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Against Cognitivism About Personhood

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Abstract The present paper unravels ontological and normative conditions of personhood for the purpose of critiquing 'Cognitivist Views'. Such views have attracted much attention and affirmation by presenting the ontology of personhood in terms of higher-order cognition on the basis of which normative practices are explained and justified. However, these normative conditions are invoked to establish the alleged ontology in the first place. When we want to know what kind of entity has full moral status, it is tempting to establish an ontology that fits our moral intuitions about who should qualify for such unique normative standing. But this approach conflates personhood's ontology and normativity insofar as it stresses the primacy of the former while implicitly presupposing the latter; it thereby suffers from a 'Normative Fallacy' by inferring from 'ought' to 'is'. Following my critique of Cognitivism, I sketch an alternative conception, contending that, whereas the Cognitivist ontology of personhood presupposes the normative, a social ontology is constituted by it. In due consideration of evidence from developmental psychology, the social embeddedness of persons—manifested in the ability of taking a 'second-person stance'—is identified as a key feature of personhood that precedes higher-order cognition, and is directly linked to basic normative concerns.

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1 Introduction

Personhood is a remarkably versatile concept that aims to uncover what persons have that non-persons don't have. The philosophical focus has largely been on defining what constitutes persons synchronically. Resulting theories are multifarious and spark ongoing debates in philosophy, law, the social sciences, and neuroscience. As such, personhood has both ontological and normative significance. A major source of confusion is the ambiguity of whether personhood is first and foremost an ontological or a normative concept. This ambiguity is fostered by a variety of different philosophical conceptions of what personhood encompasses, some of which are only loosely connected. For example, questions of corporate personhood (Kusch 2014) that discuss the metaphysical and moral standing of abstract entities, likely talk about something very different from questions of whether cognitive disability is an impediment to moral personhood in humans (Kittay 2005).

In this article, I am concerned only with a narrow conception of personhood that takes persons to be a set of concrete entities who form a distinct ontological category, and possess a unique moral status. There have been various, sometimes opposing attempts to link persons' ontology with their normativity. Some of the resulting theories are so diverse (for example Animalism and Psychological Continuity conceptions), suggesting that there might be different senses at play as to what constitutes a person. Shoemaker (2007, 2016) disentangles some of these senses in the context of personal identity and practical, normative concerns. While it is worth bearing in mind that there are different ways to conceive of what a person is, depending on what one aims to track (e.g., the metaphysical persistence conditions of persons or their moral responsibility in some particular case), what inherently unites these conceptions is that all of them make claims regarding the way ontological and normative conditions of personhood are connected. This, then, is not to deny that there are different senses of what a person is, but to narrow down the target of the following analysis to one of the main families of philosophical theories of personhood: views that take persons to form a distinct ontological category whose members possess a unique moral status.

In what follows, I begin by arguing against a particularly widespread class of such views of personhood: 'Cognitivist Views' (henceforth: Cognitivism) that see persons constituted by complex mental capacities; on this view, the necessary condition of personhood is higher-order cognition. The problem with Cognitivism is that such views fall prey to what I call a 'Normative Fallacy'. Cognitivists begin with a set of presuppositions about the unique moral status of persons, look for an ontological category that maps onto these presuppositions, and then draw normative conclusions from the ontological category they have put forward. The problem, then, is that Cognitivism begs the question by attempting to draw normative conclusions from an ontological condition that is covertly based on normative presuppositions.

Following my critique of Cognitivism, I argue in favor of an account that sees personhood constituted by its social ontology; on this view, the necessary condition of personhood is a pre-reflective capacity to engage in social relations which I take

to be a form of implicit first-order cognitive awareness that occurs prior to, and independently of, explicit second-order cognitive reflection. I contend that we should look to the social embeddedness of persons; specifically, to our innate ability of engaging in social interactions, i.e., persons' urge to adopt what I shall call a 'second-person stance'. In due consideration of recent evidence from developmental psychology, I argue that human infants display such pre-reflective social tendencies from a very early age on. An account of personhood grounded in social embeddedness evades the Normative Fallacy, I shall argue, by inherently linking a person's ontology to their normative significance, and therefore does not beg the question in the way Cognitivism does. Unlike Cognitivism, a social ontology of personhood does not presuppose normativity, but is rather constituted by it. Finally, I vindicate a social ontology of personhood considering possible objections.

2 Conceptual Richness of Personhood: Ontological or Normative Primacy?

Ontologically, personhood has largely been seen as a concept that categorizes entities according to particular mental features they share. Then again, how we interpret and apply personhood's ontology has a great impact on normative applications; particularly on bioethical and neuroscientific questions as well as on legal issues. Integral to the normativity of personhood is that by identifying someone as a person, we accord what is frequently called "full moral status" to them; most fundamentally, we believe that persons have a *right to life*.[1] And personhood is seen as the source of moral responsibility and legal accountability; implying that persons are an essential part of everyday life.

An ontological theory of personhood distinguishes persons from non-persons, supposedly *detached* from normative conditions. Nonetheless, such theories are often presupposed and invoked in ethical controversies. For example, a great deal of the debate on the moral permissibility of abortion and infanticide is centered around the issue of fetal and infantile personhood (Tooley 1972). Much of this controversy is owing to the conceptual vagueness and linguistic ambiguity of personhood. This, in turn, is grounded in the inherently contestable application of personhood in ordinary language.[2] Despite of its forceful normative application, there is no clear-cut and non-contentious way in which personhood is deployed in everyday life.

2.1 Disentangling Ontology and Normativity

On the one hand, personhood is *anthropocentric* in its actual application. Apart from counterfactuals, the only uncontroversial case of persons is human persons.[3]

[1] In Section 3.2, I detail how personhood is widely seen as the grounds of full moral status.

[2] For an analysis of this problem see English (1975) and DeGrazia (1996).

[3] So far as morality is believed to directly follow from personhood, this assertion has recently been called into question by de Waal's (2014) research suggesting that at least rudimentary levels of morality are present in apes and monkeys. Other members of the animal kingdom, such as dolphins, have also been suggested as candidates whose lives are governed by moral rules. Revisiting the theory of mind debate,

On the other hand, in its intension, personhood is *eo ipso not anthropocentric* (Kemmerling 2014). Nothing intrinsically restricts personhood to human beings; the designators 'human animal' and 'person' are clearly not coextensive. Conceptually, personhood allows both for human beings that don't qualify as persons because they lack person-constitutive conditions, and for the possibility of non-human persons that fulfill person-constitutive conditions but aren't members of our species.

Now, since an essential hallmark of personhood is to simultaneously signify and justify persons' unique moral status based on their integral ontological conditions, it becomes apparent how ontology and normativity are deeply interlocked. Nonetheless, both conditions of personhood can, and as I argue in what follows, should be disentangled. By so doing, some of the problems that arise from conflating ontology and normativity can be tackled more effectively.

Here is a first approximation of the two conditions of personhood:

(1) Ontology: ontological, non-normative conditions that distinguish persons from both human and non-human animals, and possibly others. *An entity* A *belongs to the distinct ontological category of persons if and only if it possesses the set of ontologically person-constitutive conditions* x. *Species membership has no bearing on this ontological taxonomy. That is, entities belonging to the same natural kind could, in principle, have a different moral status.*[4]

(2) Normativity: normative, non-ontological conditions that account for persons' special moral status. *An entity* A *has the same distinct moral status persons have if and only if it possesses the set of normatively person-constitutive conditions* y. *Species membership has no bearing on this normative taxonomy. That is, entities belonging to different natural kinds could, in principle, have the same moral status.*

Independent of whether the set of person-constitutive ontological conditions *x* and the set of person-constitutive normative conditions *y* turn out to be the same in (1) and (2), they nonetheless serve different purposes; a potential overlap can thus safely be ignored here. For in (1), *x* serves the purpose of an ontological categorization, initially detached from normative conditions; whereas in (2), *y* accounts for a unique moral status of its possessor, initially independent of their ontological conditions.

Footnote 3 continued
Andrews (2012) argues that some of the mental features that are by most believed to be uniquely human may also be present in great apes.

[4] Insisting that someone can only be a person by way of having features that are *ipso facto* human ultimately collapses into 'Speciesism': the doctrine that just by virtue of being human there is a good enough reason to have a superior moral status to non-human animals.

