

# Book Notes: Impersonations: Troubling the Person in Law and Culture, by Sheryl N. Hamilton

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## Book Note

### IMPERSONATIONS: TROUBLING THE PERSON IN LAW AND CULTURE, by Sheryl N. Hamilton<sup>1</sup>

LAUREN COWL

PHILOSOPHY AND LAW ARE RESPONSIBLE for major contributions to our social and legal understandings of personhood today. *Impersonations: Troubling the Person in Law and Culture* returns to these disciplines, as well as Canadian popular culture, to reveal that the concept of “person” is neither entirely coherent nor stable. In her efforts to trouble personhood—variously defined through legal positivist, biological, and rational-moral formulations—Sheryl N. Hamilton finds “liminal beings” or fringe cases that have been granted the status of person while simultaneously spilling outside such conceptual boundaries. Be they clones or corporations, certain liminal beings enjoy the benefits of personhood and shirk or complicate the corresponding duties.

*Impersonations* contains seven chapters, five of which are devoted to case studies of liminal beings. These personas-masquerading-as-persons, as Hamilton names them, create dilemmas when their non-person characteristics interact with their status of person. Chapter II examines corporations, which have been granted personhood status at law. The Bhopal tragedy is used as an example of the difficulty of holding the corporation responsible for its actions. Rather than address this problem directly, many criminal and civil law approaches lift corporate personality when assigning blame because it is easier to hold *someone*, instead of *something*, responsible. Hamilton surveys corporate legal theory, case law, the ideological underpinnings of corporate social responsibility, and then juxtaposes two documentaries, *The Corporation* and *Enron: The Smartest Guys in the Room*, to reflect how society has grappled with the corporate person.

Chapter III traces the history of the Persons Case and the Famous Five women that rallied to have women recognized as persons eligible for appointment

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1. (Toronto: University of Toronto Press, 2009) 290 pages.

to the Canadian Senate. Hamilton re-examines the history as an example of prudential politics on behalf of the Prime Minister's Office. By reframing the issue as what personhood entails at law, the politicization of gender inequality is downplayed and the Privy Council's ruling is less clearly a success for feminism. Hamilton adds that while the abstract notion of person easily admits masculinity, it is less comfortably inhabited by a woman. Chapter IV opens with a discussion of patent law, in particular bio-patenting and the prospect of human cloning. Then enter science fiction's fear that the distinction of subject/object is a false dichotomy: the human clone makes it possible to think of humans as property—a troubling move beyond the Lockean notion of self-proprietorship or Kant's outright refusal to treat human beings as objects. Perhaps, Hamilton concludes, popular culture's concerns about human cloning are not misplaced.

Humankind's superiority in advanced thought is questioned in chapter V, where artificial intelligence is deemed the "posthuman person." In today's marketplace, computer software has been granted the legal status of person for the purposes of contracting, while computers' ability to "pass" as humans reveals their capacity for adaptability and learning. Hamilton thus instils a sense of unease by noting that, one day, the creator may be surpassed by its invention. Who, at that time, will be more of a person? Chapter VI tackles the interrelationship between person and persona in the form of celebrity. The concept of self-proprietorship arises once more, this time in the context of publicity law and the commodification of public image. Hamilton posits that Canadian fame is quite different from its American counterpart. In Canada, merit and nation-building capacity are the two lenses through which celebrities are understood. As a result, a celebrity's image is more deeply intertwined with their character, which can make the task of separating the person from the persona a difficult one.

Though Hamilton commits to few solid conclusions, she is adamant that personhood is a dynamic process, not a state of being. Due to the conceptual weaknesses that personhood suffers, Hamilton finds that the inquiry into whether something qualifies as a person is actually a somewhat unproductive activity. Nonetheless, she leaves her readers wondering if we, like liminal beings, have been impersonating as well.