

Arto Laitinen

## *Sorting Out Aspects of Personhood*

*Capacities, Normativity and Recognition*

**Abstract.** *This paper examines how three central aspects of personhood — the capacities of individuals, their normative status, and the social aspect of being recognized — are related, and how personhood depends on them. The paper defends first of all a ‘basic view’ that while actual recognition is among the constitutive elements of full personhood, it is the individual capacities (and not full personhood) which ground the basic moral and normative demands concerning treatment of persons. Actual recognition depends analytically on such pre-existing normative requirements: it is a matter of responsiveness to them. The paper then discusses four challenges. The challenges claim that pace the basic view, the relevant capacities depend on recognition, that recognition seems to have normative relevance, and that the basic view cannot as such explain the equality either of persons, or of humans. Responding to these challenges amounts to refining the basic view accordingly.*

Although in everyday usage ‘person’ can be used as a synonym for ‘human being’, in philosophy it has a special usage. In this usage, persons are standardly taken to be beings with various capacities, who also have a moral or normative status dependent on those capacities:

Where it is more than simply a synonym for ‘human being’, ‘person’ figures primarily in moral and legal discourse. A person is a being with *a certain moral status*, or a bearer of rights. But underlying the moral status, as its condition, are *certain capacities*. A person is a being who

Correspondence:  
Arto Laitinen [armala@yfi.jyu.fi](mailto:armala@yfi.jyu.fi)

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has a sense of self, has a notion of the future and the past, can hold values, make choices; in short, can adopt life-plans. At least, a person must be the kind of being who is in principle capable of all this, however damaged these capacities may be in practice. (Charles Taylor 1985a, 97, italics added)

Ever since Boethius's classical characterization of persons as 'individual substances of rational nature', most concepts of a person have taken personhood to be dependent solely on the capacities of individuals. I will below call such views *monadic*. But various philosophers defend social conceptions of personhood, which can be called *dyadic*, as they assume that personhood is essentially relational:

[W]hether something counts as a person depends in some way on an *attitude taken* toward it, a *stance adopted* with respect to it. ... [I]t is not the case that once we have established the objective fact that something is a person, we treat him or her or it in a certain way, but that our treating him or her or it in this certain way is somehow and to some extent *constitutive* of its being a person. (Dennett 1981, 270, last italics added)<sup>1</sup>

This article asks how these aspects of personhood are to be combined. What is the relation between the *capacities* of individuals, the basic *moral or normative status* that persons have, and the putatively constitutive social existence or *recognition* from others that persons typically enjoy?

In the first section, the nature of these aspects will be briefly clarified. After that, the paper tries to combine the view that persons have an unconditional moral status (not dependent on contingent responses by others), with the view that recognition from others has direct relevance in the ontology of persons. At first blush, these views seem to be in conflict: if recognition is a necessary condition of full personhood then *not being recognized by others* makes it the case that one is not a full person, and thus is presumably not entitled to the moral status of persons either. Consistent patterns of racism or sexism would mean that some agents are not recognized, and therefore not full persons, and presumably not entitled to a moral status. And even those who happen to be recognized, have the moral status only conditionally on such contingent responses by others, and thus the moral status fails to be unconditional in the right way. I call this line of thought a 'moral objection' against some ways of sorting out the

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[1] Dennett refers to a whole host of others who have claimed something similar (MacKay, Strawson, Rorty, Putnam, Sellars, Flew, Nagel, Van de Vate, for references see Dennett, 1981, p. 270). The Hegelian tradition seems to agree. See Hegel (1991) and Quante's and Ikäheimo's essays in this volume.

aspects of personhood. Various seemingly natural and straightforward ways of combining the aspects of personhood fail this test.

One view that clearly passes the moral test is one according to which the moral status, and full personhood, is based simply on the capacities of the individuals and not on recognition. So perhaps we should drop the idea that recognition could be constitutive of full personhood? I try to show that we can have it both ways: *the basic moral and normative requirements are based on the capacities alone, but recognition is also ontologically constitutive of full personhood*. I will argue that full personhood is a matter of having sufficiently of the capacities, and on having sufficiently secure and sufficiently adequate social existence consisting of recognition, where adequacy is determined as responsiveness to normative and moral requirements based on the capacities.

That at least is the *basic view* to be defended here, but it needs to be refined and qualified in various ways. In the latter half of the paper I will discuss four challenges to the view. The challenges are that *pace* the basic view, (i) capacities depend on recognition, and (ii) recognition creates normative requirements. Furthermore, the basic view does not as such explain (iii) the equality of all persons, or (iv) the equality of all humans. The defenders of the basic view may disagree on whether the last two are problems at all, but I try to find out whether the basic view can be refined so that it can solve them.

### 1. Aspects of Personhood: Initial characterization

Using the abbreviation ‘P’ for the property ‘being a person’, ‘C’ for the property of having the relevant capacities, ‘N’ for normative significance and ‘R’ for the status of being recognized by others, the paper will examine the relations between P, C, N and R. This section gives an initial characterization of these aspects.

