

**AN APPRAISAL OF “AFRICAN PERSPECTIVES OF  
MORAL STATUS: A FRAMEWORK FOR EVALUATING  
GLOBAL BIOETHICAL ISSUES”**

DOI:<https://dx.doi.org/10.4314/ajct.v3i2.2>

**Submission: June 4, 2023    Accepted: June 30, 2023**

Motsamai MOLEFE

Centre for Leadership Ethics in Africa

University of Fort Hare, South Africa

Email: [motsaik@yahoo.com](mailto:motsaik@yahoo.com)

ORCID No: <https://orcid.org/0000-0002-5030-6222>

&

Elphus MUADE

Centre for Leadership Ethics in Africa

University of Fort Hare, South Africa

[muadeelphus@yahoo.com](mailto:muadeelphus@yahoo.com)

**Abstract**

This paper evaluates Caesar Alimsinya Atuire’s essay “African Perspectives of Moral Status: A Framework for Evaluating Global Bioethical Issues”. Atuire’s essay aims to contribute to global ethical discourse by articulating a systematic account of an African ethical perspective, specifically focusing on the themes of personhood, moral status and the legal question of abortion. We make three objections against Atuire’s essay. Firstly, we argue that a plausible approach to African personhood must consider both its individualistic and relational features, rather than merely emphasize the relational component. The second objection focuses on the theory of moral status, and it has two parts: (a) we insist that a correct understanding of the concept of moral status must construe it as a *moral patiency* rather than a moral agency term. We believe that Atuire’s view errs in regarding it as the latter. (b) we argue that contrary to Atuire’s assertions, Thaddeus Metz’s friendliness theory of moral status does a better job than Atuire’s object moral status (OMS) and subject moral status (SMS) views of moral status. The final objection is that maybe before we reflect on the legal status of abortion, as ethicists, we should

begin by considering the ethical status of abortion in light of African axiological resources. In the final analysis, the paper appreciates Atuire's contribution to African ethical theory, but it argues that much work still needs to be done before it can be suitable to provide a global framework for evaluating global bioethical issues.

**Keywords:** Abortion; African ethics; Holism; Moral status; Personhood; Relationality.

### **Introduction**

The British Medical Journal (BMJ) recently published a paper by Caesar Alimsinya Atuire with the above-mentioned title. The paper promises at least three things. Firstly, it promises to provide a platform for a meaningful dialogue between African and non-African perspectives on a range of global bioethical ethical issues, such as stem cell research, abortion, euthanasia and so on. For a dialogue to be possible (or even plausible), it suggests that we require a robust representation and interpretation of ethical ideas free from ideological, cultural, and political bias, particularly of ideas and theories from places like Africa that have a history of being victims of colonialism and epistemic marginalization. Atuire's paper positions itself as a robust interpretation of African ethical thought. Secondly, the paper proposes that a proper understanding of African interpretations of personhood and moral status are crucial in their own right and can potentially contribute to global bioethical issues. Atuire propounds a relational conception of personhood and a dual conception of moral status, which he believes provides a plausible interpretation of African thought. Finally, the paper intervenes on the applied ethics question of legal access to abortion in Africa.

Although we find the paper to be original, educational and well-presented in many respects, we raise three issues for consideration for the author and the readers. Firstly, we evaluate the claim that an African conception of personhood is (entirely) relational. There is some truth to the claim that the African conception of personhood is relational. We contend, however, that this way of representing the African conception of personhood and ethics does not tell us the whole story about it. We propose that a more promising view ought to accommodate both the individualistic and relational features of a person. Secondly, we question the plausibility of the dual

conception of moral status. We raise two specific objections against it. a) We question if it is correct to include SMS as part of a theory of moral status – moral excellence/virtue is one thing, and moral status is another. b) We suggest that the author has not given us a reason to believe that his dual theory of moral status is compelling against comparable accounts in the literature in African philosophy. To be fair, we will comparatively evaluate Atuire's theory of moral status against Metz's theory. We do this comparison to evaluate the claim that Atuire's theory of moral status, as he claims, does better than Metz's relational theory in some respects. This comparative evaluation will give us a sense of the robustness, or lack thereof, of Atuire's theory. Finally, we will make some remarks about Atuire's intervention in the abortion debate.

We respectfully engage Atuire's contribution to African ethics as philosophers from and in Africa motivated by the spirit of dialogue and a continued search for clarity and the truth considering African thought. In part, we write this paper, inspired by the desire to lend a hand to the efforts, like that of Atuire, to contribute to amplifying and clarifying the African perspectives and voices on global ethical issues. We do this largely given that perspectives from Africa tend to be marginal and neglected in the literature on (moral) philosophy (WAREHAM 2017). We respond to this paper also because it reflects on themes that are generally under-explored in the African context, particularly the idea of moral status and its implications for bioethics and applied ethics in general (BEHRENS 2013). There is scant philosophical literature that explores the debate on abortion and euthanasia in African thought (MOLEFE 2020; METZ 2021). Thus, a contribution focusing on personhood and moral status is crucial for the development of African thought and for extending the platform for a dialogue with non-African perspectives, so we can truly approximate *global* debates on these themes and others (CHIMAKONAM 2017).

We divide the paper into three sections. The second section focuses on the idea of personhood. It argues that a plausible conception of personhood must accommodate both individualistic and relational features. The third section focuses on the idea of moral status. It disputes that SMS ought to be a part of a theory of moral status and the plausibility of Atuire's novel account of moral status against Metz's theory of status. The final section turns on the abortion

debate. Here, we will make a few remarks about the future of a meaningful conversation on abortion debates in African philosophy.

### **Personhood in African Philosophy**

One of the major submissions that emerge in Atuire's exposition of African thought is the view that the notion of personhood is relational. This is a common view in the literature on African philosophy (GYEKYE 1992; SHUTTE 2001; METZ 2013). Atuire substantiates the relational view informed by different resources and/or scholars in African thought. To make his case, he begins by citing John Mbiti's (1975) famous aphorism – I am because we are. He construes this aphorism (and Mbiti's philosophy in general) to have three elements that constitute an African account of personhood. The first element points to the fact that personhood emerges only in relational contexts. That is, outside of the human community and fellowship, personhood is not possible. The second element refers to the fact that being a person essentially involves communal engagement with other human persons. The final aspect of personhood associates it with moral excellence.