3 Cognitivism's Conflation of Ontology and Normativity

The relation between ontology and normativity may turn out to play a pertinent role in the conceptual richness of personhood. Views that have attracted both most attention and affirmation typically highlight higher-order cognition as the necessary condition possessed by all and only persons. The aim is to distinguish entities that lack higher-order cognition from persons: entities that are essentially constituted by having a complex mental life. This fits well with the widespread pre-theoretical intuition that a person is, most fundamentally, a mental being.

3.1 Traditional and Modern Approaches to Cognitivism

Cognition as the necessary condition of personhood is fairly well established ever since Aristotle told us that we are 'rational animals'. Modern versions of Cognitivism reach back to John Locke who famously regarded a person as a "thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and places" (Locke 1975, 335). Peter Singer, a prominent contemporary Cognitivist, sees the special value of a person's life conferred by and preserved in four features: (1) Being rational and self-consciously aware of itself as an extended body existing over an extended period of time. (2) Having desires and making plans. (3) Containing a necessary condition for the right to life that it desires to continue living. (4) Being autonomous (Singer 1979, 78–84). Frankfurt's (1971) seminal analysis of the higher-order cognitive capacity to form 'second-order volitions' is often taken to be necessary for personhood. Persons, so defined, fundamentally act from reasons, which inevitably requires a certain degree of rationality, presupposing higher-order cognition. This, in turn, constitutes a distinct ontological category, setting persons apart from all the others.

3.2 Cognition as the Grounds of 'Full Moral Status': Stringent Presumption Against Interference

If interests matter morally to some degree for an entity's own sake such that it can be wronged, that entity has a moral status. Since moral status is frequently taken to come in degrees, Cognitivist reserve the notion of persons to designate entities with the highest degree of moral status; namely *full moral status* (Tannenbaum and Jaworska 2013). The main aspect of possessing full moral status is a "*very stringent moral presumption against interfering* with the being in various ways"—most importantly, it is morally impermissible to take their life or directly cause its suffering (ibid.). The stringent presumption against interference holds even when the life and interests of another valued creature are at stake, or for the sake of any other value. The presumption against interference is mainly cashed out in terms of rights: Singer talks about the "right to life" (Singer 1979, 81–83), Feinberg prefers the term "right not to be killed" (Feinberg 1980, 98–104).

Grounds for attributing full moral status to all and only persons have been offered most frequently based on higher-order cognition. On this view, an entity has full moral status if and only if it has higher-order cognition. Michael Tooley, perhaps most prominently, puts it as follows: "What properties must something have in order to be a person, i.e., to have a serious right to life? An organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity" (Tooley 1972, 44). Temporally extended self-consciousness of the sort Tooley requires for personhood is, of course, cognitively highly demanding.

Tannenbaum and Jaworska (2013) emphasize that according to Cognitivism the condition that grounds full moral status is not relational, but an intrinsic feature of persons:

> [T]he source of moral status is neither a relation the individual stands in (e.g., membership in a species) nor a capacity whose exercise requires active participation of another (e.g., the capacity to relate to others in certain mutually responsive ways). … Individuals have FMS [full moral status] solely because they can engage in certain cognitively sophisticated acts or responses on their own. Moreover, any being that has these sophisticated cognitive capacities has FMS, and so the accounts avoid anthropocentrism (ibid., 4.1).

This intrinsic higher-order cognition condition commits Cognitivism to what might be called 'Moral Intrinsicalism': the view holding that the final value of a person supervenes solely on features intrinsic to that entity—resulting in entities whose interests matter morally in their own right. Persons, so goes the argument, enjoy full moral status because they are the only beings possessing higher-order cognition: an ontological condition intrinsic and exclusive to persons.

I now turn to swiftly reconstruct two recent paradigmatic versions of Cognitivism in order to analyze in more detail what such views take to constitute personhood ontologically, and how this is believed to endow persons with a unique moral status. Subsequently, I spell out mistakes besetting these approaches.

3.3 Persons as Self-Conscious, Planning Agents

At the outset of *Epistemic Dimensions of Personhood*, Simon Evnine says that "[w]e think and reason at a far richer and more sophisticated level than any other beings with which we are acquainted" (Evnine 2008, 1). But Evnine doesn't take personhood's ontology to be merely descriptive: "Other animals cannot be moral or immoral and they are, one supposes, severely limited in what they can value and in what forms that valuing can take. Reason, an epistemic feature, thus lies at the foundations of all the things that make us (for better or worse) special" (ibid.). So, reason is, on Evnine's view, the ontological condition grounding persons' unique moral status.

When fleshing out his version of Cognitivism, Evnine posits four necessary conditions of personhood: finitude, belief, agency, and second-ordinality (ibid., 10ff.). Accordingly, persons are seen as finite, spatiotemporally extended, self-reflective agents endowed with concepts and beliefs. Evnine takes agency and

second-ordinality not only to refer to the performance of individual intentional actions, but also to the engagement in relatively long-term plans and projects, and the ability to deliberate about such actions, plans and projects. Whether someone qualifies as a person depends on their intrinsic cognitive features which are, *ipso facto*, ontologically independent of extrinsic factors. Someone endowed with higher-order cognition is thus a person in all possible worlds, even if one such world does not include anyone else, let alone other persons.

So, for Evnine, persons are entities constituted by higher-order cognition who belong to a distinct ontological category. This sets persons apart from all other beings and therefore entails a special moral status. The conclusion is familiar: planning agency, an inherently prospective outlook with the intention of executing long-term plans, equips persons with their right to life.

3.4 Persons as Cognitive, Social Entities

While most versions of Cognitivism base personhood exclusively on intrinsic conditions, Lynne Baker's approach is a notable exception. Baker acknowledges the social condition of personhood, averring that persons are intrinsically social entities. She does so, however, on Cognitivist grounds: for Baker, higher-order cognition is at the core of what makes persons social entities. She situates her view as part of a social ontology that includes "all social entities, social kinds and social properties that are irreducible and ineliminable. A social property is one for which social or linguistic communities are necessary for its instantiation. A community is one whose members bear significant intentional relations to one another" (Baker 2015, 78). Baker sees language and intentionality as necessary conditions for persons' social ontology. This is further characterized by what Baker calls a 'robust first-person perspective': the capacity to first-personally conceive of oneself as oneself. She locates this feature at the roots of personhood because it defines person-characteristic activities and concerns. So, Baker identifies persons' linguistic capacity as the key ingredient of their robust first-person perspective—language makes persons social and, on her view, both ontologically and normatively unique.

The special moral status Baker ascribes to persons becomes evident when she contends that "[w]e share with other species the property of having a rudimentary first-person perspective, but only we persons develop a robust first-person perspective that makes us moral and responsible agents" (ibid., 86). In further characterizing the moral importance of planning agency, Baker claims that "[w]ith respect to the range of what we can do (from trying to control our destinies to fantasizing about the future) and with respect to the moral significance of what we can do (from assessing our goals to confessing our sins), it is obvious that beings with robust first-person perspectives are unique" (ibid.). Elsewhere, Baker adds: "Clearly, again, nothing can be a moral agent without a robust first-person perspective. Since only persons can have robust first-person perspectives, only persons can be rational or moral agents" (Baker 2013, 192–193).

Baker grants a rudimentary first-person perspective, the ability to recognize the distinctiveness of one's own viewpoint, to non-human animals, but insists that only a linguistically-grounded robust first-person perspective enables sociality proper.

Baker is convinced, then, that having a robust first-person perspective makes persons ontologically and normatively unique: "Whereas our rudimentary first-person perspectives tie persons to the seamless animal kingdom, our robust first-person perspectives set us apart from everything else in the natural world" (Baker 2015, 87).

All this goes to show that, according to the two prototypical examples of Cognitivism just sketched, persons are the only beings that display higher-order cognition—an exclusive ontological category. They, therefore, so the argument goes, deserve full moral status. I now turn to argue that this way of reasoning falls prey to a Normative Fallacy: a conflation of personhood's ontology and normativity, ultimately rendering these views implausible.

4 Cognitivism's Normative Fallacy

The brief reconstruction of Evnine's and Baker's view has illustrated that Cognitivists typically base the desired moral status of persons on their allegedly defining ontology. In so doing, Cognitivists disregard that the primary, though mostly hidden, motivation for this ontology is in effect based on a pre-existing normative conviction. The uniqueness of self-reflective conscious persons, I argue, is invoked to ascribe the exclusive moral status that Cognitivists believe persons to have *in the first place*.