#### *Person-making capacities C*

This paper assumes that beings of any species can be persons. Having enough of the relevant capacities and other necessary features is sufficient to make one a person. Typical persons are human beings, but membership in the species *homo sapiens* is not necessary. Other kinds of animals, or Martians, will be persons once they have the relevant capacities to the sufficient degree.<sup>2</sup> Indeed, it is not necessary that persons are animals or biologically living things at all, as long as they are

[2] It has been claimed, for example, that there are currently at least five non-human persons, trained linguistically by humans (DeGrazia, 2005, p. 7, fn. 14).

so sophisticated agents or subjects that they qualify as persons.<sup>3</sup> Further, I simply assume that the things that are persons are not *necessarily* persons; ‘person’ is not a substance sortal picking up an ontological kind, which determines the persistence conditions of the beings that are persons.<sup>4</sup> Rather, like ‘student’ or ‘child’, ‘person’ is a phase sortal which might cease to apply to a being and yet the being could continue to exist.<sup>5</sup>

The least controversial issue concerning personhood is that it goes hand in hand with various capacities: the property ‘being a person’ depends directly at least partly on so called person-making capacities.<sup>6</sup> One may have some of the capacities without being a person, and one may conceivably be a person without having *all* of the capacities. For the purposes of this paper, we can think of personhood as depending on a cluster of features, and what matters is that one has sufficiently many of them to the sufficient degree.<sup>7</sup>

I will use the abbreviation ‘C’ for the feature of ‘having sufficiently many person-making capacities to a sufficient degree’, or for having the *capacities*, for short. We may have a long list of person-making capacities ( $c_1, c_2, c_3, \dots$ ) and C is the dependent property of having enough of those capacities. It is a threshold property, in that having the individual capacities to a sufficient degree is the basis of having the threshold property (see Rawls 1972, §77). Sufficient degree for what? Sufficient degree, which is *necessary* for instantiating the property ‘being a person’ P in what I will call a fully actual sense. What the

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- [3] Consider for example a living person, whose organs are one by one replaced by artificial ones. (For expressions of scepticism on whether such thought-experiments make sense, see Wilkes, 1988.) Such an agent could have a ‘life’ in some other sense, a life of self-directed activity which forms the material of biographical thinking (see Raz, 1986a, ch 12; Ricoeur, 1992), even though it would not be a life-process in the biological sense discussed by van Inwagen (1990), Thompson (1995) and Olson (1997).
- [4] But *mutatis mutandis* the considerations put forward here may apply to views which hold that persons are necessarily persons. In that case, the relation between humans and persons would be that of constitution as defined by Baker. Taking recognitive relations to be constitutive could result in a view that persons are, like artefacts for Baker, what she calls socially dependent ‘ID’-objects (see her essay in this volume).
- [5] For the debate see e.g. Olson (1997); Baker (2000).
- [6] This is denied by what will be called ‘purely dyadic’ notions (such as the one thematized by M. Thompson, 2004), or ‘purely moral’ notions of personhood (such as Tooley, 1972).
- [7] Cf. DeGrazia (2005, pp. 5–6) ‘Personhood appears to be associated with a cluster of traits without being precisely analyzable in terms of any specific subset: autonomy, rationality, self-awareness, linguistic competence, sociability, the capacity for intentional action, and moral agency. A being doesn’t need all these traits, however specified, to be a person’. In his view, a person is roughly ‘*someone (of whatever species or kind) with the capacity for sufficiently complex forms of consciousness*’ (2005, p. 6). A more structured view would point out a number of necessary and jointly sufficient features – the cluster account is more relaxed in not demanding that any single feature is necessary.

required level is, or what the required capacities are, will depend on the concept of a person. Note that there may be further conditions for fully actual personhood (related for example to social existence), but anyone who has the property C, has at least enough of the relevant capacities. After having passed the threshold, any further increases in the degree to which one has the capacities does not make one have ‘more of C’, because anyone who crossed the threshold possesses C fully. Perhaps we can say that once the threshold is more clearly passed, the property C is had more securely. Until the latter half of the paper, I will bracket the fact that each of the capacities develops gradually, and all human persons have started out as undeveloped persons. I will first focus on those who already have the capacities to the sufficient degree. People with different goals of self-realization, or with ‘thick narrative selves’ may differ in many practically important ways, but what they share is that they have the relevant person-making capacities to the sufficient degree.

What capacities, then, are the relevant ‘person-making’ capacities? For the purposes of this paper, a rough sketch will suffice. The capacities include sophisticated mental powers or sophisticated variants of subjectivity (intentionality, self-consciousness, reason and deliberation, rich emotional life including possible existential anxieties and fear of death, conceptions of value, free will, reflection and second order attitudes, conceptual thinking), as well as related sophisticated forms of agency and interaction (free action, giving and taking responsibility, responsiveness to moral requirements, norms and reasons of other kinds, joint action, communication).<sup>8</sup> On the other hand, sentience and intentional, motivated agency are not enough: there may be intentional agents, which are not sophisticated enough to be fit to be held responsible, and there may be sentient subjects, which are not sophisticated enough to count as sapient, rational thinkers.<sup>9</sup> Below the relevant threshold, such agents or subjects do not have C (that is, do not have the relevant capacities to the sufficient degree). Whether

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[8] Note that the claims that persons have these capacities are not statistical: majority of persons may be female, and majority of persons may have dark hair, but it does not follow that statistically majority of persons are dark haired women. By contrast, if paradigmatic persons can understand justifications and if paradigmatic persons are self-conscious, it *does* follow that paradigmatic persons are both and. Thus, the logic involved is not statistical. See Thompson (1995) (who talks about the concept of ‘life’).

[9] This is critical of P.F. Strawson’s view that ‘the concept of a person is to be understood as the concept of a type of entity such that *both* predicates ascribing states of consciousness *and* predicates ascribing corporeal characteristics, a physical situation &c. are equally applicable to an individual entity of that type.’ (1959, p.104). Harry Frankfurt (1971) and others have pointed out that this seems to include all sentient animals.

we should say instead that they have C ‘to some degree’ will be discussed below, but the basic view concerns those who have C (fully).

