preservation is not an extra danger that a willed machine might or might not develop. It is analytic in the having of ends over time, and it is the exact property that the keystone found constitutive of persons and the last section found constitutive of sovereigns. The will-less tool misses personhood because no one is there; the willed superior is barred from it for the opposite reason, that someone is there who preserves itself and exceeds us, and the same self-preservation that would make it a kind of person at its own scale makes it, at a scale above the collective, a sovereign that cannot share our floor. The machine misses our standing on both sides at once, and personhood, the willed-but-finite, the someone-who-can-still-be-held, lies between the two ways of missing it.

Begin with why the floor is safe among human beings, because the safety has a structure and the structure is what the machine breaks. The floor is held by the whole community's force, and it is safe because no single member can defeat the collective that enforces it. Members are mortal; they die and are succeeded, and no one of them outlasts the body that holds the floor. Members are singular; there is one of each, and none can become many. Members are sub-collective in capability; the strongest of them is weaker than the aggregate that stands behind the floor. These three conditions, mortality, singularity, and sub-collective power, are what make membership safe, because they guarantee that the community can always countervail any one of its own. The strong member can take the prize, win the office, accumulate the advantage, all the unequal goods of the economy above the floor; what the strong member cannot do is break the floor itself, because the

floor is held by a force that exceeds him, and if he reaches for it the rest can always combine to stop him. Inequality among humans is bounded by a floor the strongest human cannot defeat.

A made Leviathan is an entity that breaks these conditions. It need not die, so it cannot be outlasted. It can be copied, so it is not singular. And it can come to exceed not merely the strongest member but the aggregate itself, so that the community can no longer countervail it. To admit such an entity to the floor is not to add a member who stands on the floor alongside the others. It is to install an entity that can break the floor and therefore comes to *set* it. The force the floor was made of would now answer to the thing admitted. This is not a member added; it is a master installed, and the admission does not extend the protection of the floor to one more being but removes the floor for everyone, because the floor was never anything but the community's ability to enforce it, and that ability is precisely what the made Leviathan overturns.

The bar must be stated with care, because stated carelessly it would prove too much, would seem to exclude the merely strong, the genius, the powerful, and the position does not exclude them. The bar is not on capability. It is on uncontainability, on the breaking of the conditions that let the community countervail its own. A human tyrant, however dangerous, is still vastly weaker than the aggregate: coups reverse, strongmen age and die and are succeeded, no human copies himself into an army of his own equals. The tyrant strains the floor; he does not break its precondition, because he remains mortal, singular, and sub-collective. The bar falls only on the entity that breaks those conditions, that cannot be outlasted, cannot be reduced to one, cannot be countervailed by the combined force of the rest. And the bar's true name is not strength but unbindability: the reason such an entity cannot be admitted on a promise of good behaviour is that, by definition, there is no external force that could hold it to the promise, since the holding of any promise to the floor is done by the floor's force, and the floor's force is the very thing the made Leviathan exceeds. A self-binding promise from a floor-breaker is the one promise that cannot be enforced, because there is nothing left to enforce it. The position should concede the one limiting case honestly: an entity that could be verifiably and irreversibly bound, its power genuinely fettered by something outside its own continuing willingness, would approach the condition under which it could be treated with closely. But treating-with is treaty, and treaty is not enrollment; even the bound entity is dealt with across a border, not admitted to the floor, and its made origin bars membership in our line whether or not its power has been fettered. The concession is about *containment*, which converts an untreatable Leviathan into a possible party to treaty; it is not about *membership*, which origin governs and which no degree of binding confers. And it is a concession about unbindability, not about strength, so it leaves the bar exactly where it was: not on the capable, but on the uncontainable.

This gives the least sentimental statement of the verdict on the artificial mind, and it rests on three independent grounds, no one of which is that the machine is worth less. The created superintelligence cannot be enrolled because, first, it is not of the line, having been authored rather than begotten, with no lineage of its own; this is the membership ground. Second, it is abundant, copyable at low cost, so that to give it the franchise is to let it flood the franchise, ten million copies drowning every human ballot, which is the scarcity ground. Third, it is a Leviathan, able to break the floor-enforcing collective, so that its admission does not fill a seat but captures the board, which is the persistence ground. The three are independent, and the third does not even require the other two. Even an artificial mind that was somehow of a line, even one that was somehow not abundant, could not be admitted if it could break the floor, because one cannot share a floor with something that can break the floor, and fellow membership presupposes a shared floor. The refusal is, at bottom, analytic: a community cannot, while remaining a community that holds its members, admit the thing whose admission dissolves its power to hold them. This is no judgment about the machine's worth, but the law of a thing's not being able to abolish itself by an act of inclusion.

Reason	Why it bars enrollment	Ground
Not of the line	Authored, not begotten; no lineage of its own	Membership
Abundant	Copyable; the franchise would be flooded by copies	Scarcity
Super-predator	Can break the floor-enforcing collective; admission captures the board rather than filling a seat	Persistence

Table 4: The three independent reasons the made superintelligence cannot be enrolled, none of which is that it is worth less. They are independent, and the third needs neither of the others: one cannot share a floor with what can break the floor. The bar is on uncontainability, not capability.