Here is a rapid outlook on how my argument runs: Cognitivists claim to initially categorize persons ontologically, independent of normative conditions. At the same time, however, these views are employed to justify persons' full moral status, thus becoming normative concepts.[5] Yet these normative concepts see the moral significance of persons based on precisely what they initially claim to be their ontological condition: higher-order cognition. Since Cognitivists believe persons to have a unique right to life, they look for entities displaying an ontology that can serve to justify this unique moral status. The most obvious contender to do the trick is higher-order cognition, which is then employed to found an ontological category. Cognitivists thereby disregard that this ontology is covertly motivated by a normative conviction. So, it's 'normativity *explaining* ontology'—and not, as asserted, 'ontology *justifying* normativity'. Cognitivism thus begs the question, employing unaccounted-for inferences from normative premises to seemingly ontological conclusions. These inferences are neither explicitly identified as such nor is a rationale given for their validity.

Before I turn to map out the argumentative structure underlying the Normative Fallacy, and to arguing in detail how Cognitivism falls prey to such reasoning, it should be noted that there is a potentially valid way of inferring ontological claims

[5] An anonymous reviewer pointed out that there is a difference between a 'descriptive concept that plays a normative role' and a straightforwardly 'normative concept'. Since Cognitivists claim that their descriptive, or ontological concept of personhood justifies persons' superior moral status, it becomes even more important to show on what grounds the descriptive concept does that normative work. And if it turns out, as I argue in what follows, that the grounds for so doing are wobbly, there is all the more reason to be wary of Cognitivism.

from normative premises.[6] For example, imagine that the 'Club of Wealthy Torontonians' stipulates as one of its main principles that 'every club member ought to give 10% of their income to charity'. Inferring from this normative principle to the ontological claim that 'every club member does, in fact, give 10% of their income to charity' is a valid inference (granted that the board makes sure all members comply, and bans those who refuse to follow the normative principle). Arguably, these sort of inferences are a frequent method of moral psychology: identifying normatively significant behavior as ontological facts about the world, and in that sense inferring the descriptive part of the normatively significant behavior from the normative premise guiding that behavior. But such an inference is not thereby committed to affirming the normative *content* of the normative premise; e.g., by claiming as an ontological fact about the world that all 'Club of Wealthy Torontonians' members give 10% of their income to charity, we are not, by inference, committed to saying that it is morally right to do so.

There is a crucial difference, then, between inferring ontological conditions from normative premises without thereby affirmatively carrying over the normative content of these premises (as a common practice in moral psychology), and inferring ontological conditions from normative premises that, at the same time, affirm the normative content of that premise. Such normative content affirming inferences call for additional corroboration, and failing to do so, as I detail in what follows, constitutes the Normative Fallacy.

4.1 The Normative Fallacy

The general methodological claim of falsely inferring ontology from normativity was first discussed by Campbell (1970), and has been underappreciated ever since. Campbell argues that philosophical analyses of concepts are, despite denials, either ontological or normative. He believes this to be at least in part due to the indistinct boundary between philosophy and social science, leading to methodological difficulties. If philosophy is seen as a merely conceptual endeavor (being solely committed to following the rules of logic and coherence) and therefore believed to be independent of empirical considerations, there is seemingly no need to invoke empirical evidence in arguing for normative commitments. As a consequence, some philosophers believe themselves to be guarded from the need to consider empirical evidence. In Campbell's words:

> This frees [philosophers] from the responsibility of providing empirical evidence to support their conclusions and also wards off the accusation that they are parading subjective preferences as if they were rationally justifiable propositions (Campbell 1970, 368).

This has led to the undesirable consequence that some philosophical analyses contain empirical generalizations that reflect hidden normative assumptions or convictions of the philosopher rather than carefully interpreted empirical evidence.

[6] I am grateful to an anonymous reviewer for pointing this out.

> In doing this they may be said to reverse the naturalistic fallacy, and, by arguing from 'ought' to 'is', commit what I shall call the normative fallacy. This fallacy consists of arguing from propositions which are themselves normative, or could count as evidence only for normative propositions, to conclusions which contain factual assertions (ibid.).

So, nothing can appear in the conclusion of a valid deductive inference which is not already implicit in the conjunction of the premises. Closely considered, it turns out that these supposedly ontological generalizations contain covert pre-existing normative assertions. Campbell thinks that it is easy enough for philosophers to consider their analyses of concepts to constitute ontological discoveries based on a certain understanding of philosophical activity; namely, the conviction that philosophers can arrive at ontological discoveries through conceptual analysis alone. Needless to say, there is a rival view of what it is to do conceptual analysis deriving from Wittgenstein (1953): rather than discovering the nature of a given concept, philosophers are in the business of recapitulating often elusive and occasionally profound, but nevertheless normative assertions about acceptable meanings of words, or the way concepts feature in ordinary discourse. The normative arguments that sometimes invisibly buttress philosophers' apparently ontological conclusions about concepts are normative claims about those meanings or uses of words or concepts of which the philosopher approves. What follows is that, in many cases, the techniques of inquiring after what is meant by certain concepts, or arguing about what they *should* mean, can be regarded as appealing to normative opinions rather than ontological evidence.

4.2 Norms and Facts

Both the well-known Naturalistic and the lesser-known Normative Fallacy concern the way norms and facts are related, but they begin from opposite directions. The Naturalistic Fallacy takes issue with drawing normative conclusions from observations, while the Normative Fallacy raises concerns about drawing ontological conclusions from normative premises. Without digging too deep into this vexed debate, a couple of remarks are needed to show why it should suffice for my purposes to demonstrate that there is a metaphysically contentious relationship between norms and facts.

One may justifiably be undecided about whether there can, in principle, be a valid way of deriving an 'ought' from an 'is' or vice versa. All the same, if a theory of personhood is based on a normative assertion from which a claim about persons' ontology is derived, a way of bridging the ontology-normativity gap is needed. This holds true even if one thinks that there is no such thing as a Naturalistic and/or a Normative Fallacy, for fallacies are not the only source of gaps. One must still explain how facts and norms are interlocked, and how to get from here to there. As long as the debate over the divide between 'is' and 'ought' is not settled, the claim that there is a potential gap between ontology and normativity stands. Suggesting otherwise would be to confuse ontological with epistemic and linguistic differences, and would neglect the need for correspondingly distinct methodological approaches

when relating 'is' and 'ought' claims, either in an ontological or in an epistemological or a linguistic sense. Even when granting the contentious assertion that there is no metaphysical difference between facts and norms, and that it is not fallacious to infer from 'is' to 'ought' or vice versa, it doesn't follow that there cannot be crucial methodological differences in inferring conclusions from these two sorts of statements. For the epistemic differences between facts and norms—accompanied by the linguistic differences in uttering 'is' and 'ought' sentences—cannot be denied. Granted, for argument's sake, that there were no Naturalistic and/or a Normative Fallacy, it would still be unclear how facts relate to norms for the simple epistemic reason that 'ought' statements make claims about how the world *ought to be*, whereas 'is' statements are descriptions of how the world *is*. It is worth emphasizing the different ways in which evidence is gathered in support of these two sorts of statements. Evidence for 'is' claims is gathered by observation, whereas evidence for 'ought' claims is gathered by arguments from principles that, more often than not, appeal to consequences. Thus, even if one denies the metaphysical difference or is agnostic as to how 'is' and 'ought' claims are metaphysically related, the epistemic and linguistic difference still holds and has to be accounted for methodologically.

Before proceeding, it is worth bearing in mind that there are at least two different interpretations of what the Normative Fallacy is.[7] On one interpretation, it is, in principle, fallacious to allow normative facts to determine ontological facts. But this is not necessarily so. As the previously discussed example of moral psychological inferences from situations with normative content to ontological observations has illustrated, there are lots of cases where we make this kind of inference unproblematically. I have suggested that such inferences are unproblematically because the ontological conditions that are inferred from normative premises do not thereby affirmatively carry over the normative content of these premises. Problems begin once inferences from normative premises to ontological conditions at the same time—and without providing independent reasons for so doing—affirm the normative content of that premise.

Another interpretation of the Normative Fallacy to which I now turn is more closely related to personhood and suggests that Cognitivist accounts are question-begging because they implicitly and simultaneously take facts about personhood to be both dependent and independent justifiers of persons' unique moral status. This is particularly worrisome since it is unclear and often left ambiguous whether personhood is taken to be first and foremost and ontological or a normative concept; i.e., do normative practices elucidate ontological conditions of personhood or do ontological conditions justify normative practices? Either way, as I argue in what follows, there is a need for independently substantiating such ought-is inferences by coherently interlocking personhood's ontology and normativity. A need that Cognitivism does not adequately meet.