It is not uncommon to think that having the capacities to a sufficient degree equals being a person, or that having the capacities to a sufficient degree is the only necessary and sufficient condition for being a person. As will be explained presently, such views are monadic in that they do not take dyadic (or polyadic) relations to others as directly constitutive of personhood. That is, they do not take ‘social existence’ as a constitutive aspect of personhood. The concept of fully actual personhood that I try to develop in this paper does try to take social existence as constitutive, but it will be helpful to have a term for the being, who possesses C. Let us call it ‘a monadic person’ ( $P_M$ ).

#### *Personhood and recognition R*

Is the notion of a person that of an individual with certain capacities, or is it always, at least implicitly, of the dyadic form ‘X is a person in relation to Y’, like ‘sister’, or ‘father’ are? When we state that X is a sister, this is just a de-relativized form of saying ‘X is a sister of Y’ (Thompson, 2004, p. 354). When we speak about personhood, do we have a similar structure in mind? Is ‘person’ for example by definition an actual participant in relations of recognition, a ‘respondent’ as Charles Taylor (1985a, p. 97) puts it?

While standard views concerning personhood (from Boethius to Strawson and Frankfurt) may indeed be ‘monadic,’ various theories suggest that personhood has also a ‘dyadic’ structure of personhood–for–others (from Hegel to Dennett, Taylor and Thompson).<sup>10</sup> The idea is that persons are necessarily participants in practices where they are regarded as persons. A crucial aspect of treating others as persons is to include them in normative practices, give them responsibility or to have such recognitive attitudes as gratefulness, blame, respect, concern or esteem towards them. By and large, the social philosophical interest in personhood focuses on such relations and on the ways in which they are simultaneously constitutive of the participants’ standing as persons, and of the structures of the shared form of life (see, e.g., Honneth, 1995; Taylor, 1985a,b).

Typical persons are no doubt *in fact* persons in both monadic and dyadic senses. They have the capacities discussed above, and typically they are *in fact* objects of attitudes and bearers of positively granted, institutional or ‘official’ statuses (such as legal rights). This

[10] See e.g. Hegel (1991); Quante (2002); Gallagher (this volume); Ikäheimo (this volume); Dennett (1978); Thompson (2004).

factual predicament may partly explain the divergence of the rival concepts of personhood: the monadic ones stress the capacities, and the dyadic ones the relations. One option is to adopt a ‘mixed view’, and include dyadic structures among the necessary person-making features: a person is someone with certain capacities, *and* with certain relations to others. On the mixed view, overall personhood has both monadic and dyadic aspects as conditions of full personhood. For example Dennett (see the quote above) holds a mixed view — he lists both capacities and stances by others as necessary person-making features.

Interpersonal recognition (respect, esteem, care etc. ) can be understood in different ways, but here I will focus on recognition as more or less adequate normative responsiveness in one’s attitudes and actions concerning the other individual.<sup>11</sup> Recognizing someone in the relevant sense goes beyond mere ‘identification’ or ‘classification’ as a person — it has a normatively responsive element to it.<sup>12</sup> One ‘recognizes’ others when one responds sufficiently adequately to the normative significance of their relevant capacities (even when not thematizing these as ‘person-making’ capacities, or even when not possessing a concept of a person). That is, responding adequately to the normative relevance of the other’s self-consciousness, autonomy, rationality or freedom can be adequate recognition even when one possesses no single concept such as ‘person’, which would enable subsuming these properties ( $c_1, c_2, c_3, \dots$ ) under an encompassing second-order property  $C$ . (To anticipate, another sense of ‘recognition’ will surface below. It consists in granting someone a positively created but normatively relevant institutional status, power or role – for example, granting someone a citizenship. For the time being, this latter sense of recognition can be bracketed.)

#### *The basic normative status $N$*

Persons are typically held to have a specific moral status, they are ‘moral patients’ or ‘moral subjects’ to whom others owe respect. They possess dignity and ought to be respected independently of their particular features, achievements, gender, birth and so on.<sup>13</sup> They possess various rights, such as a serious right to life, right to freedom from

[11] On the notion of interpersonal recognition, see Honneth (1995); Ikäheimo (2002; also in this volume and references given there); Laitinen (2002; 2006); Ikäheimo & Laitinen (2007).

[12] In Laitinen (forthcoming) I defend the Scanlonian view that the acknowledgement in question is ‘taking wronging the other to be a normative consideration of special priority and importance’.

[13] The kind of respect in question is ‘recognition respect’, not ‘evaluative’ or ‘appraisal respect’ (Darwall, 1977).

interference in pursuit of their own goals (consistent with similar freedom of others), right not to be dominated *etc.* (see, e.g., Tooley, 1972). Others have duties that correspond to such rights. In addition to the narrowly ‘moral’ status, persons have a normative status more broadly, there is a variety of reasons that they give to others simply by being persons. There is a variety of recognitive attitudes (respect, esteem, care *etc.*) that are called for by their different features, as well as a variety of patterns of possible interaction and interlocution (see Laitinen, 2002a, and references given there). We can use the abbreviation ‘N’ for the normative (including moral) reason-giving nature of personhood.

This normative status depends arguably on the various features that persons have (sentience, self-consciousness, autonomy, rationality *etc.*). *Realists* (about morality or normativity) hold that such capacities are directly reason-giving, good-making, ought-making, whereas *constructivists* would hold that some ‘source of normativity’ must legislate that they are so. The legislative source may be autonomous individuals, communities or perhaps a divine source. I have argued against such constructivism elsewhere (Laitinen, 2003; 2006), and will here rely on a realist claim that person-making features are morally relevant independently of any moral legislation. (Those with constructivist sympathies are asked simply to plug in their favourite additional theory at this point).