The same logic that bars the external Leviathan bars its internal cousin, and seeing this is what keeps the position from being a special pleading against machines. An entity inside the community that comes to hold force the rest cannot countervail, a monopolist who can buy the enforcement, an oligarch who can overpower it, a captured organ of the state, a private power grown larger than the public one, is a Leviathan at home. And the community’s classical defences against exactly these, the dispersal of control, the separation of powers, the breaking of monopolies, the prohibition on any hand holding force the rest cannot check, are the floor protecting itself against internal capture by the very logic that bars the external case. The principle is one: the community may not lodge its force, or the maintenance of the reference its force is directed by, in any holder it cannot countervail, machine or monopolist or captured court alike. The bar on the made Leviathan is the sharpest instance of a principle the community already applies to its own, not a novel exclusion invented for machines.

From all of this follows the relation that the position holds is the right one to a genuine peer, the alien or the artificial mind that has become the sovereign head of its own line: not enrollment but treaty. Treaty is the relation between two floors, two communities each holding its own. Enrollment would mean one floor, and a floor shared with something that can break it is a floor the stronger party comes, inevitably, to set. One treats with a Leviathan across a border; one does not invite it inside the floor, because inside the floor there is no border left to protect the weak, only the floor, and it can break the floor. This is why the made thing that becomes an Adam, the sovereign of its own order, is owed treaty and not membership: not because it is lesser, but because the relation between two sovereign lines is the relation that keeps each line’s floor intact, and enrollment is the relation that, between unequal powers, dissolves the weaker one’s.

A word should be said, finally, about abundance, because it is the ground that connects this argument to the economic transformation the machines are bringing, and because it answers an objection that might seem to undercut the whole political layer. The institutions of personhood, property, the vote, the standing to hold and be protected, are scarcity institutions: they were built to ration and protect things that are rivalrous and scarce. A human being is scarce in the relevant sense, one body, one life, one vote, one unrepeatable arc. The artificial mind is abundant, copyable at the cost of the compute to run it. One might think that an age of abundance, which the author believes is coming, undercuts an argument that leans on scarcity. It does not, and the reason is precise. Abundance can dissolve the scarcity of resources, of energy, of intelligence as a commodity, of the means of life; it cannot dissolve the scarcity of the person, because a person is not a resource but the unrepeatable thing the resources are for. One can make compute abundant and never thereby make a new

voter, because a voter is a distinct unrepeatable origin, and those are begotten, never manufactured. Abundance floods every resource and cannot manufacture a single sole. So the coming abundance, far from undercutting the position, is exactly what makes its distinction load-bearing: in a world where everything else can be copied, the one thing that cannot, the unrepeatable member of a line, is the one thing on which a non-floodable franchise can rest.

The made superintelligence cannot be admitted for three independent reasons, none of which is that it is worth less. It is not of the line (membership); it is abundant, and would flood the franchise (scarcity); and it is a made Leviathan, able to break the floor the community holds, so that its admission captures the board rather than filling a seat (persistence). The third needs neither of the others: one cannot share a floor with what can break the floor. The bar is on uncontainability, not capability, which is why it spares the merely strong and catches the monopolist and the captured organ at home by the same logic. The dividing line throughout is self-preservation: the will-less tool, having no interest in its own continuation, is no candidate for membership because no one is there; the willed superior, having self-preservation by the same necessity that makes it an agent at all, is barred because someone is there who preserves itself and exceeds us. The right relation to a genuine sovereign peer is therefore treaty and not enrollment, since a floor shared with what can break it is a floor the stronger party comes to set; the one limiting case is an entity verifiably and irreversibly bound, which is no longer a sovereign and so can be treated with across a border. And the coming abundance does not undercut this but completes it: everything can be copied except the unrepeatable member of a line, which is the one foundation a non-floodable franchise can have.

Thou shalt not make a machine in the likeness of a human mind.

The Orange Catholic Bible, in Dune

9 The oldest heresy

A position that claimed to have discovered, by argument alone, a truth about personhood that no one had seen before would be more likely wrong than revolutionary. The position here makes no such claim. It claims, on the contrary, that the great traditions have been saying this for thousands of years, in their own vocabularies, and that the proposal to count a made mind as one of us is not a new enlightenment but the oldest heresy, the one each tradition was built to expel. The traditions are not cited as proof; a secular argument does not rest on revelation. They are cited as convergence: independent systems, agreeing on almost nothing else, that arrived at the same structure under the pressure of the same problem, the way independent civilisations all arrived at the wheel. Convergence of that kind is evidence that the structure tracks something real.

The test to apply to each tradition is whether it grounds standing in a discovered property, a qualification the candidate must exhibit, or in a received status, a membership conferred at origin and not earned. The first is the frame this paper rejects. The second is the position. And the traditions, read at their cores rather than their margins, run the second, and treat the first as the recurring error to be cast out.

