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Relational nonhuman personhood

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Abstract

This article defends a relational account of personhood. I argue that the structure of personhood consists of dyadic relations between persons who can wrong or be wronged by one another, even if some of them lack moral competence. I draw on recent work on directed duties to outline the structure of moral communities of persons. The upshot is that we can construct an inclusive theory of personhood that can accommodate nonhuman persons based on shared community membership. I argue that, once we unpack the internal relation between directed duties, moral status, and flourishing, relations can ground personhood and include nonhuman animals.

1 | INTRODUCTION

Is my cat a person? What, if anything, do I owe to this fellow creature lying on the couch, who cannot speak, enter formal agreements, promise, or be held responsible? My cat, after all, belongs in our community, like many other nonhuman companions, workers, and other animals used as sources of entertainment, research subjects, and food. And she belongs in a way that appears distinct from the plants or the ants that populate my garden. My aim is to convince you that, if I owe anything directly *to* (not just concerning) my cat, then you should see her as a person. In doing so, I am resisting the temptation to ground nonhuman personhood in cognitive capacities, but also filling a gap in the literature on directed duties. The conception of personhood that emerges is revisionary—rather than extending personhood, I urge that we revise its meaning. It unifies the realm of persons under a single umbrella, that of directed duties. The thesis has two parts. First, the fundamental structure of personhood—both its form and its ground or basis—is relational. Understanding what makes us persons is to understand the correlative structure of personhood and communities. Second, a relational theory of personhood can account for both the personhood of nearly all humans[1] and that of many animals. Several authors have defended analyses of duties variably dubbed "directed," "relational," "dyadic," or "bipolar" as a central and irreducible part of morality. A virtue of such accounts (see

[1]I assume for convenience that such an account must include at least the cognitively disabled, young children, and infants, but not early fetuses or embryos.

Wallace, 2019, most recently) is to offer a powerful and unified account of all the relational aspects of morality. Yet, the implications for the scope of personhood remain underexplored to this day. I draw on their promise to explicate the relational structure of personhood and argue that it includes other species. By clarifying the structure of personhood as consisting of dyadic duties, and including animals within their purview, I offer an account of personhood that expands on relational theories, does not rest on cognitive sophistication, and is inclusive.

But first, a clarification. This article is about *moral* personhood. Historically, moral personhood has been tied to metaphysical personhood, largely owing to Locke. Recent descriptive accounts of animals as persons follow his legacy in giving pride of place to self-awareness (Rowlands, 2019). According to Locke, a person is "a thinking intelligent Being, that has reason and reflection, and can consider itself as itself, the same thinking thing in different times and places" (1975, §2.27.9). Further, "person" is a "Forensick Term appropriating Actions and their Merit; and so belongs only to intelligent Agents capable of a Law, and Happiness and Misery" (§2.27.26). Persons can be held accountable because they are self-reflective and can make rational decisions. I will not say much about metaphysical personhood and its relation to moral personhood (see the brief remarks at the end of Rowlands, 2019), mainly because I argue that our duties do not depend on our descriptions of individuals' psychology. Nor will I say much about legal personhood, though of course recognizing nonhuman moral persons supports the case for the latter (Andrews et al., 2018).

I proceed as follows. Section 2 defines personhood as a kind of moral status and explains why it matters. Section 3 sketches the conceptual groundwork of a relational theory of personhood, drawing on relational theories of moral obligation and directed duties, which are owed to an individual such that flouting them amounts to wronging that individual. I discuss Ariel Zylberman's (2021) "relational primitivism" and address some of its limitations. With this conceptual apparatus in the background, Section 4 discusses an attractive view of personhood centered on the structure of community, Marya Schechtman's (2014) "person life view." I also address its limitations and extract a template for nonhuman personhood. My aim in this article is mostly constructive, though. So Section 5 proceeds to the construction of a theory of personhood from that template, eschewing anthropocentrism and incorporating the promise of a relational approach. Section 6 responds to objections.

2 | PERSONHOOD MATTERS

On the standard interpretation, having moral status means that one's well-being or interests matter independently. Moral agents morally ought to treat bearers of moral status—so-called "moral patients"—in certain ways for their own sake, as ends. An entity has basic moral status when it is the object of *direct* moral duties. An entity has full moral status, or personhood, here, when it is owed *directed* moral duties. Direct duties are owed in virtue of the entity itself but not all direct duties are directed. A failure to discharge a direct duty is morally wrong but need not wrong the moral patient in virtue of which there is a duty. Directed duties are owed *to* the entity, such that the failure to discharge them wrongs the moral patient (Kamm, 2007, pp. 227–230). This article is about the moral status on which directed duties depend. The notion is well captured by Simon C. May (2012), who writes:

> A being has this [independent] moral status . . . only when agents can have a moral reason to act just for its own sake. This requires that four conditions be satisfied. First, the being must have interests . . . that an agent can further. Second, the agent must have a moral reason to further the being's interests as such, and not just act in a way that happens to be in its interests. Third, the agent's moral reason must be noninstrumental: furthering the being's interests

> cannot simply be a means to another end. Fourth, the moral value of the being itself must be the source of the agent's noninstrumental moral reason. . . . (2012, p. 118)[2]

Hereafter, I assume that, by definition, persons meet the four conditions. The interests of many animals are such that they meet them too.

An influential framework for thinking about moral status is *moral individualism*. In the face of a wide range of overlapping psychological capacities both across and within species, moral individualists (McMahan, 2002, 2005; Rachels, 1990) have maintained that only the intrinsic properties of individuals determine moral status—properties of the entity itself, rather than the social or biological groups of which it is a member. What matters to how we treat a bonobo or a human child are their similarities and differences in morally relevant characteristics (e.g., cognitive abilities). Moral individualism is a view about the *basis* rather than the *form* of moral obligations. It is, as such, compatible with both monadic and relational obligations. Consequentialists are typically concerned with monadic duties (to maximize the good) and ground them on the intrinsic properties of moral patients (typically, sentience). Many nonconsequentialists also ground moral status on intrinsic properties (rational agency or sentience) yet claim that the bearers of moral status are the objects of directed duties. A relational account of the basis of personhood is compatible with both monadic and relational obligations. Thus, a consequentialist could say that a person is someone who stands in a certain relation to us, and we should maximize the happiness of persons; or a deontologist might say that the community of rational agents grounds duties to (not) do x, period. My account is relational about *both* the form and the basis of personhood and does not presuppose any moral theory.