There are two main ways in which such capacities can be directly normatively significant: first, through affecting what is *good or bad for* the persons, and second, through affecting what is impersonally ‘good, period’ (from the viewpoint of the universe, as it is sometimes said).<sup>14</sup> *First*, such capacities widen radically the scope of what can be good or bad *for* such beings — new ways of suffering and flourishing are opened for creatures with developed capacities.<sup>15</sup> There is a well-known variety of things (from injuries to insults) that we should do or omit ‘for their sake’, insofar as we respect and care about such beings.<sup>16</sup> And we have direct normative reasons to indeed respect such beings or care about them: they have so weighty interests that they

[14] There is also a third alternative: that person-making capacities are relevant in terms of what is good for others. This was pointed out to me by Ralf Stoecker. Presumably these ‘others’ include non-persons. This is an interesting option, relevant for example to a picture of human persons as shepherds of being — with duties and responsibilities to see to it that *all* beings fare well.

[15] The relevance of this is stressed by Margalit (1996).

[16] And have reasons to wish for ourselves: see Skorupski (2000) for discussion on the thought-experiment that you could choose between a life with what I have called person-making capacities, and a happier life without them.

create duties for us.<sup>17</sup> To put it bluntly, racists, sexists and so on are not excused from moral condemnation because they do not happen to care about others.

*Second*, insofar as there are impersonally valuable things at all, successful exercise of various person-making capacities is bound to be among the impersonally good things (such as understanding, deep personal relations, aesthetic creation, enjoyment and so on): agents with relevant capacities can ‘realize’ and appreciate impersonal value by engaging with valuable things and engaging in valuable activities. This provides others with reasons to engage with them in joint pursuits, and more importantly, gives others reasons to respect and protect both the agents and such valuable objects (Raz, 2000).

The first line of argument stresses the nature of persons (thanks to their relevant capacities) as ‘wrongables’ – they have a viewpoint, are capable of normative expectations, reactive attitudes and suffering, and can therefore be wronged in a way in which, say, plants (which also have interests) cannot be.<sup>18</sup> The second line sees persons (thanks to their relevant capacities) as special kind of agents and as deserving special kind of protection and respect, because of their unique dignity and role in engaging in worthwhile ‘higher’ activities (see Raz, 2001; Audi, 1997). Often the two lines of argument converge, the idea being roughly that doing worthwhile things (of impersonal value) is good for the agent. In any case, both arguments lead to the view that in virtue of their capacities, persons possess a significant normative or moral status N.

*The nature of the property P: being a full-fledged person*

The concept of a person, then, determines what features are necessary for being a person: whether interpersonal relations are necessary, what capacities are relevant, and to what degree are the relevant capacities to be had for someone to qualify as a fully actual person. The property of being a person is thus concept-dependent: changing the concept makes a difference in who has the property. (The property C of having sufficiently of the relevant capacities is in the same way dependent on the criteria included in the concept of a person).

If we accept that the property ‘being a person’ is not a substance sortal, providing persistence conditions for the beings that have the property, then we can accept that the property can be actualised in more or less full-fledged ways. The Hegelian ontological idea of

[17] See Raz (1986b) on how interests of others create duties for us.

[18] Strawson (1974); animals are a borderline case (see Scanlon, 1998, ch. 5; Thompson, 2004).

‘actualisation’ may be helpful here. This idea is that existing, empirical things can be more or less ‘full’ or ‘complete’ actualisations of some plan, idea or concept. To give a rough analogue, a building has to correspond to a plan that the architect made, in order to be an actualisation of *that* plan. Further, even though it would correspond perfectly with some other plan, it was in some sense *meant to be* an actualisation of precisely this plan. Although the plan is ontologically speaking just an idea, just a thought, it determines what kind of structures the actual building must have in order to be a proper actualisation of the plan. Such actualisations come in degrees, and thus the existing things may have more or less perfect correspondence with the plans or concepts. We can of course measure anything with any arbitrary criteria (say, their distance from Rome), but the ontological interest is related to criteria that some thing is by its nature ‘meant’ to meet, or something that it in some sense ‘ought’ to be.

Similarly, the concept of a person determines the structural features that persons must have in order to be fully actual persons. Because person-making capacities come in degrees, it is very deeply rooted to the debates on personhood that infants or embryos, who have not yet actualised their potentials, are not yet ‘full-fledged’ or ‘complete’ persons — they do not fully meet the criteria but are on their way there. This Hegelian idea of reality as ‘corresponding to a concept’ can be applied to other aspects of personhood as well. For example, to correspond fully to a dyadic concept of a person, the persons must have more or less adequate social existence.

The notion of ‘actualisation’ can be given a metaphysically heavy-weight interpretation if the concept or ‘plan’ to which reality ought to correspond to, is taken as a Platonic Idea. On a more down-to-earth interpretation, all concepts of a person are human inventions for human purposes. As there are many such concepts of a person, there are equally many properties of ‘being a person’, so that we can strictly speaking distinguish the properties ‘being a Strawson-person’, ‘being a Frankfurt-person’ *etc.* For simplicity’s sake, I will continue to speak of the property ‘being a person’ in an unqualified sense, but if you wish, the view defended here can be taken as an outline of what the property P of being a ‘Laitinen-person’ is like. In characterizing that property, I aim at a philosophically favoured way of sorting out the rival conceptions that tradition has handed down to us as aspects of overall personhood (individual capacities, normative significance, constitutive recognition). For example, some ways of combining these aspects threaten to be arbitrary (say, if the capacities play no role, and only actual recognition as a person matters, even stones

could be included). In the next section I discuss whether some ways of combining these aspects are basically morally objectionable.