[7] I am grateful to an anonymous referee for drawing my attention to this.

4.3 Cognitivism and the Normative Fallacy

Cognitivism generally aims at discovering necessary and jointly sufficient conditions of personhood that hold across all possible worlds. An entity so defined is a person not only in this world, but anywhere else. To morally make sense of this doctrine when accounting for persons' full moral status—which most Cognitivists believe persons to possess necessarily, not merely contingently—requires a person to have intrinsic features that are independent of changing circumstances. This commits Cognitivism to what I previously called Moral Instrinsicalism: the claim that whatever determines someone's value must be based on that entity's intrinsic nature.

I argue that this is having things back to front. The conviction that there 'ought' to be persons with certain cognitive features, on the basis of which Cognitivists want to accord them full moral status, doesn't entail that there ontologically 'are' persons that fit these normative assumptions. Rather, the ontological conviction that there de facto are persons constituted by higher-order cognition is motivated by the covert normative urge to have a means by which ethical controversies shall be solved. However, this ontological conviction is question-begging since it derives its foundation from pre-existing normative commitments.

Since Cognitivists want to establish and adhere to an exclusive and intrinsic full moral status of persons, they must find something that makes persons ontologically unique. The pre-existing normative commitment of full moral status is thereby invoked to justify the ontological uniqueness of persons. Personhood is seen as normatively significant because of higher-order cognition which is perhaps uniquely—but not uniformly or universally—present in physiologically developed humans. For this reason, the widespread belief is that these higher-order cognitive functions must *at the same time* be necessary conditions for personhood. This argument is based on a Normative Fallacy since it fails to provide compelling reasons for why ontological conclusions can be validly derived from normative premises; nor is this argumentative move explicated. Simply asserting the Cognitivist ontology is not compelling since it is inferred from the solely normative conviction that persons must be constituted by higher-order cognition, on the basis of which their special moral status shall then be justified.

Take first Evnine's and then Baker's approach as examples of how two prototypical Cognitivist views fall prey to the Normative Fallacy.

Evnine, as mentioned earlier, tells us that persons' higher-order cognition "put us in touch with morality and value in quite distinct ways" (Evnine 2008, 1), endowing persons with their full moral status. In this regard, Evnine further asserts: "If something is a person, that obliges us to treat it with a certain respect and consideration that are not called for, and not appropriate for, things that are not persons. It also entitles us to expect a certain consideration and respect from it that we do not expect from non-persons" (ibid., 3). Ontology is invoked to justify persons' normative uniqueness—or so it seems. Now, why does Evnine assert that higher-order cognition is both an ontological category and a normatively significant property? The idea seems to be that persons have particular intrinsic, ontological features that determine how such entities ought to be treated. What matters

normatively is higher-order cognition which establishes a unique ontological category. But these ontological claims are based on the initial normative conviction of persons possessing full moral status that has been asserted in the first place. Evnine adopts this pre-existing normative conviction because he thinks this neatly explains moral intuitions that we have pre-theoretically. In order to account for this normative conviction, the search for a unique ontological category has led to the most obvious contender: higher-order cognition. This effectively serves the pre-existing normative conviction that Evnine adheres to, since it looks as if persons are the only beings displaying higher-order cognition—fittingly, in just the way Evnine believes this to be necessary for personhood.

Contrary to Evnine's suggestion, we do not, however, look for higher-order cognition in an entity and decide *on these grounds* whether that entity qualifies as a person with full moral status. It's the other way around. Having once decided, on normative grounds, that an entity is a person and has full moral status, we know that this makes it the kind of entity that is likely to display higher-order cognition. Furthermore, it comes in quite handy that if the cognitive demands are set high enough, only human persons qualify. This fits well with the initial normative conviction: persons ought to have a unique moral status. Seen in this light, it becomes clear how the 'ought' of personhood—the belief that persons are "morally special" (as Evnine has it)—calls for an ontological justification. The ontological 'is'—belief, agency, and second-ordinality—that Evnine takes to capture our moral intuitions about personhood, is thus inferred from the moral 'ought'. Not the other way around. Otherwise, one would imagine, a detailed rationale would be given, explaining why it is that the alleged ontological uniqueness comes with a special moral status. It might, however, be difficult to give such a rationale without begging the question since, despite appearances, the belief in an exclusive moral status of persons takes precedence. Whereas the unique ontological category comes second and is chosen so as to accommodate the initial normative conviction. The problem is that the concept of a person is allegedly taken to ontologically designate a certain kind of being; but actually, it firstly picks out persons' exclusive moral status, and only then looks for ontological features that fit best this normative conviction.

A closer look at Baker's normative account of personhood shall help strengthening the case against Cognitivism. In response to Animalism, Baker says that were we to take human animals as purely biological beings, "human organisms are no more morally or ontologically significant than cockroaches or dinosaurs. To hold that to be a person simply is to be a human organism is to stipulate a meaning of 'person' that has no connection with the historical or contemporary use of the term" (Baker 1999, 158). Having a robust first-person perspective is what "gives a reason to regard human animals as morally significant in ways that other kinds of things are not: The moral significance of human animals is rooted in their ontological role of constituting persons" (ibid., 159). Elsewhere, Baker says more about how the robust first-person perspective grounds moral status:

> Since all and only persons have a capacity for a first-person perspective, the question of the importance of being a person comes down to the importance of having a first-person perspective. … However the first-person perspective

> came about, it is unique and unlike anything else in nature, and it makes possible much of what matters to us. It even makes possible our conceiving of things *as* mattering to us. The first-person perspective—without which there would be no inner lives, no moral agency, no rational agency—is so unlike anything else in nature that it sets apart the beings that have it from all other beings. The appearance of a first-person perspective makes an ontological difference in the universe. Much of what is distinctive about us and much of what we care most deeply about—our ideals, values, life plans; our status as rational and moral agents—depends on our being persons. … Our moral agency, our rational agency, the cognitive and practical abilities that require a first-person perspective, and the ability to have an inner life are all unique to persons. And these things, I submit, are among the most significant things about us. (Baker 2000, 163–164).

It is evident that Baker is not only concerned with the ontology of personhood, but asserts that an exclusive moral status directly follows. One way of accounting for such superior moral status is Baker's emphasis on the social embeddedness of persons, supposedly based on possessing a robust first-person perspective. This might look like an advantage of her view since it seemingly offers an alternative to the earlier mentioned doctrine of Moral Intrinsicalism. But that is not so. Baker takes cognition to be indispensable for social embeddedness, thus claiming that without a robust first-person perspective an entity cannot achieve a level of sociality sufficient for personhood.[8]

In pressing the ontological uniqueness of persons, Baker describes the normative implications that come with acquiring a robust first-person perspective: "We share with other species the property of having a rudimentary first-person perspective, but only we persons develop a robust first-person perspective that makes us moral and responsible agents" (Baker 2015, 86). It becomes clear how deeply interlocked ontology and normativity are in her view. But Baker fails to account for *why* it is that a robust first-person perspective—the ontological 'is' of her theory of personhood—accounts for persons' unique moral status. Instead, Baker elaborates on what makes us ontologically different from our fellow creatures. This is done, explicitly, to ensure the exclusive, full moral status, the 'ought', of persons; a status that Baker believes persons to have in the first place. Her argument is thus subject to the Normative Fallacy: the assertion of the ontological uniqueness of having a robust first-person perspective is inferred from the primal normative conviction of persons being equipped with a unique moral status.

Two related features of Baker's account demand closer attention so as to demonstrate why her view falls prey to the Normative Fallacy. The robust first-person perspective is characterized by graduality and by a mere difference in degree from a rudimentary first-person perspective. Baker concedes that humans acquire a robust first-person perspective not all at once, but gradually. At the end of this development, humans become persons. Suggesting that what distinguishes a robust from a rudimentary first-person perspective is a difference in degree, not in kind.

[8] In the next section, I argue that it is not the exclusion of the social dimension of personhood that renders Cognitivism flawed, but the insistence on higher-order cognition as its necessary condition.

When pressed with these charges, Baker refers to 'ontological vagueness', insisting that ever so small a step can add up to a difference in kind (Baker 2007). It is up for debate (but a question for another day) whether tiny developmental steps add up to a difference in kind. Granted, for argument's sake, that they do, it does not easily follow that a unique moral status appears once the final developmental step has been taken. If nothing else, a separate argument is needed to demonstrate that all the normative difference depends on ever so small an ontological step. But Baker offers no such argument. Instead the full moral status of persons is simply asserted—indicating that the normative conviction comes first.