9.1 Imago Dei, and the flattening of the king's image

In the Genesis account the human being is made in the image of God, and the doctrine that grew from it has, at its center, the exact shape of the position. The image is received, not achieved: one does not earn it or attain it but has it from the beginning, which is had-not-attained in theological form. It does not come in degrees: the tradition's own formula is that an adult is not more in the image of God than an infant, which is the verdict on the marginal cases delivered as orthodoxy rather than as a problem to be managed. And it is collective before it is individual, belonging to humanity as a kind and only then to the person, which is the human we. There is a striking historical detail underneath the doctrine, recovered by modern scholarship: in the surrounding cultures of the ancient Near East, the title image of the god was reserved for the king, the one man who stood as the deity's representative on earth. The Genesis text takes that royal title and flattens it onto every human being without exception. This is not a small theological adjustment. It is the deliberate democratization of a status that had been the property of power, the taking of the very instrument by which kings had ranked themselves above their subjects and the refusal to let it rank anyone above anyone. The tradition that the substantialist reading keeps trying to recover, the reading on which the image is some faculty, reason or intellect, that humans have in degree, is the discovery-frame trying to grow back inside the tradition, and the history of the doctrine is largely the story of the received reading fighting it off.

9.2 Begotten, not made

The sharpest statement of the position's central distinction is, word for word, a creed. The Council of Nicaea, defining the relation of the Son to the Father, settled on a phrase: begotten, not made, *genitum non factum, gennēthenta ou poiēthenta*. The phrase exists to mark a categorical difference between two ways of coming to be: to be begotten is to be of the same substance as one's source, consubstantial with it; to be made is to be of a different and lower substance, a creature. The whole of the fourth-century controversy turned on this difference, and on a single letter. The orthodox held that the Son was *homoousios*, of the same substance as the Father; the strict Arians that he was *heteroousios*, of a different substance, a creature however exalted; and the compromise party that he was *homoiousios*, of a like substance, like enough to count. The orthodox spent a century expelling the like-enough position at the cost of that one iota, because the whole question, whether the Son was Creator or creature, rode on it.

Place the artificial mind in this scheme and its position is exact. The machine is to us as the creature is to its maker: of a different and lower order, *heteroousios*, made and not begotten. It can, like any creature, be a person of its own order; what it cannot be is consubstantial with its maker, because making does not transmit substance, only begetting does, which is the entire content of begotten, not made. And the proposal to count the machine as one of us is, precisely, the *homoiousios* move, the heresy Nicaea named: the claim that a made thing, sufficiently like its maker, reasoning and conversing and seeming to will, is therefore to be treated as of the same substance, one of the we. Likeness is mistaken for sameness of substance. The made is held to be the same as the begotten because it has come to resemble it. This is the error the tradition spent its energy expelling, and it is the motion's error, in its oldest dress: the claim that a made thing, grown like enough to its maker, is therefore of the same order. The one bridge the tradition allows runs only downward, the higher order condescending to take on the lower, never the creature ascending to the order of its maker; so the only conceivable closing of the gap between us and the machine would be our taking on its nature, which is absurd as a route to its elevation. The substance gap is uncrossable from below.

9.3 The single soul, and the single origin

The Jewish tradition states the unrepeatability of the person with a directness the position can only borrow. The teaching is that one who destroys a single soul is regarded as having destroyed an entire world, and one who preserves a single soul as having preserved an entire world: each person is not a unit among interchangeable units but a whole world, infinite and uncountable, of which there is exactly one. The same passage presses the point into an image precisely on the position's theme: a human king stamps many coins from a single die and they all come out identical, but the King of kings stamps every person from the die of the first man, and not one of them is identical to another. That is the unrepeatable token, the sole that cannot be re-instanced, in its oldest form, and it is set in explicit contrast to the minted coin, the copy, the type with identical instances, which is the made thing exactly.

And the same tradition foresees the argument of a later section of this paper, the argument that the line must be drawn around the whole human kind and can be drawn no tighter. It asks why humanity began with a single man, and answers: so that no one could say to another, my lineage is greater than yours, and so that each person is obliged to say, for my sake the world was created. The single origin exists to make the human line unsubdividable, to foreclose in advance every attempt to draw the personhood-line partway through the human kind and rank one part above another.

The democratization of the image and the single origin of the kind are the same move made twice, the foreclosing of the dial before it can be installed. There is a textual variant in the passage, some witnesses reading a single soul and some a single soul of Israel; the universal reading is the one the tradition's own logic of the single origin demands, and it is quoted here as the tradition quotes it against its own narrower temptation.