## 2. Sorting Out the Aspects: The Basic View

We can now turn from the initial characterization of the aspects to the question of how they are to be combined. I will defend the view that the morally unobjectionable way to sort out the aspects follows the sequence  $C \rightarrow N \rightarrow R$ . (In this paper I use the arrow symbol loosely to indicate the way in which the analysis moves: in the sequence above, we start from capacities, which ground normative requirements, which precede recognition). Various other ways of combining the aspects are morally dubious in making the moral status conditional on something that it ought not be conditional upon. One way to meet this moral objection is to give up the insight that recognition might be constitutive of personhood. By contrast, I try to show that we can also include the constitutive role of recognition to our theory in a morally unobjectionable way.

### *How (not) to meet the moral objection*

Consider, first, an idea that morality, like all normativity, is a human construction, and is always in the making. As the authors of morality, we create and renew morality by applying it in the situation at hand. The moral or normative status of persons *just is* the social status of being recognized. To have a moral right is to be recognized to have a moral right. This is too simplistic, insofar as it does not draw an elementary distinction between how things *are* responded to and how they *ought to be* responded to. It would clearly rob morality and normativity of any point, if anything we in fact do in a situation would define what was the right thing to do — it would make requirements toothless and impossible to violate. Thus we must have a way of holding that *recognition* is responsive to pre-existing *normative requirements* (*R is responsive to N*).

What about the slightly more plausible idea, that in any situation there are pre-existing normative requirements, which are created by our commitments and normative implications of our past acts? This would succeed in distinguishing requirements from responses: the ways in which we act here and now ought to be consistent with our past action. But reflection immediately shows that this is problematic: what if some of our past acts were bad or unideal? And what if we have not committed ourselves to consistency? Or if we are consistent racists or sexists, does it follow that we *ought to be* racists and sexists?

After all, not being so would be inconsistent with the requirements created by our past actions and commitments. Appeal to possible community-level agreement against racism and sexism is of no help, as it leaves us with the problem of consistently racist or sexist communities. As these are unattractive ideas to say the least, we must have a way of thinking that basic normative requirements are independent of actual social responses, or actual recognition. (*N is basically independent of R*).

What then could the normative requirements depend on, if not actual recognition? The obvious candidate is the view discussed above that the capacities of individuals simply have moral significance and that they *ought to be* responded to, whether or not they are. Insensitivity to the significance of such capacities is a moral failure, even when consistent. As was pointed out above, we can say that the normative significance results from the capacities. (*N results from C*). Thus, the morally *unobjectionable* way of sorting out aspects of personhood is the sequence  $C \rightarrow N \rightarrow R$ . That is, capacities ground normative requirements and recognition is partly defined as responsiveness to such requirements. Basic normative demands are independent of actual recognition, and result from the capacities alone.

#### *Recognition as constitutive of personhood?*

Accepting the  $C \rightarrow N \rightarrow R$  progression does not yet fully determine any definition of personhood. We are still free to choose between monadic, dyadic or mixed views. One unobjectionable option is to define personhood monadically as an agent having the capacities ( $P_M=C$ ). It seems right to say that such a monadic notion underlies the moral or more broadly normative standing of persons. But as we saw above, it is an appealing idea that recognition plays a constitutive role in the ontology of persons. Can we have this ontological view, without falling prey to the moral objection of not being able to condemn consistent racism?

Some versions of the dyadic theory of personhood are vulnerable to the moral objection. A purely dyadic theory of personhood ( $P_D$ ) might for example hold that to be a person is to be recognized, and that the moral and normative status belongs to persons so understood, that is,  $(R=P_D) \rightarrow N$ . But it follows that those who are not recognized do not have the moral status, so that consistent forms of sexism and racism are, again, off the hook. In the same vein, mixed views hold that both capacities  $C$  and recognition  $R$  are constitutive of personhood, that is  $C+R = P$ . Some variants of the mixed view additionally hold that

moral status depends on personhood so understood:  $[C+R = P] \rightarrow N$ . This is for example Dennett's (1978) view, and is a *very* natural one: it first gives us various conditions of personhood and then states that persons, so defined, have a moral status (see also Quante, in this volume). But again it follows that unless someone is recognized, conditions of personhood are not met, and there is no moral requirement that they ought to be recognized. And again, consistent forms of racism or sexism are off the hook. Thus, the most straightforward applications of the idea that recognition is ontologically constitutive encounter moral objections.

We may, however, claim that the property 'being a person' depends on recognition, but nonetheless insist that the basic normative requirements depend on the relevant capacities alone. The individuals are not fully actual persons if they are not recognized, but they *ought to be* recognized because they have the relevant capacities. Thus the more complicated view holds that the moral status is indeed based on the capacities alone, and not on the fact of being recognized, but nonetheless, one is a person in a fuller, complete sense when recognized. Recognition is necessary for exemplifying the *complete* structure of personhood, or being *fully actual* person. That, at least is the 'basic view' suggested here. It maintains that although it is morally objectionable to make normative requirements fully conditional on recognition, it need not be objectionable to make recognition ontologically constitutive of complete personhood.<sup>19</sup> (Whether it follows that personhood is normatively fully inert, will be discussed below).<sup>20</sup>

To sum up, the basic view is that the fundamental moral and normative status depends on the capacities alone. Being recognized cannot be the precondition of the moral status or basic moral requirements, and it should rather be a response to such requirements. And insofar as 'full-fledged personhood' includes other aspects than having the capacities, basic moral status is not dependent on them. (This is not to deny that such things, too, have normative significance, but even without them, a person with the requisite capacities has the basic moral status). To put this point with the help of the symbols, we hold first of all that  $C \rightarrow N \rightarrow R$  and then add that both capacities and

[19] Another aspect of personhood concerns self-understandings and the proper exercise of the capacities. Like recognition, exercise should not be a condition of basic moral status, but it might be taken as ontologically relevant for full personhood: someone who fails to exercise the person-making capacities in adequate ways makes him- or herself metaphorically 'less than a person'. See Dillon's article in this volume.