He appeals to other resources in African intellectual cultures to justify the claim that personhood is relational by nature. The Akan conception of personhood construes it as ontologically constituted by the *okra* (the divine principle), *sunsum* (the spirit) and *honam* (body). In relation to these ontological features constitutive of personhood, Atuire (2022, 239) opines that:

...the constitutive elements of being human are in themselves relational: the *okra* relates to the divine, the *sunsum*, *ntoro*, *mogya* and *honam* are related both to the father and mother; and all these elements relate to each other in determinate ways ... relationality is at the root of Akan communitarianism.

For more evidence that African conceptions of a person are relational, he also draws from the Balsa tradition. He informs us that the word for a human being in the Balsa tradition means "... a daughter or a son of a person" (2022, 239). The relations that are definitive of a person are not limited to the living; they also include "ancestral lineage" (ibid.). In this rendition, the human agent recognizes and

experiences her/his personhood in relation to the living and the living-dead (ancestors).

After citing evidence from the Eastern and Western parts of Africa to demonstrate that an African conception of personhood is relational, Atuire turns to the Southern African conceptions of it. The idea of Ubuntu captures the dominant expression of African metaphysical and ethical thought. Scholars typically explain *Ubuntu* via the saying, “A person is a person through other persons” (RAMOSE 1999). The saying, at the very least, indicates that personhood requires interactions with other persons, and the idea of “other persons” is generally understood to bring to the fore the importance of community and social interactions (ETIEYIBO 2017). Atuire also considers the normative aspects of personhood in African thought. He indicates that the normative notion of personhood embodies a virtue-centric approach to ethics, which requires the agent to achieve excellence. He also clarifies that the “African model of excellence sees excellence in actions that enhance the positive development and consolidation of social virtues such as compassion, generosity, gregariousness, which are proper to the ‘intrinsically relational being’” (ATUIRE 2022, 240). One conclusion is inevitable considering the above exposition: ontologically and normatively, the idea of personhood in African thought is intrinsically relational.

We think there is some truth to the claim that African conceptions of personhood tend to be relational. Mbiti’s aphorism – *I am because we are* or, the saying associated with *Ubuntu*, *a person is a person through other persons* undoubtedly captures the relationalism that is characteristic of African thought. A close analysis of these expressions of African thought, however, indicates that they capture more than just the kernel of relationalism. These expressions also signal the relevance and importance of the individual. Notice the progression of thought in these two expressions, they both open or move from the individual to the community/relationality: on the part of Mbiti, *I*, and, on the part of *Ubuntu*, *a person*. The *I* and *a person* point us to the individual as a crucial dimension of the conception of a person that we ought to reckon with if we are aiming for a plausible conception of African thought.

The ‘we’ and ‘through other persons’ is another crucial dimension in our understanding of an African conception of personhood. Both these dimensions, the ‘I/a person’ and ‘we/through

other persons' give us a full picture of personhood in African thought. The basic insight that emerges, in light of these expressions, construed ontologically, is that the emergence of a conscious/functional human being/agent as an individual requires the human community. Thus, the human community is necessary for the emergence of a human being in terms of humanization and socialization (WIREDU 1996). These expressions construed normatively imply that the agent's achievement of moral excellence requires constant positive engagement with other human agents (MOTHLABA & MUNYAKA 2009). What we are suggesting is that the emergence and development of crucial human and moral qualities require a community. Note that the individual as a subject, a moral agent, emerges in the context of human fellowship/relationships to become an active part of human relations.

This comment by Menkiti, on the expression 'I am because we are', appositely captures our interpretation of the marriage of individuality and relationality in Mbiti's expression 'I am because we are':

Its sense is not that of a person speaking on behalf of, or in reference to, another, but rather of an individual, who recognizes the sources of his or her own humanity, and so realizes, with internal assurance, that in the absence of others, no grounds exist for a claim regarding the individual's own standing as a person. The notion at work here is the notion of an extended self. (MENKITI 2004, 324).

Menkiti construes the expression – I am because we are – to be about the individual trying to make sense of his/her humanity in the world. The individual is intelligent and aware of her/his own standing in the world. The individual realizes that the source of his/her own standing as a human being is a function of being connected to other human beings. S/he stands with internal assurance that her/his human experience, consciousness and functionality are possible only because of historical, cultural, biological, and ontological connections with other human beings. Crucial to appreciate, Menkiti construes Mbiti's expression to be about the *I*, the individual, as a subject, with *internal* assurance, appreciating how her own human experience and of the world surrounding them is possible only through being connected to others ontologically, culturally, biologically and in many other ways.

The “I” emerges and functions, as a distinct subject, with their own subjective experiences, in the context and fellowship with other human beings that are crucial for their human existence and project.

To further clarify our thoughts in relation to the individual and community/relationality in African thought, we consider the debate between the so-called radical and moderate communitarianism (MENKITI 1984; GYEKYE 1992; 1997; MATOLINO 2009; OYOWE 2014). This debate centred on the African concept of a person. Specifically, the debate pivots on whether the individual is entirely definable by relationality or whether s/he is co-constituted by individual and relational properties. Some of Menkiti’s remarks may be construed to imply that the individual is entirely constituted by relational features (the same accusation applies to Mbiti). Mbiti is famous for the claim that the community creates the individual. Gyekye’s moderate communitarianism insists on the balance between the individual and communal properties that give us a robust conception of a person. Gyekye (1992, 112) makes the following remark on personhood:

...that personhood is (entirely) defined or conferred by the communal structure cannot be wholly true. This is so despite the natural sociality of the human person [that] at once places him in a system of shared values and practices and a range of goals--which, in short, places him in a cultural structure. I have made the observation that, besides being a communitarian being by nature, *the human person is, also by nature, other things as well. By ‘other things’, I have in mind such essential attributes of the person as rationality, having a capacity for virtue and for evaluating and making moral judgments and, hence, being capable of choice.* It is not the community that creates these attributes; it discovers and nurtures them.