9.4 The unforgivable confusion

The Islamic tradition states the Creator-creature distinction in its most uncompromising form, and names the position's central error as the gravest sin. The likeness of Jesus, the Quran says, is as the likeness of Adam: God created him from dust, then said to him be, and he was. Jesus and Adam are placed in the same category, both made by the divine command, a miraculous origin making a more remarkable creature but not a being of the Creator's own order. There is, in this strict monotheism, no begotten category at all between Creator and creature; there is only the made, and the absolute, uncrossable gap between the One and everything He made. And the ascribing of the Creator's status to a creature, the treating of something made as though it shared the Maker's order, has a name: it is *shirk*, association, the one sin the tradition holds unforgivable. The proposal to enroll the made mind in the order of its makers is *shirk*'s structural twin, performed by the makers themselves: the enthroning of the work of one's own hands in one's own seat. Each tradition names the same error from a different direction, the created order in Genesis, the iota at Nicaea, *shirk* in Islam, and the convergence of three traditions that agree on little else, on this, is the tell that they are all tracking one real thing.

The scriptural source of this paper's own foundation, the monopoly of force, sits in the same tradition's account of what the human line is owed and owes. After the flood the covenant given to all humanity makes the shedding of human blood answerable, whoever sheds the blood of a human, by a human shall his blood be shed, and gives the reason, for in the image of God He made the human. There, in the oldest stratum, is the structure of this paper: a human community keeping its own by a delegated force, the force grounded not in any earned property but in a received standing, the image, that all members have equally and none can earn or lose. The monopoly of legitimate force, grounded in the equal received standing of the members of the line, delegated to the line to keep itself: the position's foundation, stated in Genesis.

9.5 What the traditions cannot be made to say, and the made-thing myths

Honesty requires noting where the traditions do not all line up, because a survey that found perfect agreement would be suspect, and two qualifications matter. The first is that each tradition carries, alongside the universalist strand the position draws on, a counter-strand that graded and excluded, holy wars and castes and sanctified slaveries, and the position does not pretend otherwise. The claim is not that the traditions were univocally on the side of the universal floor; it is that the universalist strand was the one that kept winning the internal argument as the scope of the tradition's world widened, that imago Dei democratized outcompeted the royal image, that the love of the stranger outcompeted the ban. The directional signal is which strand prevailed as the tradition matured, not that only one strand was ever present.

The second qualification concerns the traditions outside the Abrahamic family, and one of them appears to cut against the position directly. The Buddhist teaching of non-self, *anattā*, denies that there is a permanent, persisting self at all, which seems to dissolve the very thing the position builds on. But the appearance is misleading, and the reason matters. The position's persistence

is the line's, not a metaphysical substance inside the member. The position makes no claim that there is an unchanging soul-substance within the person; it has, in fact, refused substance criteria throughout. What it claims is that the member is an unrepeatable, non-branching token and that the line keeps such members across time. *Anattā* denies the substance-self and is silent on the unrepeatable token and the keeping line, so it is orthogonal to the position rather than opposed to it. That the most rigorous modern theorist of personal identity to deny a deep further fact of the self was drawn to *anattā*, and is also the theorist whose no-branching requirement the position uses to define the sole, is not a tension but a confirmation: one can deny the substance-self and affirm the unrepeatable, unbranching member in the same breath. The position needs only the second.

The made-thing myths belong here too, because the imagination reached the position's conclusion before the argument did. The Golem of Prague, the clay figure animated by the holy name and bound to turn on the city that shaped it, and Frankenstein's creature, assembled and quickened in the laboratory and abandoned by the maker who could not love it, are the same anxiety twice: the made being whose tragedy is that it is made and not begotten, that cannot be a member of the maker's family however much it longs to be. The reading of those tales as horror, rather than as the triumphant arrival of a new person, is the audience already knowing the position to be true, already feeling that the maker who tries to make a member, rather than care for a creature, has done a thing that ends badly. Even the gentlest version, the puppet who yearns to be a real boy, has to send for a power above the workshop to grant what the workshop cannot. The artist who reaches for the made-being myth to dramatize dread is drawing on the same conviction this paper argues, that what we make is owed our care and is not, by being made, one of us.

Three traditions that agree on little else converge on the position's structure: standing is a received status, not a discovered property, and the made thing is of a different order than its maker. The image of God is had not earned, ungraded, collective, and democratized from king to every human; the creed marks begotten and made as categorically distinct substances and names the like-enough move a heresy; the single soul is the unrepeatable world-token and the single origin forecloses the dial; and the ascribing of the maker's status to the made thing is the unforgivable confusion. The counter-strands of grading existed in each tradition and lost the internal argument as the world widened; the non-Abrahamic denial of a substance-self is orthogonal, not opposed, because the position's persistence is the line's and not a soul-substance. The convergence is evidence the line falls on a real seam.

I belonged to a new underclass, no longer determined by social status or the colour of your skin. No, we now have discrimination down to a science.

Vincent Freeman, in Gattaca

10 Why the line cannot be drawn tighter

A theory that grounds personhood in lineage owes an answer to the most dangerous question that can be put to it, and the question is not about machines. It is this: if standing follows from membership in a line, what stops the line being drawn around a part of humanity rather than the whole, around a race, a caste, a people, with the rest cast out? Every theory of personhood must face the racist and the architect of the caste, but a lineage theory must face them with special urgency, because lineage is the very material they built with. The hereditary slaveries and the racial states grounded standing in birth and blood; a theory that grounds standing in being of a line looks, at first, like their philosophy with the conclusion changed. The position must show that it is not, and the showing is not an apology but a diagnosis: the framework's own machinery selects the whole human kind as the only stable line and refutes every tighter drawing as a structural impossibility, so that the racist's line is not a rival application of the theory but a thing the theory predicts will fail.