What might make Cognitivism initially attractive, its congruence with the pre-existing normative conviction that persons are morally unique, actually renders Cognitivism incoherent because of a mismatch with what is basic and fundamental about persons. For Evnine finitude, belief, agency, and second-ordinality are ontologically fundamental; whereas for Baker a robust first-person perspective is fundamental. Most Cognitivists have their own, slightly different, idea about which cognitive conditions are necessary for personhood. Be that as it may, Evnine and Baker refer to their respective version of Cognitivism, but agree—in line with a clear majority of Cognitivists—that higher-order cognition secures persons' full moral status. So, they uphold the traditional ontology with its clean normative demarcation between persons and everything else. However, this unique moral status that is allegedly based on higher-order cognition is not constituted by fundamental ontological conditions. Rather, the reverse is true: higher-order cognition helps constitute the normative ideal of personhood.

Now, why is this a mismatch with what is basic and fundamental about persons? Treating someone as a person is to engage with her as the kind of entity to which that normative ideal applies. But to treat her as a person based on higher-order cognitive features that she happens to display at some point in her life is not, at the deepest level, a response to her nature, but a response to a pre-existing normative ideal that Cognitivists have about persons.[9] Therefore, Cognitivists base the allegedly defining ontology of personhood on pre-existing normative convictions: the 'is' of higher-order cognition as a unique ontological category is fallaciously inferred from the 'ought' of the unique, full moral status that Cognitivists believe persons to have in the first place.

Along the lines of the earlier suggested distinction between normative and ontological conditions of personhood, it could be argued that Cognitivist accounts such as Baker's and Evnine's views are what is sometimes called 'practice-independent' accounts; i.e. accounts which settle the question of what persons are prior to, and independently of, considerations about what kinds of entities possess full moral status. Conversely, some Cognitivists such as Locke can be viewed as 'practice-dependent' accounts of personhood which often appeal to certain normative facts, e.g. rights and responsibilities to settle what entities are persons.[10]

Now, in principle, Cognitivists could formulate their views as solely ontological, practice-independent or solely normative, practice-dependent accounts. Cognitivist

[9] Chappell (2011) makes a similar remark with regards to the very idea of having criteria for personhood.

[10] I am thankful to an anonymous referee for drawing my attention to this.

could, or so it seems, settle the ontological category through a natural kind, and then point out that this natural kind is such that it confers a particular moral status.

However, as the discussion of their views has shown, neither Baker nor Evnine hold such practice-independent views. Both these authors repeatedly make clear that being an ontological person comes with certain normative demands, and accordingly with appropriate practices, and certain ways persons ought to be treated. This strategy is pursued by the vast majority of Cognitivists for at least two reasons. For one, personhood as a solely practice-independent concept would be deeply at odds with well-established ordinary language practices where person talk always has an at least implicit normative dimension, pointing to an inherent interlocking of personhood's ontology and normativity. It, thus, would be unclear if such views would at all track what persons are. Rather, such practice-independent accounts would, more likely, invent some ontological ideal of personhood that has no bearing on how things really are. Practice-independency can, moreover, hardly justify any claim about normative implications of such views. Unless Cognitivists were to confess that there naturally comes some normativity with the ontological status of persons. Baker and Evnine, as most Cognitivists, are essentialists about persons and try explaining the normative conditions via that route; i.e., persons are, by nature, beings with higher-order cognition that confers a special moral status. But now we are back to the original problem of the Normative Fallacy, and the lack of properly relating the alleged normative status back to the claim of what makes persons ontologically distinct. The weak point is, in particular, that Cognitivists do not offer a rationale as to how ontological and normative conditions are related such that one explains and justifies the other. It is by no means self-evident that beings with higher-order cognition have not only a higher moral status than animals, but that this status is so superior that persons so defined have certain inherent moral rights.

Or think of Locke's view as the perhaps most prominent practice-dependent account of personhood. Locke says that the capacity for moral agency is such a unique feature that it defines a special kind of thing; a thing worthy of unique moral status. Person is a different kind of thing than Man. So the question is what constitutes objects of the first kind; what defines the kind of thing which is worthy of a unique moral status. Locke determines it must be a thinking thing with reason and reflection. This, too, is the wrong methodology for defining an ontological kind, though. Beginning with normative assumptions and only then looking for ontological conditions that map onto these pre-established assumptions lacks a justification why, and a rationale for how ontology and normativity are interlocked. Now, Locke can, perhaps, get away with it because he is a nominalist. But for philosophers that are essentialist of any kind (as, e.g., Baker is), this move is highly suspect.

5 Overcoming the Fallacious Inferences of Cognitivism

To plausibly account for the interlocking of personhoods' ontology and normativity, a coherent view of what is basic and fundamental about persons is needed. Such a view must both categorize persons ontologically and, at the same time, offer an

explanation as to why persons' lives are governed by a certain normative structure that comes with these ontological conditions.

In order to do so, I first draw on the notion of 'Anthropological Constants', revealing fundamental features of the human condition, map out how such constants fulfill both normative and ontological challenges, and explicate how they might lead the way to evading the Normative Fallacy. Subsequently, I suggest that taking a 'second-person stance' might be the Anthropological Constant that constitutes personhood.

5.1 Anthropological Constants: Fulfilling Both Ontological and Normative Challenges

The notion of Anthropological Constants derives from 'Philosophical Anthropology', and aims at unraveling what is most essential to the human condition. Jürgen Mittelstraß puts it as follows: "The goal of philosophical anthropology—its main rationale—is to search for and to determine those anthropological constants, that, independent of concrete social, cultural and historical circumstances and developments, constitute the components or properties of being human" (Mittelstraß 2003, 484). There are various conceptions of what lies at the core of human nature that can be described in different ways, scientifically, historically or phenomenologically. But, "[w]hat is common to these different approaches to human nature," Mittelstraß emphasizes, "is that common or similarly applicable determinations are made that—as universal determinations—can be understood as conditions of every social, cultural, historical, and intellectual development in the form of anthropological constants" (ibid.).

Anthropological Constants plausibly connect personhood's ontology and normativity because they pick out what is most essential about persons. This, in turn, can make intelligible why there are such close ties between persons' ontology and normativity. Ontologically, Anthropological Constants describe what is empirically most basic about persons, serving as an ontological taxonomy. Entities belong to the ontological category of persons because they have certain universal ontological conditions: given properties on which neither cultural nor historical contingencies have relativizing effects. Normatively, Anthropological Constants capture why entities of that sort function normatively in a certain way and thus matter morally, both to themselves and to others. Suggesting that the most essential condition of persons makes it necessary for such entities to treat each other in accordance with their basic nature so as to ensure their collective survival.

Anthropological Constants must thus both be ontologically plausible and fit the normative characterization of persons in order to explain their moral significance. Accordingly, they must satisfy the normative urge to ascribe personhood, and thereby capture the conditions we believe to be important in this concept. Most importantly, only a notion of personhood that isn't covertly motivated by pre-existing normative convictions is able to escape the Normative Fallacy. What is needed is not either/or, but both an ontological and a normative condition of personhood. By so doing, a suitable, ontologically plausible concept can be discovered that can reasonably be agreed upon for normative purposes. Such a

notion of personhood must capture the practical importance we bind to personhood along with its ontological condition. Crucial in this regard is that, despite the fact that we ascribe personhood by finding ontologically plausible conditions that we agree upon, these constitutive conditions are no longer chosen arbitrarily, as they fulfill both ontological and normative challenges. They depict the ontological characteristics that lie at the core of what makes a person and, at the same time, the normative standards we apply in practical concerns of everyday life.

A normatively plausible ontological condition of personhood is necessary to not falsely infer an 'is' from an 'ought'. If Anthropological Constants are considered, personhood is both based on an ontologically plausible taxonomy and is, at the same time, able to capture the normative significance that this concept bears. The earlier described conflation of personhood's ontology and normativity manifested in the Normative Fallacy can thereby be evaded. While humans may not be the only kinds of persons, there is a reason to start with them as the paradigm. The whole point of Anthropological Constants is, then, that normativity arises out of human social organization, but must simultaneously be responsive to constraining ontological facts about the world.

In contrast to Cognitivism, social ontological approaches are better suited to overcome the Normative Fallacy, because they are likely based on Anthropological Constants. In order to demonstrate why and how such views escape the Normative Fallacy by presenting both an ontologically and a normatively plausible condition of personhood, I now turn to examine one such view in detail. This will subsequently allow me to pinpoint general characteristics and merits of this approach.