Here, Gyekye insists that we must appreciate a conception of a person that marries the relational nature of a person, the fact that we are naturally inclined to sociality, and the individualistic features of a person that are necessary for “the individual person’s lifestyle and projects” (ibid). The individual, Gyekye argues, also possesses individualistic features that the community discovers because they are

objective features of her existence as a metaphysical entity. Of interest for Gyekye are the agential features such as rationality, intention, motives, volition, and so on, which the community plays a crucial role in nurturing, which, in part, define the individual, his/her choices and place in the world. The duty of the community upon the discovery of these objective features of the individual is to create conducive relational conditions for human beings to develop these individualistic (agential features) constitutive of the agent, so s/he can function in the world<sup>1</sup>.

To buttress the view that a robust conception of personhood must recognize the individualistic and relational features, also consider the normative notion of personhood, which is also one of the most important concepts in African axiology (MOLEFE 2019; 2021). The normative sense of a person refers to a feature that does not universally belong to every human being in that not every human agent ends up achieving it (METZ 2013). The fact of being human is universal, and it is a biological/metaphysical fact and a given, which is distinct from personhood (in the normative sense) since the latter refers to a state of virtue/excellence that the agent ought to achieve through effort and conduct. Several things are worth noting about the normative notion of a person.

It is the moral agent, as an individual, that ought to pursue and achieve excellence. Hence, personhood has an individualistic feature insofar as it tells a story about the moral journey of the agent in the moral sphere; a story of effort, struggle and moral triumph, if all goes according to plan. Note that to ascribe the status of a person to some agent amounts to making a moral judgement about the quality of his/her character – that it is good or virtuous (GYEKYE 2010). In this

---

<sup>1</sup> In light of the debate with Menkiti (1984), Gyekye could be construed to mean that the minimalistic conception of personhood, which emphasis individualistic features (Menkiti cites psychological properties such as consciousness, memory and so on), what above I described as agential features, ought to be a part of a robust conception of personhood. Before we can talk meaningfully of a maximalist view, which involves the positive use of agential features to achieve virtue or excellence, we must reckon with the individualistic features in two crucial ways. First, we must identify or discover them as belonging to the individual as such. Secondly, we must create conditions for their development for the sake of the emergence of a robust agent. So, on this interpretation, Menkiti is wrong to draw a sharp distinction between the minimalist and maximalist view, the two should be conjoined to give us a robust understanding of personhood.

light, it is not surprising that scholars of African ethics construe the normative notion to embody a *perfectionist* or a *self-realization* approach to morality (METZ 2007; BEHRENS 2013; MOLEFE 2019). It is *perfectionist* because it enjoins the agent to nurture or acquire excellence (VAN NIEKERK 2007). That is, it urges the agent to realize the possibilities of her own nature and pursue her true human moral destiny. Menkiti (1984, 173) captures this moral destiny to enjoin the moral agent to transform “what was initially biologically given” to “become a person with all the inbuilt excellencies”.

In this light, the normative notion of personhood is a *self-realization* theory of value insofar as the self, each moral agent, has a duty to transform her raw natural capacities to acquire virtue. Hence, Wiredu (2009, 16, emphasis mine) rightly observes that the normative notion of a person refers to “a morally sound adult who has demonstrated in practice a sense of responsibility to household, lineage and society at large. (*The individual will have to be an adult, because otherwise she has not had enough time to develop her capabilities*)”. The agent must be an adult because she has a duty to develop her human capabilities to acquire virtue. Thus, the normative notion has a self-regarding dimension, where the agent ought to develop a virtuous disposition overflowing with kindness, mercy, compassion, forgiveness, friendliness, generosity and so on.

Intrinsic to the normative notion of personhood is the relational aspect as well. Note that the virtues associated with personhood tend to be relational ones. Atuire’s (2022, 240) remarks associate personhood with “social virtues such as compassion, generosity, gregariousness”. The virtues are *social* or *relational* insofar as they are those whose acquisition and exercise “demands a point of view best described as one of beingness-with-others” (MENKITI 1984, 324). It is only in the continued state of beingness-with-others that one can learn and manifest social or relational virtues. It is important to appreciate the relational aspect of the normative concept of a person insofar as it elevates social virtues. Hence, we can observe that the idea of personhood has the *self-regarding* and *other-regarding* dimensions conjoined together to give a robust conception of the normative concept of a person, or African ethics.

The self-regarding aspect essentially enjoins the agent to realize her true nature by acquiring virtue; and the other-regarding aspect throws her into the social relations without which self-

realization is impossible. David Lutz (2009) is correct when he observes, “explanations of *ubuntu* agree that we attain self-realization [personhood/virtue] only through interpersonal relationships.” The individualistic (self-realization or excellence) and the relational (interpersonal relationships with others) should be appreciated and conjoined to give us a plausible conception of African ethics.

Above, we suggested that a robust conception of personhood, ontologically and normatively, ought to reckon with both the individual and relational aspects. We argued that it is correct to appreciate the relational nature of personhood, but to leave matters here, as does Atuire, is to tell an incomplete story. A fuller story must reckon with the individualistic aspects as well. In the next section, we proceed to reflect on Atuire’s theory of moral status.

### **Moral Status in African Philosophy**

In what follows, we proffer two objections to Atuire’s theory of moral status. Before we launch into the objections, we elaborate on his theory of moral status. To have moral status, according to Atuire, amounts to being an object of ethical concern. That is, to be a thing/being towards which we have direct obligations (DEGRAZIA 2008). These obligations may be of a positive and/or negative kind. Positive obligations involve empowering or benefiting the moral object, and negative ones involve not harming or interfering with it (BEYLEVELD & BROWNSWORD 2001). The notion of moral status is crucial in bioethical themes such as abortion, euthanasia, stem-cell research and so on. The *concept* of moral status is one thing and its *conception* (or theory of it) is quite another (METZ 2012). Before elaborating on his own theory, Atuire points us to other common theories of moral status in the literature:

For some, the grounds for having moral status can be sophisticated cognitive capacities such as self-awareness ..., the capacity to will ... or an awareness of oneself as a continuing subject of mental states ... Others like Jaworska ... would include affective categories like the capacity to desire, and Harman ... the capacity to develop a sophisticated mental state (2022, 240).

