

A social ontology of “maximal” persons

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Abstract

In this paper, I address a range of arguments put forward by Kwame Gyekye (1992) and Bernard Matolino (2014) denying Menkiti’s twin propositions that persons differ ontologically from human beings and that human attitudes, behaviours and practices constitute persons in social reality. They argue that his account of “maximal” persons, rooted in African traditional thought-worlds, conflates issues and ultimately involve him in a category mistake. I argue that their arguments do not succeed, and that Menkiti’s view is not in any predicament because of them. Then, I draw on John Searle’s account of social ontology to clarify the sense in which attitudes, behaviours and practices are constituents of persons. Thus, I characterise persons as social entities belonging in a social ontology. Finally, I argue that realism regarding persons is not undermined by the threat of conventionalism lurking behind the view.

KEYWORDS

African, community, conventions, person, realism, social ontology

1 | INTRODUCTION

There has been significant growth in the scholarship on Ifeanyi Menkiti’s account of traditional African conception of person. Much of the focus has been on its implications,

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particularly on the implied overbearing role of community, on individual agency, rights and relational autonomy (see, for example, Ikuenobe, 2006a, 2006b, 2016; Molefe, 2016, Masaka, 2018). Comparably less attention has been devoted to illuminate Menkiti's claim that personhood is a status and that one acquires that status in virtue of certain kinds of social behaviour, including participating in social life, carrying out appropriate obligations and intra-group recognition. Moreover, although this aspect of Menkiti's view was subjected to criticisms early on, by Kwame Gyekye (1992) and more recently, Bernard Matolino (2014), replies to these criticisms have not explicitly drawn on principles in social ontology as I aim to do here.

Following on from recent attempts to bring Western and African philosophers into conversation (see Beck & Oyowe, 2018 and Flikschuh, 2016), I explore how some of the gains in the sub-field of social ontology, and specifically conceptual resources in the work John Searle, might help us better appreciate Menkiti's understanding of "maximal" persons in community.

This is the plan. In §2, I set out Menkiti's account of person, highlighting his twin ideas that persons differ ontologically from their human associates and that they are social entities, in that they are constituted by social facts. Next, in §3, I analyse objections from Gyekye and Matolino, and then argue that Menkiti's view is not in any predicament because of them. Still, I think that aspects of the view they both find hard to accept will benefit significantly from further refinements. Hence, in §4, I undertake an exploratory work, drawing on Searle's principles for the construction of social reality to illuminate Menkiti's claims about the making of a person in the social world. Part of my interest here is also to show that as social entities, "maximal" persons belong in a social ontology. Finally, in §5, I address some of the outstanding issues, especially the threat of conventionalism that lurk behind Menkiti's understanding of person. Specifically, I argue that human attitudes, behaviours and practices are not irrelevant to personhood and certainly do not render the category of person arbitrary or ontologically insignificant. On the contrary, I maintain that Menkiti's maximal persons are social entities that unlike mere human beings, belong in a social ontology, and that moreover, social ontology is an irreducible and ineliminable part of a general ontology.

2 | IFEANYI MENKITI ON "MAXIMAL" PERSONS

There are two complementary routes to understanding Menkiti's conception of person. One follows his attempt to reconcile metaphysics and commonsense. The other takes off from his characterisation of social organisation in traditional African communities. Let us begin with the first.

In making the case for anchoring metaphysics on commonsense, Menkiti (2004a) makes clear his commitment to the ubiquity of ontological novelty in experiential reality—that is, the universe as we encounter it. Not only is the universe not entirely reducible to physical (including biological and chemical) properties and relations, but there are also emergent and ontologically ineliminable entities, properties and relations. On his view, the universe is ontologically richer because of conscious and social phenomena.

Ontological novelty gets expression in Menkiti's account of person by way of ontological progression. The latter tracks the developmental trajectory of a human being into an adult member of the species (1984, p. 172). But Menkiti's larger point is that at the end of that complex process (supposing it goes its normal course) something new, a *person*, surfaces. And it

is not just “gradation pure and simple.” Instead, it is “the emergence of special new qualities seen as constitutive of a level of being not only qualitatively superior to, but also ontologically different from, the entity with which one began” (2004b, p. 325).¹ This clearly has the implication that some human beings, in particular children, are not persons. To encounter a person, “it is not enough,” Menkiti writes, “to have before us the biological organism, with whatever rudimentary psychological characteristics are seen as attaching to it” (1984, p. 172). In addition, a robust psychology is required.