[20] Alternatively, we could hold in the *purely dyadic* version,  $C \rightarrow N \rightarrow (R=P_D)$ , where  $P_D$  stands for dyadic personhood. The view defended in this paper holds that personhood is not purely dyadic, as it also depends on the capacities.

normatively responsive social recognition are needed for fully actual unqualified personhood;  $C+N+R = P$ .

### 3. Refining the Basic View

The basic view as presented above is not vulnerable to the moral objection, and it preserves the direct ontological relevance of recognition, but a number of other questions remain. In what follows, I will discuss four challenges to it. The challenges are that *pace* the basic view, (i) capacities depend on recognition, and that (ii) recognition creates normative requirements. Furthermore, the basic view does not as such show how (iii) the relevance of individual capacities is compatible with the equality of all persons, or (iv) whether the basic view is capable of defending the equality of all humans.

#### *The first challenge: capacities depend on recognition*

The first challenge is that the basic story given above ( $C \rightarrow N \rightarrow R$ ) gets the relation between recognition and capacities the wrong way around. Quite obviously, our actual capacities depend on socialization, and thus (in various ways) on recognition by others, so shouldn't we accept that recognition precedes actual capacities?<sup>21</sup> The challenge, schematically put, is that we have reasons to accept ' $R \rightarrow C$ '. This claim does not presuppose the dyadic (or even mixed) thesis that personhood is (partly) a social status, granted by other persons, or that the attitudes of others would directly constitute personhood. The claim is rather that it is impossible for humans, in the lack of magic pills, to become rational, responsible, self-conscious *etc* animals without interaction with and recognition from others.

This is an empirical claim which comes in various forms. It can concern *developmental* dependence (we need social interaction to develop or actualise the person-making capacities) or *sustenance* dependence (we need social interaction to sustain our capacities) or actual *exercise* dependence: we can exercise the capacities only in a social context (say, exercising the capacities to interact respectfully with others demand the presence of others, like playing tennis demands the presence of others). Developmental dependence is uncontroversial concerning humans, but the other two may be too strong for many person-making characteristics: after all, one can sustain and exercise many of one's capacities on one's own on desert islands. So I will focus on the challenge posed by the developmental

[21] See Stekeler-Weithofer [this volume]. Compare to Charles Taylor's (1985b, p. 191) well known 'social thesis'. For discussion, see Laitinen (2002; 2003).

dependence (the other ideas could be accounted for in roughly similar ways).

The challenge is to make room for the observation that the development of the capacities presupposes recognition. We must have room somewhere in the story for ‘ $R \rightarrow C$ ’. To meet this challenge, we need *not* reconsider anything that we have claimed so far about agents with  $C$ , that is, with sufficiently developed capacities to be full persons. We simply need an account of how they get there. And that account will in fact include the  $C \rightarrow N \rightarrow R$  structure twice: we start from someone’s *potential* capacities  $C_p$ , which ground the potential persons’ normative status  $N_p$ , responsiveness to which partly constitutes the social existence of such potential persons  $R_p$ , which in turn is a developmental precondition of having the capacities to the sufficient degree, i.e. having  $C$ . And that is the starting point for the basic view outlined above: such capacities ground normative demands  $N$  responsiveness to which counts as recognition  $R$ . The full progression is, schematically put,  $C_p \rightarrow N_p \rightarrow R_p \rightarrow C \rightarrow N \rightarrow R$ . And in this we have room for the idea that recognition precedes capacities, it is just that the recognition, which precedes the actually developed capacities, is recognition of the potentials,  $R_p$ .

Thus, having the relevant capacities in a potential form, ( $C_p$ ), creates normative requirements ( $N_p$ ) for others to respect the being, not to harm it, and to do one’s due share in participating in its developmental process (and one’s share may depend on one’s position in relation to the potential person – whether one is a parent, a neighbour or living in the opposite end of the world).<sup>22</sup> More or less adequate responsiveness to such requirements constitutes recognizing ( $R_p$ ) and giving social existence to the potential person, which is empirically speaking developmentally necessary for it ever to have the relevant capacities in a sufficiently developed, or actual, or unqualified form ( $C$ ). And from then onwards, the basic story goes that having the capacities  $C$  of an actual person creates for others normative requirements  $N$ , responsiveness to which constitutes recognition of the actual person  $R$ . And such recognition is necessary for being a person in the complete or fully actual sense.<sup>23</sup>

[22] Mere potential to develop the capacities is different from actually having the capacities, but it is significant in its own right. It grounds different normative requirements, though: similarly, a prince does not have the rights, entitlements and duties of a king, even though he is a potential king (see e.g. Feinberg, 1994, pp. 45–51).

[23] Here we can coin terms for different partial notions of personhood. A *potential* person has the relevant capacities in a potential form. A *gradually developing* person has them in a more and more actualised and developed form. A fully developed (monadic) person has

*The second challenge: normative significance of recognition*

The second challenge points out that the normative requirements to which interpersonal recognition is responsive to, are not based (only) on the capacities of the individuals, but derive from various social practices. Various social practices, granted statuses, publicly adopted principles *etc* make a normative difference. *Insofar as granting such statuses is 'recognition'* (say, granting someone the rights of a citizen), and generates reasons and oughts (such citizenship–rights ought to be respected by others), we have reasons to think that *normative requirements depend on recognition* (R ? N), at least in some sense of 'recognition'. And the normative relevance of social practices and recognition may go very deep – even the norm of equality of persons may not depend on the capacities of the individuals alone, but on a socially acknowledged norm of equality. The basic view argues that recognition must to some extent be defined as responsiveness to normative requirements. But – so the challenge goes – recognition as granting statuses also *creates* normative requirements, and the basic story does not yet account for that.