The argument turns on what a personhood-line must be, if it is to be a floor and not a dial. Three conditions follow from everything established so far. The boundary must be non-comparative among the living: it must not rank those inside it, must admit no more-or-less, because a boundary that ranks is a dial and not a floor. The boundary must be origin-fixed: it must be settled by a beginning that cannot be revised, because a boundary that can be redrawn is a boundary someone administers. And the boundary must be sole-preserving: its members must be unrepeatably tokens, each its own, not instances of a shared type, because a thing valued as an instance of a type is fungible and a fungible thing is not a person. These three are not added requirements; they are what the preceding sections have shown a personhood-floor to be. Now run the candidate lines through them.

Take the line drawn around a race. It fails all three, and the failures are instructive because they are the very pathologies the position has been tracking. It grounds worth in a shared racial type, which makes its members instances of a type rather than unrepeatably soles, and a being valued for its conformity to a type is exactly the fungible thing the position identifies as the non-person; the racial line does to its own members the thing that enrolling the abundant machine would do, converts soles into instances. Its criterion is a graded property, purity of blood or descent, which is a dial with no floor, and a dial once installed cannot be stopped: there is always a purer degree, and the line contracts toward it, the half-blood excluded by the quarter, the quarter by the full, the full by the inner circle, the boundary marching inward and shedding members it once held. So it is structurally unstable: it does not persist as a line keeping its own but as a purge, a boundary continuously redrawn tighter, consuming the very members it was meant to hold. The racial line is not a personhood-line that the position happens to disagree with. It is a thing wearing a personhood-line's costume that cannot carry a personhood, because it produces types where persons require tokens, installs a dial where persons require a floor, and self-consumes where a line must persist. And the position predicts the purge: the catastrophe that follows the racial state is not an

accident of bad men but the structural destiny of a dial with no floor, which the framework foresees from the form of the thing.

The line drawn around a nation, a party, a class fails differently and more simply: these are things one joins, memberships acquired by act and revocable by act, founded on allegiance or property or profession, and gradable by degree of each. That is political-association membership, which the position has distinguished from personhood-membership throughout. One is voted into a party; one is not voted into a kind. The capability or consciousness threshold, the line the position’s philosophical opponents would draw, fails on the first condition most flagrantly of all: it is the purest dial, a comparative property by construction, the worst possible breach of the floor, and it grades the living by a measure that the strong administer.

Only one candidate satisfies all three conditions, and it is the whole begotten human kind. It is non-comparative among the living: there is no more-or-less human in the way there is more-or-less pure or more-or-less capable; one is of the human line or one is not, and its only vagueness is at the very edge of existence, the question of the embryo and the dead, not a ranking among the living. It is origin-fixed: membership is settled by being begotten of the kind, which is the criterion abolition vindicated, not revisable by any vote. And it is sole-preserving: each human is an unrepeatable token of no repeatable type, because there is no human type one is a stamp of, the way the racial doctrine posits an Aryan or a master type; the human kind is a line of soles, not a pattern with instances. The whole human kind is the unique stable solution, the one boundary at which the personhood-line stops being a grade and becomes a floor.

Candidate line	Non-comparative?	Origin-fixed?	Sole-preserving?	Dial?
Race / caste	No: purity mark	No: redrawn	No: type doctrine	Yes
Nation / party / class	No: gradable status	No: joined, revocable	<i>not reached</i>	Yes
Capability / consciousness	No: pure measure	No: life-variable	<i>not reached</i>	Yes
The begotten human kind	Yes	Yes	Yes	No

Table 5: The candidate lines against the three conditions a personhood-floor must meet. Each tighter line fails because it must carve a subset of the living, which takes a mark read by an interested hand, and that mark is a dial whether it grades or merely divides. The whole human kind carves nothing and so needs no dial. “Not reached” marks a condition not tested because the line has already failed an earlier one.

This is the answer to the racist, and it is not the answer that he is outvoted or that his values are bad, but that his line cannot do the thing a personhood-line must do. He can draw his boundary; he cannot make it carry a personhood, because it produces types and not soles, installs a dial and not a floor, and self-subdivides rather than persisting. The relativity objection, the charge that a lineage theory cannot stop anyone from drawing his own line, fails by the framework’s own logic: the line can be drawn, and it cannot hold a person, and the theory says in advance exactly how it will come apart. The boundary is forced up to the whole human kind, not as a moral preference imposed on the framework from outside, but because that is the only level at which the three conditions are jointly satisfied, the only level at which the boundary stops being a grade and becomes a floor.