Menkiti explicitly mentions two psychological capacities crucial for living the life of a person in community: reflexive self-awareness and language. Yet, their mere possession is not enough. In fact, their significance within his account lie in the ways they orient their bearers towards others and position them in a social world. Both capacities require a human community, and language especially situate individuals in specific linguistic communities (1984, pp. 171–172, also 2004b, p. 324).

The same applies to the “special” capacities for moral awareness, moral emotions and moral imagination (Menkiti, 1984, p. 176; 2017, pp. 467–468). Since they require a community, and involve certain attitudes and practices, focussing solely on their possession yields a significantly narrow and impoverished concept of person. One in which the dynamic and complex interactions that characterise the lives of persons in community are omitted. For a more complete picture, we have to pay attention to the social environment as well.

This brings us to the second route. Menkiti highlights three practices that structure social life in traditional African communities. Social incorporation describes cultural processes, including rites of naming and transition into adulthood, by which an individual is formally acknowledged as a member of community. The description, person, he says, does not apply fully to danglers—that is, socially unincorporated individuals (1984, p. 172). Social participation captures the expectation that members of a group take part in joint activities and carry out obligations linked to social roles and positions. There are no free riders. To be a person is to play the play of reciprocal obligations. (1984, p. 176; 2004b, p. 330). This is not to say that danglers (or, specifically, deviants) do not have social roles at all. The existence of rule of law or punitive systems depend on deviance, which gives deviants some role in community. So, Menkiti is more correctly interpreted as saying that whatever role they have is opposed to living the life of a person in community. Finally, social recognition refers broadly to a range of practices including holding each other accountable, praise and blame as well as reckoning successes and failures.² Ultimately, the degree of social recognition depends on the degree of social participation, thus making it less likely that those who are deemed habitually deviant would be recognised as persons.

Here are two points I think Menkiti underlines. First, person is the *locus* of these complex attitudes and practices. In fact, to be a person is to be the target of social recognition (including incorporation and participation). Moreover, whether one attains social recognition depends on whether and to what extent they have met expectations regarding social participation. For this reason, one could succeed or fail at personhood. On this, Menkiti says it is not unusual in many African languages to say of an individual that “he is not a person,” or “she is less of a person.” In such cases, participation would have fallen (far) below social expectations. Second, personhood depends on these attitudes and practices. He gives two illustrations. The way we think and talk about children and new-borns, specifically the choice in the English language of an *it* when referring to them, constitute them as human nonpersons (1984, pp. 173, 174). The distinction is not in language only, but in ontology as well. “This is not to say that all of language always carries ontological weight,” he adds, “but I think that, in this case, language

does” (Menkiti, 2004b, p. 327). Similarly, cultural attitudes and practices have ontological implications. The “relative absence of ritualized grief” over the death of a child and the “elaborate” and “ritualized” grief over that of an adult indicate “a significant difference in the conferral of ontological status” (Menkiti, 1984, p. 174).

To sum up, ontological progression implies that persons differ from mere human beings (i.e., nonperson), and social recognition throws the distinction into sharp relief by underlining that persons are constituted by human attitudes, behaviours and practices. It is because the view of person is not based on intrinsic properties merely, and because of the crucial role played by these social facts, that Menkiti describes it as maximal, as opposed to a minimal one that focuses on the mere possession of intrinsic properties. These ideas underpin his overarching view that persons are social entities. However, they have been roundly criticised. I want to now examine these objections. Since they reject the proposition that social facts, including shared attitudes, behaviours and practices, play a constitutive role in the making of a person, they stand in the way of analysing persons, as Menkiti does, as social entities belonging in a social ontology.

3 | OBJECTIONS TO MENKITI

Some of the earliest and most explosive pushbacks against Menkiti’s view of person came from Kwame Gyekye. More recent ones have come from Bernard Matolino. I analyse and reject them in the next two subsections. By showing that they do not put Menkiti’s account of person in terms of social attitudes, behaviours and practices in any grave predicament, we would be well placed to explain precisely how these social facts constitute persons in social reality, and why “maximal” persons belong in a social ontology.