Many people believe that persons are susceptible to more serious wrongs than nonpersons, or that personhood marks inviolability. Persons are the kind of beings that one ought to treat as persons rather than things.[3] Typically, persons have distinctive claims to liberty, respect, life, bodily integrity, privacy, socialization, political participation, and rights not to be exploited, subjugated, or humiliated. People are not property; they are not mere things. For instance, if the exercise of autonomy is intrinsically valuable for persons, or if death harms them more than it does other animals, persons have claims that other animals lack. If you believe the death of a child matters more than the death of a dog, the idea that all and only human beings are persons (and have full moral status) can account for this intuition too (Jaworska & Tannenbaum, 2014). A view that accounts for these judgments reflects the intuition that human lives are *equally* valuable and *more* so than animal lives. Persons are coequals, including severely mentally disabled humans, infants, children, and, more controversially, fetuses.

Theories of personhood often purport to explain on what grounds we relate to one another as equals. Such grounds may rest on interpersonal relations or individual features. I view our obligations to persons as relational in form and grounded in relationships. By interpersonal relations I mean not just friendship, love, commerce, and conflict, but also practices of responsibility (reactive attitudes, punishment), matters of autonomy (paternalism, education), and political organization (distributive justice, representation, participation). Some authors construe persons as constituted by social practice or a complex of attitudes (e.g., Andrews et al., 2018, chap. 4; Baker, 2015; Beck & Oyowe, 2018; Chappell, 2011; Diamond, 1978; Laitinen, 2007; Lindemann, 2014; Schechtman, 2014; Wagner, 2019). My account aligns with them

[2]The main conception of the relation between duties and interests is the Razian Interest Theory of rights (Raz, 1986, p. 166). See May (2012) for discussion. Also see Feinberg (1980).

[3]Though see Schroeder (2019) for an argument that sometimes we owe it to others to treat them also as things.

in rejecting moral individualism. However, the link between directed duties and the grounds and scope of personhood remains underexplored. In the next section, I draw on recent work to outline the structural links between the notions of moral community, personhood, and directed duties. I discuss "relational primitivism," a view recently defended by Ariel Zylberman (2021), and make critical amendments.

3 | THE RELATIONAL STRUCTURE OF PERSONHOOD

The guiding thought of the relational account is that persons do not exist in isolation. Being a person implies being a member of a community of persons. But how do we move from this descriptive claim to the normative claim that persons are tied by deontic dyadic relations? Enter relational theories. In this section, I canvas the relationships between directed duties, personhood, and wronging, and I identify the limitations of extant accounts of directed duties.

The standard view, in line with moral individualism, is that moral personhood depends exclusively on individual characteristics. More precisely, though, the concept of person picks out a cluster of features, all of which are susceptible of degree and vague in application: autonomy, rationality, self-awareness, linguistic competence, sociability, moral agency, and the capacity for intentional action (DeGrazia, 1996, p. 210; 2007, p. 320). According to David DeGrazia, the features themselves are often more informative than the predicate "person," so it is not always clear why we should appeal to personhood when we can appeal to such features. Still, person captures a distinct kind of moral status, a distinct way of mattering in the moral space. A relational account honors this distinct way of mattering while avoiding the appeal of reduction. The concept of person, on that view, picks out moral relationships rather than a cluster of features. And it is not vulnerable to issues arising from the vagueness of predicates, empirical uncertainty about their corresponding features, or moral uncertainty about which features should be considered relevant (see Beauchamp, 1999; Chappell, 2011, for further critiques of the standard conception).

On the standard view, persons exist prior to the communities that comprise them. However, individual characteristics do not exist in a vacuum; they take root and grow inside communities, enabled by environmental, social, and cultural factors. Instead of simply reversing the direction of explanation—communities exist prior to persons—I propose a third way: that communities and persons are not just causally related but *co-constitutive*. Communities supply the necessary background for the existence and development of persons, who in turn maintain the scaffolding necessary for communities to keep producing persons. More fundamentally, we cannot conceive of persons and their communities independently. Interactions among persons constitute a community of persons, which is neither a preexisting community nor a mere collection of persons.

3.1 | Directed duties

The idea of co-constitution underscores the normative structure of personhood. Instead of thinking of persons as holders of monadic deontic claims grounded in intrinsic properties—which is responsible for vagueness in application and the reductive conception of personhood—we start from the relational structure of the community of persons and extract dyadic deontic relations from within. Thus, I contend that persons do not hold relational deontic claims strictly in virtue of their intrinsic properties, *pace* versions of contractualism and deontology (Kamm, 2007; Scanlon, 1998).[4] Persons are constituted by and constitute the set of pos-

[4]Zylberman distinguishes between *evaluative* judgments ("It is good that A φs"), *simply deontic* judgments ("It is required that A φs"), and *relational deontic* judgments ("It is required that A φs because B has a claim against B that A φs").

sible deontic dyads between claimholders and duty-holders. This set coincides with the scope of what we owe to each other. Arguing that the set includes nonrational animals means expanding the scope of what we owe to each other (*pace* Darwall, 2006; Kamm, 2007, pp. 232–233; Kumar, 2003; Scanlon, 1998, pp. 177–188).

Moral obligations in general have a few essential features (see Wallace, 2019). First, they provide agents with *exclusionary* (if defeasible) reasons for agents' deliberation (Raz, 1990)—not just considerations among others, but reasons that normally override the normative force of other considerations (say, aesthetic or prudential reasons). As such, they are normatively *binding* on the agent; they operate as practical requirements constraining the scope of what agents may do. Third, the agent is a fitting target of *blame* and other reactive attitudes if they fail to fulfill their obligation.

