

Identity in Recognition: On the Moral Status of Human Beings

In this chapter, I would like to explicate the interplay between personality and the moral status of human individuals. Thereby, the recognition relations taking place in our ethical attributions regarding the personhood of the human being and her/his moral status should be identified on the basis of an ascriptive explication of our ethical practice.¹

The overall system of my considerations is inspired by Hegel's conception of concrete freedom, which he unfolds in his philosophy of the objective spirit. This part of Hegel's system positions his practical philosophy positions in the comprehensive sense of a reconstruction treating the entire area of the social sphere (law, ethics, morality), as well as the central institutions found there.

This freedom is "concrete", firstly, because it consists of a network of cross-linked, inter-related conceptions which range from intersubjective constellations to extremely institutionally drafted contexts. Secondly, this ethical practice is also concrete because the level of its historical and thus contextually integrated realization within the framework of a philosophical explication takes on a constitutive function: according to Hegel, and the considerations in this chapter follow this line of thought, the meanings in our ethical conceptions indicate a dimension which can best be reconstructed as a historical learning process. What we (can) understand as freedom (today), cannot be determined purely a priori, but is also determined through the experiences which we have made in the course of the history of our attempts to realize our freedoms concretely.²

In the tradition of Hegel, "freedom" in the following thus does not mean a metaphysical dimension of human action (or of human will). As is well known, Hegel had little use for a concept of freedom such as the one underlying the classical debate on the compatibility of

¹ For more details, cf. Quante (2013b, 2015 and a).

² In my interpretation, the enabling (causal) conditions that facilitate scientific determination as a part of the first nature do not belong to the scope of what should be understood under the label of "concrete" for Hegel. Of course, Hegel was aware that finite actors, being the human beings they are, cannot realize their freedom without such enabling conditions. At various points in his philosophical system and in his *Phenomenology of the Spirit*, Hegel considers how to incorporate these enabling factors into the philosophical view. In contrast to his philosophy of nature and his conception of the subjective spirit, which are not reducible to empirical Individual disciplines and their definition (i.e. their specialized interests), the analysis of these enabling factors (for example, a functioning brain) do not belong to the tasks of philosophy. Nevertheless, the latter must give philosophical justification for the reason why — in Hegelian words — finite will is dependent on such enabling factors. Exploring this more closely is then no longer the subject of philosophy, but lies instead with the diverse Individual disciplines.

free will and determinism, for example. Freedom in the following refers to a dimension of our ethical practice in which we mutually grant ourselves entitlements or rights as legitimate freedoms to be respected. It is, if I may use this somewhat metaphorical expression, rather a grammatical characteristic of our ethical practice than a characteristic of mental episodes or an (occult) skill of actors who have the capability of uncaused causation in their actions.

In the spirit of an ascriptivistic conception, freedom in the following is thus explicated as the concrete form taken on by our practice of recognition. The focus thereby is on the conceptions of personal identity and the connection between the personality of the human individual and her/his moral status.

Both our talk of personal identity (including the terms “person”, “personality” or “personage”) and our talk of the moral status of a human being are only partly elements of our daily ethical practices. In these, we also speak about persons and their personality; and, in some day-to-day contexts, such as the question of dealing with beginning human life in regard to reproductive medicine or abortion, for example, talk of moral status has become common practice in everyday discourse. However, this should not induce us to overlook the fact that these phrases are inadequately clarified within the framework of our daily speech. Any attempt at a philosophical explication must thus necessarily embed this initial data in everyday language into a philosophical conception. Thus, specialized philosophical interests (such as the need for systematization) and other philosophical assumptions (from the area of philosophy of the spirit or meta-ethics) must become an inevitable component of any explication (or reconstruction) of our ethical practice.

In the *first* section of this article, a philosophically motivated proposal for analysis of our conception(s) of personal identity is developed with the purpose of disentangling the philosophical debate by differentiating between four different questions. The central theme of this article is unfolded on the basis that personal identity in the sense of personality and personage are to be understood as social phenomena constituted through relations of recognition.

In the *second* section of this article, the focus is based on the differentiations set forth in the first section regarding how personality and the moral status of a human being are related to one another. In order to see this more clearly, a differentiation is made between various usages of the term “person” which often merge with one another in our daily practices of

attribution.³ The primary concern in the second section is clarification of the interaction between the person-making characteristics and the moral status of human beings insofar that we are, on the one hand, in a position to make the various philosophical interpretations of this connection understandable as varying explications of this interaction.⁴ On the other hand, in this extensive network in which our freedom takes shape, we can also identify the aspects and contexts in which recognition relations have special relevance.

1. Personal Identity and Recognition

In the first section of this chapter, the hypothesis is developed that personal identity is essentially constituted through social relations which take place in recognition relations.⁵ In order to assess the plausibility of this hypothesis, the problem of personal identity is broken down into four interconnected problem areas (1.1). From these four problem areas, neither the problem of entity nor the one of persistence can be resolved with recourse to concepts of person, which is also why personal identity in this sense is not constituted socially (1.2). However, in this chapter, the view is held that not only conditions of personality, but also the personality structure of the human being – meaning the two other areas into which the problem of personal identity decomposes – can best be understood as socially constituted, especially through relations of mutual recognition (1.3).

My goal is to reveal the essentially social character of the personal identity of human beings. When all the aspects of the sociality of human beings are unfolded, this theme is very comprehensive. For this reason, I limit myself to elucidating my hypothesis according to which the identity of human beings is essentially constituted socially. Instead of the expression “personal identity” commonly used in literature, I prefer more complicated ones,

³ On the day-to-day level, these different kinds of usage may be proven, but their exact determination can only take place within the framework of a philosophical conception. It would be a mistake to believe that the fine-grained analysis preserved in everyday acts of speech within the framework of philosophical analyses only reflect what the case is in our day-to-day speech. In contrast to the many differentiations introduced by philosophy as expedient for its specialized interests, our daily (ethical) practice is under-determined (in other cases, it may even be completely neutral). Even the decision to speak of different ways of using a term (instead of an equivocation) is based on far-reaching philosophical prerequisites (in my case, on a usage theory of the significance inspired by Wittgenstein and Austin in the sense of a theory of the act of speech).

⁴ In this article, the characteristics and skills understood as person-making characteristics are those which compose the personhood of human Individuals. For reasons which are unfolded later, I assume that this is an open list and that the characteristics or skills are on a graduated scale. It seems safe to assume that there are various combinations of these characteristics and skills, each of which is sufficient for counting a human Individual as a person (in the descriptive sense).

⁵ This network of recognition relations which makes up concrete human freedom is understood as a structure of ascription which we implement in our ethical practice. In the tradition of Hegelian philosophy of law, this network of intersubjective relations also fulfills institutionally constituted areas of social life.

such as “the personal identity of human beings” or “the identity of human beings”. In my opinion, the question of personal identity is often posed in a misleading way.

There are three reasons for this: *first of all*, the terms “person” and “identity” are complicated and have different meanings according to the context. By differentiating between these meanings, the initial question decomposes into several questions, which makes it possible to classify the numerous intuitions connected with the theme of personal identity correctly.⁶ *Secondly*, the rhetoric of personal identity suggests that we can find answers to the various questions regarding identity without using any other term than “person”. However, as soon as we limit our considerations to human beings, as in this chapter, we should consider the possibility that not all our questions regarding identity can be resolved by the use of the term “persons”, but depend upon what human beings are.⁷ *Thirdly*, the term “identity” is often used ambivalently in philosophical analyses of personal identity. This creates additional difficulties insofar as intuitions which relate to numeric identity are shifted into completely different areas, which leads the discussion astray.⁸

For this reason, I would like to establish two explicit premises which are at the base of the arguments put forth in the following:

- (P1) The philosophical problem of personal identity must be broken down into at least four problems (whereby a group of questions in relation to one another arise for each problem).⁹

Although a differentiation has to be made between these four problems, they are not completely independent of one another: decisions relating to one problem can (and do normally) have consequences for resolving the other problems. As a result, the various answers given to each problem also have to be looked at together in order to understand the

⁶ This argumentation is unfolded thoroughly in Quante (2002, 2007).

⁷ A lot of thought experiments prominent in the context of the analysis of personal Identity are either insignificant or misleading as soon as the limitations resulting from them, such as how human convictions are really developed, are taken into account ; cf. Wilkes (1988).

⁸ This aspect is analyzed more thoroughly in Quante (2001a; 2002; 2007); a similar concept is supported in Perry (2002).

⁹ I know of no standpoint which differentiates between the four questions in the manner supported by me; many philosophers have, however, suggested that the topic area be divided up in some sort of way; cf. Korsgard (1989) or Schechtman (1996), who differentiate between the metaphysical and practical aspects of personal “identity”. Dennett (1978) also deals with this problem area, namely under the key words “conditions for personhood” and “conditions for trans-temporal identity of persons”, dedicating individual chapters to each of these, but without establishing a connection between them. The insight that questions of entity and persistence must be treated separately is found in Brooks (1994).

overall picture. In many places, there is more than just one possibility for resolving a specific problem of personal identity. In such cases, we have to keep the overall picture in mind and clarify which requirements our entire theory should fulfill. Otherwise, philosophical answers turn out to be more arbitrary than necessary.