3.1 | Confusion and conventionalism

Gyekye held that linguistic and cultural practices cannot constitute a person, thereby undermining the sharp line Menkiti draws between human being and person. He also appears to flag that the view is conventionalist.

Regarding linguistic practices, while part of his complaint is against the heavy reliance on a feature of the English grammar to make a point about African thought, Gyekye’s main contention is that the equivalents of the neuter pronoun *it* in African languages (at least the ones he samples) do not have the ontological implication Menkiti says they have. Take, for example, the Akan neuter *é*, which is used to designate inanimate entities, and so offers no help in distinguishing between persons and nonpersons. Speakers of the language would say, *éwó dan no mu* (translated, it is in the room) in reference to, say, a book, but never a human being or a dog. To refer to animate entities the neuter pronoun *ō* is used instead, as in *ōwō dan no mu* (translated, she/he/it is in the room), but even here no distinction is made between persons and nonpersons.³ Then, Gyekye attempts to turn the table on Menkiti. Since the neuter pronoun *ō* refers to adult human beings as well, Menkiti’s approach has the implication that there are no persons at all. The lesson, Gyekye says, is that the distinctive nature of a thing cannot simply be inferred from the semantics of the neuter pronoun (Gyekye, 1992, pp. 107–108).

Notice that Gyekye’s objection assumes that Menkiti endorses the Sapir-Whorf hypothesis on the connection between natural language and ontology. The idea roughly being that

language structures reality for its speakers, thus leading them to categorise objects in the world a certain way.⁴ In the present context, the implied linguistic relativism in that hypothesis yields the outcome that the category, *person*, exist, and persons differ from human beings, simply because a particular language implies that that is the case! Seen from this perspective, Gyekye's objection is basically a *reductio ad absurdum*. If you accept the connection between language and ontology, then it over-generates. And deciding whether some term actually means something or is just a grammatical quirk of language becomes in part arbitrary.

But, even if I agree with Gyekye, I might still insist that beyond merely describing what is the case, words enable speakers to represent something as another. Moreover, they do not merely duplicate the boundaries in nature, but also establish new ones in other domains. That gold refers to a metal does not prevent it being represented as money, and as such allocated to a non-natural category. One cannot plausibly object to the claim that gold refers to money by pointing out that it actually refers to a metal. So, too, simply pointing out, as Gyekye does, that pronominal forms in some languages actually refer to animate and/or inanimate objects is not an objection to the claim that they are used represent some human beings as nonpersons in social reality. But, in any case, I do not agree with Gyekye that Menkiti simply intends to read the ontology off the language (more on this below).

Gyekye's fixation on neuter pronouns distracts. To be sure, nothing in the neuter pronoun *it* (or its equivalents) makes it obvious that what is being described is a nonperson, but that's beside Menkiti's larger point. He seems to me to be saying that our linguistic practices in general enable us to constitute new realities and categories, by representing them in certain ways. So, even if Gyekye is right that the relevant pronominal forms neither identify nonpersons nor distinguish them from persons, I might still wonder whether there are other linguistic techniques for doing so.

Considered holistically, the languages he analyses contain such techniques. Kwasi Wiredu has brought to the attention of philosophy audience that the Akan word for person *onipa* is ambiguous in its use between a human being (in the descriptive sense) and a person (in Menkiti's social and normative sense).⁵ For speakers of the language, the ambiguity is easily resolved by context. That is, they can easily tell when *onipa* designates a human being merely and when it is used to represent a human adult as a person in the social world (Wiredu, 2009, p. 16–17). Thus, even if the neuter pronouns are unable to do the work, it could still be argued in Menkiti's favour that other linguistic resources in the language support the distinction between human and person. In fairness, Gyekye also supplements his claims about language with an analyses of cultural practices, arguing that they offer Menkiti no help either. Specifically, he thinks Menkiti misinterprets the import of the relevant cultural data. Gyekye points out that the burial of a wealthy and influential adult member of society is more likely to be elaborate. Not so for the others, especially children. But, he says, the difference in economic and social status is all there is to it. Moreover, he says some of these practices are sustained by superstitions. For example, the belief that excessive grief at the passing of a child might cause infertility in the mother (1992, p. 108). The idea possibly being to encourage grieving mothers to look forward to the possibility of birthing another child, rather than dwell on the loss. For Gyekye, not only is this a far more accurate explanation, but also crucially it does not require Menkiti's person-nonperson distinction.