5.2 The Pre-reflective Sociality of Persons

Schechtman's (2010, 2014) well-defended theory sees personhood grounded in the social embeddedness of persons that precedes higher-order cognition. In a recent article and in her latest book, *Staying Alive*, Schechtman develops the "Person Life View"—a theory that is based on Anthropological Constants, able to connect ontological and normative dimensions of personhood, and as such well-suited to overcome the Normative Fallacy.

In contrast to Cognitivism, Schechtman aims to show that the Lockean distinction between ontological and normative conditions of personhood fails to appreciate basic practical concerns of persons that are directly linked to their social embeddedness. On Schechtman's account, "the interactions of everyday life are at the core of what we are" (Schechtman 2010, 283), suggesting that a large part of the practical importance of personhood is based on the social and cultural embeddedness of persons. Personhood is inherently constituted by social relations, understood as a place in a matrix of relationships embedded in social practices through which these relations acquire meaning.

Persons are defined in terms of the characteristic lives they lead, and seen as unified loci of practical interaction. "The duration of a single person is determined by the duration of a single person life" (Schechtman 2014, 110). Whereby a person life is made up of three elements: "individual capacities, typical activities and interactions, and a social infrastructure" (ibid., 115). The identity conditions of

persons are thus not so much set by ontological conditions, but by the typical structure of person lives. The key aspect of what it takes to be a person is social embededdness which is not initially grounded in higher-order cognition, but "begins with a period of social dependence, and relatively basic cognitive capacities which develop over time into the full range of personal capacities and activities" (ibid., 112). Referring to the development of interactions between newborns and caregivers, Schechtman contends that personhood does not initiate with higher-order cognition like moral responsibility and prudential reasoning. Once children develop these capacities, it is not that a different entity suddenly comes into existence, but rather "the repertoire of interactions merely becomes increasingly complex and varied" (ibid., 79).

Schechtman's 'Person Life View' entails a certain kind of developmental trajectory of personal existence on which persons start out as dependent infants. They gradually develop a variety of cognitive, psychological, and social capacities which Schechtman characterizes as an "expansion of a circle from its center" (Schechtman 2010, 279), at a certain point of which persons become complex psycho-physical agents. Implicit in her account is the idea that person-constitutive conditions are neither acquired all at once nor are they lost all at once. Central to her view is that person lives are necessarily socially embedded, as they are lives in a certain culture in interaction with other persons. Schechtman calls this the 'person space': a space in which persons, dependent on their state of development, obtain certain social roles.

So, a person's most essential condition is her social embeddedness which precedes higher-order cognition. As recent evidence from developmental psychology and social neuroscience suggests, persons engage into social interaction right from birth on. This sociality, then, can be seen as an Anthropological Constant; a condition that defines what persons are to the innermost centers of their being. Based on this social embeddedness, persons ascribe normative significance to each other. Since persons live in a person space, they are members of a community (loosely defined) that is governed by a normative structure in accordance with the social nature of persons. Persons' essential ontological condition of sociality and their normative need to treat each other in a way that accounts for their basic nature is thus interlocked, and the Normative Fallacy evaded.

Furthermore, Schechtman's view is better able to account for marginal cases, where Cognitivism is controversially committed to dispute personhood, which is often both ontologically and normatively contentious. On Schechtman's view, because of our animal nature, we can lose certain person-specific capacities. But this loss—for example in conditions such as vegetative state, as well as in more transient states like severe depression—does not simply erase our complex histories with others or remove us from the web of social relations that makes up our lives. The practical concerns of persons do not cease when those higher-order cognitive capacities to which Cognitivists adhere to wane. A human infant, for example, is already embedded in a web of social relations, even though he might still be unable to actively take part in linguistic communication. In other words, there is something more basic to persons than higher-order cognition. This essential condition of personhood consists in persons' social embeddedness and thus, in their broadly

conceived web of social relations. Accordingly, the lack of higher-order cognition may diminish personhood, but it does not erase it altogether.

It could be argued that this concept isn't based on intrinsic features of personhood, but rather on an extrinsic socially-dependent ascription thereof. For example, practices such as the social convention of treating someone in a vegetative state *as if* she were a person may not be the same as actually being a person. When personhood is constitutively grounded in higher-order cognition, patients with extensive cortical damage but functioning brain stems are, despite being biologically alive, no longer persons, because they appear to lack any mental life. This is an example of a peculiar consequence of the social ascription (or lack thereof, as the case may be) of Cognitivism. It can however not serve as a plausible condition for that ascription itself, since it is chosen to vindicate covert normative convictions. Schechtman claims in contrast that personhood, in the sense of our unique endowments, informs the whole of our lives and does not represent a tidy package of concerns and activities that can be removed from our basic nature. As such, social embeddedness is an Anthropological Constant, and, even though it inevitably has a measure of social ascription, it is not merely an arbitrary convention.

The Anthropological Constant of sociality explicates the connection of personhood's normative condition, governing the normative structure of everyday life, with a person's innate capacity for social interaction as their most fundamental ontological condition. Schechtman argues that lives of encultured persons, practical tasks, concerns, and activities that are shared with others are infused with (and infuse) higher and more person-specific cognitive functions. This infusion gives person lives their unique character, even though the specific details can differ greatly from person to person and from culture to culture; it does not, however, entail higher-order cognition as the necessary condition of personhood. Social embeddedness is an important part of our lives before, and independent of, higher-order cognition.

5.3 Pre-reflective Self-and-Other-Awareness: Taking a 'Second-Person Stance'

Abstracting from Schechtman's view, I am now in a position to sketch a broader picture of social ontological views of personhood. By so doing, I aim to demonstrate how the core of such views, what I shall call the ability of taking a 'second-person stance', allows to better account for the ontological and normative interlocking of personhood, and thereby escapes the Normative Fallacy.

Personhood is inevitable to some degree a matter of social ascription; persons don't exist in a vacuum but come into being because they enter a space of shared meaning with others. This is so because of our innate urge to engage into social interactions that takes place before, and independent of, higher-order cognition. So, personhood has an intrinsically social condition. But what are the essential conditions enabling persons to enter a space of shared meaning? A necessary condition to do so must be the ability to pre-reflectively appreciate the existence of other members of such communities. Only if one appreciates, in a way yet to be defined more precisely, that they are embedded in a social environment, can they

become a member of such a community. I call this pre-reflective self-and-other-awareness the ability of taking a 'second-person stance'. If a community consists of members that share certain essential features, then the most salient feature must allow for recognizing and, for that matter, *taking part* in such a community. This essential and most salient condition of persons, as I propose in line with Schechtman, is the innate human urge for sociality: the pre-reflective cognitive awareness by virtue of which a second-person stance is taken. Taking a second-person stance is what constitutes personhood, because it allows for entering a space of shared meaning. More precisely, this space emerges out of the interface between the first-person perspective and the second-person perspective—that is, between the 'I' of introspection and the 'You' of extrospection. When someone becomes able to transcend from the 'I' of their first-person perspective, realizing that they share a space with a 'You', they then take a second-person stance towards another and become a person; a social space is created.

The key to connect personhood's ontology and normativity that creates much trouble for Cognitivism lies in this form of sociality: persons' inherent condition to take a second-person stance. This is based on self-and-other-awareness as the pre-reflective, tacit understanding of the personal pronouns 'I' and 'You' which are bound together. Without a 'You' there can be no 'I', and vice versa, without an 'I', there can be no 'You'.[11] Out of this tacit understanding of personal pronouns personhood materializes in a space of shared meaning, tying together the most fundamental ontological condition of personhood with the need to govern a so evolved community by a normative structure that best fits persons' fundamentally social nature.

Contrary to what Cognitivism suggests, the necessary condition of personhood is likely based on the innate ability of taking a second-person stance which precedes higher-order cognition. Sociality, then, is an *ideae innatae* which is part of persons' lives before, and independent of, higher-order cognition. In order to further flesh out the notion of taking a second-person stance, and to show how this capacity of sociality takes place pre-reflectively, I now turn to briefly discuss some recent evidence from developmental psychology. Subsequently, I explicate how taking a second-person stance connects personhood's ontology and normativity, and thus evades the Normative Fallacy.