(P2) It is impossible to resolve all the problems connected with the question of personal identity in one single¹⁰ concept without making an illegitimate reduction of the complexity of the phenomena.

On the basis of these premises, I would now like to introduce my hypothesis, which is explained and defended in the following:

(HYPOTHESIS) The personal identity of human beings is essentially constituted through social relations.

Since the term “personal identity” – at least in philosophical contexts – can be responsible for creating misunderstandings and evoking misleading philosophical or pre-philosophical intuitions, some clarifications are necessary: without question, numeric identity represents a relation which deserves its own philosophical interest, but if we are seeking an answer to the problem of personal “identity”, we will not find it in the area of numeric identity.¹¹ In science-fiction fantasies about the fusion or splitting of people or transferring mental states from one brain to another (or to data carriers or halves of brains or whatever), the formal aspects of numeric identity are relevant. This chapter, however, is about questions which point to different relations and characteristics than those in numeric identity.¹²

1.1 Four Dimensions of Personal Identity

In order to visualize the social dimension of human personality, let us make a differentiation between the following four problems:

¹⁰ “Single” points out an approach based completely on the perspective of either the observer or the participant.

¹¹ In order to avoid confusion, I use the term “identity” only in the sense of numeric identity in this article when I sketch my own position.

¹² These are mainly practical questions regarding autonomy, moral responsibility, self-interest or personal survival; cf. Korsgard (1989), Martin (1998), Rovane (1998) or Schechtman (1996 and 2002).

- (A) *The problem of personality conditions (PPC)*: What characteristics or skills must an entity have at her/his command in order to belong to the class of persons?

The answer to personality conditions implies making a list of the characteristics which make up a person – a list of the so-called *person-making characteristics*. This question is also occasionally handled in literature under the title of “personal identity” and then usually spoken of as so-called “qualitative identity”. In order to preclude a source of possible misunderstanding, I do not use this terminology for “identity” in my work.

- (B) *The entity problem of the person (EPP)*: What conditions must exist for an entity A to be a person at exactly a given time?

In the context of personality disturbances, for example, the question arises of what determines whether each of several persons exist for one individual human being at a certain point in time or whether one group-person exists for several human beings (this has played a certain role in the history of the concept of multiple personalities). This rather seldom discussed problem in literature dealing with questions of personal identity is occasionally discussed under the keyword “synchronous identity”.¹³ However, since the identity relation as such is not at all related to time, but is rather an atemporal relation, this designation is misleading. If we ask ourselves what the case must be for an entity A to count as exactly one person at a certain time, then we are trying to specify the conditions for the truth of statements of the following type: A is to *t* one and only one person. The concept of numeric identity is clearly not helpful in this context (or only in a very limited scope). We must rather address the question of what kind of entity A is. Since we are concerned with persons, it seems as if the problem of personality conditions PPC and the entity problem of the person EPP are linked directly to one another. However, as shown in the following three options, things are a bit more complicated:

Firstly: by characterizing A essentially as a person, it follows that A essentially is *one* person. This is at least true if we accept from the more general ontological assumption that everything which it is essentially an X is exactly an X. If A were to change into one or more other entities, *it* would cease to exist and stop being the entity which it currently is. (If it had *not* ceased to exist as soon as it had stopped being, it would not have been able to be an X

¹³ In philosophy of the spirit, the entity of consciousness is discussed as an independent theme. In research literature dealing with personal identity, this problem does not occur if we follow the rule: one human being – one person (for example, when we discuss group-persons or multiple personality disturbances).

essentially.) What makes A one person makes A ipso facto exactly one person – not more and not less. In this case, the personality conditions contain criteria to clarify the problem of the entity of the person (i.e. PPC immediately dissolves EPP).

Secondly: if A is only accidentally one person, but essentially belongs to a different type X (for instance, Vulcan or Angel), then A could, in principle, be one or more persons (whereby “be” must be understood in the predicative sense here). The conditions of personality could now be drawn up in a way that there can only be one person per human being (i.e. “one person is one organism with the skills F, G, H”). On the other hand, the corresponding conditions could also be drawn up so that there can be more than one person per human being (for example, one person per stream of consciousness or per personality – as in cases of multiple personality disturbances or separated brain hemispheres) or one single group-person for one group of humans or Vulcans.

The more complicated variation according to which EPP results from PPC can thus be summarized as follows: in the first step, there is A characterized by means of a different sortal concept¹⁴ X (human being or Martian, for example) which contains the criteria for resolving the entity problem for entities of this type X (i.e. the answer to the question of the conditions for X implies quasi directly the answer to the question of the entity of X). In the second step, we have answered PPC in a way that one entity of type X is *exactly one person* at one certain point in time if it is *exactly one* entity of type X at this point in time. In this case, the answers to PPC and to the problem of the entity of X supply a solution for EPP exactly at the moment in time when all the conditions are present for making one entity of type X to one person at one point in time.

Thirdly: another possibility is that the answer to PPC does not imply the condition that entities of one given type X (Vulcan or human being, for instance) must be exactly one person at one point in time in order to count as a person. In this case, we can ask whether A at t is even one person at all; we can also ask whether A at t is exactly one person. In this case, we can try to solve EPP by characterizing A by means of a sortal concept Z which does not designate substance (like “personality” or “stream of consciousness”). This said, the hypothesis can be proposed that, in cases of multiple personality disturbances or of separated brain hemispheres, several persons “share” one human organism. Taking this position,

¹⁴ The expression sortal concept is used in different ways in literature. In this chapter, it is used as a generic term, which means that there are sortal concepts which offer the criteria for entity and persistence (substance sortal) and those which do not do this (phase sortals).

however, would mean giving up a principle which normally accompanies our concepts of human beings as a matter of course, namely that a human being must be connected with exactly one person (at least at some point in time) in order to count as a human being.

- (C) *The persistence problem of the person (PPP):* What conditions must be given for A at t_1 to be the same person as B at t_2 ?¹⁵

This question refers to the central significance in the debate linked with the term “personal identity” – namely persistence, survival and diachronic identity, i.e. identity in the long term. Exactly as in the cases already mentioned, the use of the expression “identity” is misleading since we seek the relations which have to exist (non-trivially) in order for the identity evidence to be true. (Of course, the identity relationship itself has to exist for identity evidence to be able to be true, but such evidence is uninformative). Our persistence question “Is A at t_1 the same person as B at t_2 ?” assumes that A at t_1 and B at t_2 are persons. The only thing that we want to know is whether or not they are the same person.

The first question to arise is whether “personhood” implies criteria which define what relationship must exist between A at t_1 and B at t_2 in order for A at t_1 and B at t_2 to be one and the same person. If the answer is positive, EPP can be answered with recourse to PPC, and the only open question is *which* of these criteria and relations are decisive for determining the sameness of A and B at the corresponding point in time.

If, however, this first question is answered negatively, we cannot clarify EPP by referring back to PPC; instead, the question arises of what characterization of A at t_1 and B at t_2 provides persistence criteria. What sortal concept X can resolve the persistence problem regarding the entity A? Yet still another problem is hidden here. Since each entity A has numerous qualities, we must ask whether each sortal criterion can or cannot supply help in resolving the persistence problems. Since we have committed ourselves to a negative answer (by already striking personhood off our list), we must now specify what characteristics of sortals are decisive for supplying these persistence criteria (or what ones are decisive for not doing this). Elsewhere, I have argued more extensively in favor of the sortal concepts sought after to be ones which designate natural sorts and thus refer to laws of succession which, for

¹⁵ By formulating the problem this way, it is presupposed that persistence is sortal-dependent; cf. Wiggins (2001).

entities of this kind, define what changes are compatible with their persistence (and what ones are not).¹⁶

- (D) *The personality structure problem (PSP):* What structure is fundamental for leading the life of a person?

Persons are entities capable of having different relations to themselves. Among these, there are relations of self-assessment, self-identification and self-criticism. Persons can – in a certain sense which still has to be specified more closely – develop concepts for who they are and who they want to be. In the tradition of Erik Erikson, this form of self-reference is referred to as “identity”, especially in social and personality psychology; thus we speak of a person’s identity crisis, for example, when a person loses trust in the values on which she/he has oriented her/himself. In the following, I term this complex structure the “personality” of a person (whereby this should cover what numerous philosophers have called narrative or biographical identity).¹⁷

My approach of regarding PSP differently than PPC and EPP does not commit me to the hypothesis that an answer to the first problem can be given completely independently from the other two problem areas. It should, however, not be assumed that answers to PPC and EPP also imply unambiguous answers to PSP; we should rather abandon the idea of being able to resolve the four problem areas referred to with one single theory. It is a fortiori not helpful to try to resolve PPC and EPP by analyzing the personage structure of a human being. There are – at least for human beings – a lot of different relations between personality, entity, persistence and personage, but these are substantially more indirect and more complex than most theories known to me suggest.