However, it is one thing to explain why the differences in practices exist, but quite another to deny that they do not distinguish persons and nonpersons. One might attribute the differences in attitudes and behaviours of Britons toward Europe (e.g., some, and not others, debate in support of, take part in pro-EU marches in London etc.) to the 2016 referendum. But that is

not to deny that once these differences have been established they constitute some Britons as Brexiteers and others as Remainers. Likewise, Menkiti can accept Gyekye's explanations for why these practices exist and still insist that once established these differences constitute some human beings as persons and others as nonpersons. After all, his view is precisely that to be a person is to be socially recognised for one's achievements, including economic ones.

It is also unhelpful to view the cultural data in isolation. The truth is that they are part of a family of mutually reinforcing attitudes and practices, including linguistic and moral ones, pointing to a clear and reasonable line being drawn between person and nonperson. Menkiti's view of person tracks that line. What is needed is not just alternative explanations for these attitudes and practices, but an argument that dislodges the view.

This is precisely Gyekye's next attempt. He writes,

A human person is a person whatever his age or social status. Personhood may reach its full realization in community, but it is not acquired or yet to be achieved as one goes along in society. What a person acquires are status, habits, and personality or character traits: he, *qua* person, thus becomes the subject of acquisition, and being thus prior to the acquisition, he cannot be defined by what he acquires (1992, p. 108).

He is accusing Menkiti of muddling the complex process involved in becoming a human adult, including all what is acquired along the way, with the *thing* that undergoes the process. He is also demanding that our concept of person track the self-same substance that underlie and is presupposed by these changes in terms of which Menkiti defines persons. To define person in terms of them is to be caught up in a logical confusion.

But the more plausible the argument appears, the more off target it is, since it attacks some other view, and not Menkiti's. More correctly, and as we saw earlier, Menkiti envisages a scenario in which a human being undergoes complex changes and acquires certain properties and habits, in virtue of which something new and distinct, a person, comes into being in the social world. In other words, while it may be true that one cannot be defined by what one acquires, Menkiti's account allows that they can constitute one as a new entity in a different ontological category. So, he is not caught up in the logical confusion Gyekye identifies.

Notwithstanding, Gyekye's objection may be highlighting the threat of conventionalism that lurks behind Menkiti's understanding of person in terms of social attitudes and practices.⁶ It would seem that whether the category, person, exists, and whether there are individual persons at all, depend on us—i.e., on our prevailing conventions. One awkward implication is that being a person is an entirely arbitrary matter. Relatedly, we should expect new entities, like persons, to frequently pop in and out of existence each time our conventions change. I shall return to the issue of conventionalism later. In the meantime, I turn to more recent criticisms of Menkiti's view.

3.2 | Conflation and a category mistake

Bernard Matolino's criticisms echo Gyekye's, but even so they shift the focus in a slightly different direction. Rather than take Menkiti to task on how best to make sense of the relevant linguistic and cultural data, he asks whether Menkiti is even responding to the right question.

He invites us to distinguish between two kinds of questions: one asks what a person *is* and the other asks what a person *does*. Whereas the preoccupation of the former is with what

persons are essentially, the second is about person-type activities (variants of the latter include what persons value and how they interact, operate and understand themselves, 2014, p. 143). His point is that once we get clear on the difference, we are able to see that Menkiti either conflates them or is focusing on the wrong question. He treats “the second category questions as if they were the first category questions.” Moreover, responding to activity-type questions does not illuminate the nature of persons. “Socio-ethical descriptions of what persons do or what persons are supposed to do,” he says, “are not markers of what persons are” (2014, pp. 144, 157).

If we accept Matolino’s sharp distinction between *is* and *does* questions, we might reach a similar conclusion. But we don’t have to. By drawing the line where he does, and insisting that the first category question is what really matters, he is assuming that we can understand persons independently of their environment. But the idea that whatever a thing *is* contrasts sharply with its behaviour and interactions with its environment is precisely what is at issue. For Menkiti, to account for the nature and identity of a person purely in terms of intrinsic properties as Matolino appears to favour is to offer an incomplete picture. Part of what it means to be a person is to be interfaced with a social milieu.