Different theories of moral status appeal to a variety of metaphysical capacities to account for it. Some appeal to the capacity for will, some to cognitive or affective abilities or even the capacity to care. On his part, Atuire advocates a pluralist, what he calls a dualist theory of moral status, as opposed to a monist theory of moral status, in as far as he appeals to two properties to ground his account of it. The one component of his dualistic theory is the Object Moral Status (OMS), which he accounts for it in terms of merely being a part of the human community. In one place, he notes, “The grounding of OMS is not so much in a capacity, modal or real, but in the existing reality of possessing certain properties that are intrinsically relational” (ATUIRE 2022, 240). On the same page, he simply grounds it (OMS) on the mere fact “of being human” (ibid.). The second component of his theory is the Subject(ive) Moral Status (SMS), which he accounts for in terms of the normative notion of personhood. That is, to the extent that the agent conducts herself in ways exuding virtue, they have SMS. The crucial aspect of SMS involves the positive use of agency to “promote communal humanism” (ATUIRE 2022, 241). In Atuire’s theory, SMS is accorded in varying degrees to individual beings, humans and non-humans, based on their perceived agency in contributing towards communal humanism” (ATUIRE 2022, 242). Atuire proceeds to inform us that “Natural objects [mountains, rivers, oceans and trees] can thus be said to have SMS because of *the agency that is attributed to them*” (ATUIRE 2022, 242, emphasis added).

It is not obvious from reading the text what is meant by the idea of *perceived agency* and *communal humanism*. Note that perceived agency is associated with human agents and “natural objects as mountains, rivers, oceans and trees” to the extent that they contribute to communal humanism (ATUIRE 2022, 242). The phrase ‘communal humanism’ seems to imply conditions that are conducive to human well-being and development. In one place, Atuire associates communal humanism with “favourable conditions or unfavourable conditions” for human flourishing (ATUIRE 2022, 242).

We come to observe the following about Atuire’s theory of moral status. Full Moral Status (FMS), which refers to the highest status of moral value or possession of moral value usually expressed in terms of dignity, is a function of OMS and SMS. OMS is a function of merely being human without regard to the individual’s actual or modal properties. SMS is a function of perceived agency, among

human and non-human components, where the more the thing (or individual) in question creates favourable conditions for human flourishing, the greater its moral status. OMS associates value with an object, that is, a moral patient, and SMS, on the other hand, associates it with a subject in relation to the exercise of their agency. Human beings that lack agency only have partial moral status, since they can only be objects of ethical concern. Trees, animals, mountains, and rocks have partial moral status; though they possess perceived agency, they are not human. It would seem then that people living with cognitive disabilities, the frail, foetuses only have partial moral status *ala* OMS.

### *Objection 1*

Now that we have a rough sketch of Atuire's account of moral status, we raise two objections against it. We begin with the objection that it is a misunderstanding of the concept and theory of moral status to account for it in terms of agency or what the agent, be it human or non-human, achieves as part of what constitutes moral status. Remember that Atuire argues that full moral status (FMS), in part, depends on some entity having "high levels of SMS", that is, as an agent, through effort, contributes to communal humanism (2022, 242). The literature on the idea of moral status almost always construes it as a category that identifies *moral patients*. It is a term that identifies beings/things that we have direct obligations not to harm or to benefit in certain ways. To have moral status means one is a member of the moral community, and, as such a member, we owe the individual member moral consideration in our deliberations and actions towards it. Evidence that this notion is certainly a moral patiency term is exemplified in the debates in bioethics.

To begin, consider the abortion debate in the 1970s (HURSTHOUSE 2013). At the heart of this debate was the question of whether the foetus does possess the relevant ontological features that mark it out as a 'person'. Along the debate, there was no dispute about the human status of the foetus, and the dispute revolved around whether it does possess the relevant personhood-conferring properties that would secure its moral status or moral personhood. On the one hand, some scholars insisted that a foetus lacks such personhood-conferring features, such as rationality, self-awareness/concept and so on; hence abortion was permissible (WARREN 1997). On the other

hand, some scholars insisted that a foetus possesses a divine soul or is a divine creation; hence, it is a person in a moral sense (SCHROEDER & BANI-SADR 2017). In light of this debate, the question of the agency of foetuses does not even arise because it is not relevant when determining moral status; what matters in philosophical discussions of moral status is the possession of the relevant ontological features.

Also, consider another debate that pivoted on the notion of moral status, the debate on the place of animals in the moral community. It is common knowledge that most influential moral theories tend to be human-centred or anthropocentric (JAWORSKA & TANNENBAUM 2018). That is, they account for moral status by appealing to some human features (BEHRENS 2011). The debate surrounding the moral status of animals sought to expand the circle of inclusion to accommodate (some) animals. Peter Singer (2009) deployed one such strategy to include animals in the moral community. On the one hand, Singer observes that there is no single property (at least the one typical in Western philosophy) that can accommodate all human beings in the moral community (SINGER 2009). If one takes cognitive ability as the basis for moral status, there are human beings like infants and those living with cognitive disabilities that lack this property. On the other hand, he observes that animals manifest skills associated with cognitive abilities above the levels of infants and people living with cognitive disabilities. In this light, he concludes that even our deepest moral intuitions about the equality and higher moral status enjoyed by all human beings cannot be secured by properties we tend to associate with human beings.

On his part, he defends the view that the capacity for sentience is the basis for moral status (SINGER 1990). Again, insofar as it invokes the concept of moral status, the debate about the place of animals in the moral community considers it in terms of moral patiency. Whether some object has moral status or not is a function of it possessing the relevant property, be it cognitive ability, sentience, or any other property believed to confer moral status. The notion of moral status is not about how we use the relevant property, merely its possession is necessary and sufficient for moral status.