As I explain in the third section, the personality of a person it is essentially constituted through social relations, which is why my HYPOTHESIS also deals mainly with PSP. To support my HYPOTHESIS, I also discuss PPC a bit since this issue is related to PSP. In this context, I argue that personality and personage are determined socially. To prevent any fears that such argumentation could lead to unacceptable concepts regarding persistence, I emphasize in the second section that, although personage is determined socially, this is *not*

¹⁶ In this conception, conceivable limits to our linguistic practice (such as the vagueness of concepts) lead only to epistemological problems, but not to ontological ones.

¹⁷ For more details on the concept of personage, cf. my explanations in Quante (2013a).

true for the persistence of human beings since personage does not supply any conditions of persistence.¹⁸

Two side notes

Before I approach this task, let me make two primarily terminological remarks: (i) although the reference to “persons” in our daily speech and in many philosophical contexts is neither problematic nor unusual, there are, however, certain dangers accompanying it in the particular context of personal “identity”. When I characterize someone as a person, I describe her/his in a certain way (I assign her/his so-called *person-making characteristics*), and I attribute a certain ethical status to her/his. Although the descriptive and ascriptive aspects can, in principle, be separated, they often go hand in hand in our day-to-day speech. In this first section, I focus solely on descriptive usage; I come to evaluative usage and the connection between the two in the second section of this chapter.

(ii) I use the expression “person” as a form for describing an entity A which is determined to be a person on the basis of a list of *person-making characteristics*, but I deal solely with human beings, so that the expressions “person” and “human being” are used interchangeably from now on. One consequence of this specification is that my arguments cannot be used for all kinds of persons without further stipulations. Furthermore, it should be clear that the property of being a human is not only an unnecessary, but also an insufficient condition for being a person. In other words, my conception allows for people who — in descriptive use of the terminus — are not persons.

1.2 The non-social character of persistence

The relationship between PPC, EPP and PPP depends decisively upon whether “person” is regarded as a substance-sortal which provides conditions for entity or persistence of persons or merely as a phase-sortal.

We can now question whether the concept of “person” offers criteria for answering PPP; my answer to this is: it depends upon what we regard as conditions for persistence and what conditions for adequacy we demand from a theory of the persistence of human beings. There is a set of characteristics which we usually consider to exhibit the relation of persistence of (human) organisms (most of which I designate as *ex negativo* here):

¹⁸ Cf. Quante (2002) for a comprehensive investigation of this theme.

- it should not be arbitrary (or ad hoc);
- it should not depend upon social practices or shared values;
- it should not be dependent upon social or linguistic conventions;
- it should comply with the principle of “only X and Y”;
- it should not be revisionary with respect to our everyday understanding of human beings.¹⁹

Moreover, a conception of the persistence of human organisms should put us in a position to specify the criteria for the beginning and the end of the existence of human organisms which have a connection with the criteria which biology and medicine provide for such questions. Finally, the conditions for the persistence of human organisms should be determined in a manner which allows us to have intersubjective epistemic access to them.

As clarified by John Locke a long time ago, it could be impossible to fulfill all of these requirements since our everyday understanding of personal “identity” combines the concepts of human beings, on the one hand, and persons, on the other, in a complicated and perhaps even inconsistent manner. This conflict in our everyday understanding stems from the fact that personal “identity” and the “identity” of human beings are usually so closely interwoven with one another that, most of the time, we have no need to distinguish clearly between us qua human beings and us qua persons.

However, Locke’s thought experiments and many other later ones in his tradition create situations in which our intuitions concerning personage and biological or physical “identity” lose their clarity. Locke’s own answer is well-known: he assumes that the concept of “person” offers criteria for resolving PPP. In this way, the conditions for the persistence of human beings and of persons are divergent (at least, in principle).²⁰

In contrast to Locke, I think that the concept of the “person” does not offer any criteria for persistence if we take the conditions for adequacy which have just been formulated for the persistence relation seriously. The main reason for this is that “personhood” is a complex and socially constituted characteristic which depends upon values and cultural practices (see

¹⁹ The principle of “only X and Y” maintains that the question of whether X is identical with Y depends only on X and Y, and not on a third candidate Z. See, for example, Noonan (1989), p. 16.

²⁰ This Interpretation of Locke contradicts the interpreters who deny that Locke wanted to give any answer at all to PPP and, instead, contend that he only deals with PSP; cf. Rovane (1998). I am of the opinion, however, that Locke blends the four problems which I attempt to differentiate between in this article. Therefore, traces of each individual problem can be found in his arguments; this is also the reason why we cannot simply contend that his theory presents an answer to only one of the various problems presented here.

below). This is also true for the so-called Cartesian or first-person perspective expressed in first-person statements, especially for sentences in which we articulate memories of our own actions or our own perceptions. This is why the concept that personal identity is based on first-person claims which are not socially constituted can only be justified in a theoretical framework which strictly separates the mental and linguistic nature of such first-person propositions. The assumption of such a conception, however, results in a dilemma: either the possibility of using these presumable facts at all in a social context is lost because these first-person expressions are private in a strict sense, or their integration into our practice makes them, in the end, dependent upon the manner in which the first-person expressions are used in our social reality.

Furthermore, it seems to me to be very plausible that a human being, in the course of her/his (normal) development, can become a person as well as also later lose this complex property once more, without having to stop persisting. As long as we not assert that persons are substances bearing the property of “personhood” in the essential sense, we can establish that “personhood” may be termed a complex property of entities, but that it is not a substance-sortal with criteria for persistence.

My positive answer to PPP, which, at the same time, clearly shows why I consider it correct to speak of the persistence of human beings, is that we are seeking a sortal-concept X which offers the criteria for determining whether one entity of type X at one point in time is the same as one entity of type X at a different point in time. As I have explained in detail elsewhere,²¹ there is a special class of sortals which supplies such criteria for persistence and fulfills most of the conditions which we expect from the persistence relationship in regard to human beings: natural-type-concepts, namely especially those referring to biological species. These sortals refer to actual characteristics of the species in an indexical manner. Finding out what makes up these characteristics is the task for biology. Biological laws determine what development a specimen of a corresponding species typically passes through, what changes it can survive and what the conditions are for the beginning and the end of its existence. Since such biological laws are not constituted by chance or by social conventions or values (if they are presumably also not causal laws in the *strict* sense), they offer us a concept of persistence which is determined as a sequence of events regulated by laws and constituted by the life of an organism; the latter concept is, in fact, consistent with most of our intuitions.²² And since the corresponding laws are compatible at least with contra-factual scenarios in which these

²¹ See Quante 2001a, 2002 and 2007.

²² This conception oriented on science is compatible with the possibility that there are also relations in nature which exhibit a so-called proto-social character; cf. the article (the chapter) by Italo Testa in this book.

laws are kept constant, a lot of our modal-intuitions are also covered. A lot of the especially imaginative thought experiments which stretch our concepts to the point of purely logical possible worlds are certainly not able to be integrated into this approach. This, however, does not disturb me since I am of the opinion that our intuitions regarding the persistence of human beings neither originate in the concept of numeric identity, nor are they free from the real contexts in which they are usually used: we simply have no clear intuitions in cases which have been thought up within the framework of such science-fiction fantasies. As ascertained by Locke, we even have to do with conflicting intuitions in some real cases (such as multiple personality disturbances) because the *contingent* harmony between personhood and human existence sometimes collapses.

In summary, due to the reasons stated above, my answer to PPP is as follows: “personhood” does not supply any conditions for persistence; there are no special conditions for persistence for persons. There are, however, certain sortal concepts which offer criteria which are good enough to fulfill most of our standards for the relation to persistence. In the case of human beings, the biological concept of “being a *human being*” supplies the necessary criteria. If evolution led to the origin of amoeba-persons, the biological concept of the “amoeba” would have to take over this task. This means that there is no unique, specific persistence-relation for all (kinds of) persons – unless only human beings could be persons; at least conceptually, however, this is not guaranteed by the conditions for personality because there is no reference to human beings in this connection. And, at least in religious-philosophical contexts, the concept of the person is also used for non-human entities, especially for a personally conceived God.

However, it could also be the case that no species-neutral meaning for “personhood” is found. The reason for this could be that we have not excluded the possibility that the conditions for our human existence somehow have such a strong influence on how we understand personhood that it is impossible for us to comprehend fully what a non-human being could be. I return to this point in the last part of this first section of my chapter.

1.3 The social character of personality and personage

The time has now come to deal with the question of the sense in which personal identity possesses a social character. This question is related to the first and fourth problem areas (conditions for personality, structure of personality).

1.3.1 The social character of personality and personage

If both A and B are persons, the property of “personhood” is instantiated twice. We do not only mean, however, that A and B are both persons; we mean more than that, namely that they are *different* persons. Furthermore, we mean not only that A and B are two different persons because they are two different human beings, for example, but also that each of them realizes personhood in an individual manner. “Being a person”, we can establish, is exemplified individually by A and B. In the case of the property of being blue, either we can speak of two instantiations exemplifying different *shades* of the color blue or we can limit the criterion for individuality to both blue instantiations occurring at different *places in space-time*.