Matolino’s position is analogous to saying that the evolutionary history of an organism, including its behavioural adaptation to its environment, has no implication whatsoever for what it is. It is a matter of debate, however, whether inner biological and chemical processes alone exhaust what it means to be an organism.⁷ It is an important part of being a dolphin to conserve body heat in cold water. That is, to interact with and adapt to the temperature of its environment, failing which it most probably ceases to exist. Similarly, Menkiti’s approach is to understand persons in relation to the social environment (1984, p. 171). So, instead of an argument, what we have is merely an assertion of a contrary position. And although Matolino is entitled to that view, he cannot frame the question in a way that assumes the rival view is mistaken.

Perhaps, more importantly, there is greater need to frame the question in neutral terms. Instead of asking, “what is a person?” and setting that question in opposition to the question, “what do persons do?” we should rather ask, “what are we—beings of our species?” This neither assumes that we are persons nor that being a person can be conceived independently of a linguistic and cultural community.

To this *what* question Menkiti’s answer is that some members of our species are human nonpersons, others are human persons. Seen from this perspective, and contrary to Matolino, Menkiti is not responding to the wrong question but offering two possible answers to the *what* question. In contrast, because he is unwilling to distinguish between human nonpersons and persons, Matolino’s criticism assumes that there can be only one answer to the *what* question. That is, *we*—both young and adult members of our species—are human persons. (I return to this issue later, arguing that the existence of a conscious human being is not sufficient for the existence of a person).

For now, it is worth noting that it is the unwillingness to distinguish between human and person that leads Matolino to implicate Menkiti in a category mistake. There are two ways he says the mistake occurs. One involves wrongly allocating persons to the same category as that to which human beings belong. To illustrate, I adapt one of Gilbert Ryle’s examples Matolino deploys (2014, p. 142; Ryle, 1973, p. 18). A boy who has been schooled in the ways of Menkiti is taken on a village tour in which he is to be shown persons. After being shown human beings involved in various activities and practices, he asks, “but when are we going to see persons?” His alleged mistake caused by his unfortunate exposure to Menkitian ideas is to think that a

person is one of the other things *in addition* to a human being. For Matolino, person (defined in terms of what one does rather than what one is) is not something *in addition* to a human being.

The other way involves Menkiti reifying the community, construing it as a constituent of person. Matolino's contention is that the features that can constitute a thing are not only intrinsic, but also real, in the sense of being mind-independent entities. By insisting that the community (or communal features), which is both extrinsic and mind-dependent, constitute a person, Menkiti ascribes to persons a constitutive feature they cannot have. To claim that the community is "one of those things ... that constitute a person," Menkiti, says Matolino, would have "to show that the community is in the same category as attributes such as the *okra*, the *sunsum* and the *nipadua*" (2014, p. 157). These presumably are intrinsic and mind-independent.

Notice that the foregoing is in line with Matolino's general claim that *only* intrinsic features of a thing can determine its nature and identity. But even if this were the case, we might still insist that "community" is intrinsic to and constitutive of persons. Since, as we noted earlier, the relevant intrinsic properties of a mature human being require a human and linguistic community, persons may be said to be constituted *in part* by communal features. Such a position does not reify the community. In any case, as before, I find the claim that the nature and identity of thing is determined solely by its intrinsic properties hard to accept.

Further, it is not clear that ascribing to a thing a property that is not intrinsic to it involves a category mistake. It is simply not true, for example, that ascribing the relational property "even" to the number "6" involves a category mistake, even though "6" is not intrinsically "even." Moreover, wrongly ascribing the relational property "even" to an odd number, say "5", does not involve a category mistake. Perhaps, it is a conceptual mistake, but not a categorical one. Thus, even if Menkiti ascribes to persons an extrinsic or relational property, it is not clear that involves him in a category mistake.

Yet, Matolino is correct that Menkiti sees person as something over and above, or in addition, to a human being. Distinguishing between "individual" and "individual person," and explaining why the two are not identical, Menkiti says that when we "count" human agents, we are not necessarily counting persons. (2004b, p. 325). Still, I am not convinced that Menkiti is guilty of wrongly allocating person in the same category as human beings. Clearly, his model allows that there are two distinct ontological categories, one for human beings (as given by nature), and another for persons (in social reality) (1984, pp. 173, 174; 2004b, p. 325).