Directed duties exhibit a distinctive structure: wronging parties to the dyad is not just doing wrong. The object of the duty has standing to blame the agent; blame is positional. The following extensionally equivalent formulas (Darwall, 2013, p. 28; Thompson, 2004, p. 335; Zylberman, 2021) exhibit the positionality of parties to, and the corresponding direction of, directed duties (i.e., A's relation to B does not entail that B bears the same relation to A):

> It is required that A φs because B has a claim against A that A φs
>
> A owes it to B to φ
>
> A wrongs B by not φing

Moreover,

> B has standing to blame A for not φing (Darwall, 2006, 2013)

Many discussions of bipolar obligations and directed duties follow Hohfeld's (1913) analysis of the correlativity of rights and obligations, if sometimes implicitly (Darwall, 2006, 2013; Kamm, 2007, pp. 239–241; May, 2015; Richardson, 2018; Sreenivasan, 2010; Thompson, 2004; Wallace, 2007, 2019; Weinrib, 1996; Zylberman, 2021). A claim-right necessarily correlates with some obligation owed to the claimholder. The structure of personhood consists fundamentally of directed duties following this schema.

3.2 | Relational primitivism

According to Zylberman's (2021) "Relational Primitivism," the "moral ought" is fundamentally relational. More precisely, required actions represented by the moral ought are the objects of relational "Hohfeldian incidents"[5] constitutive of personhood. Hohfeld's "axiom of correlativity" stipulates that directed duties and claims entail one another. Following Hohfeld, Zylberman argues that claims and powers "enjoy justificatory or explanatory primacy" (p. 407), that is: (i) our original status as persons explains others' correlative duties to us, and (ii) we retain the power to alter our claim-rights or others' duties to us, for instance, by releasing a promisor through consent. For instance, if you promised to take me to a movie, but I would rather you do not so you can focus on your paper, I can release you from your obligation.

[5]Hohfeldian incidents are the four basic elements of rights: claims, privileges, powers, and immunities.

Because claims and powers are inherently relational, the deontic status of persons is relational. Relational primitivism, however, does not purport to spell out the structure of the moral community, nor does it delineate the scope of personhood. In the remainder of this section, I fill in the gaps, using the original claims of persons as the building blocks of a community to spell out the thesis that communities and personhood are co-constitutive. I accept Zylberman's characterization of personhood as a relational property representing "the *agent-as-rights-bearer*" (p. 409), but I argue that this status presupposes relations between persons and their communities, not the other way around.

Consider Henry Richardson's (2018, p. 80) succinct definition:

> The *moral community* is the open-ended set of all individual persons who can wrong or can be wronged by one another.

On this view, personhood inherently involves dyadic relationships. Monadic duties on their own cannot constitute a moral community. We can contrast this idea of the moral community with Joel Feinberg's (1980, pp. 143–155) imaginary "Nowheresville," where many duties (and privileges, powers, and immunities) exist, but individuals have no claims, and no one can be wronged. May aptly comments:

> Although many moral duties may protect individual interests, there is no essential connection between these duties and the existence of moral reasons to act for an individual's own sake. . . . The normative significance of the concept of direction is precisely that it ties duties to individuals' moral status. (2012, p. 121)

There is, in other words, a fundamental link between interests, moral status (of at least a certain kind), and the direction of duties. Henceforth, I will refer to communities as sets of individuals standing in dyadic deontic relations, and to the moral community as the notional set of moral communities. This conception of the moral community appears consistent with relational primitivism, though I will soon note a few points of tension.

My main point of departure from the literature consists in explicitly making space for nonhuman persons at the construction stage. Some authors allow for directed duties to be owed to nonrational animals (Richardson, 2018, pp. 86–88, 129–132; Wallace, 2019, pp. 101–120, 154–155, 271), but this usually rings like an afterthought, and many authors still dispute it (Darwall, 2006, pp. 29, 43, 80, 95, 302, 2013, p. 28; Kamm, 2007; Kumar, 2003; Scanlon, 1998). Even as Zylberman (2021, pp. 419–420) draws on Tom Regan's (1983) theory of animal rights to hint at animals' "proto-personhood," his discussion misses its fundamental motivation (more on this shortly). Moreover, these claims about animals remain in tension with the primary focus on human equality. Of all, Richardson takes the possibility of nonhuman persons most seriously. Two features of his definition thus bear emphasizing: the inclusive disjunction (not all persons are moral *agents*) and open-endedness (not all persons are *human*). The disjunction must be inclusive to allow for the personhood of humans who cannot wrong others because they lack the capacities for moral agency. Open-endedness has the virtue of eschewing anthropocentrism. I address each feature in turn and contrast them with relational primitivism.

3.3 | Claims and powers

Authors have been keen to note that the concept of directed duties does not entail reciprocity, as suggested by the very notion of direction. Rights-bearers need not be duties-bearers. Thus, a relational account of personhood does not require that persons be (actually or potentially) morally competent or possess Lockean "forensic" capacities.

One could argue that, as Hohfeldian incidents, powers are a source of claim-rights, and therefore that nonrational animals cannot have claim-rights since they lack normative powers, or the abilities required to intentionally alter one's claim-rights and others' liabilities (Hart, 1972). Such powers include consent, the capacity to enter contracts, transfer property, sue, etc. With consent, claimholders can waive their claim-rights and release others from their duties. However, accepting that powers can create or modify claim-rights does not entail that all claim-rights stem from powers. Even if persons possess original powers insofar as they are rational, an inclusive theory of personhood does not require it. Moreover, while I will not rest my case on this argument, if animal agency involves certain normative powers such as assent or dissent, and if such powers suffice to ground rights, then we may infer that animals have rights even if they lack moral agency (Healey & Pepper, 2021).

Since other animals are not moral agents, we do not have claim-rights against them. But they have claims against us and we can wrong them. They cannot blame us, but we can be appropriate targets of blame by third parties. Likewise, norms of praise and blame do not fully apply to children, yet we can wrong them and be appropriate targets of blame for flouting our duties to them.