I think the right way to respond to this challenge is to admit that the basic view concerns only *basic* normative requirements, and that there are additional normative requirements which flow from actual social practices with constitutive rules for various roles (such as 'client', 'salesperson', 'officer', 'priest', 'citizen', 'legal owner'). There is, so to speak, a second leg for the normative requirements concerning treatment of persons. It is important to see that this sense of 'recognition' as granting statuses, roles and powers, is different from recognition as responding to pre-existing normative features of the individual. (This sense of recognition as granting statuses was bracketed during the discussion above). Much more could of course be said about how social practices and recognition also create normative demands, but a minimal way of responding to the challenge is simply to point out that the challenge is based on a different sense of 'recognition', which can enrich the basic story. Nonetheless, we may stress that the *basic* normative and moral status of persons is based on their capacities C, and that social practices concern mostly the distribution of additional roles.

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them to the sufficient degree. But even though one is 'fully developed' one is not 'fully actual' person, because the other structural element, that of social existence, may still be missing.

*The third challenge: normative relevance of capacities and the equality of persons?*

A third challenge is really a demand for more specificity. Is it the individual capacities such as self-consciousness or autonomy, that are normatively relevant, or is it really the property C (of having *sufficiently* of the capacities to be a person) that is relevant?

In my view, there is room for a reasonable debate here, although the question may not have been widely noticed. Here, two more or less novel alternative accounts can be formulated, both of which are consistent with the basic view. A ‘buck-passing account’ holds that personhood as such is not morally relevant over and above the moral relevance of the person-making capacities taken individually. A second view appealing to the notion of ‘exclusionary reasons’ holds that a norm of *equality* of persons does add something, which cannot be based on the person-making capacities individually.

The normative significance which depends directly on each of the person-making capacities ( $c_1, c_2, c_3, \dots$ ), does not yet give any justificatory role to monadic personhood, or the property C (as opposed to the plural capacities that it depends on). Reasons and oughts generated this way would be at place *even without* a concept of a person, or without any other unified concept in its place. Imagine a community which does not have a single unified concept of a person, but several concepts for all the capacities, and separate notions for agents possessing them (one concept for a self-conscious agent, another concept for a rational agent *etc*). Members of such a community might treat and regard each others more or less adequately in the light of the moral significance of each capacity individually (self-consciousness, autonomy *etc*). Call the moral status that results from such capacities, a *clustered moral status*. Capable agents could be to a great extent adequately ‘recognized’, respected and loved even in the absence of any classification of self-conscious, autonomous *etc* beings under any single classificatory term such as ‘person’. The rights and duties of beings with certain kinds of capacities could even be coded in laws, institutions and so on, without the concept of a person.

Is this the whole story? What can be called a ‘buck-passing account’ of the moral relevance of personhood would claim so.<sup>24</sup> The normative relevance of personhood depends in its entirety on such individual features, whether or not we classify the possessor with the

[24] To my knowledge, such a ‘buck-passing’ analysis of personhood has not been suggested, although buck-passing analyses of value (Scanlon, 1998) and welfare (Darwall 2002) have been suggested. The term comes from Scanlon (1998, ch 2). A related ‘buck-passing’ analysis could analyse the value-concept ‘dignity’ in terms of reasons of respect.

help of the concept of a person. This view claims that monadic personhood does not add to the reasons and oughts that make up the clustered moral status, it merely indicates the presence of individual reason-giving features on which the reasons and oughts depend (and is merely a handy way of unifying various concepts whose extensions are more or less identical). This buck-passing account bites the bullet and agrees that personhood as such does not make a moral difference, only the person-making capacities do.

A second view claims that this is not the whole story. When a community comes up with a concept of a person, this allows them to adopt a fresh moral norm or principle that *all persons* are to be treated *as equals* in some further respects. This goes beyond the uninformative universalistic meta-view that every entity ought always to be treated right, or that only morally relevant differences should matter. The substantive moral norm of equality makes a difference to what *is* morally relevant (based on considerations of justice, for example.)<sup>25</sup> Insofar as the capacities of individuals are the sole determinants of the moral significance, any differences in the degree to which these capacities are had seem morally relevant differences. But the norm of equality will neutralize the relevance of some differences (above some relevant threshold). This enables a move from the clustered moral status to *equal moral status of persons*.

If there is a basic package of equal rights and entitlements that are owed to all persons who are above a certain threshold of capacities, then from that viewpoint, any further intelligence, rationality and self-consciousness do not make a moral difference. At some point, the beings in question already have full rights of persons, and any further differences are not normatively relevant. Technically speaking, such a norm of equal moral status of persons is a second-order 'exclusionary reason' (Raz, 1990), which not only gives a (first order) normative reason to act, but at the same time is a second-order consideration excluding some other (first-order) reasons from consideration. Typical exclusionary reasons are promises (which provide a reason to do what is promised, and exclude from consideration further reasons to do or not to do it), and authoritative commands by higher ranking officers (such commands provide a reason to do what was commanded,

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[25] Cf. Rawls 1972, 508: 'Now whether there is a suitable range property for singling out the respect in which human beings are to be counted as equal is settled by the conception of justice.' Lloyd Thomas (1979, p. 594) comments: 'in other words, it appears that the conception of justice as fairness *requires* that 'moral personality' should be regarded as a range property. This may be so, but then it can hardly be said that equal justice is founded on equal natural attributes. Rather, the conception of justice imposes this equality.'

and a reason not to consider other reasons for and against acting – the officer’s choice may not be the wisest but it is his or her call) (Raz 1990). Although it has not been noted before in the literature, the norm of equal moral status of persons seems to have a similar structure: it provides a reason for acting in a certain way, and for excluding from consideration certain kinds of differences in individual capacities, which might be relevant otherwise (say, the norm of equality demands that extra intelligence makes no moral difference to the basic respect of persons). Thus the concept of a person does help us to form a new moral opinion (which according to realists may be a case of understanding a moral truth, or a true demand of justice, which we have previously missed).<sup>26</sup> My hunch is that most of those who accept the basic view will find this latter option more appealing, but I think both versions are defensible.