The clarification does not fully address Matolino's concern, but it does set us on the path to do so. Given that person is a different *sort* of thing, in a different ontological category, what is needed is to explain the sense in which a person exists in addition to a human being. As I hinted previously, the disagreement really boils down to the question of whether the existence of a fully developed and conscious human being is sufficient for the existence of a person. The lingering concern here also echoes what was outstanding in the response to Gyekye namely, an account of how conventions might constitute an entity. I respond to these issues in subsequent sections.

Before doing so, I want to acknowledge that although the replies to Gyekye and Matolino show that Menkiti's approach remains viable, they do not resolve the issues in his favour. The reason is that behind the disagreements are differences in metaphysical outlook that are not easily reconciled. Let me highlight some of them.

It is easy to notice that in contrast to Menkiti's anti-essentialism, the approach of Gyekye and Matolino is marked by a strong *de re* essentialism. By this, I mean two things together. One is that they are concerned with the the *thing* "in itself" (*de re*), independently of how they are conceived or referred to. The other is that they are both looking either for one or more intrinsic

properties that the thing has essentially—i.e., properties without which it would not exist. As such, they readily identify person with human being. This is because the human being is the obvious candidate for mind-independent existence and the substance to which intrinsic properties are ascribed. Since Menkiti does not have those metaphysical commitments, he is more able to countenance the possibility that the nature and identity of a thing can be determined by its extrinsic properties and relations, including its interactions with its environment (rather than its intrinsic properties). This is why he has no trouble distinguishing persons and human beings. They have different existence and persistence conditions. Whereas it might be the case that humans exist and persist in virtue of intrinsic properties they have essentially, for Menkiti, persons exist and persist in virtue of extrinsic properties and relations.

Moreover, both Gyekye and Matolino seem to believe that if we are concerned with metaphysical inquiry, then our attitudes and practices are irrelevant. On this, Matolino is more stringent: “issues of ethics are not issues of identity.” Presumably, the former should be left to ethicists, while philosophers get busy with metaphysics (2014, p. 157). Menkiti takes the opposite view. For him, not only is a neat incision between metaphysical and practical considerations highly unlikely, it is also not desirable. Our experiences shape our understanding of reality (2004a).

Menkiti’s metaphysical outlook further differs in that unlike them he is strongly committed to ontological novelty, allowing specifically that new and ontologically significant kinds can come into existence (e.g., persons in the social domain) in addition to natural kinds. By contrast Gyekye and Matolino favour a less generous ontology, focussing instead on naturally occurring entities (in the context of our discussion, a human being). We see this clearly in their refusal to entertain the idea that something new, a person, comes into existence in virtue of our prevailing conventions.

This refusal points to a further divergence in metaphysical perspectives. Unlike Menkiti, Gyekye and Matolino take mind-independence as criterial for realism. Since conventions fail the test of mind-independence, their claim that conventions cannot constitute a person is an extension of their view that mind-dependent kinds lack reality. To the extent that conventions depend on human minds (i.e., shared attitudes, behaviour and practices), they cannot truly constitute a real thing.

Going forward, part of my task is to explain why the assumptions in Menkiti’s half of the metaphysical split is not as scandalous as it might seem initially.

4 | SOCIAL REALITY AND THE MAKING OF “MAXIMAL PERSONS”

How might human attitudes and practices constitute persons as ontologically distinct entities? One answer can be found in John Searle’s account of social ontology, in which he sets out three basic principles underlying human social reality. Although these principles are usually employed to illuminate plural entities, my goal is to adapt them to the understanding of individual persons as social entities.⁸ In addition, I hope to show that although they are never explicitly acknowledged or developed, these principles are at work in Menkiti’s conception of person, and provide additional support for it.

Searle proposes three principles. The first involves collective intentionality. It captures the sense in which conscious beings jointly direct their intentional states at some object or state of affair, e.g., an orchestra plays a symphony. Searle contrasts it with individual intentionality. Whereas in the latter, *I* intend to play a musical piece, the former expresses the sense that as an

orchestra we intend to play a symphony. Importantly, Searle thinks that “We-intentions” are not reducible to “I-intentions” (1995, p. 27; 1997, p. 449; 2006, p. 16).