In the case of human beings, we are of the opinion that this individual exemplification, which I call the personage of a human being, is the result of the complex interaction between individual relationships to themselves and social relations in which a human being is put or can enter. A personage is created by human beings— this is a manifestation of the active and practical state of our human spirit, a result of the active being-in-the-world of human existence. It is thanks to this circumstance that we consider persons to be morally responsible and autonomous and assume that they have an interest in their own well-being. For this reason, the two strategies mentioned above (the “shade” strategy and the space-time criterion) are not sufficient for explaining what makes up the personage of an individual human being. The complicated internal structure of the personage of a human being could not emerge if human beings did not have the characteristics mentioned by Locke in his famous answer to PPC: A person is

a thinking intelligent Being, that has reason and reflection, and can consider it self as it self, the same thinking thing in different times and places. (Locke (1975), II, XXVII, § 9)

Without the ability to think first-person thoughts, without consciousness of the flow of time, without a gateway to past actions and experiences through memory, and without the anticipative expectation of one’s own future, human beings would not be in a position to live as persons who are creators of their own actions, plans and projects. They would be neither capable of accepting responsibility for actions, nor capable of attributing these to others; they would not play a role in social interactions in which they demand respect for their autonomy

and thus for their personage as the result of their own actions and concede this respect to others.²³ In this, we find the answer to the question of why and how PPC and PSP are so strongly interwoven with one another: all these characteristics and abilities must rank among the conditions of personality which *make it possible* for an entity to develop its own personage and to express its own perspective and individuality. Having personage is a necessary and sufficient condition for being a person – and vice versa.²⁴

How is personhood a socially imparted matter? I must limit myself to some short comments here. First of all, we must differentiate between the status of personhood and the person-making characteristics to which we are referring (implicitly or explicitly) in order to attribute such a status to an entity. Although the person-making characteristics can be more or less fulfilled and there are different ways of complying with the corresponding list in order to be able to attribute the status of personhood to the personality, we should not make the error of thinking that the status of personality itself could have differing graduations or differing meanings (according to the concrete manner in which an entity fulfills the person-making characteristics on the list). Since the status of personhood involves a special moral significance in our social practices, we should understand personality (in the sense of status) as a threshold-concept.²⁵ There is no doubt that personhood is conveyed socially per definition in this sense of status. But is it also plausible to assume that personhood in the sense of an entity which fulfills the requirements in the list of person-making characteristics is also a social fact?

The list of person-making characteristics which we deduce from our social practices is complex; it differs between various cultures and historical epochs, as well as according to the context – at least in our society. In my opinion, it is a futile philosophical effort to attempt to define the essence of personality by reducing it to the flexibility and complexity which is found de facto in our day-to-day practice of attribution (for this reason, it is also unlikely that one entirely non-controversial list of necessary and collectively sufficient characteristics and

²³ If we read Locke's famous definition as an answer to PPC, it becomes clear that a lot of what Locke has to say regarding the essentially first-person structure of personality can be understood as indirect input to PSP – and not as an answer to PPP (as the defenders of the memory-criterion hold in current debates). This also explains the line of argumentation which deals with the "person as a forensic concept" as well as with questions of responsibility and punishment. Locke himself, however, tried to find a common answer for PSP and PPP.

²⁴ Two clarifications are appropriate at this point: first of all, this view commits me to the thesis according to which first-person thoughts (or experiences) are not already sufficient for the subject to be a person. Secondly, the assertion above shows a need for refinement for the context of personality disturbances. For the standard case, however, from which such psychic illnesses are the exceptions, it is, however, adequate.

²⁵ There is a threshold value which each entity must exceed in order to count as a person. Each entity exceeding this threshold value counts as a person in the full sense, namely independently of how far the threshold value is exceeded. This claim does not mean, however, that this threshold can be mastered in only one manner.

abilities will be identified for the concept of personality). Personality is not a scientific concept of genre; this does not, however, exclude that some person-making characteristics can be described in scientific concepts. Some entries on our list may be accessible to a scientific explanation; on the other hand, the fact that such an entry is on our list of the characteristics constituting a person cannot be explained without irreducible reference to social practices.²⁶ This also holds true for the relative weight attributed to the various criteria if we address the question of whether an entity fulfills the list of person-making characteristics; this question must also be explained in reference to our social practices, as well as to our goals and purposes with which these are connected. Furthermore, most of the characteristics on our list should be able to be graduated, whereby a further dimension for social interpretations irreducibly comes into play. Of course, this argument cannot show that – at least in principle – a philosophical explication of the list of person-making characteristics is possible without falling back on the social practices in which these criteria are embedded. However, I think that it is sufficient to pass on the burden of proof to those who maintain that the list of person-making characteristics could be made plausible without recognition of the constitutive significance of social practices for the list and its internal structure. Each of these attempts at naturalization which contests personhood as a social fact must contain the claim that the criteria embedded in our social practices should merely be interpreted epistemically. This would then lead to the skeptical doubts concerning our ethical practice pointed out above with regard to the Cartesian first-person perspective.²⁷

In conclusion, let us return to my assertion according to which the personage of a human being is constituted *essentially* through social relations. This claim stands for the HYPOTHESIS that we cannot reduce the intersubjective dimension of personality to the causal role of socialization or to a “trigger” event. Personality is constituted *essentially* through social relations if it is only possible to *be* a person at all within the framework of such relations (not only to *become* a person through such social relations). Just as chess rules constitute the fact that a certain move is “castling”, these social relations constitute the fact that someone is indeed a person. This does not solely concern the realization of potential (although the latter mandatorily belongs to this); being a person, taking on responsibility or demanding respect for your own personage is only possible in a social world which is constituted through social rules. All this is not a component of the first nature from which the

²⁶ A naturalistic or scientific reduction would also then only be possible if the social environment, including our language behavior, could be explained naturalistically.

²⁷ The issue of already constituting proto-forms of recognition in the pre-social area should be strictly differentiated from such a naturalistic program of reduction. Implied reductive naturalism may often accompany such endeavors, but that is not a logically compelling consequence.

“sideways-on” perspective of science or a detached “gaze from nowhere” could be explained. Instead, the factual aspects referred to (being a person, taking on responsibility, etc.) are seen and understood first of all in our form of life, within which we comprehend ourselves and others as moral actors, as persons and individuals, each of whom strives to develop her/his own personage and, in doing so, expresses who she/he is and who she/he wants to be. If we accept that personhood and the list of person-making characteristics are conveyed socially, it is easy to accept that the personage structure of a human being is also conveyed socially. As stated above, this structure is the result of the complex self-relations and social relations into which human beings can enter.

1.3.2 Indirect defense of the HYPOTHESIS

If we agree that my HYPOTHESIS holds true for PPC and PSP, but not for EPP or PPP, there are *prima facie* no good reasons for contesting it. Accordingly, I would like to validate the plausibility of the HYPOTHESIS further in this section by defending it indirectly: there are a series of objections and concerns which make philosophers hesitate to accept this HYPOTHESIS. If these concerns can be repudiated, however, the validity of the HYPOTHESIS is made even more plausible (of course, this holds true only as long as we abide by not dealing with the problem areas of EPP and PPP).

(i) *The first objection:* Personhood is not constituted *socially* in the sense intended by the HYPOTHESIS.²⁸ The basic thought behind this objection is that we must differentiate between two different roles which social norms can play: in the *constitutive* sense, social norms are necessary and sufficient for having a property (or a certain status, for example, being a figure in a game of chess). In the *regulative* sense, social norms used for attribution of a property (or a certain status) can be criticized by doubting whether the entity in question actually has this property. Schmid gives the following example for this: a substance X is regarded as a therapeutic product; on the basis of research results, we can, however, argue that X is not a therapeutic product at all because it does not have the characteristics Y which are required for being a therapeutic product, i.e. ones to strengthen our health, heal illnesses, etc.).

²⁸ Hans Bernard Schmid has presented this objection in a personal exchange of correspondence. As I see it, he equates my HYPOTHESIS with conventionalism, whereby conventionalism, in his opinion, represents a position which implies arbitrariness. I do not agree with the comparison of my theory with conventionalism if this implies a commitment to constructivism or antirealism; cf. Quante 2001b. In other words, the attribution of social status can have presuppositions which can be criticized (or supported) by means of empirical (descriptive) arguments. The area of the social (as the evaluative one in total) is not autarkic in the strong sense in respect to the area of the natural (as in respect to the purely descriptive one), as would have to be the case in order for the consequences implied by Schmidt to follow.

The objection is now that personhood is not dependent upon social norms, but that these norms must also be understood in the regulative sense: if X exhibits all the person-making characteristics, then it is purely and simply false not to attribute personhood to X.

I would like to begin my answer to this objection by noting that the differentiation between the constitutive and regulative usage of social norms is not as clear as it could perhaps seem. In the case of a chess figure, there are a series of characteristics Y which are necessary for an entity X to be able to be attributed the status of a “chess figure”. For this reason, we can criticize someone for holding an entity X for a chess figure if X does not exhibit the characteristics Y. Furthermore, in my opinion, it is more important to question what relationship exists between the characteristics termed Y and the status attributed. Understanding social norms only in the regulative sense assumes, in my opinion, that the relationship can be reduced to the person-making characteristics and that this list can be analyzed without reference to social relations.