Developmental psychologists have shown that infants as young as 1 year of age already understand others as possessing a variety of mental contents, including goals and intentions, perception and attention, knowledge, ignorance, and even false beliefs (Carpenter 2010). One important finding of another behavioral study is the observation that 9-months-old infants respond more patiently when an adult social partner is unable to give them a toy, compared to their unwillingness to give them a toy (Behne et al. 2005)—suggesting that, despite their lack of higher-order cognition, infants can differentiate between the intentional stances that adults take toward them under these conditions. In another study, it has been shown that if an adult looks at something that is beyond an infants' range of vision, 1 year olds will

[11] In social neuroscience, Schilbach et al. (2013) coined the term 'second-person engagement' reporting behavioral and neural evidence for persons' pre-reflective self-and-other-awareness.

autonomously move to another position so as to see what the adult is looking at (Moll and Tomasello 2004). This study clearly indicates that the infant ascribes mental states and intentions to the adult (in this example the assumption that the adult sees something interesting) on a pre-reflective level.

One might infer from these studies that infants are indeed able to take a second-person stance in relating themselves as an 'I' to the 'You' of the adult by being pre-reflectively aware of the person space they share.

The idea of personhood being intrinsically social and pre-reflective is further empirically supported by studies showing that as soon as infants understand others' emotions, goals and attentions, they will not only be able, but also highly motivated (even urged) to share their own emotions, goals and attentions with others (Tomasello et al. 2005). Infants start to coordinate their attention with others to objects of mutual interest outside the direct connection with the interaction partner at the age of 9 months (Carpenter et al. 1998). Much before that, in early infancy, babies delightfully participate in face-to-face interactions with their caregiver (Trevarthen 1980), voluntarily turning away from interesting objects with which they were engaged previously. In addition, between 2 and 5 days after birth, neonates show a preference for looking at faces (or pictures of faces) with eyes directly looking towards them. Even earlier than this, within minutes of birth, infants show considerable interest in, and respond appropriately to, self-directed facial movements, primarily more noticeable actions such as tongue protrusion and opening the mouth wide (Kugiumutzakis 1998; Meltzoff and Moore 1977; Nagy and Molnar 2004).

Empirical evidence suggests, therefore, that the infants' compulsion to take a second-person stance in order to attend a room of shared attention and meaning, where both infant and adult are engaged in a shared environment, is very likely to be congenital. Furthermore, these studies show that three of the most important social skills that infants apply in their proto-social eagerness to participate in the person space, namely, joint-attention, a special type of communication, and collaboration, take place on a pre-reflective level. So, the most salient condition of personhood is independent of higher-order cognition. The ability to understand that when an 'I' shares mental states with a 'You', something new is created, a person space in which persons experience something together, comes into existence way before higher-order cognition is acquired.

5.4 Evading the Normative Fallacy

Developmental psychology provides empirical support for the idea that taking a second-person stance is an Anthropological Constant. A socially-based approach seems thus able to connect persons' ontology with their normativity, as it accounts for the innateness of a basic form of sociality in accordance with which person lives are structured, and, perhaps, even societies at large are governed.

The ability of taking a second-person stance thus links a person's ontology to their normative significance. It is both intrinsic to persons, and thus ontologically constitutive, as well as the normative foundation of socially ascribing personhood, and thus the source of personhoods' normativity. Such a socially-based approach

escapes the Normative Fallacy because it does not base personhood on pre-existing normative commitments from which ontological conditions are inferred, but it normatively accounts for persons' most fundamental ontological condition. The paradigmatic structure of person lives is inherently normative, since it is governed around organizing the way we deal with each other. This, in turn, is based on persons' innate capacity of taking a second-person stance. Persons are social by default, as it were, and therefore need to organize their collective lives accordingly. Moreover, taking a second-person stance is not reducible to intrinsic ontological conditions of persons alone, for it does not merely infer normative significance from ontological observations.

With the ability of taking a second-person stance comes a measure of social ascription of personhood that is in accordance with the corresponding behavior of relevant others in social settings. In line with persons' inherently social nature, entities are persons because they treat each other as such. Out of this social engagement arises a space of shared meaning. Personhood is, then, on the one hand, a normative concept defined by social conventions, and, on the other hand, an ontological taxonomy of social entities.

To avoid the ontology-normativity gap that is present in Cognitivism, I suggest that the innate capacity of taking a second-person stance can serve as both personhoods' ontologically and its normatively necessary condition. In keeping with persons' fundamental ontological nature, personhood's normativity arises out of the de facto human social organization, and must as such be responsive to constraining ontological facts about the world. Whereas the Cognitivist ontology of personhood presupposes the normative, a social ontology is constituted by it.

5.5 The Role of Moral Intuitions in Weighing Cognitivism and the Social Ontology of Persons

It might be argued that deciding between Cognitivist and social ontological views of personhood comes down to competing moral intuitions regarding the best way of justifying persons' unique moral status.[12] What I take to be a significant advantage of social ontological accounts is that they do not in the same way as Cognitivism crucially rely on moral intuitions; certainly no primacy is given to moral intuitions when determining ontological conditions of personhood.

There are substantial reasons to be wary of the reliability of moral intuitions, ranging from the frequent disagreement of "moral experts" and vast cultural differences to the susceptibility of moral intuitions to framing effects (Sinnott-Armstrong 2008; Andow 2016). I take this worry to be elevated when moral intuitions are not only invoked to figure out how to get things right in cases of applied ethics, but are invoked to justify the moral status of persons per se. This more demanding task calls for an inferential corroboration of such intuitions. But Cognitivists can hardly provide a further corroboration of their ad hoc intuition that persons have a unique, full moral status from the start. This would require Cognitivists to point to inherent normative features of persons that necessitate the

[12] I owe this point to an anonymous reviewer.

need of such beings to accord moral status to each other. Since Cognitivism is, as I have argued, based on Moral Intrinsicalism, such explanations are very hard to come by. This is so because there is a mistake in thinking that the normative orientation is *justified* by intrinsic ontological conditions. The real problem is in separating the normative and ontological conditions of persons and thinking one *justifies* the other; that we can determine what persons must be ontologically from the fact that we accord them a particular moral status or that we can determine what the moral status of persons should be from their ontological conditions.

On a social ontological view, it is rather that we are, by nature, beings who accord moral status to each other; this is not grounded in something more basic, but defines who we are, and in that way has an ontological as well as a normative significance build in. The kinds of beings we are, just *are* beings who engage in *normative* social relations. So the ontology does not justify the normativity, nor does the normativity tell us what ontological conditions to look for (the ones that would justify the normativity). The ontological condition just is the normative nature.

The fundamental ontological condition of sociality that is present from birth makes it normatively necessary to treat each other in accordance with that ontological condition, otherwise we would cease to exist. Now, granting that collective survival is *good* in a normatively relevant sense, it seems apparent that the condition allowing us to do so is normative in nature. The normative-ontological condition of personhood as manifested in taking a second-person stance is thus neither an 'inference from ontology' nor an 'ad hoc normative assumption', but an empirically substantiated hypothesis about what persons are most fundamentally.

5.6 The Normative Significance of Taking a Second-Person Stance

It is sensible to ask why taking a second-person stance has an intrinsic normative significance that higher-order cognition lacks. Answering this question illustrates how a social ontology is normatively constitutive of personhood (rather than justifying persons' normativity), less demanding in ascribing moral status, and more inclusive (thus better able to account for marginal cases) than Cognitivism.

It is not that taking a second-person stance has something more in terms of normative significance than higher-order cognition does; but rather that adapting a second-person stance is already enough of normative significance to sufficiently motivate a special moral status of beings that display that feature. Taking a second-person stance does not so much justify the ascription of moral worth as constitute it. This is so because to take the second-person stance is to ascribe moral worth to others, or to take a moral interest in them; so persons are by their very nature the kinds of beings that do this. When we see that persons come into being by pre-reflectively realizing that others share their normative nature, normativity is set as a constitutive condition of personhood. Not an ontological condition that justifies according a unique normative significance to its possessors, but an inherent feature of persons that constitutes (rather than justifies) their normativity.

Saying that self-consciousness has in-build normativity as well (as in being able to relate to others in a normatively significant way) doesn't do the trick for the Cognitivist. This is so since the normativity of self-consciousness originates from its

pre-reflective relational nature, and does not spring into existence once someone acquires self-reflective cognition. The burden of proof, then, shifts to Cognitivists to explain why the bar for according a special moral status is set so high.