Because Menkiti’s view of person takes community as primitive, it is suitably placed to incorporate Searle’s collective intentionality. In fact, Menkiti clarifies that the appropriate sense of community is not a mere aggregation of individual interests and preferences, or what Searle calls, “I-intentions.” Instead it implies a “thoroughly fused” and irreducible “we,” which, he says, is at the heart of the African saying, “I am because we are” (1984, pp. 171–172, 179; 2004b, p. 324).

His insistence on the irreducibility of the collective led him to assert the independence of society, and this aspect of his view has been met with criticisms.⁹ Nonetheless, it helps us to appreciate the subtle way Menkiti canvasses something like collective intentionality. Since community is not merely an aggregation of individuals, we can infer not only that collective intentionality stand behind cooperative activity, but also that it is not reducible to “I-intentions.” It also allows us to understand why Menkiti frequently emphasises the obligations of individuals to the collective. To the extent that the collective is something over and above the individual, cooperative behaviour toward shared ends is not merely dependent on the desires of the individual but is expected and even obligatory.

Searle also emphasises the normative dimension of collective intentionality. If members of an orchestra share an intention to play a symphony, they collectively accept to do so. Implicit in collective intentionality is the principle that “we-intentions” obligate their constituents. Members of the orchestra are bound to show up at the agreed place and time in virtue of the shared intention. Non-complying members may be justifiably reproached for failing to do so. In other words, collective intentionality entails collective acceptance of relevant obligations.¹⁰

In order to make sense of these obligations, we have to turn to Searle’s second principle, which concerns the assignment of status functions. It concerns the ways we confer functions on objects, thus endowing them with a new status in the social world (2006, pp. 17–18). Searle distinguishes between functions that depend on the intrinsic features of a thing and those that do not (e.g., money). Unlike a hammer that has its function because of its intrinsic features, a nicely decorated piece of paper has the status function of money through, say, a declaration by an authoritative government. This is usually done through speech acts and established conventions (e.g., a certain piece of paper printed by the US Federal Reserve is a means of exchange, that is, has the status of money).

I take two related ideas from Searle’s notion of status function. One is that the criteria for individuating physical and social objects differ fundamentally. In particular, social objects are individuated in terms of assigned status functions, not intrinsic features. The other is that human attitudes and practices (in short, conventions) are constituents of social objects. Something is money because of its status function and without the convention of collective acceptance of that status function there is no money (2006, p. 17). In this way, Searle’s two principles are joined.

For my present aim, what is key is that both ideas structure Menkiti’s understanding of person. As we saw, although they play some role, a person is not defined in terms of intrinsic features—not a corporeal form, robust psychology or sophisticated moral capacities. Rather, he contrasts his view with those that define persons in terms of some intrinsic “isolated static” property (1984, pp. 171, 172). More clearly, whether or not one is a person is a collectively accepted “fact” involving the “conferral of ontological status,” proportional to social participation, including especially the discharge of appropriate obligations. Put differently, it is collective assignment and acceptance of “person-status” that distinguishes a person from a human

being, and explains what he sees as an ontologically significant “shift in classification” (1984, pp. 173, 174; 2004b, p. 325). Moreover, these conventions constitute persons, in that without them both the category of person and its particular instantiations will not exist.

Notice also that assigned status functions carry what Searle calls deontic power relations (2006, p. 18; 2010, pp. 7–9). Roughly, this means that they entail rights, entitlements, obligations, duties, permissions etc. If you accept a ten dollar bill from me in exchange for a philosophy textbook, I am now entitled to the textbook and you are obligated to hand it over. According to Searle, deontic power relations are important because they explain desire-independent reasons for action. Although you might have no desire to give me the textbook, you nonetheless ought to.

Similar considerations enter Menkiti’s analysis. He thinks there is a line to be drawn between members of our species that are governed by “primary appetites” at “the raw appetitive level,” and those that are not. He then argues that those in the former category are not persons because they are unable to take part in interactions and practices that involve deontic power relations.¹¹ As we saw earlier, to be a person is to stand in such relations. That is, to be both the target of normative attitudes and the bearer of various obligations. In short, as Menkiti puts it, to play “the play of reciprocal moral obligations” (2004b, pp. 325–326, 330). Thus, in addition to being a social object, in the sense that its nature and identity depends on the conferral of status function, Menkiti’s person is the sort of social object that generates deontic power relations. By positing “person,” in addition to human beings, he is able to explain desire-independent reasons for action in the social world.