As explained above (in section 1.3.1), it is decisive to differentiate between a) the status of personality, b) the individual manner in which an entity fulfills the list of person-making characteristics and c) these characteristics themselves. If we attribute the status of personality to someone or try to understand someone’s personage, we refer to these person-making characteristics. A special attribution to an individual entity is based on the concrete list; this is a default-and-challenge structure. For this reason, the status is constituted through attribution, but such attribution can be contested by demonstrating that the basis required as the standard case for this is missing. Thus the possibility of excuses and corrections does not present any argument against the social character of personhood, and the burden of proof remains with the opponents of the HYPOTHESIS.

Furthermore, the first objection rests upon a further premise: it must require that regarding others and oneself as persons and being treated as person by others (let us call this the R condition) do not belong to the essential elements on our list of person-making characteristics.²⁹ If we include the R condition on the list, even the regulative version suggested above does not help further: in regard to the R condition, the constitutive version comes back into the game immediately; and the social character of personality and personage is a direct result of this constitutive criterion for a person. If we do not include the R condition in our list, however, we should – in my opinion – reject the person-making characteristics as insufficient conditions, namely in the sense that the status of personhood cannot be reduced to fulfilling the characteristics of the correspondingly established list. We could (and should)

²⁹ Like Hegel (R, § 36) or Dennett (1976, pp. 177f.), I also am inclined to place these two conditions on the list of person-making characteristics; an analysis of the Hegelian concept of persons is found in Quante (2004a).

certainly criticize someone for not treating as a person an entity X exhibiting the person-making characteristics. But by using this form of critique, we *regard* X as a person. If we admit that criticism is appropriate, we are not committed to the HYPOTHESIS that personhood is reducible to exhibiting the person-making characteristics.³⁰

(ii) *The second objection*: The HYPOTHESIS maintains that personhood is *essentially* constituted through social relations. This means that such relations are not only *necessary* for developing and realizing the person-making characteristics (minus the R condition), but also actually *constitutive* in the sense that the status of personhood demands recognition as a person from others as well as recognition of others as persons. A real person can only exist within genuine social relations.³¹ This implication has been contested through the following counter example.³²

Is Robinson Crusoe (while he is living alone on the island) not a counter example for the HYPOTHESIS? We can describe his case in such a way that his personhood is constituted through social relations in the causal sense, not, however, in the sense which I term essential. But what is actually at stake here? We all certainly agree that Robinson Crusoe still exhibits the person-making characteristics, and it can also be understood that he treats himself as a person. So he seems to be a person.

Since this is an extraordinary case, I *could* accept this exception from the HYPOTHESIS; but I do not believe that I must do so: *either* we establish the necessary social relation by questioning whether we are dealing with a person in Robinson under these conditions (which would mean that our considerations are not irrelevant in this case, but also count as a constitutive factor). Or, on the other hand, the question has changed since we now want to know whether Robinson Crusoe can regard himself as a person in this isolation. Since Robinson Crusoe can remember being treated as a person and treating others as persons, I see

³⁰ In personal correspondence, Schmid maintains that being a person does not necessarily require me to regard myself as a person, nor that someone else does so. I dispute this premise, but I admit that most of the person-making characteristics can be described without regard to the property of “personhood”. It is simply only the case that “personhood” is not reducible to the enabling factors (minus the condition). I thank Mr. Schmid for these clarifications.

³¹ Without question, a lot of work remains to be done in order to determine the manner in which social rules and persons are constitutive.

³² Of course, such argumentation operates on *question-begging*; but the same also holds true for the other conclusion. For this reason, I cannot do anything more here than to show that I can accept all the plausible descriptions of Robinson Crusoe without having to give up the HYPOTHESIS. These concerns were presented by Arto Laitinen and Heikki Ikäheimo; I thank them for their commentaries, which have led me to clarifying my position.

no reason for contesting this.³³ If I accept this, my acceptance does not yet bind me to the HYPOTHESIS that these abilities of Robinson Crusoe are sufficient for the status of personhood. The reason for this is that Robinson Crusoe's abilities were constituted through social relations in the past, and, although it is now (when we are discussing this question) only a matter of social constitution in the generic sense, essential constitution did take place in the past.³⁴

(iii) *The third objection:* The concern which the HYPOTHESIS could raise results from the circumstance that personhood is an ethically significant status – at least in our culture. Is it not a consequence of the HYPOTHESIS that someone cannot be mishandled by not being treated as a person since his recognition as a person is the very first necessary condition for his personhood? This objection presents a serious challenge, but the situation is even more complicated. First, the HYPOTHESIS does not maintain that *everyone* must treat X as a person in order for it to hold true that X is a person. Secondly, it holds true that, if I consider a scenario in which X has all the characteristics from our list of person-making characteristics except for being recognized in his community, I am treating him *counterfactually* as a person if I maintain that the members of his community are treating him unjustly. If I *actually* treat X *as* a person while other members of my community do not do so, we can question (in the sense of a default-and-challenge strategy) who has committed a mistake regarding the person-making characteristics.³⁵ Or we can ask the question of who has committed a moral mistake in this case. In cases like this, the question remains open of whether X is a person or not, although it is not an open question whether X is the bearer of some person-making characteristics.³⁶ As with so many ethical questions, the determination of a viable solution to this problem is a difficult and complex social process. As in all these cases, there are facts on the other side (or on this side) of the ethical or social area to which we can refer if we want to decide whether X is a person. These facts cannot, however, be the sole decisive factor because *we* are the ones who have to make the decision in the end.

³³ Cf. my analysis of the Hegelian concept of “personhood” and “being an actor”, in which I concede this possibility, in: Quante (2004b), pp. 73-91.

³⁴ It might be argued that this answer is *question-begging*. This in fact so, but the goal of my arguments is to show that I can give a plausible Interpretation of the case which is consistent with my HYPOTHESIS.

³⁵ This could be the case if we are discussing whether or not human embryos are persons.

³⁶ It is a different case if X demands that I treat her/him as a person. If I understand this demand correctly, it alone is sufficient for obligating me to treat X as a person. For this reason, we must differentiate carefully between cases in which X (possibly inadvertently) is not treated as a person and cases in which X is treated as a non-person (i.e. in full consciousness that X has demanded previously to be treated as a person).

1.3.3 Some preliminary conclusions

Does the position which I defend in this chapter commit me to the well-known HYPOTHESIS in philosophy that there are no isolable concepts for personal “identity”, personality or person? Well, if I understand “identity” as entity and persistence, then, in fact, I commit myself to this HYPOTHESIS. I am decidedly skeptical regarding the definition of a concept of personality or person in which no traces of our *human* personhood are contained. Our concepts are profoundly influenced by how things are real; and a lot of the philosophical attempts to define completely purified concepts holding true for all logically possible worlds seem to me to be idle contemplation. Our intuitions show, namely, that we simply have no clear intuitions in all the science-fiction scenarios which a lot of philosophers who deal with “personal Identity” take at face value. The concept of the person as used and understood by us is not free of our experiences and endeavors to be *human beings*.

There is, however, no conceptual connection between “personhood” and “human existence” in the sense that only human beings can be persons. If it were the case that only human beings were in the position to be persons, this would not be based on a conceptually necessary connection. We have, however, no clear concept of what it means to be a person who does not belong to the human species. If, one day, we were to meet entities which we could not avoid understanding as non-human beings, we would eventually also be forced and in a position to modify our existing concept. Nevertheless, we will have to accept *our* understanding as the point of departure. We will possibly then learn to use these concepts as mental predicates in the case of animals which are not capable of first-person mental episodes – namely in the sense of *analogies*. As in the case of human pain and Martian pain or the pain of non-human animals, it also holds true that a difference in the essence of pain does not have to and should not lead to a difference in regard to ethical value.

2. Personality and the moral status of human beings

In the second section of this chapter, I further unfold the dimensions of meaning attributed to the concept of the person and suggest a differentiated answer to the question of the relevance of the concept of the person for the moral status of the human individual.³⁷

After some preliminary methodological remarks (2.1), I differentiate between four manners of usage for the concept of the person (2.2). Building upon these, I then turn to the question of the relevance of the concept of the person as a normative criterion for determination of the

³⁷ Under human being, I understand a human organism, i.e. neither a corpse nor human life beneath the level of the organism (such as human cells or organic subsystems); for more details, cf. Quante 2002, Chapter 3.

moral status of the human being (2.3); finally, I summarize briefly the consequences resulting from our considerations regarding the concept of the person and the role of recognition in this network (2.4).

2.1 Preliminary Methodological Remarks

Since the concept of the person is complex, used in diverse contexts in varying manners and has a long and involved history, it is helpful to recall some fundamental methodological prerequisites for better understanding of the following considerations.³⁸

First, it holds true that concepts are not self-identifying or explanatory entities; each concept used for classification of objects or for allocation of an entity to a quantity of entities of a certain kind assumes the existence of criteria according to which it must be able to be decided whether the proposed classification in the manner of “this is an F” has been carried out correctly.³⁹ In other words, there must be characteristics which allow the x in question to be regarded as a member of the F group (these characteristics are constitutive for x to be an F, i.e. that they are not only epistemical criteria). From this, it follows that no concept can function as its own criterion.⁴⁰

If the attribution of a specific moral status G is connected with the classification of an x as an F at the same time, i.e. if moral rights are derived from being an F (and possibly also moral duties), then the classification concept F must *secondly* refer to normative criteria which can be invoked as justification for the corresponding attribution of status (the corresponding schema is: x has the moral status G because p, in our case X, is F).⁴¹ We usually demand that the proposition p relate to the characteristics of the entity x which allow or rather require that x be attributed the moral status G. Furthermore, such justification p for the attribution of status “x is G” will also have to claim an implicit or explicit ethical theory as background

³⁸ The remarks in this section are not claimed to be original hypotheses or my own systematic position, but should, to the contrary, only recall undisputed and indisputable conditions of each rational usage of concepts and argumentation; for a short presentation of the history of the concept of the person, cf. also Quante (2008).