The above interpretation of the nature of the concept of moral status is corroborated by Atuire himself. All the theories of moral status he mentions, as indicated in the quotation in the second section of this article, account for it in terms of some ontological property

possessed by some object. None account for it in terms of the agent acting in a particular way or achieving some ideal. Two scholars working in African ethics, specifically in bioethics, Godfrey Tangwa and Kevin Behrens, understand the idea of moral status as one that defines the intrinsic value of some object in terms of the ontological property that it possesses. Interestingly, Tangwa (2004, 40) understands Western bioethics to operate on the basis of a property-based value theory, which places emphasis on the moral patient in this fashion – “What the attributes of self-consciousness, rationality, and freedom of choice do... is to load the heavy burden of moral liability, culpability, and responsibility on the shoulders of their possessor”. The point here is not whether Tangwa approves or disapproves of the concept of moral status. Rather, it is that the notion of moral status is a moral patient term that is a function of some psychological property like self-consciousness, rationality and so on.

Behrens (2013), in the essay *The Two Normative Concepts of Personhood*, identifies two distinct concepts of personhood, one salient in the Western tradition and another in the African tradition. Behrens (2013, 111, emphasis in original) remarks as follows in relation to this distinction:

By now it ought to be clear that the Western bioethical normative conception of personhood and the African notion are completely distinct. Another way of expressing this distinction is to consider the object of the focus of the term ‘personhood’. In Western thought, personhood is concerned with the status of moral *patients*, whereas the African approach focuses on the character of a person as a moral *agent*.

Here, Behrens identifies two distinct normative notions, one is *patient-centred* and another is *agent-centred*. The patient-centred notion of a person is the same as the notion of moral status, and he observes that it confers intrinsic value on some object relative to whether it possesses the relevant-value-endowing ontological properties, be it consciousness, rationality, sentience and whatever property may be deemed appropriate (BEHRENS 2013, 112). The *agent-centred* notion is associated with the positive use of agency to acquire virtue. The former is prevalent in the Western bioethical

context and the latter is prevalent in African moral thought. The point is not to agree with Behrens' analysis per se, but to indicate that the tendency in the literature from both scholars, working in the Western and African traditions of ethics, to understand moral status as a notion that identifies a moral patient, or a patient-centred notion rather than an agent-centred one.

Moreover, there are good reasons why the normative notion of personhood is not a good candidate to ground something like moral status. The achievement of virtue is a non-universal notion, it only refers to those subjects (or agents) that have achieved excellence. The kinds of goods associated with moral status are those that should not arise relative to how one has conducted himself/herself but rather should track the kind of a thing one is relative to the possession of the value-endowing property. One of the goods that is associated with moral status is that it serves as a *constraint* (JAWORSKA & TANNENBAUM 2018). That is, an object that has moral status may not be harmed, violated or treated anyhow since certain ways of relating it are wrong and can harm it (KITTAI 2013). The function of constraints associated with the idea of moral status, largely, has nothing to do with how the agent has conducted him/herself in the first place. It is the notion of constraints that explains why even a hardened and callous criminal deserves to be treated with respect. Even at the point of arresting the criminal, the police have a duty not to harm him/her particularly if it is not to restrain him/her or is not a response to his/her initial aggression towards them. Furthermore, even when he/she is in prison, he/she has a right to a free and fair trial and to exist in dignified conditions. The idea of moral status entails the protection of the moral patient despite the agent's moral/legal failure. The protection emerges in relation to the kind of a thing s/he is (the property that secures her/his moral status), and not the use of these properties.

Moreover, the notion of moral status, a property-based one, be it relational or intrinsic, is powerful in modern moral and political thought in that it offers us a way to account for egalitarianism in the way that the SMS (agent-centred notions) will not be able to do so (ROSEN 2012). In modern moral and political thought, things have moral status insofar as they possess a particular property, and the mere possession of this property secures their equality. This way of

accounting for equality is called “the property-first” approach, and Giacomo Floris (2019, 238) explains this approach as follows:

Traditionally, accounts of moral equality have proceeded as follows: 1) a property X that confers moral status is identified; 2) those beings that equally possess X can be said to have equal moral status; 3) hence, equal moral status is grounded in the equal possession of X.

Things with more-or-less the same property are equal and we owe them equal moral regard. Equality is a function of merely possessing the property X. The agent-centred notion fails to secure equality in that some agents will always do better than others will. One of the standard features of the agent-centred notion of personhood in African thought is that it comes in degrees, some will not have it (they will fail at it), some will have less of it and others will have more of it (BEHRENS 2013). Moral and political goods associated with moral status tend to be those that function in an egalitarian context but appeal to the agent-centred notion, which betrays the aspirations and promises of modern moral and political thought orientation towards equality.

Moreover, the agent-centred notion of personhood often attracts non-political goods. If, in this instance, we think of political goods in terms of human rights, then we observe that the actual achievement of excellence or failure does not imply the loss of human rights. The denial of personhood due to the agent’s failure to acquire virtue does not trigger the withdrawal of human rights (or human goods). These political goods track her human status, or, more accurately, her moral status, which has nothing to do with good or bad performance. Even the acquisition of virtue does not imply more human rights. Human rights track moral status and not virtue. Hence, it is correct for Wiredu to observe that to be called a person amounts to moral approval or to be heaped with moral praise (WIREDU 2009; see also TUTU 1999). The benefits of acquiring personhood revolve around social and moral reputation in the community. One will generally be trusted, respected and held in high regard in the community, and no more. The agent-centred notion of personhood is not a political term that has implications for basic human entitlements. If it is true that the agent-centred notion of a person does not have

political implications *ala* rights then it follows that to use it as a basis for moral status is to misuse it, and to fail to understand its place in ethics. Moreover, it is crucial to appreciate that personhood is not suitable for the ethics and politics of egalitarianism, which tracks moral status and not virtue.