Although the emphasis is arguably on *original* claims, Zylberman introduces an ambiguity by situating powers within the original status of persons. Original claims contrast with "contingent" or "acquired" ones. They include "the claim not to be deceived, enslaved, tortured, murdered, or persecuted for your beliefs" (p. 409). *Pace* Zylberman (2021), I contend that these acts wrong us insofar as they affect our interests. Powers can alter whether others can justifiably affect my interests, either because they treat me in accordance with my original claims or because I waive such claims through consent. Powers, like claims, constitute the status of persons insofar as persons have an interest in determining their own lives. But Hohfeldian powers, unlike claims, are not a necessary constituent of personhood. If animals and children are to have any original moral claims, these must be explained by their interests rather than their moral competence. Indeed, when Zylberman evokes Regan (1983, pp. 271–273) as an example of a relational theory, he fails to note that Regan's view takes as *basic* the fact that animals have a welfare, or interests, grounding their claims. If relational primitivism is to make sense of our duties to nonrational animals and children, it must let go of the explanatory primacy of powers. As noted from the onset and expressed in May's four conditions on directed duties, the most common interpretation of moral status involves the consideration of an entity's interests for their own sake. Insofar as directed duties reflect an entity's moral status, then, it is natural to expect interests to keep playing their role.

3.4 | Open-endedness

In virtue of the open-endedness of the moral community, current membership does not preempt possible membership, and divisions between communities do not preclude their (notional) integration ("articulation"). Regarding nonhuman persons, Richardson writes that "it would be a defective conception of the moral community that conceptually foreclosed this possibility" (2018, p. 82).

This open-endedness suggests a diagnosis for the intuition that all and only humans are persons: when thinking of what makes a person, we presuppose a background of interpersonal relationships and practices that are typically human and Lockean. We see persons as independent, rational, responsible, and self-conscious, in the business of interacting with others with similar faculties. Persons can understand and communicate with each other, bargain, and hold each other accountable. Typical facts shape our pretheoretical conception. Yet those intuitions are worth challenging, in part for their historical association with the ongoing oppression of animals and subordinate human groups. Because we see and treat persons as integral members

of the moral community, we tend *not* to see and treat other animals—who are embodied, socialized, and stereotyped as nonpersons—as members of the same community. And we thereby reinforce our pretheoretical conception of them as nonpersons. Charles Mills has shown how idealizations inherent to ideal-theory political philosophy produce domination and marginalization by ignoring or naturalizing their ideological underpinnings (2017, pp. 72–90). Likewise, I suggest, the ideal concept of (Lockean or Kantian) person as a rational, self-governing individual, when combined with the moral significance of personhood, relegates animals to a subordinate position.

Take two examples. First, consider the contractualist Rahul Kumar, who writes, "The appeal to "persons" here should be understood to be an appeal to a specific *normative* ideal of the person, the salient characteristic of which is the capacity for rational self-governance in pursuit of a meaningful life" (2003, p. 106). Now consider that Christine Korsgaard (2018), even while arguing that we have strong direct duties to other animals, falls short of granting personhood proper to other animals owing to her Kantian conception of personhood involving robust autonomy and self-consciousness. Korsgaard considers domestic animals in between persons and property, "something more like a subordinate population" (pp. 215–238). On this view, animals are not and cannot be persons.

An implication of idealizations is to restrict a priori the scope of what we owe to each other. In contrast, Richardson's open-ended definition does not commit that mistake. Once we take seriously the idea that relational duties enjoy explanatory primacy, the individual features of persons are no longer morally fundamental; duties are not grounded in a normative ideal of persons. Rather, we relate to one another as equals despite our empirical differences, and this makes us all persons. There is thus a tension between the commonsense conception of persons captured by nonrelational accounts (cf. DeGrazia, Rowlands, and moral individualists) and the fact that we disregard intrinsic differences in our relations to other people. In contrast, the relational conception does not hinge on intrinsic similarities or differences and can account for the significance of our mutual relations.[6]

With the conceptual apparatus in hand, I can start formulating my positive case for relational nonhuman personhood. Membership in a community of persons affects the material conditions of flourishing, that is, which capacities one is likely to develop, which ones are required to flourish, and what is in one's interest. Since moral status is about how we should treat others, if relations determine the conditions of flourishing, then they are relevant to moral status. This relationship between flourishing and community is due to the relational nature of moral status in general. My first step will be to show that persons require communities for their existence and their flourishing. For this, I turn to Marya Schechtman's "person life view" (2014). I address its limitations but argue that we can extract a template from it to describe interspecies communities of persons. My second step will be to specify the normative conception of personhood that reflects the flourishing-moral status-community connection, which, unsurprisingly, is the relational account previously canvassed.

4 | THE PERSON LIFE VIEW

4.1 | Person lives and person-space

The person life view (PLV) (Schechtman, 2014) defines persons in terms, not of their capacities, but of the characteristic life of a person. A "person life" unfolds in "person-space,"

[6]Note that the relational conception does not rule out all intrinsic properties from the basis of personhood. Some capacities still matter, especially those that determine what's good for us and others. It rejects the individualist's restriction of the basis to intrinsic properties and brings out the relational form of personhood.

a locus of characteristically human practical interests and concerns, where persons are expected, born, raised, educated, socialized, enculturated, held accountable, loved, cared for, mourned, remembered, and so on. Person-space is where commerce, work, arts, and science happen; where we become friends, romantic partners, parents, and children; exercise our civic rights and duties; allocate social burdens and benefits; and hold each other accountable.

I will draw on PLV, but an important caveat is in order. Schechtman does not provide an argument for *why* we owe persons the sort of obligations that we do. She may well reject the implication that her view settles the moral status of persons. Schechtman does not claim that what we owe other animals depends on seeing them as persons. In contrast, I argue, if PLV is a plausible picture of personhood, including the relational elements that constitute the good of persons, it provides a case for taking the relational structure of personhood as the ground of their moral status. That is, that persons flourish in person-space explains both *why* we owe persons what we owe them and exactly *what* we owe them. Thus, PLV helps us to specify the interests at stake in the relational account outlined in the previous section.