A frequently adopted Cognitivist strategy to try justifying persons' right to life is to posit that in order to desire to continue living, we first must understand the concept of life and death, and think of ourselves as temporally extended agents. Only then do we appreciate our existence in a way that makes it wrong to take persons' lives. No doubt, such self-reflection requires higher-order cognition. But it appears too demanding to justify persons' right to life, for understanding a concept is neither necessary nor sufficient for being able to desire what that concept conveys. Here is an analogy. I do not understand the conceptual intricacies of happiness (occasionally it seems as though I don't even have the faintest idea of what it means). I thus lack the higher-order cognitive capacities required to conceptually sort out what happiness is. Yet, on a pre-reflective level, I nonetheless, and quite strongly, desire to be happy. So, too, does the desire to continue living not presuppose an understanding of the concept of life and death nor an awareness of one's diachronic identity. A desire to continue living is not per se a cognitively demanding endeavor. It is, rather, an integral, often tacit component of persons' lives.

So, persons' special moral status is neither based on mere sentience nor on higher-order cognition. But it comes into play once beings pre-reflectively see themselves in relation to others. Such a 'relational completion' initiates the existence of entities that are something else entirely: persons that are governed by a unique condition of inherently relating themselves to others. Since moral concern crops up only when our actions are in some way related to others, the capacity for so relating is a good place to start explaining the normative significance of persons.

5.7 Conventionalism and the Social Ontology of Persons

An insightful approach to dissolve the problem of how personhood's ontology and normativity are intertwined is Conventionalism about personhood. On this view, as seminally put forward by Braddon-Mitchell and Miller (2004), normative considerations play a central role in determining what persons are ontologically; but not necessarily so, since had these normative practices been different, persons' ontology would have been different as well. Persons are viewed as conventional constructs, "objects whose existence logically depends on conventions. … According to logical conventionalism, the existence of the relevant conventions is part of the truth conditions for claims about the existence of persons" (ibid., 458). In a way, then, there is no a priori ontological fact of the matter as to what persons are. But there are normative facts about persons, contingent on how the world happens to be, that determine what persons are ontologically.

On the face of it, Conventionalism looks like a paradigmatic case of the Normative Fallacy. But this is not so. Rather, Conventionalism is a promising route to evading the Normative Fallacy, and, as I shall sketch in what follows, compatible with a social ontology of personhood. Here's why. Since conventions about persons (some of which are normative in nature) are part of what determines their ontology,

it is sensible to assume that such conventions—particularly in the case of established conventions that evolved over a long period of time and are deeply entrenched in society—cohere with how beings of that sort de facto function. Now, were persons stripped of what Braddon-Mitchell and Miller call 'settled conventions' (conventions that go largely unnoticed because we have no need to think about them), they would cease to be persons altogether (ibid., 462). And so there is no pre-existing settlement of what determines persons normatively, but person-directed practices (the import of which I spell out below) that evolve conventionally, and in that way contingently define persons' ontology.

Even though the authors do not set out to conclusively entrench what specific conventions are most fundamental about persons, there is a case to be made for how Conventionalism is compatible with a social ontology of personhood. This is so since persons' ability of taking a second-person stance is arguably one of the most fundamental settled conventions about persons. A means of evading the Normative Fallacy is, then, by way of showing how some of what Braddon-Mitchell and Miller call 'person-directed practices'—attitudes persons have towards themselves and other persons—are hard-wired, not malleable and thus determine what persons are essentially. Now, were these person-directed practices different, so would personhood's ontology be different. But since these person-directed practices as settled conventions happen to be in a specific way, and perhaps some couldn't have been otherwise by a posteriori necessity, it is difficult to see how anything can be a person if it wasn't for their fundamental practice of taking a second-person stance. On this view, persons are a special case of conventional beings because their existence depends both on contingent de facto human practices, and persons themselves, in keeping with their nature, instantiate these practices that constitute them (ibid., 468). A social ontology of personhood based on taking a second-person stance thus seems perfectly compatible with the Conventionalist idea that "persons exist only if they exhibit person-directed practices" (ibid., 469). Adopting the Conventionalist vocabulary, taking a second-person stance is a 'hard-wired settled convention' about personhood, and therefore constitutive of what persons are both normatively and ontologically.

5.8 Animalism and the Social Ontology of Persons

It goes without saying that my aim is not to altogether dispatch the importance of higher-order cognition as a crucial feature of personhood; rather, to set personhood on a less demanding footing. This, however, is not to assert that we are persons just by virtue of being human organisms. We are persons because of our embeddedness in a complex web of social interactions, which is, on the one hand, predisposed by our basic biological and psychological make-up, and on the other hand, enabled by the social infrastructure around us that we have created in accordance with our nature.

There might be stages of human existence in which, according to the here advocated sketch of a social ontological approach, human beings no longer qualify as persons. Or, at least, their personhood might be severely diminished. For example, permanent vegetative state (PVS) patients are arguably no longer able to

engage in social interactions. However, unlike Cognitivism, a social ontology can give a more refined description of these marginal cases. Since personhood does not necessarily involve higher-order cognition on the basis of which a person's unique moral status is secured, it can be argued that even in PVS cases, there is still a residue of the socially ascribed status of personhood in place that can plausibly account for their unique moral status.

There are, it seems, normative concerns that reasonably persist toward those whose higher-order cognition has considerably waned. We supply them with continuous medical treatment, we visit them, we talk to them. In short, we keep treating them as members of our society. Suggesting that what we care about doesn't vanish altogether when higher-order cognition disappears. There are at least two related reasons for this: we think that the PVS patient in front of us still remains to be an entity worth caring about in a way very similar to how we have previously cared about her, and we think that there is a tight ontological connection between the entity now (without higher-order cognition) and before (with higher-order cognition). Adhering to a Cognitivist conception of personhood commits us to deny that PVS patients are persons ontologically; this, though, is at odds with our normative concerns about such beings as forceful parts of everyday life, for it seems as though we in fact *do* accord them moral status, and target them normatively. It is either ontologically implausible to say that such beings aren't persons, or it is normatively implausible to say that such beings differ significantly in moral status from persons, since this would contradict our forceful de facto normative practice. Both issues seem to derive from the misfit of ontological and normative conditions that Cognitivist claim to be constitutive of personhood.

Admittedly, PVS cases are more challenging to social ontological views of personhood than other marginal cases such as infancy or cognitive impairment, since these beings display pre-reflective social tendencies as required for taking a second-person stance. Whether PVS patients retain a measure of such tendencies is a yet to be determined empirical question.

6 Concluding Remarks

The upshot of this article was to demonstrate how Cognitivism allegedly defines personhood ontologically, but thereby disregards that this definition is based on pre-existing normative convictions. From this methodological problem arise difficulties in making the case for personhood as an ontological category that shall account for persons' unique moral status. Asserting a Cognitivist ontology of personhood on the basis of there being a *normative demand* for persons so defined falls short, since it lacks both an identification of, and more importantly, a justification for the inference from normative convictions to ontological conditions. I have described this argumentative move as a Normative Fallacy, and argued that this is a serious threat to the plausibility of Cognitivism.

My positive contribution drew on Marya Schechtman's social ontological view of personhood, emphasizing persons' pre-reflective ability to engage in social interactions. In a subsequent step, I suggested that a social ontology of personhood

generally fares better in avoiding the Normative Fallacy. I argued that some of our person-related practices and concerns apply to individuals who do not possess higher-order cognition (e.g., infants). Thus, the relation which constitutes a unit of these practices and concerns cannot be one that requires higher-order cognition. Accordingly, infants are persons at particular life stages, they are persons without some of the typical attributes of adult persons, but they are entirely persons. Just as someone with a heart disease is still a human animal, only without some of a human animal's typical functionality, so is a person with cognitive deficits still a person. This is so because persons are essentially relational beings, such that their conditions for individuation and identification cannot be given independently of how they stand in relation to others. For this reason, a plausible conception of personhood must take into account the social embeddedness of persons as their most salient condition. This sociality is based on the innate capacity of what I called taking a second-person stance, which takes place prior to, and independent of, higher-order cognition.

The need to drop a sharp distinction between personhood's ontology and normativity calls into question the idea of a purely metaphysical view of persons. It is unclear whether such a metaphysical view that posits some intrinsic person-constitutive conditions—independent of how persons stand in relation to others—could hold across all possible worlds. After all, persons are relational creatures to the innermost center of their being. I therefore venture to understand personhood as a key subject of empirically informed social ontology, rather than seeing persons as a metaphysical puzzle.

A social ontological view of personhood entails implications of an interdisciplinary nature, to be treated in a second moment of reflection from here. Important ethical questions may arise which, perhaps, have a more general impact on normative reasoning and practical concerns. After all, the constitution of personhood fundamentally underlies, theoretically and practically, the way we conduct our lives.

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