### *Objection 2*

In the paper, Atuire suggests that his account of moral status does better than Metz's *Ubuntu*-based modal-relational theory of moral status. According to Atuire, his theory does better than Metz's theory on two accounts. On the one hand, it secures the moral status of people living with severe cognitive disabilities (henceforth, SCD); and, on the other hand, it is able to secure the moral status of the natural (objects) environment. Atuire opines:

Metz's position fails to adequately account for two important features. First, persons with severe cognitive capacities who have no possibility of establishing relationships as described above, may find themselves bereft of moral status. Second, and perhaps more characteristically, many African peoples accord a respect and some form of moral standing to some natural objects in their environments. Members of communities are required to treat these objects which may be rivers, mountains, and the earth, as beings that are worthy of moral consideration and can be wronged. (ATUIRE 2022, 241)

In what follows, we compare Metz's modal-relationalism and Atuire's dual theory of moral status as a foil to determine the plausibility of the latter's moral theory. Atuire presents two cases of evaluation that recommend his theory of moral status: 1) the case of people with severe cognitive disabilities (SCD) and 2) the case of the natural environment. To begin, notice that Metz's account is monistic whilst Atuire's is dualistic. Metz posits the single capacity to commune/harmony/friendliness (he uses these terms interchangeably) as the basis for moral status. Metz (2021) explains the value of harmony/friendliness in terms of the twin social relationships of *identity* and *solidarity* (goodwill). Roughly, 'identity' refers to sharing a way of life and 'solidarity' refers to caring or improving another's

welfare for their own sake (2012). The capacity for friendliness refers to the ability to commune, that is, to participate and/or benefit from relations of identity and solidarity (METZ 2021). Notice, moral status is a function of the capacity to relate and it is not a function of actually relating, hence *modal* relationalism. So long as the object can, in principle, relate because it does possess the relevant metaphysical capacity to relate then it does have moral status.

Metz further distinguishes between those things that can be subjects of the relationships of identity and solidarity and those things that can only be objects of such relationships. Normal adult human beings are paradigm examples of beings that can both be subjects and objects of relationships of identity and solidarity. Animals, on Metz's account, can only be objects of such relationships because, whereas they can be benefitted by such relationships, they cannot initiate, participate and sustain them to the relevant threshold. Beings that can both be subjects and objects of friendliness have full moral status (FMS) and those that can only be objects have partial moral status.

FMS for Atuire is a function of OMS and SMS, whereas for Metz it is a function of being a subject and object of friendliness. We can now turn to the first case of people living with SCD. Remember that Atuire accuses Metz's theory of moral status of failing to accommodate SCD in the moral community, whereas he believes that his theory does. Atuire secures the moral status of SCD by appealing to OMS. They have moral status merely because they are human beings, without regard to their abilities. Metz's theory does also accommodate SCD in the moral community. SCD have moral status, according to Metz, insofar as they can be objects of friendly relations. In principle, insofar as human beings can have friendly relations with SCD and they can be benefitted (in terms of well-being) by such relations, (SCD) then they do have moral status, albeit they have it partially. Remember, Metz's theory revolves around whether the subject or object, can, in principle, due to its metaphysical make-up, enter into (or benefit from) the relevant kind of relationships. If it can, then it does have moral status. Can SCD initiate and participate in friendliness? No, SCD does not have the capacity to do so, hence, it is not a subject of friendliness. Can SCD benefit from friendliness, that is, can the SCD's welfare be improved by those that can exercise friendliness towards it? If the answer is yes, then SCD is an object of moral status and has partial moral status. It is in this light that Metz

(2012,398) observes that his African theory of moral status “is interesting and worthy of consideration for being able to ascribe ... moral status to ... the severely mentally incapacitated”.

It is, therefore, not true that Metz’s theory fails to grant moral status to people with SCD. Atuire’s confusion seems to arise from the fact that he believes that Metz’s theory requires SCD actually to participate as subjects in relationships. Modal relationalism merely requires that one merely be capable of being a subject and/or an object of friendly relationships. If SCD can be objects of friendly relations, then they do have moral status, albeit partial, and, as such, are objects of direct ethical obligations.

We now proceed in our inquiry to evaluate which of the two theories of moral status (Atuire’s vs Metz’s) offers a compelling argument for the inclusion of SCD in the moral community. Atuire grants moral status to SCD on the holistic ground that they are members of the human community, and Metz grants it because they can be objects of friendliness in as far as such a relationship can improve their welfare. Notice the difference between these two theories: Atuire’s account does not explain what it is about being human that secures the moral status of SCD, whereas Metz’s theory does – the fact that they can be harmed/benefited by un/friendliness. Atuire’s theory does cite relationality as the basis for inclusion. Still, it is not specific about what kinds of relationships serve as the value or content of his theory of moral status. In contrast, Metz’s theory is very specific about which relationships are normatively salient.

Furthermore, we might want to consider whether Atuire’s theory can tell us whether a foetus, infant, SCD and/or a failed moral agent (no SMS) has the same moral status or whether there is a difference in terms of their moral status. If all these (foetus, infants, SCD and failed moral agents) have moral status based on OMS and this theory is described as holistic, i.e., it does not consider any intrinsic features of the object, by merely being a member of the group, one has the same moral status as any other member of the group. It should follow the holistic logic that this view of moral status implies that a foetus, an infant, a normal adult human being, a psychopath and those living with SCD have the same moral status. Metz, on the other hand, argues that his relational theory of moral status is plausible because, though it accounts for moral status in terms of the capacity for friendliness, it is able to differentiate among

different candidates insofar as others have less and others have higher degrees of moral status, thus justifying differential moral treatment where our duties to the other are weaker or stronger, depending on whether they have partial or full moral status. This point is crucial given the fact that one of the conundrums in ethics involves dealing with conflicts, risks and trade-offs, which a holistic theory may not have resources to resolve given that it assigns an equal moral status to all that have OMS.

If, for example, we must make a choice between saving a foetus or the mother, who, in principle, should we prioritize? The advantage of Metz's theory is that it grants greater moral status to a full-grown and able-bodied human being, the mother in this instance, over the foetus, or even the SCD, and the reason for this difference is that the mother has greater capacity for friendliness as both a subject and an object than a foetus, which is only the object of friendliness. The difference among these candidates is a function of whether it is easier to include and benefit them in friendly relationships. It is probably easier to include and benefit an infant than a foetus in friendliness, and for that reason, even though both have moral status, that of the infant is greater than that of the foetus. In comparison to Metz's modal relationalism, the dualism, holism and lack of degrees among the different candidates render Atuire's theory of moral status less convincing.