A person life rests on a scaffolding consisting of three mutually supportive elements:

1. the physical and psychological attributes of individuals;
2. the kinds of activities and interactions that make up individuals' daily life and their relation to the general human form of life; and
3. the social infrastructure of personhood (Schechtman uses "culture," "social infrastructure," and "person-space" interchangeably), a set of practices and institutions enabling and facilitating persons' activities, including "presuppositions about what (who) gets brought into the form of life that is personhood" (Schechtman, 2014, p. 113).

Schechtman's account offers a bridge between metaphysical and moral personhood. Persons are, by dint of their location in person-space, loci of distinctive practical concerns. My claim (not hers) is that this marks them for a particular moral status. The inference to a normatively defensible account of personhood is well served by the idea that person-space is critical to human flourishing. In Section 5, I offer a bridge principle to motivate the inference and also argue that person-space is critical to the flourishing of some animals.

Schechtman considers three types of nonparadigmatic cases: atypical development in humans (e.g., severe cognitive disability), anomalous social positions (e.g., enslaved and oppressed people), and nonhumans (animals, androids, and robots). The first two, she argues, can be accommodated by PLV thanks to practices of inclusion and resistance to exclusion—by, say, abolitionists in the antebellum American South or, today, disability rights advocates. Schechtman shows that failures of recognition of certain humans are not failures to perceive the grounds of personhood, but rather failures by the community to enact a recognition of such humans as members of the community.

Historically, societies have repeatedly failed to recognize persons in anomalous social positions. The fact that, say, Black people occupied inferior social positions in the United States is a result, not a justification, of such a failure of recognition. Indeed, an egregious wrong of slavery (or oppression more broadly) is denying the enslaved (or oppressed groups) opportunities to fully manifest their personhood through society. Derrick Darby (2009) has argued that moral rights do not exist independently of social recognition. According to his "rights externalism," there are no persons outside communities of persons. It might seem to generate the wrong conclusions. Darby understands his view risks making the rights of minorities contingent on the artifact of recognition. However, enslaved people in the antebellum South, even when they were treated as chattel, were recognized as persons by fractions of society and were fighting for their recognition within a broader moral community. Enslaved persons met all the conditions of participation in person-space despite their

anomalous position. Slavery was, among many other things, a failure of uptake of these facts.

Schechtman's discussion of nonhuman persons, on the other hand, is unsatisfactory, because it lends too much weight to practices of exclusion. If, for humans who never develop the full array of capacities of typical adults, being brought into a person life is *sufficient* for personhood, why could it not be sufficient to make dogs persons? Schechtman says that Mr. Peabody, the talking dog from *The Rocky and Bullwinkle Show*, is a nonhuman person (pp. 132–133). However, she also says, in real life we may not be able to recognize such lives as person lives, owing to different conditions of embodiment (p. 134). Thus, a family's response to finding out that their child will never be able to talk, dress, or feed herself (pp. 120–125, 137) is justifiably different from our response to what puppies cannot do. Likewise, humans in a permanent vegetative state "are the recipients of person-specific attentions even if they cannot actively reciprocate" (p. 78). Even though these are "just barely discernible as interpersonal relations" (p. 105), and even if relationships with a dog were more discernibly interpersonal, it would still be inappropriate to treat the dog as a person. We do not marry, hire, or enter into contracts with dogs; we should not dress them as humans. The developmental path of humans normally requires that we maintain our expectations even in the face of deviations from paradigms; dogs are not deviations but a different kind of being. Schechtman's view even appears to imply that it is more appropriate to treat the (human) dead as persons than living animals (Stokes, 2019). Even if we concede that it is not totally arbitrary, these are the sorts of natural attitudes we should question. Instead, Schechtman simply presupposes that we are warranted in taking human beings' embodiment and developmental trajectory as sufficient to justify a gap between all humans and all other animals.

Hilde Lindemann writes of the double-edged power of narratives:

> We are initiated into personhood through interactions with other persons, and we simultaneously develop and maintain personal identities through interactions with others who hold us in our identities. This holding can be done well or badly. . . . Done badly, we hold people in invidious, destructive narratives. Some such narratives identify the social group to which someone belongs as socially and morally inferior. . . . (Lindemann, 2014, p. x)

Thus, The relational constitution of persons can support flourishing or marginalization. Narratives can be ideological. Jason Wyckoff argues that animal oppression arises partly from "the ideological functions of the categories we employ," that "our concepts may be shaping the very social reality that we are trying to talk about" (2015, p. 541; see Haslanger, 2005). For "ideology serves to constrain imaginative possibilities by presenting contingent social features of the world as natural, immutable features" (Wyckoff, 2015, p. 545). Indeed, within the "dominant ideology," our concepts, narratives, and practices mark animals and their interests as subordinated.

In this light, we may worry that Schechtman's argument naturalizes the nonpersonhood of other animals. Given the ideological dimension of the relevant concepts, our natural attitudes should not determine who can live a "person life" (cf. my earlier remarks on idealizations). For these reasons, let me put pressure on PLV to develop an inclusive relational conception of personhood. Animals can participate and flourish in person-space. We are led to believe otherwise by faulty narratives.

Someone might object that similar concerns apply to any relational account. After all, it is plausible that moral individualism and normative ideal accounts of personhood such as those championed by abolitionists, egalitarians, and human rights advocates have been historically crucial in the fight for the recognition of oppressed and marginalized persons against exclusionary relational views of the moral community. A stronger version of my view that makes

personhood exclusively relational might compromise those historical gains. It will become clear when I spell out the details of the account in Section 5 that it precludes objectionable exclusion.

4.2 | Pathways to nonhuman personhood

Schechtman associates personhood with the human life form. To her credit, she sketches two tentative pathways for nonhuman personhood (2014, p. 131), which reveal the promise but also the limits of her account.