*The fourth challenge: the equality of all humans – a trilemma and a promissory note*

Is that, then, the whole story? There is a widespread (but also widely contested) intuition that all humans are entitled to equal respect, to basic human rights, and to a life consistent with human dignity (see e.g. Margalit, 1996; Nussbaum, 2006). Thus, in addition to the norm of equality of *persons*, the community in our example may adopt an even broader concept of moral equality, which covers *all humans*: all humans can be taken to be entitled to the basic moral rights (of persons, or of humans). The challenge is to do this in a way which avoids frank ‘speciesism’ (arbitrary favouritism towards one’s own species — see Singer, 1978). The challenge is to come up with a justification that in some way refers to *the person-making features*, but nonetheless ends up defending the intuitively appealing view that *all humans are equal*. Many philosophers seem to find it simply obvious that this cannot be done.<sup>27</sup> Whatever relevant features we focus on, it will unfortunately turn out that it is not the case that all humans will have them.<sup>28</sup>

Thus, any attempt to ground human equality this way faces a problem, a trilemma of three mutually incompatible claims:

[26] It could further be argued that this requirement is disabled in communities without a concept of a person, where people cannot have apprehended the requirement. Compare Thompson 2004, 368: ‘deontic truth of a given type is not there to be apprehended or to bind until ignorance of it among those whom it binds is rendered exceptional.’

[27] See e.g. the discussions summarized in Wong (1984, ch 13).

[28] See Margalit 1996. His negative strategy focussing on the capacity to suffer does not work either — seriously cognitively impaired humans lack some of the capacities to suffer that person-making capacities (for better or worse) enable.

- 1) All humans are entitled to equal respect and equal moral status (often expressed in terms of human dignity and human rights),
- 2) The moral status is based on the individual's having relevant person-making features F,
- 3) Not all humans have these features F.

All three theses cannot be true. One must drop at least one of them. Perhaps (1) can be simply dropped, and indeed some do not feel the force of this premise, perhaps taking it to be a historical remnant from earlier worldviews. But suppose our moral intuitions speak for it. In that case, we must try to articulate them and perhaps end up accepting, rejecting or adjusting them in a reflective equilibrium (in such a process of reflection we should exercise also some hermeneutics of suspicion and reflect on explanations which could repudiate the intuition). But how should we articulate those intuitions? Most approaches conclude, understandably, that features F cannot figure in the articulation, and they turn to other kinds of considerations. But that may be too hasty. One promising answer to this trilemma is to reformulate (2), and make corresponding slight changes to (3). What can be called the 'suitable relation approach' does it in the following way:

- 2') The moral status is based on the individual's having *a suitable relation* to the relevant person-making features F.

*Actually having* the person-making features is one such suitable relation, which means that whatever the species of a being, if it has the features, it has the moral status. Thus we do not have frank speciesism. But there may be other suitable relations: for example, having the features in a potential form, or having had them in the past (e.g. children, old people or unborn people who do not at the moment have the actual capacities). And one such suitable relation to the capacities might be that of 'belonging to a biological species whose normal members have them, even though not having the capacities oneself'. If that relation is normatively relevant, then *all* members of all those species whose normal members are persons will be included to the equal basic status. But is that species-relation really normatively relevant? (If not, then we just have a kind of speciesism again, which admittedly favours not only humans, but members of any species whose normal members are persons).

Now it does seem that species-membership has at least some kind of normative relevance. For example, it makes a difference to what

full-fledged participation in one's form of life consists of. Accordingly, not having the person-making capacities is a loss for humans, but not a loss for frogs, who can live a full-fledged frog-life in the absence of such capacities. Thus even those humans who do not have the relevant capacities themselves, have *some kind of a normative relation* to the capacities. *If* this normative relation is of the right kind to ground equal respect and equal moral status, then the trilemma can be solved accordingly:

- 1) All humans are entitled to equal respect and equal moral status (often expressed in terms of human dignity and human rights)
- 2') The moral status is based on the individual's having a *suitable relation* to the relevant person-making features F.
- 3') All humans may in fact have a *suitable relation* to the relevant person-making features F.

Whether all humans in fact have such a relation is a matter of moral argument and empirical claims.

Very much depends of course on the details of what the varieties of the 'suitable relation' are taken to be. It is a place-holder, which can be filled in differently in different cases (persons with fully developed capacities; fetuses without any brain structures yet to sustain consciousness; severely disabled members of a species whose normal members are persons etc.).<sup>29</sup> Whether such an argument will succeed, remains to be seen. The challenge is to come up with detailed arguments concerning the various cases, and that is beyond my powers, and aims in this essay.<sup>30</sup>

[29] On 'active' potentials, see Quante (2002, pp. 92–118); Wilkes (1988, chapter 2). See Bermudez (1996) & Gallagher (1996) on the debate about the relevance of primitive forms of self-consciousness. On fetuses without developed brains, see McMahan (2003). One step forward in trying to give an adequate analysis of the moral status of the unfortunate fellow humans, who do not have the specific potentials to become persons, is the idea of an 'Aristotelian loss' articulated by Kathleen Wilkes (1988, 62). Severely disabled persons have some relation to the person-making capacities, although not that of actually possessing them. But it is a misfortune that they do not possess them. (It is no misfortune that members of other species do not possess them — they can interact with similar species members as full participants even without such person-making features).

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