³⁹ This does not mean that each speaker must be able to make this decision; due to the operative linguistic position, the case can also arise that a speaker refers to expert knowledge for the indication of the criteria in question.

⁴⁰ For concepts which allow graduations, cases can arise for which the assignment of an entity to the extension of the concept in question is contested; these cases must, however, represent the exception to any concept, and any dissension must also be explicated at least rationally with reference to further criteria, if not also possibly decided upon unambiguously.

⁴¹ I use the undefined term “refer to” here because I would like to leave open in this chapter how exactly the relation between the stipulation G, with which a moral status is assigned, and the stipulation (or stipulations) which can be cited for justification of this attribution of the moral status G, are explicated. This could be unfolded within the framework of meta-ethics.

(especially this background theory must be made plausible, which is why the characteristics of x named in p are sufficient for attributing the status of G to x). In other words, the attribution of a moral status requires justification which must, in turn, satisfy the plausibility standards.⁴²

Thirdly, it should be noted that the meaning of a concept and its relevance for argumentative interrelations cannot be clarified successfully if the specific ways of usage in the diverse contexts of its practice are ignored. The existence of such different ways of usage or the acquisition of various functions which can be determined for the concept of the person do not oblige us to assume that this is a matter of equivocation. But it also cannot be concluded from the assumption that this is a matter of one single concept that its different manners of usage within the framework of the explication of this concept and the clarification of its relevance for certain questions are irrelevant. Nor does it follow from this assumption that this concept necessarily exhibits a core meaning which can be explained by reducing the concept in question to one of its manners of usage.

2.2 The concept of the person: Four manners of usage

If we hear a warning on the radio that persons are on the main highway, then we picture a group of people there. The same is also probably true for the information that an elevator can transport a certain maximum number of persons at one time. If, however, we hear that animals are on the highway, we presumably do not think of people.⁴³

At first view, this speaks for the coextensionality hypothesis according to which the equation of “human being” and “person” belongs to the everyday linguistic meaning of this concept.⁴⁴ Hearing a report, however, that “children are playing on the highway”, causes first doubts to arise as to whether it is true that people are counted as persons at any point in time in their existence. The assumption that “person” and “human being” usually have the same extension

⁴² I pursue the question of how this can succeed under the conditions of pluralism in Quante (2014).

⁴³ In the case of the elevator, it would depend on the respective context; in the spaceship Enterprise, it would be good to include not only people in the determination of the number of persons. And if, for example, the information were hung in the elevator in an animal clinic that only a certain number of living creatures were allowed to be transported at one time, it would be clear that not only people should be counted. Seen in this way, it always makes perfect sense for the maximum load in elevators to be indicated in weight.

⁴⁴ Contrary to the word “animal” in English, the word “Tier” in the German language excludes people from the extension of “animal” in daily linguistic use. This is not the case for the expression “living creature” (“Lebewesen”), however; since the extension of “people” and of “living creatures” is not identical, the coextensionality hypothesis is implausible in this respect as a semantic hypothesis in regard to the German language.

not only goes hand in hand with the coextensionality hypothesis, but also points to the same ethical status. Further doubts must be raised here: apparently, these day-to-day notifications in the traffic report or the information in the elevator are not a matter of somehow ethically designating the persons spoken of in comparison to children or animals, but of referring to them linguistically (notifying). For the purpose of the first warning notification, it does not seem to be essential whether persons or people are being spoken of. One could perhaps also have been speaking of adults, construction workers, hobby athletes or demonstrators. It is not primarily about showing the status of being a person, but about the linguistic reference to objects. If, however, we hear the emergency report “Runaway cow collides with car. No persons injured” in the news, we are made aware that an animal was injured or even killed, but not persons. In such reports, the concept of the person is used not only, and not even primarily, for referring to individual objects. It is rather a matter of indicating the status of the objects spoken of with this reference (in our case, to inform us that no injury to persons, only to objects, has occurred).⁴⁵

From the concept of the person itself, we cannot see in what function and manner of usage the concept is being used. This is rather determined through the context and the corresponding act of speech. However, the everyday examples just presented show clearly that we may not simply use only *one* function or *one* kind of usage as the base for the philosophical analysis and claim for the concept of the person and blank out the others. When the diverse everyday linguistic, specialized technical or philosophical *usage* of the concept of the person is taken into account, we recognize two pairs of manners of usage which can be combined with one another. As is to be expected after what has already been said, we find descriptive and prescriptive usage.

The concept of the person is used in a *descriptive* manner by anyone who, after extensive behavioral biological and animal psychological study, concludes that Charlie, the hero in the TV series “Our Charlie”, is a person.⁴⁶ What is meant by this statement is that the chimpanzee Charlie possesses a sufficient amount of the characteristic attributes and abilities for personhood and thus should count as a person (in the descriptive sense). In descriptive usage, the reverse order of the justification relation is also valid: if it is assumed that Flipper is a

⁴⁵ In regard to the moral status of animals, it can be said that their classification as a “thing” has increasingly been revised. In my opinion, this indicates refinement of the exclusive dichotomy “person versus thing” through a differentiated distinction.

⁴⁶ How the contents of this descriptive usage are then put into detail further depends on the philosophical conception of personality; my above characterization does not touch upon this level of further explication.

person in the descriptive sense, then this attribution asserts that the dolphin Flipper exhibits the characteristics and abilities necessary for personhood in sufficient measure. However, nothing is said about the ethical status of Charlie, Flipper or other people as long as the ethical evaluation set at the basis of personhood or the characteristics and abilities accompanying personhood have not been explicated. In order to flesh out this connection, the assumptions regarding the assumed ethics and meta-ethics must be identified.

The following statement can serve as an example of *prescriptive* usage: Experiments with human embryos are ethically inadmissible because human embryos are persons. In such a statement, one which can be heard in the context of current social and political disputes regarding the appropriate dealings with beginning human life, the concept of the person is used in a prescriptive manner: the assumed personhood of human embryos is used as a justification for an ethical claim to show an outstanding ethical status.⁴⁷ Analogous to the case of descriptive usage, prescriptive usage of the concept of the person also finds a reverse justification relation: if it is assumed, for example, that human embryonic stem cells are attributed an ethical status which distinguishes only persons, then it follows that human embryonic stem cells are persons. Contrary to the case of descriptive usage, this says nothing about further characteristics or abilities which go hand in hand with the personhood of an entity. In order to close this gap, it must be explicated whether the concept of the person is used in the descriptive sense, and if so, then with what contents.

In addition to this differentiation between descriptive and prescriptive usage of the concept of the person, a second pair of possible manners of usage must also be regarded. This concerns its logical or grammatical *function*. On the one hand, the concept of the person is used in connection with the definite article (“the”) or a demonstrative pronoun (“this”, “that”) in order to refer to an entity as an individual thing. This takes place in the sentence “This person has won the jackpot in our raffle”, for example, or in the sentence “The person who saw the accident should please report to the university administration!” Strictly speaking, the reference here is ensured through the demonstrative pronoun, possibly in connection with an

⁴⁷ This analysis operates on the level of our day-to-day linguistic practice and is thus compatible with various philosophical interpretations. Whether an outstanding moral status is connected with personhood or this is justified in a different manner depends, of course, on the conception of ethics and meta-ethics at its base. Whether — in a manner of “buck-passing account” — the special moral status of personhood is passed on to one, some or all of the person-making characteristics also depends on further philosophical decisions (cf. section 2.3). Moreover, the question of what specific moral status goes hand in hand with personhood (in the prescriptive sense) (or of what rights and duties result from this outstanding moral status) is not answered through the explanations above.

indicative gesture from the speaker, or through the distinction (“the person who ...”). What is more important for us is the finding that the concept of the person in this *referential* usage is not used for determining that an entity belongs to be a class or manner of person.