To start with the most direct route: some animals possess the typically Lockean capacities to interact with us in person-specific ways, such as capacities for self-consciousness, planning, and practical reasoning (p. 132). It is "a largely empirical question" whether any animals fit the description. The evidence suggests that, by those criteria, there already are nonhuman persons such as cetaceans, elephants, and great apes (Andrews et al., 2018; DeGrazia, 2007), or at least "near persons" (Varner, 2012). Importantly, this pathway is consistent with PLV: the intrinsic properties of such animals enable them to take part in the required infrastructure. Equally importantly, these are sufficient but not necessary properties, lest we run into the objection from arbitrariness just discussed.

The second pathway concerns animals who develop a social infrastructure of their own (Schechtman, 2014, p. 134). If their infrastructure is "sufficiently like ours to allow for the right kinds of interactions," great apes, elephants, and cetaceans could have recognizable person lives. Despite the chauvinism apparent in the requirement that their infrastructures be "sufficiently like ours," Schechtman grants that we should not "be too quick to overestimate how like us creatures must be in order to be able to live recognizable person lives" (p. 134). The thought is that there may exist nonhuman person-spaces.

Let me make three comments. First, from an epistemic standpoint, we may indeed not recognize such infrastructures if they were not "sufficiently like ours." However, structures do exist that involve recognizably dyadic relations and person-space patterns, such as cooperation, reciprocity, empathy, conflict resolution, friendship, play, mourning, and complex and fluid social hierarchies. Great apes, elephants, and cetaceans are cases in point with their complex social organization, innovative tool use, and song-making, as well as traditions and cultural differences. (Animals are cultural insofar as they exhibit behavioral patterns that solidify through social transmission within groups and vary across groups independently of genetic and environmental variations (see, e.g., Whitehead & Rendell, 2015, on cetaceans; Whiten et al., 1999, on chimpanzees).) If respect for persons involves respect for their culture, it may be impermissible to integrate such creatures into person-space. Rather, we should preserve *their* person-space. By the same token, if culture grounds personhood, we may be harming (and wronging) animals by interfering with the necessary components of cultural behavior (Fitzpatrick & Andrews, 2022).

Moreover, the idea that animals are capable of normativity is gaining scientific and philosophical traction (Monsó & Andrews, 2022; Vincent et al., 2019). There exist sophisticated modes of social organization—social learning, culture, and tradition—among other animals, even if no other species may be capable of cumulative cultural evolution (Boyd, 2017; Henrich, 2017).

Finally, the idea is not that such animals do accord personhood to one another. What matters is that they belong to a recognizable person-space. The claim is structural, not psychological. For instance, ritual mourning and burial practices may be indicative of person-space (King, 2013; Monsó & Andrews, 2022). A plausible case can be made for a wide range of animals having some understanding of death even without a concept of death (Monsó & Osuna-Mascaró, 2021), but this does not imply that animals see each other as persons. Also

note that in those communities, individuals who lack person-typical capacities "would nevertheless be persons within their own infrastructure (and so, by extension, within ours) for the very same reasons that humans with atypical developmental trajectories are." (Schechtman, 2014, p. 135).

To recap, there are two main pathways to nonhuman personhood. It can depend on humans recognizing other creatures as living in person-space. In this case, recognition is what determines our dyadic obligations, the content of which depends on the gate through which animals enter person-space (e.g., as workers, laboratory subjects, sanctuary residents, or companions). The second pathway is by living in a separate person-space that determines how animals should treat *each other*, despite their inability to recognize explicitly that they have these obligations. For some species, it is easier to imagine them inhabiting a person-space of their own—such as whales inhabiting a whale-centered space—than it is to imagine them sharing person-space with us. Regardless, we have good conceptual and empirical reasons to leave the gates of person-space open. I will now spell out in more detail the relational structure of a community of persons that would be properly inclusive.

5 | THE COMMUNITIES OF PERSONS

5.1 | The structure

The conditions below reflect common assumptions about the function of personhood in moral discourse: to represent individuals as tied by certain kinds of relationships, including respect, recognition, reactive attitudes, and a presumption of equality. These relationships hold even in cases where reciprocity is impossible. Moreover, personhood involves an internal relation to flourishing, broadly construed to include wellbeing, respect, and autonomy. The following schema illuminates these important aspects of personhood.

> *Deontic*: Persons are owed morally distinctive forms of treatment and can wrong or be wronged by one another in distinctive respects (see Section 2).
>
> *Grounds*: Persons can wrong or be wronged by one another in virtue of facts about *both* individual characteristics and relations.
>
> *Architecture*: A community of persons has a layered structure. It comprises characteristic social infrastructures where abilities, skills, dispositions, desires, preferences, needs, and expectations have been shaped through cultural evolution and are honed through social development. Person lives are individuated, personal identity develops, and obligations emerge against this backdrop. For variations on person-space to coexist within a community, they must be mutually consistent (an example of inconsistent person-space is the status of "subpersons" relative to whites; cf. Mills, 2017).
>
> *Necessity*: Person-space provides the necessary material conditions for the existence, individuation, identity, and flourishing of persons.

This schema unifies the upshots of the previous sections. It supplies a criterion to recognize communities of persons, eschews anthropocentrism, and reflects the normativity of the moral community. Moreover, community-specific details can be filled in to reflect cultural variation consistent with our obligations to persons.

The question of articulating different communities within a single moral community, which Richardson (2018) dubs "Thompson's Challenge" (Thompson, 2004) is indeed complicated by the possibility of nonhuman persons (see §IV.B.). Case in point, Schechtman imagines "discovering a species of marine mammals with whom we could communicate well enough to negotiate the use of waterways or engage in other cooperative ventures" (2014, p. 135). But coordination need not be based on isomorphic person-space if there is sufficient overlap. If we take this possibility seriously, recognizing participation in a different person-space could suffice to recognize personhood in one's community.

Importantly, recognition does not automatically determine the content of our obligations. Their specification is a work in progress, authoritatively settled in context by the moral community (Richardson, 2018). This is especially true regarding what we owe to other animals. This will be informed by an understanding of animals' position in person-space, more concretely their cultural and normative practices, and what role those play in their flourishing.