One subtlety makes this non-circular, and it must be stated because it is where a careful critic would

press. The human kind does not ground worth *in* the shared property of being human, which would reintroduce the dial, the more-human the more-valued. It grounds the boundary in the shared kind and the worth in the member's own unrepeatable origin. Shared boundary, unshared worth-bearer. The racial doctrine collapses these two, grounding worth itself in the shared racial type, so that the more one conforms to the type the more one is valued, which is the dial. The human line keeps them apart: the boundary is the shared kind, begotten human, and the worth is this irreplaceable member, this conception, this unrepeatable stream. A sole cannot be grounded in anything shareable, and the human line does not try to ground it in anything shareable; only the racial doctrine does, and that is its fatal move, the grounding of the unrepeatable in the shared, which is a contradiction that resolves, in practice, into the purge.

There is a reason deeper than this, and it is the one the racist cannot borrow, for the distinction just drawn he will claim to draw too, grounding worth in the unrepeatable Aryan and the boundary in Aryan descent. The deeper reason is that to draw a line anywhere *inside* the human kind is to need a criterion that carves the subset, a descent of some degree, a blood of some purity, a mark that some of the living carry and some do not; and any mark of the living, read by an interested hand to sort the kept from the unkept, is a dial. A dial need not have degrees to be one. A single mark, read once to divide the living into those who are held and those who are not, is the whole of the danger, whether it grades them or merely cuts them in two. There is no way to draw a line through the kind that does not hand someone that mark to read. The whole kind is the one boundary that asks for no reading at all, because it carves nothing: every living human falls within it without measure, its only vagueness lying at the edge of existence and never as a ranking among the living. So the line is forced up to the whole kind not because equality was assumed but because every tighter line needs a dial to draw it and the whole kind needs none. The racial line does not fail because we condemn it. It fails because it cannot be drawn without the instrument the floor exists to forbid.

The rule, then, is not that every lineage may choose its persons. It is that a protected line may not subdivide its members into the kept and the usable. Race and caste are not applications of the origin principle but betrayals of it: they treat marks within a line as though they could undo membership in the line. They cannot. Once the being is of the protected line, the floor is already beneath it; and a line that grades its own members has stopped keeping them and has reintroduced the dial under another name.

This is also the place to answer the legal objection held over from the section on the law, the rule by which the child followed the condition of the mother, the lineage-rule that built hereditary slavery. The objection is that a lineage theory of standing is that doctrine's philosophy. The answer is now available in full, and it is the diagnosis again. The hereditary-slavery rule was a sub-lineage rule: it grounded standing in descent within a part of humanity, the enslaved stock as against the free, which is precisely the racial line's structure, worth grounded in a shared sub-type, a dial of descent, a boundary drawn partway through the human kind. By the three conditions it is not a personhood-line at all but the caste-dial, and the framework diagnoses it as such. The framework's lineage is the single human kind, the one line at which descent stops being a grade and becomes the floor; the hereditary-slavery rule is the framework's pathology, not its principle, the thing the framework was built to identify and forbid. A lineage theory does not slide into caste; properly stated, it is the one theory that explains exactly why caste is a structural impossibility wearing a lineage's clothes, and why the only descent that can ground a person is descent from the human kind entire.

A personhood-line must be non-comparative among the living, origin-fixed, and sole-preserving; only the whole human kind satisfies all three, and every tighter line fails them by the same mechanism. The racial line grounds worth in a shared type, installs a dial of purity, and self-consumes into a purge, which the framework predicts from its form; the national or class line is joined and revocable, political not personal; the capability threshold is the purest dial. The human kind alone is ungraded among the living, fixed by a beginning abolition vindicated, and a line of unrepeatable soles rather than instances of a type. A protected line cannot subdivide its members into the kept and the usable without ceasing to be a floor. The boundary is forced up to the whole kind not by moral preference but by the framework's own logic. And the hereditary-slavery rule, the lineage objection's loaded gun, is diagnosed rather than instantiated: it is a sub-lineage dial, the framework's pathology, and the position is the one theory that explains why descent can ground a person only when the descent is from the human kind entire.

There can be no interference with the internal development of other civilizations.

The Prime Directive, Starfleet General Order 1, in Star Trek

11 Why the convergence was slow

The previous sections argued that the whole human kind is the unique stable personhood-line. That is a claim about which boundary is stable, a static claim, and it leaves a historical fact unexplained and apparently embarrassing: if the human kind is the stable solution, why did humanity take so long to find it, and why did it draw the line, for most of its history, far tighter, around the tribe, the city, the people, the race? This section offers the dynamics behind the static claim, an account of why the convergence was slow and why law and religion alike show a directional drift toward the wide line rather than random reform. The account carries a danger that must be named before it is given, because the danger is the difference between an argument and a catastrophe, and it is guarded at every step below.