Exactly this assignment to a class or manner of persons is, however, used in the application of the concept of the person, which I would like to call “*sortal* usage” — for example, in the sentence: “This ape is a person”.⁴⁸

These two pairs of manners of usage of the concept of the person can be combined to get a total of four possibilities:

Manners of usage des concept of the person	<i>referential</i> usage	<i>sortal</i> usage
<i>descriptive</i> usage	(i) reference to an entity (ii) descriptive semantic elements, secondary	(i) assignment of an entity to the class (kind) of person (ii) display of certain characteristics and abilities
<i>prescriptive</i> usage	(i) reference to an entity (ii) prescriptive semantic elements, secondary	(i) assignment of an entity to the class (kind) of person (ii) display of a specific ethical status

This can be illustrated through the following four examples: (i) If we find ourselves in the situation that we are able to save only one living creature out of a burning car in which there

⁴⁸ I use the concept of the *sortal* in a further sense: not each *sortal* is constitutive in the sense that it provides conditions for persistence for the manner of entities in question.

are a human being and a dog and ask ourselves which one we should save, the sentence “The survival of the person has priority over the survival of the dog” expresses an ethical judgement in which the concept of the person is used referentially in a prescriptive context. Implicitly, the concept of the person also serves to indicate the outstanding ethical status of the human being qua person here. But this prescriptive presupposition is secondary as long as we take our initial question literally.

(ii) If, however, we question in a seminar on animal ethics, for example, why we should save the human and not the dog, and get as an answer: “We should save the human because she/he is a person and the dog is not”, then there is prescriptive sortal usage of the concept of the person on the pre-philosophical level of the statement.⁴⁹

Analogously, this difference is also found in the area of descriptive usage: (iii) stating that Charlie or Flipper is a person due to special abilities represents a manner of descriptive sortal usage.

(iv) The following statement can serve as an example for descriptive-referential usage of the concept of the person: “This person is wearing blue shoes.”

2.3 Personality as a criterion for moral status

If we are on the search for the relevance of the concept of the person as a justifying criterion for the moral status of a human being, we are aiming at the conditions for personality. As soon as the difference between prescriptive-sortal usage and descriptive-sortal usage of the concept of the person has been illustrated, it becomes clear that this must be a matter of descriptive-sortal usage, for the moral status should be justified through the classification of an entity as a person, i.e. through characteristics and abilities on the base of which an entity is a person (in the descriptive sense).

In principle, it is also possible to justify the specific moral status M^* of an entity x through reference to a different moral status M also belonging to x . This would, for example, be the case if we analyzed M^* as an implication of the attribution of M . Such an argument assumes that an implicitly or explicitly elaborated theory on the justifying connections of differentiated moral statuses, in this case, between M and M^* . It is a very plausible prerequisite that not all attributions of moral status can do completely without recourse to descriptive criteria which

⁴⁹ In regard to these four combined manners of usage of the concept of the person, the context of the respective linguistic act is, in the end, also decisive for the manner of usage. It would be philosophically wrong to assume that the assignment can be made solely by means of the grammar in the statements.

function as rules of usage for attribution.⁵⁰ This is why, at some point in the justification of such attributions of moral status, one changes into the modus of descriptive-sortal language, which means that one must make statements such as: X has the moral status M because x exhibits the characteristics or abilities k, k', k'', etc.⁵¹

Thus, at this point in our considerations, we revert to the issue of the conditions of personality and the person-making characteristics as the characteristics and abilities of an entity on the basis of which x is to be counted to the class of persons.⁵²

For this, there are two possibilities. The first is to assume that the predicate “is a person” is a matter of a property whose existence for an entity x is not directly accessible for us epistemically and thus cannot be analyzed further without implicit or explicit usage of further criteria.⁵³ Even if this kind of predication should not generally be excluded, the history of the concept of the person and the philosophically incomplete discussion regarding the conditions of personality suggest the assumption that the predicate “is a person” does not belong to this kind of intuitive primitiveness. For this reason, it is more plausible to use the *second* possibility as a base and assume that we are able to explicate the predicate “is a person” further by invoking characteristics and abilities which an entity x must have in order to be able to use this predicate for x.

In the case of personality, the problem with using the second possibility is not that we are not able to invoke any characteristics or abilities due to which an entity x is to be counted to the class of persons. The problems result instead from having competing lists of such person-making characteristics and no consensus on which list reflects the correct explication of the predicate “is a person” (this assessment does not exclude the possibility of competing lists

⁵⁰ This assumption is very plausible, first of all, because we orient ourselves in the world through language and use reference to it. Secondly, the contrary assumption that our moral language has no informative references at all to the descriptive aspects of our language seems hardly compatible with the linguistic-philosophically identifiable contexts of our language games. Either anyone not adhering to these rules of usage makes a semantic mistake (in relation to our standard) or the evaluative concept in question is used in a way which differs from its normal meaning. As long as the descriptive characteristic in question is not a condition sufficient for a certain moral status, there is no moral mistake (in relation to our linguistic and ethical practice).

⁵¹ I return to this variation in a moment. Of course, far-reaching meta-ethical issues which all ultimately concern the connection between descriptive and evaluative characteristics arise in this respect. The formulation above is a great simplification because the transition in question can also be rooted within so-called dense concepts since their significance includes descriptive and evaluative aspects. For the purposes of this chapter, further meta-ethical structuring of the connections can remain open; cf. also Quante & Vieth (2002) and Vieth & Quante (2010).

⁵² This assumption does not imply that evaluative characteristics can be naturalized or that there have to be analytical relations between them. The existence of bridging principles which are suitable for justifications in our ethical practice is, however, required.

⁵³ A prominent example in philosophy is the manner in which the rating “good” functions in G.E. Moore’s conception of ethics.

overlapping one another). The predicate “is a person” is characterized by great historical and cultural variability due to the eventful history of the concept of the person and the many contexts of its usage. Furthermore, many of the lists in which these person-making characteristics are mentioned have been reconstructed from the point of view of philosophical theory formation: neither the inner order among the individual entries nor the completeness or openness of the lists can be proven.⁵⁴

For the sake of further argumentation, let us assume agreement upon a list of person-making characteristics, say, for example, the characteristics k , k' , k'' , etc., whose existence justifies stating that an entity x is a person at a certain point in time at which it has these characteristics and abilities. This assumption is reasonable because we can easily use the predicate “is a person” in the large majority of cases in daily life. At the same time, it is recognized that this deliberately vague formulation bypasses the difficult issue of ascertaining whether the individual criteria k , k' , k'' , etc. are necessary or sufficient conditions. Furthermore, I do not take into account whether some of the criteria are subject to graduation nor that we can define a threshold value above which a property or ability k is sufficiently qualified to count x as a person. On the other hand, my formulation refers explicitly to another difficulty, namely that people are able to acquire or also lose certain characteristics and abilities over time during their existence (and also usually do so). If, which everything speaks for, the criteria of personhood are of the latter kind, then the issue has to be raised of whether x is a person can be understood as an elliptical formulation of the question of whether x is a person at a certain point in time. In other words: we must anticipate that “being a person” is a property which can be attributed to x at a certain point in time during her/his existence and not attributed to her/him at a different point in time during her/his existence or even cannot be attributed to her/him due to biological or developmental-psychological legalities, for example.⁵⁵ Some classical candidates for such characteristics in the philosophical tradition are “rationality”, “consciousness of”, “consciousness of her/his own existence at all times”, “being in the position to recognize and acknowledge moral rights and duties” or “the ability to develop an evaluative self-perception (a personage)”.

⁵⁴ If one frees oneself of certain theoretical philosophical ideals, the pragmatic and context-sensitive openness of the predicate “is a person” is not a disadvantage. One must, however, then also accept that this predicate no longer offers any simple criterion for being able to establish mandatory moral judgements. My impression is, however, exactly the latter, a simple criterion, is what many legal practitioners and philosophers hope for from the concept of the person. In my view, the illusion they seek consists of the hope of finding a principle which supplies both of the following things simultaneously: a clear extensional separation and a categorical moral difference.

⁵⁵ Here, at the latest, it becomes clear that the question of the conditions of persistence of human beings also cannot be completely ignored within the framework of our problem area.

A lot of the entries on our list count as fundamental characteristics or abilities in the divergent ethical theories for establishing the (or a specific) moral status of entities.⁵⁶ Thus, the answer to the question of the relevance of personhood for the justification of the moral status of an entity depends on the ethical and meta-ethical provisions. If, for example, personhood is bound solely to the criterion of “being capable of moral self-determination” and this capability is declared to be the necessary and sufficient condition in ethics, i.e. being a moral subject to be the sole condition for this status, then the property of being a person is *directly* ethically relevant because it is from this that the justification for the specific moral status of this entity results.⁵⁷ If, on the other hand, a complex explication of the property of personhood is assumed, the list of person-making characteristics can include criteria which do not take on any justification function at all for the moral status within an ethical theory; one conceivable example for this would be the criterion of “ability to use tools”. It could even be possible for one form of ethics to come to the conclusion that none of the characteristics on our list of person-making characteristics can take on such a justification function; this would be the case, for example, if one were a nihilist or at least a skeptic in regard to the conception of morals. It is also the case, however, if the moral status of an entity is linked solely to corporeality or feeling sensations, but not to the characteristics and abilities through which persons are differentiated from non-personal forms of life. Positions ignoring characteristics and abilities which connect specific moral relevance with personhood are found in the group of theories of utilitarianism, for example; but they are especially prominent in the so-called ethics of *deep ecology*.