The second case of comparison concerns attributing moral status to natural objects such as mountains, rivers, among others. Atuire believes his account is more plausible than Metz's as it does have the theoretical resources to include much of the environment in the moral community. We are not convinced. Metz concedes that his theory does not accord any moral status to natural objects. At best, the environment can be secured on indirect or prudential considerations that involve ultimately protecting human interests. Atuire secures the moral status of natural objects and sacred objects by appealing to what he calls "perceived agency" (2022, 242). He asserts; "[T]hese objects are perceived as having an agency that contributes to communal humanism by providing favourable or unfavourable conditions. Since they are perceived as agents, they are accorded a moral status". It is one thing to perceive a thing to have agency and quite another for it to have it. It is not entirely clear where the moral status of a natural object resides, in the former or latter. Another crucial question to

consider is how Atuire uses the notion of *agency*. When it comes to human beings and their pursuit of moral excellence, it might be understandable what Atuire has in mind when he talks of agency. On the other hand, it is uncommon and strange to attribute *agency* to natural objects such as mountains, rocks, rivers and so on. It might be true that some African people believe these natural objects do have perceived agency, whatever that might mean, but how do we resolve the impasse when another group of people simply denies that they do have any kind of agency? This denial should not be taken lightly given that agency is usually associated with rational and emotional capacities (KELLER 2012). It is also reasonable to distinguish mere motion/movements from action, and the latter emerges consequent to desire, intention and thought (belief), which, some or all of these features, is what metaphysically constitute agency (SCHLOSSER 2019).

If a theory of moral status is to be compelling, it surely ought to appeal to clear categories or clarify such potentially confusing and controversial claims like that of attributing some kind of agency to things like mountains and rivers. It will not be enough to clarify such concepts; one must go on to philosophically justify them based on philosophical argument rather than on the basis of mere cultural beliefs. Hence Atuire's reference to what he describes as 'perceived agency' role in accounting for the moral status still requires philosophical justification. Moreover, it is true that some Africans may believe that mountains, rivers, and trees are sacred, but we are not sure that if they hold such a belief, it follows that that belief is sufficient ground for a theory of moral status. It seems what is going on here is no longer a consideration revolving around the concept of moral status but some cultural beliefs rooted in some unclarified and justified metaphysical views among some African cultures, which, though it might be an important anthropological consideration, still requires philosophical justification. If some cultural group, for whatever reason, comes to believe that some mountain or river has perceived agency, it should follow that they would respect it, sacrifice for it, and so on. It would be hasty from this observation to conclude that natural or cultural objects have intrinsic value or moral status. All over the world, different (natural) objects are valued for one reason or another, it does not follow that they have moral status. We conclude that Atuire's attribution of moral status to natural objects is less than

convincing. There is no clarification of what perceived agency is. There is also no justification for why we must take seriously such a claim in association with natural objects. The next section turns to the abortion debate in African thought.

### **The Abortion Debate in African Philosophy**

Here we make two remarks on the abortion debate in African philosophy. These remarks are a response to Atuire's argument that we should grant legal access to abortion in Africa. We are not necessarily opposed to the view that we should extend access to legal abortion in Africa. We simply want to bring two considerations as we reflect on the question of opening legal access to abortion.

Firstly, we wonder why Atuire seems to ignore that the prevalent moral intuition in African moral cultures tends to forbid abortion. The metaphysical views underpinning African cultures tend to imply that abortion is morally impermissible. In this worldview, the human community is triadic as it is constituted by the unborn (that might include a foetus), the living and the living dead (MOLEFE 2020). Considering this three-dimensional metaphysical conception of the human community, this remark forbidding abortion does not come as a surprise:

Thus, the question of the origins of human life, the object of such lively debates in bioethics, is posed differently than in the West. According to the Africans' understanding of "person", *the unborn child is already a person in the early stage of development*. What Western biology calls a foetus or an embryo is closely related to the community both of the living and of the dead; the embryo, which does not yet have an independent life of its own, is embraced by the love of the visible and invisible community. (BUJO 2001, 88–89, emphasis added)

On this view, there is a recognition of the metaphysical category of those described as the unborn component of the human community (MBITI 1975; MAGESA 1997; RAMOSE 1999). The unborn is considered a 'child' embraced by the love of the visible and invisible community. Moreover, a foetus is considered to be a person i.e., it has moral status. For another example, consider Tangwa's (1996, 198)

remarks on abortion – “The Nso’s position is clearly against deliberate ... abortion”. The reason for repudiating abortion Tangwa (1996, 197) informs us that it is guided by “the taboo against harvesting premature crops or fruits”.

The point of this discussion is to point us to the prevalent moral intuition in African thought that tends to forbid abortion. Considering the limited data, it is forbidden on the metaphysical ground that a foetus has moral status since it is a crucial component of the human component *qua* the unborn or that it is taboo to harvest unripe fruits. We cannot simply ignore these intuitions to consider the question of the legal status of abortion when we have not developed a systematic account of African moral thought in relation to abortion, whether it is permissible or impermissible.

Secondly, considerations of legal access to abortion strike us as hasty when we have not yet resolved the underlying ethical issues – the question of the permissibility or impermissibility of abortion in African ethical thought. We say so because Atuire’s essay promises to focus on global ethical issues, and, without a doubt, the question and debate on abortion is one such crucial ethical issue. Moreover, the debate on abortion in the literature in African philosophy remains largely ignored and underdeveloped. We all know that ethical and legal issues tend to diverge, the former are based on reason and the latter on legislated law (POJMAN 2002). An ideal situation is when the legal is informed and consistent with the ethical. Important as the right to legal abortion may be, at least in some cultural and legal contexts, the question that is still up for grabs in African philosophy is whether abortion is permissible or impermissible. It would have been interesting and illuminating before Atuire ventures into the question of the right to legal abortion, to begin by unfolding the implications of his theory of moral status for abortion. We suspect that Atuire theory of moral status may even forbid abortion given that moral status is a function of merely being a part of the human community (OMS). Insofar as the foetus is a part of the community, it should follow, based on OMS, that it has moral status. If it is true that a foetus does have moral status, how do we then justify access to legal abortion when abortion is morally impermissible?