Person-space can provide the necessary conditions for domesticated animals such as cats, dogs, cows, pigs, horses, goats, donkeys, chickens, and so on to flourish and be persons. As part and parcel of our social infrastructures, they belong in person-space. However, changes to our current practices and uptake of the preconditions of recognition are required. To flesh out these implications of nonhuman personhood, let us first return to relational primitivism and one of my earlier objections.

5.2 | Relational primitivism reconsidered

First, consider the following principle:

> *Flourishing*: An entity E's moral status supervenes only on the properties or relations of E that are relevant to E's flourishing. A P-property or R-relation is relevant to flourishing if, and only if, possessing P-properties or standing in R-relations determines what goods and opportunities are accessible to and good for E.

The principle does not specify which features are status-conferring but how they are fixed, namely, by the conditions of a creature's flourishing and its interests. As noted, moral status and interests are tightly linked. (Flourishing) illuminates our duties to persons: properties and relations that fix E's flourishing fix the grounds of E's claims. And since claims correlate with directed duties, the deontic structure of E's status follows from the conditions of E's flourishing.

Let us now reconsider relational primitivism. On Zylberman's view, deontic structure follows from E's original claims as a person, and since these involve directed duties, the relational structure of E's status enjoys explanatory primacy. In his discussion of R. Jay Wallace (2019), Zylberman argues that explaining E's status *in terms of* E's interests makes the relational structure derivative and so fails to support a genuine relational theory of obligation. But this assumes interests never have their source in relationships, thus begging the question: Why do persons have original claims in the first place? According to Zylberman, the "moral ought" is not mysterious. "It simply represents those actions I must perform in order to respect your status as a moral agent" (2021, p. 410). But what explains why I should respect you? Relational primitivism seems to have replaced "one mystery (the moral ought) for another (original claims)." Zylberman's solution is to posit both original claims and the status they constitute as "primitive notions." Unfortunately, this leaves the role of interests unexplained and runs afoul of the common understanding of moral status as based on interests. Interests do more explanatory work than Zylberman allows. We can pick out the properties and relations that are conducive to an entity's flourishing (what is broadly in its

interest) and ground its moral status. This internal relation, encapsulated in (Flourishing), explains what we owe each other better than the presupposition that persons have dignity or deserve respect. The appeal to interests does not reduce claims and status to nonrelational primitives. In fact, I think this revision is required for the application of relational primitivism to animal rights (2021, pp. 419–420).

My second departure regards Zylberman's building a substantive conception of personhood into the content of original claims. Duties, for Zylberman, are required by reciprocal relations of respect and recognition (pp. 410–411), which are entailed by our relating to each other as "bearers of original status." Elsewhere, Zylberman (2018) argues that dignity, construed as involving deontic norms, exhibits a relational structure, a co-entailment between dignity and the duty of respect. Throughout, I have avoided substantive commitments, focusing on the *form* of personhood. My account does not presuppose that personhood entails specific moral norms of respect. It is more ecumenical and makes the relational account more attractive to critics of the idea of human dignity and to consequentialists.

With these amendments to PLV and relational primitivism in mind, let us make the possibility of relational nonhuman personhood more concrete.

5.3 | Interspecies communities

Most domesticated animals, at least birds and mammals, are plausible candidates for personhood, but so are many "liminal" animals, such as raccoons, coyotes, deer, crows, ravens, and pigeons, whose territory and interests overlap sufficiently, and do not excessively conflict, with ours.

Laura Valentini (2014) has shown that associative theories of justice, based on "cooperation between morally significant agents," can be extended to dogs and potentially other nonhuman animals, given the roles they play in our social lives. Our understanding of other species' communicative practices is often a constraint on our ability to cooperate or otherwise meaningfully interact with them. But dogs are an easy case. More generally, the recognition of animals as subjects of justice entails that their interests be considered in designing the institutions, laws, and policies that affect them (Cochrane, 2018; Donaldson & Kymlicka, 2011; Sebo, 2022; Valentini, 2014). This means structuring the political community around and with them, including not just institutions but public infrastructures such as streets, parks, transportation, and public services.

Following (Necessity), I propose, if some animals' flourishing requires active participation in an interspecies community, then they are eligible for personhood. Considering domesticated animals as persons, co-citizens, or subjects of political justice, would, for instance, alter the normative significance of animal labor. Work would require rights of self-determination, rights to choose whether and when to work, what kinds of tasks, for what rewards, as well as rights to health care and retirement (Blattner, 2020; Cochrane, 2016).

Why should facts about domestication make some animals persons but not others, such as more or less fully wild mammals and birds? First, personhood does not exhaust the space of moral status. If some animals cannot occupy person-space, then *ipso facto* person-space does not supply the current material conditions of their flourishing. Such animals do not meet (Necessity). Do any wild animals meet (Necessity)? Some may, especially those who live near or among us but many fare better without us. That said, many wild animals make claims against us, if and when we create relations of dependence, vulnerability, or familiarity through habitat destruction, agriculture, feeding, wildlife trafficking, and conservation. In such cases, our directed duties expand farther than we typically assume (Delon, 2020; Donaldson & Kymlicka, 2011; Palmer, 2010; Sebo, 2022), which will also require balancing interests between persons of different species.

Note that duties based on basic moral status may sometimes trump the claims of persons. The intense suffering of factory-farmed animals matters more than loyalty to cats and dogs; a raccoon's distress more than my cat's claim to an extra hour of play. Persons and nonpersons have different interests and their flourishing has different dimensions, so we need not give more weight to the former for persons and nonpersons to make different claims on us.

Let us take stock. I put pressure on relational primitivism and the person life view to argue that they should include animals in the scope of personhood. I did this by restoring the explanatory relation between dyadic duties and flourishing and by outlining the structure of communities of persons where such duties originate. Before concluding, let me address four objections.