For our further considerations, let us assume that we are dealing with an ethical conception in which at least one of the central criteria for personhood (in the descriptive sense) is also a central justification characteristic for the attribution of the moral status of an entity. In this case, we can speak of an *indirect* ethical relevance of personhood for the moral status of an entity: the classification of x as a person is then simultaneously the (implicit) attribution of a

⁵⁶ Thus, the overlapping in descriptive usage which makes it possible to use the predicate “is a person” in most contexts in everyday usage also finds an equivalent in prescriptive usage. Since biomedical ethics frequently have to do with the contested constellations, the concept of the person in this context is often pushed to the limits of non-contentious use. The correct reaction to this finding is, in my opinion, not to decide these contested cases through a philosophical analysis of the concept of the person or through claims about its “actual” usage, but rather to attempt to resolve the moral issues by recourse to aspects which are not contested.

⁵⁷ This implies simultaneously that an evaluative status is constituted through processes of recognition of ascription and is a genuine social dimension in this sense. I elaborate on the fact that and why no non-cognitivism results from such an ascriptive conception in Quante (2013b).

characteristic k (from the list of person-making characteristics) which counts in the designated ethical conception as a justification for the moral status of x.⁵⁸ One example of this would be the criterion of “ability to develop rational preferences”, which constitutes the moral status of an entity in some theories of ethics which establish that these preferences are to be respected.⁵⁹ It is clear that most of the conceptions of ethics assume, as plausible candidates for justification of the moral status of an entity, the characteristics and abilities which are simultaneously also on the plausible lists of person-making characteristics. At this point, another further internal differentiation within the theories which recognize an indirect ethical relevance for the concept of the person in the sense just explicated is necessary. This differentiation becomes objectively plausible when two things are clarified: first of all, any plausible list of characteristics and abilities constituting personhood will set relatively high requirements for the entities to be attributed the status of personhood. This means that an ethical conception which binds the moral status solely to personhood is in danger of unfolding a considerable exclusionary effect.⁶⁰ For this reason, many ethical conceptions decide to use only a subset of the criteria on our list of person-making characteristics as constitutive criteria for the moral status of an entity in order to expand the quantity of the entities to which a moral status can be ascribed. In this case, we can speak of *partial indirect* ethical relevance of the concept of the person.

On the other hand, many of the characteristics and abilities found on most of the lists of person-making characteristics represent higher cognitive abilities which are attributed a special ethical significance in many types of ethics by being arranged in graduations of different ethical standards, for example, or even subordinated into categories. In this sense, personhood can also stand for an outstanding moral status within the set of all the entities with a recognized moral status. These ethical conceptions, to which, according to my interpretation, Peter Singer or Michael Tooley’s conceptions belong, for example, avoid the excluding effects of the concept of the person in ethics because they do not bind the general moral status to characteristics which belong to the person-making characteristics (or at least not to characteristics and abilities which are only attributed to persons). At the same time,

⁵⁸ If competing conceptions of ethics are involved, the requirement is: k belongs to the overlapping consensus between the ethical conceptions involved.

⁵⁹ Such a moral status is thus, in my interpretation, dependent at least upon our ethical practice, but also, possibly because this ethical practice is underdetermined in certain places, upon the ethical theory to which we are subject. In any case, it is a matter of a characteristic which is intentionality-dependent in the sense of John Searles. However, I would like to point out once more that this must neither lead to social constructivism nor to ethical non-cognitivism.

⁶⁰ In my opinion, the Kantian ethics of autonomy and the ethics of discourse of Apel or Habermas are classical examples of this problem of exclusion.

however, they connect personhood with a specific moral status, for example, with a right to life which is established through the abilities which differentiate them from persons of different forms of life. In theories of this type, the concept of the person has *prevailing indirect* ethical relevance.

2.4 Summary

In summary of the results of our considerations: no easy answer can be given, even if the issue of the relevance of the concept of the person for the moral status of an entity is specified insofar that this concept is based on its descriptive-sortal function, thus establishing reference to the question of the conditions for personality. The answer depends on further theoretical decisions in ethics and meta-ethics, as well as on concrete explications of personhood in the sense of a list of person-making characteristics.

The goal of this second section consists of clarifying the relevance of the concept of the person for the moral status of human beings. Translated into the terminology developed here, it is a matter of the relevance of (descriptive-sortal, in this case) personality for the moral status of the person. If this explication of the question is correct, the concept of the person in its descriptive usage can actually be cited as a justification criterion for establishing normative attribution of status through the concept of the person in its moral usage. Nevertheless, this only shifts the problem of justification to a different level because we can (and must) now question why and in what manner personhood in the descriptive sense justifies the attribution of the moral status of being a person. The terminological differentiation may prevent a (normative) concept from functioning as its own (descriptive) criterion, but this does not resolve the problem of justification; on the contrary, terminological differentiation unveils this problem for the first time.

At this point, we have three options, if I see this correctly: *first*, we could maintain that personhood coincides with human existence. If we understand being a “human being” as belonging to the biological species, the problem arises that this affiliation is a purely biological criterion and, as such, gives no permissible justification for the attribution of a moral status. If we understand a different concept of a “human being” which simultaneously includes evaluative or normative elements of meaning, doubts immediately arise about the assumption that every individual human is a “human being” in this specific sense at every point in her/his individual existence. In other words: as a biological concept, “human being” satisfies the universal quantification of “every human being”, but at the price of no longer

bearing the burden of justification for the attribution of moral status. On the other hand, in the other sense in which “being a human being” also contains evaluative and normative elements of meaning, the hypothesis of coextensionality, i.e. the assumption is questionable that each individual human is a “human being” in this specific sense at every point in time in her/his individual existence.

If, on the other hand, personhood is explained *secondly* through the person-making characteristics which result from the question of the conditions for personality, one is, as seen above, confronted with the characteristics and abilities of entities which are recognized as criteria for establishing the status of personhood and the moral status of entities in almost all ethics and in our everyday ethical practice. This way, however, makes the hypothesis for coextensionality, according to which each human being is a person, no longer plausible. There are human beings who do not develop the characteristics or abilities required for personhood in the descriptive sense in sufficient measure at any point in time in their existence. Moreover, it is valid for all human beings that they do not have command of these characteristics and abilities at every point in time in their existence. The only uncontested property for establishing the hypothesis for coextensionality exists in the assumption that belonging to the biological species of human beings is sufficient for personhood.⁶¹ But this means not only revising the history of the conception of personality and our everyday underlying understanding massively, but also, at the same time, making a revision which does not lead to any admissible direct way to justification of the moral status of the human being qua person. At the least, the unresolved problem remains of being able to maintain the hypothesis for coextensionality without speciesism or violations of Hume’s law.

The *third* and final possibility would be to claim that the concept of the person is not only normative, but also simultaneously descriptive, i.e. a dense concept. However, in order to avoid the difficulties and the burden of proof pointed out in the second section of this chapter, the following assumption would have to be added to this suggestion: the status of personhood indicated by “person” is a property of entities which is not further explicable to which we can refer without criteria. The methodological preliminary remarks (cf. 2.1) and my arguments for the constitutive function of person-making characteristics, however, indicate unambiguously that such a conception destroys the cognitive basis of our ethical practice and possibly even violates the prerequisites of rational argumentation.⁶²

⁶¹ Formulation in this way allows the possibility for non-human beings in the concept.

⁶² For this issue, cf. Gutmann (2010).

The mutual recognition which we attribute to one another in our ethical practice in the form of ascription represents the social reality within which and through which we become persons and due to which we have a moral status. In reference to the issue of personal identity, I have argued that such — individually or institutionally guaranteed — recognition relationships are constitutive for people to develop and manifest personality and personage (section 1). In regard to the question of the connection between personality and the moral status of human beings, I have explicated in how many different ways the moral status of being a person (in the prescriptive sense) can be related to being a human being (in the descriptive sense). These explications are philosophical interpretations of our day-to-day ethical ascriptions which remain under-determined even in regard to these theory-based systematizations.

In this chapter, I have suggested constituting personality, personage and moral status through our ethical practice of recognition, which takes place in ascriptions of an intersubjective or institutional manner. These three central aspects for human existence are intentionality-dependent features (in the sense of Searles) or forms of the objective spirit (in the sense of Hegel). This does not lead to non-cognitivism, however, since, firstly, our ethical practices are not arbitrary, but also exhibit philosophically explicable patterns of substantiation. Secondly, these ethical practices are drawn up in a differentiated manner and with multi-criteria so that we are able to make a coherence test within and between the practices. This provides reasons for criticism of or justification of the ascriptions implemented in these practices. Finally and thirdly, I have supported the idea that our ethical practices exhibit a relation to the non-socially constituted area of first nature in a double sense: first of all, many of our ethical conceptions contain dense concepts which are even directly related to descriptive components of the world in which we live (which is why it can also be contested in a purely descriptive sense whether an action has actually been cruel). Secondly, a lot of our ethical conceptions presuppose enabling conditions which are ascertainable descriptively; and, in regard to this, it is also possible to criticize or establish ascriptions (or also omit them). At the level of these enabling conditions, very good reasons can sometimes be invoked for why recognition does not take place or why rejection of recognition is morally open to criticism.

For sure: This complex network of our ethical practice, termed “concrete freedom” in tradition with the Hegelian concept at the beginning of this chapter, can and must be explicated philosophically in various manners as the following three chapters of this book demonstrate.

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