## Conclusion

This paper offered a critical response to Atuire's contribution to personhood, moral status and the question of legal access to abortion in African thought. The aim of this paper was to contribute to African philosophical thought through a critical conversation with Atuire's contribution to African ethics in the global context. In relation to personhood, we suggested that a robust conception of personhood ought to reckon with both the individualistic and relational components of it. In relation to moral status, we expressed doubt that SMS is rightly a part of a theory of moral status. We further argued that Atuire's theory does not give satisfactory philosophical reasons for granting moral status to SCD and natural objects. In fact, we suggested that contrary to Atuire's claim, Metz's theory, on the face of it, does better than his account of moral status. Finally, in relation to abortion, we suggested that a moral case still needs to be made in African thought in relation to the abortion debate. The question that philosophers in Africa need to reflect on is whether abortion is permissible or not. It is hasty to jump onto the legal status of abortion when we have not resolved the underlying ethical question of abortion in African thought.

## Relevant Literature

1. BEYLEVELD, D., & ROGER, B. [Human Dignity in Bioethics and Biolaw], 2001. Oxford University Press: Oxford.
2. CHIMAKONAM, J. "African philosophy and global epistemic injustice," [Journal of Global Ethics], pp120-137, 2017. Vol 13. No 2.
3. DEGRAZIA, D. "Moral Status as a Matter of Degree," [The Southern Journal of Philosophy], pp181-198, 2008. Vol 46.
4. DONNELLY, J. "Normative Versus Taxonomic Humanity: Varieties of Human Dignity in the Western Tradition," [Journal of Human Rights], pp1-22, 2015. Vol 14.
5. DZOBO, K. "Values in a changing society: man, ancestors and God," [Person and Community: Ghanaian Philosophical Studies, 1, Kwame GYEKYE and Kwasi WIREDU Eds.], pp223-242, 1992. Council for Research in Values and Philosophy: Washington.

6. ETIEYIBO, E. “Ubuntu, Comopolitanism, and Distribution of Natural Resources,” [Philosophical Papers], pp139-162, 2017. Vol 46.
7. GRANESS, A. “Is the Debate on ‘Global Justice’ a Global One? Some Considerations in View of Modern Philosophy in Africa,” [Journal of Global Ethics], pp126–140, 2015. Vol 11. No 1.
8. GYEKYE, K. (1992). Person and community in African thought. [Person and Community: Ghanaian Philosophical Studies, 1, Kwame GYEKYE and Kwasi WIREDU Eds.], pp101-122, 1992. Council for Research in Values and Philosophy: Washington.
9. \_\_\_\_\_. “African Ethics,” [Stanford Encyclopedia of Philosophy], N.P, 2010. January 2021. [Web](#).
10. JAWORSKA, A., & Tannenbaum, J. “The Grounds of Moral Status,” [The Stanford Encyclopedia of Philosophy], N.P, 2018. [Web](#).
11. LUTZ, David. “African Ubuntu Philosophy and Global Management,” [Journal of Business Ethics], pp313–328, 2009. Vol 84.
12. MBITI, J. [Introduction to African Religion], 1975. Praeger: New York.
13. MENKITI, I. “Person and Community in African Traditional Thought,” [African Philosophy: An Introduction, 3rd edition, Richard WRIGHT Ed.], pp171-181, 1984. University Press of America: Lanham.
14. \_\_\_\_\_. “On the Normative Conception of a Person,” [Companion to African Philosophy, Kwasi WIREDU Ed.], pp324-331, 2004. Blackwell Publishing: Oxford.
15. METZ, T. “Toward an African Moral Theory,” [The Journal of Political Philosophy], pp321–341, 2007. Vol 15.
16. \_\_\_\_\_. “African Conceptions of Human Dignity: Vitality and Community as the Ground of Human Rights,” [Human Rights Review], pp19–37, 2012. Vol 13.
17. \_\_\_\_\_. [A Relational Moral Theory: African Ethics in and Beyond the Continent], 2021. Oxford University Press: Oxford.

18. MOLEFE, M. [An African Philosophy of Personhood, Morality and Politics], 2019. Palgrave Macmillan: New York.
19. \_\_\_\_\_. [Partiality and Impartiality in African Philosophy], 2021. Lexington Books: Lanham.
20. OYOWE, A. "Personhood and Strong Normative Constraints," [Philosophy East and West], pp783–801, 2018. Vol 68.
21. ROSEN, M. [Dignity: Its History and Meaning], 2012. Harvard University Press: Cambridge.
22. SCHLOSSER, M. "Agency," [The Stanford Encyclopedia of Philosophy], N.P, 2019, [Web](#).
23. SCHROEDER, D., & Bani-Sadr, A. [Dignity in the 21st Century Middle East and West], 2017. SpringerOpen: New York
24. SHUTTE, A. [Ubuntu: An Ethic for a New South Africa], 2001. Cluster Publications: Pietermaritzburg
25. SINGER, P. "Speciesism and Moral Status," [Metaphilosophy], pp567–581, 2009. Vol 40.
26. TANGWA, G. "Bioethics: An African Perspective," [Bioethics], pp183–200, 1996. Vol 10.
27. TANGWA, G. "The Traditional African Perception of a Person: Some Implications for Bioethics," [Hastings Center Report], pp39–43, 2000. Vol 30.
28. TUTU, D. [No Future without Forgiveness], 1999. Random House: New York.
29. WAREHAM, C. "A Duty to Explore African Ethics?," [Ethical Theory and Moral Practice], pp857-872, 2017. Vol 20.
30. WARREN, A. [Moral Status: Obligations to Persons and Other Living Things], 1997. Clarendon Press: Oxford.
31. WIREDU, K. [Cultural Universals and Particulars: An African Perspective], 1996. Indiana University Press: Indianapolis.
32. \_\_\_\_\_. "An Oral Philosophy of Personhood: Comments on Philosophy and Orality," [Research in African Literatures], pp8–18, 2009. Vol 40.
33. VAN NIEKERK, Jason. "In Defence of an Autocentric Account of Ubuntu," [South African Journal of Philosophy], pp364–368, 2007. Vol 26.