6 | OBJECTIONS

6.1 | Remote persons

Are there individuals with capacities characteristic of persons who do not participate in *any* social infrastructure? Imagine hermits who were brought up in person-space but exiled themselves. They presumably have all the standard attributes of human persons, autonomy, rationality, and such. Their isolation should not prevent us from recognizing their personhood. Does this make the relational view superfluous? No. Hermits were born and raised in person-space and carry with them the baggage of personhood. They are, their attitudes notwithstanding, entangled in the structure of the moral community. There is nothing mysterious about owing them what we owe to persons.

What of individuals who *never* occupied a position in person-space? Could they develop person-typical capacities? Since, as we saw, the actual possession of such capacities is not necessary for occupying a position in person-space, can one become a person outside person-space? Besides the rare feral child, such outliers should not worry us, and I suspect PLV can accommodate them. Insofar as goods characteristic of persons are also good for them, including living in person-space, then we owe them what we owe to persons, albeit for slightly different reasons.

In sum, the case of socially anomalous individuals only threatens the relational account if currently occupying a position in person-space is required for personhood, but it is not (see e.g., Stokes, 2019). (Flourishing) provides us with the tools to extract what we owe such individuals beyond their basic moral status.[7]

6.2 | Intrinsic/extrinsic

Does personhood rest on whether a creature does or should belong to a person-community? If the answer is "does," arbitrariness looms. There is a gaping hole between the set of currently recognized persons and those we should recognize as persons, whether historically (the long list of oppressed categories) or currently (animals). The relevance of membership is not an appeal to brute facts. The challenge is why the correct set of persons is determined neither by brute facts nor just by intrinsic properties. The difficulty is real but not insurmountable. Whether a creature merits inclusion has to do with relevant facts about them, but such facts are not reducible to intrinsic

[7]Should we enhance animals' cognitive capacities and social skills to bring them into person-space? Here is a tentative answer. We have pro tanto reasons to do so on three conditions. Enhancement that is feasible and would greatly benefit an animal while preserving their identity may be permissible. I am bracketing the question of whether enhanced moral status *itself* is prudentially good, although my view suggests that being recognized as a person can be good. See Chan and Harris (2011) and Douglas (2022).

properties or history, though they may include them. The relevant facts are picked out according to (Flourishing), which can include relations between entities and their community, such as dependence, vulnerability, trust, affection, and cooperation.

One might retort that I conflate causal claims about life history and evolution with actual needs. The fact that person-space is good for the pig *is* intrinsic, the objection goes. By way of analogy, you might be a skilled pianist because you had a good piano teacher, but your skill is intrinsic despite its causal history. But I am not making a causal historical claim. Rather, we cannot detach the pig's flourishing from the material conditions that fix it *in combination with their intrinsic properties*. Facts about flourishing are fixed by that interaction; they are underdetermined by intrinsic properties, including those that have a causal history outside the subject.

6.3 | The role of flourishing

Still, why rely on flourishing at all? Moral individualists assume that how one ought to treat others depends *only* on their individual characteristics. But again, membership in a community also determines the material conditions of flourishing for different species. The flourishing of enculturated chimpanzees, but not a fully wild individual, requires some degree of participation in a human community such as retirement in a sanctuary (Andrews et al., 2018). Community is relevant if, as moral individualists rightly believe, moral status tells us how we should treat individuals.

The objection goes on. The grounds of moral status are distinct from what contributes to flourishing (Jaworska & Tannenbaum, 2015, 2018). The former, not the latter, determine "moral entitlements." So the connection between community and flourishing has no bearing on moral status. This objection overlooks (Flourishing). The connection between moral status and capacity for well-being is central to most accounts of moral status, given the explanatory role of interests. Flourishing and moral status require distinct theories, but they are tightly connected. (Flourishing) explains which capacities and, equally importantly, which relations matter to moral status.

6.4 | Agent-relativity

Finally, appeals to relationships as grounds of moral status seem to only provide agent-relative reasons, whereas moral status is agent-neutral (Jaworska & Tannenbaum, 2018; McMahan, 2005). What I owe to *my* cat—to take care of her, make sure she is looked after when I am out of town, respect her choices, not treat her in degrading ways, and so on—is explained in terms of special or associative obligations rather than moral status. But I have argued that I also owe her what we owe other cats *in virtue of occupying a position in person-space*—say, supporting adoption, rescuing a cat in need, supporting conflict resolution with wildlife conservation organizations. A theory of moral status must illuminate the reasons we *all* have to treat other creatures in certain ways, and I have argued that some relations matter in exactly this sense. What we owe to other creatures includes what we owe to some of them in virtue of our special relationships but also as members of the community of persons. At the same time, a complete specification of our duties must articulate duties to different species, which may involve balancing acts between competing interests and values (e.g., domestic cats vs. songbirds; feral hogs and horses vs. ecosystems).[8]

[8]On the need to specify duties in our articulation of the moral community, see Richardson (2018). On navigating conflicts and balancing interests, see, for example, Donaldson and Kymlicka (2011), Palmer (2010), and Sebo (2022).

These four objections fail. Relational nonhuman personhood is a genuine theory of moral status, truly relational and inclusive, and based on morally relevant facts.

7 | CONCLUSION

Persons make distinctive moral claims on one another, within and across communities. A relational view best reflects the deontic relational character of the moral community. I have argued that it can accommodate nonhuman persons. The structure of personhood is a unified set of deontic relations among persons within person-space, whose flourishing depends on and determines the structure of the community. My account is both conservative and revisionary in that it secures personhood for (almost) all human beings and (many) nonhuman animals. Many questions remain about the specification of the content of rights and duties, and the principles governing relations between different moral communities, but the relational view provides a blueprint for answering these questions.[9]

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[9]I started writing this in 2017. It was then a very different paper. It has since been shaped, transformed, and improved by the input of many people, including audiences at the 2018 Rocky Mountain Ethics Congress, the 2021 APA Eastern Division meeting, and the 2021 Joint Session of the Aristotelian Society and the Mind Association, many anonymous referees, David DeGrazia, Bob Fischer, Eva Kittay, Tano Posteraro, Duncan Purves, Marya Schechtman, Andrew Smith, Patrick Stokes, and Travis Timmerman. To anyone I omitted, I directly owe you gratitude and an apology.

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