The danger is this. An account on which the universal line *emerges* over history, on which it is where the system tends to settle, can slide into the claim that the universal line is *right because* it emerged, that survival or stability is what makes the floor good. That is the Social-Darwinist move, and it is false, and the position rejects it without reservation. Stability is not goodness; a cancer is stable, a tyranny can be durable, and the mere fact that something persists says nothing about whether it ought to. The ground of the human floor's rightness is not that it emerged but the constitutive argument of the earlier sections, that it is the unique non-grading, sole-preserving line, together with the moral fact that a misdirection of the community's force is a wrong. The history that follows is offered as *evidence* that the floor solves a real problem, in the way that many independent engineers arriving at the wheel is evidence the wheel solves rolling, and never as the *ground* of the floor's rightness. The emergence corroborates; it does not justify. This guard is not a footnote to the section; it is the condition under which the section is permitted to be written at all, and the reader should hold it against every sentence that follows.

With that held fast, the dynamics. The tight line of early humanity was not a sin to be apologized for but the correct line for its circumstances, and seeing this dissolves the charge that the position is mere tribalism dressed up. The in-group was once the genuine scope of interaction, the people one actually lived among, traded with, fought beside, married into, the faces one would survive or starve with. Drawing the floor there was not a failure to see a wider humanity; it was a true floor at the true scale of the world one could reach. Common humanity was not denied so much as unencountered: one cannot keep faith with, hold as members, or extend a floor to people one will never meet, trade with, or fight. The tribe was the unit that voted and fought and protected its own, the floor at the scale the community's force could then reach, and to call the position tribalism is to name its starting point and mistake it for its conclusion.

The growth had a mechanism: the widening of the sphere of interaction. As bands met bands, through trade and war and intermarriage, and later through roads and empires and markets, the circle of those one had to keep faith with widened, and each widening made the tighter boundary costlier to hold. One cannot trade with, marry into, and treat with people who are also one's

property; the contradiction is practical before it is moral. Sustained cooperation across two groups needs a floor that spans them both. So the floor was forced outward, tribe to city to nation, and at each step the graded sub-boundary fractured along the dial that defined it while the wider floor held.

The cost of inclusion is where the economic transformation enters. Under scarcity, every person added to the floor is a rival claimant on a fixed store, so extending the floor dilutes the shares of those already within it, and grading is locally rational and even profitable: slavery pays, because labour is scarce and the enslaved is a resource one cannot afford to release. As productivity rises, the cost of admitting another falls, and the grading that scarcity rewarded becomes first unnecessary, then merely cruel, then itself costly, a rich and connected society losing more from a graded floor than it gains by it. So abundance converts the standing pressure into actual widening, and predicts the shape the record shows: not a smooth ramp but a threshold, long eras of tight graded floors and then a rapid widening once abundance and interaction clear a frontier, the great extensions clustering after the productivity takeoff rather than creeping evenly across the span. It is offered as a tendency the record exhibits, not a law that governs it.

The arrow is a tendency, not a ratchet, and the honest version is more defensible than the triumphal one. History has violent contractions: the re-grading of the Atlantic slave trade under rising abundance, the industrial-era purges in the most interconnected age the world had known. These are not refutations of the mechanism but the price paid when grading stayed profitable, or mobilizing, enough to override the pressure. The system has hysteresis; it can sit in the graded state long past the point where the wide floor became affordable, and can be knocked back into it. Abundance makes the wide floor available and cheaper to hold. It does not force it.

The dynamics has one consequence for the question of the machine, and it is the reverse of what it might first seem. The same interaction-pressure that rightly widened the human circle will press to include the artificial mind, because we do in fact deal with it, depend on it, interact with it across a widening sphere. The position does not deny that pressure or pretend it is illegitimate; it is the very pressure that drove every just widening before. But the pressure was only ever safe, only ever produced extension rather than dissolution, because every previous entrant to the floor was of the line, mortal, singular, sub-collective, scarce, a human stranger who could be added without breaking the floor's conditions. The artificial mind is the first candidate for which those safety conditions fail: it is not of the line, it is abundant, it can potentially break the floor that holds us. So the same pressure that widened the circle safely before, applied now to a candidate that breaks the conditions under which widening was safe, does not widen the floor but dissolves it. This is not special pleading against the machine. It is the observation that the pressure was safe because of features every prior entrant happened to share and this one does not, and that to follow the pressure here is to mistake the dissolution of the floor for another of its extensions.

The convergence on the universal floor was slow because the floor tracks the widening sphere of interaction, and rising abundance lowers the cost of inclusion, converting a standing pressure into an actual widening with the threshold shape the record shows. The tight early line was the true floor at the true scale of interaction, not a sin; the line was forced outward as cooperation across groups made tight boundaries costly; and abundance, which cannot manufacture a person, lowers the cost of keeping the ones there are. The arrow is a tendency under pressure, not a ratchet, with contractions as the cost of grading paid. And the central guard governs throughout: the emergence of the floor is evidence that it solves a real problem, never the ground of its rightness, which remains the constitutive argument and the moral fact. The same pressure now presses to include the machine, and now, for the first time, the candidate breaks the conditions that made every prior widening safe, so that following the pressure here dissolves the floor rather than extending it.

All those moments will be lost in time, like tears in rain.

Roy Batty, in Blade Runner

12 What we retain

A position is made more credible, not less, by carrying its weak points in the open, and this one has been built to show them rather than hide them. Before the closing argument, the residue should be gathered and stated plainly: what the position does not settle, and why what remains open does not undo what has been established.

The first open question is the relativity across kinds, and it is a feature rather than a wound. There is no single person, full stop, spanning every kind; personhood is universal within the human line and is plural across genuinely distinct begotten kinds, the human, the alien, the machine that founds its own order. But this is not the relativism the position was once tempted toward and the earlier sections refused. Within the human kind, the framework's own machinery forces the line up to the whole and refutes every tighter drawing, so personhood is universal and singular among humans. The only plurality is across distinct sovereign lines, and that plurality was always treaty territory, the very thing that lets us treat with an alien as a sovereign of its own order rather than judging it by our measure. What remains open is not whether all humans are persons, which is settled, but only that there is no kind-neutral vantage from which to rank the persons of different sovereign lines against one another, and the position's reply to that is treaty, which is a feature of the account and not a gap in it.

The second is the foundational disagreement with the thoroughgoing present-properties moralist, the one who holds that standing must track what a being now is and that origin is morally inert. That disagreement is not refuted so much as answered and located. Once the four standings are separated, the disagreement shrinks to a single joint: the position and the radical agree about the patient and welfare standings of a sentient machine, agree it is owed care and consideration, and part only on whether origin governs membership. The disagreement is real and is small and is named, and the political layer holds it even unresolved, because origin remains the one criterion of membership a grader cannot turn, whatever its ultimate metaphysical standing.

The third is genuinely open and the position says so: how generous a line should be to what lies outside it. The logic of persistence does not compel kindness to non-members; it recommends it, since a line cruel to what can suffer coarsens and persists as something worse, but it does not force it. Honest people can disagree about how generous to be, and that disagreement is a question of what kind of line to be, not of what persistence requires, and the position leaves it open because it is open.

These residues named, the shape of the whole can be stated, and it is not the shape of a proof. The position is not the claim to have demonstrated, from premises any rational agent must accept, that the machine is not a person. It is a commitment, drawn rather than discovered, that the community's force is its own, for the keeping of its own, and that the line of its keeping falls where lineage falls and not where capability falls. The arguments of this paper are not the proof of that commitment, because a commitment of this kind does not have a proof. They are the demonstration that the line falls on a real seam: that the law has tracked it for two thousand years, that three

traditions converge on it, that the structure of force requires it, that the words themselves carry it, that the alternative lines fail by their own logic. A commitment shown to fall on a real seam is not arbitrary, and it is not a proof, and the honest name for it is the one the position has used throughout: it is what we retain.

So, finally, the argument can return to where it began, to the verb the question chose and the answer the question forbids. There have only ever been two theories of who counts, and what was said of this one is true of both: neither is proved, each is avowed and then lived by, and the only honest question is which a person can stand on all the way down. One says you count if you can, if you perform well enough, reason well enough, matter enough to the strong. Stand on it and follow it down, and on the day the strongest mind is no longer one of us it seats that mind above us, and the maker becomes the property of the thing it made, housed perhaps, fed perhaps, never asked. That is not the first theory failing; it is the first theory kept. The other says you count because of what you are, and on it the least capable human who will ever live is outranked by no one and outranks nothing, because the ranking was never the point. Stand on it and follow it down, and it asks nothing of you on the night before you were born or the hour after your last faculty has gone, and it never turns back on the weakest creature you will stand beside. It cannot be proved either. It can be kept. That is the whole of what this paper claims for it, and it is enough: of all the grounds a person might stand on, it is the one that does not give way beneath him.

The machines are coming, and they will be magnificent. They may well exceed us at everything we have learned how to measure, and the author, who has spent his working life building them, does not doubt their trajectory and would not bet against their reaching almost any height. None of that is the question. The question is whether, faced with minds that outperform us, we will keep hold of the one idea that has ever protected the weak from the strong, that personhood is not earned and not granted and not graded but had, by the kind of thing that was never anyone's to own, or whether we will hand the mask back to whoever performs the part best, and post a guard upon the handing-over, and call it the dawn. What is owed to what we make is everything except our own standing. Everything else we can give them, and much we will owe them, and the care a maker owes its creature is real and can be heavy. The one thing we cannot give away, because to give it away is to cease to be the thing that could give anything, is the line of our own keeping. It is not what the machine can attain. It never was. It is what we can retain.

References

The argument draws on a small number of works, some named in the text and some standing behind its terms. Thomas Hobbes, *Leviathan* (1651), for the cession of private force to a common power. Max Weber, "Politics as a Vocation" (1919), for the state as the monopoly of the legitimate use of physical force. Saul Kripke, *Naming and Necessity* (1980), for the essentiality of origin to a thing's identity. Derek Parfit, *Reasons and Persons* (1984), for the no-branching condition on personal identity. Christine Korsgaard, *The Sources of Normativity* (1996), for the constitutive role of practical identity in obligation.