We are yet to consider Searle’s third principle, which involve constitutive rules. A rule is constitutive if it does not merely regulate behaviours and actions that can exist independently of it, but enable new behaviours and actions that could not have existed without the rule. One of Searle’s example is the game of football (1969, p. 34). Being offside or onside during a football match is just not possible without the appropriate rules. The logical form of constitutive rules is, *X counts as Y in C*. For example, the constitutive rule for offside can be stated thus: “receiving the ball from a teammate when one is nearer than both the ball and the second last opponent to the opposition goal line, *X*, counts as offside, *Y*, in the game of football, *C*.”

Where constitutive rules become of immense importance in the construction of social reality is in their structuring role in the assignment of status function. More clearly, that process takes a certain logical form. For example, collective acceptance of the status function of money basically means that some piece of paper, *X*, counts as money, *Y*, in, say, the United States, *C*. Just as constitutive rules create new forms of behaviour and actions, they also enable new kinds of facts or entities. In this case, money.

Searle emphasises the role of language. In order to manifest our collective intention to assign a status function, we need a certain vocabulary. He writes, “the move from *X* to *Y* in the formula *X* counts as *Y* in *C* can only exist insofar as it is represented as existing.” (Searle 2007, pp. 93–94; see also, 1991, pp. 342–343). Language is what enables human beings to represent one thing as another. It is by means of language that collective intentionality confers status function in accordance with constitutive rules, thus enabling new kinds of behaviours and facts.¹²

I have highlighted the role of language because it enables us to see how Menkiti makes sense of the idea that constitutive rules make social reality apparent. In particular, his claim that linguistic practices involving assigning some human beings the “it-status” constitute them as nonpersons, can now be more fully appreciated. Over time, as this way of talking becomes regular, it takes the form of a constitutive rule, *X* counts as *Y* in *C* (i.e., a child counts as a

nonperson in the social world). In this way, social practices of language play a role in constituting objects in social reality, rather than merely describing natural kinds, as Gyekye's objection wrongly assumed. In other words, he misconstrued the role Menkiti assigns to language. Rather than imply that we can read off ontology directly from language, Menkiti is more plausibly read as claiming that linguistic practices constitute social reality (later on, I shall argue that social reality is part of a general ontology).

But it is not only linguistic practices. Cultural practices also evince a similar logical structure. In particular, Menkiti's observations about cultural attitudes and practices in relation to the dead can be seen in a new light. As these attitudes and practices become entrenched, they distinguish between individuals who have acquired person-status, in virtue of assigned functions situating them in deontic relations, and those who have not. The process of conferring status and classifying them takes the form of a constitutive rule as well. A human being who excels in community (usually to varying degrees) counts as person in the social world (X counts as Y in C). So, they are seen and treated differently upon their death.

To sum up, Searle's three principles underlying the construction of social reality offer some way to explain the making of persons in a social world. Just as some physical object counts as money in virtue of collective acceptance of assigned status function, so, too, "what was initially biologically given can come to attain social self-hood, i.e., become a person," with the implied deontic powers and relations, in the social world (Menkiti, 1984, p. 173).

5 | CONVENTIONALISM AND REALISM

Some loose ends still need tying up. One concerns whether conventions are really needed to understand person. Another concerns their arbitrariness. A third has to do with whether conventionalism undermines the reality of persons. In what follows, I address each of these concerns.

Regarding the first, recall that Gyekye and Matolino sought to overcome the impulse to distinguish between human being and person, since conventions cannot make something what it is or determine its identity. In the previous section, I explained how conventions are constituents of persons. Now, although that goes some length to make the view that human attitudes and practices are constituents of persons less scandalous, it still needs to be supplemented with the argument that the existence of a fully developed conscious human being is not sufficient for the existence of a person.

To see why, consider that collective intentionality cannot be instantiated by any one fully developed conscious human being. It requires a human and linguistic community. In other words, it is a genuinely social phenomenon. Moreover, it is not ontologically reducible to individual intentionality. Intentions of the sort, "we intend to X ," are neither entailed by or deducible from intentions like, "I intend to X ," or their aggregates. All this has the implication that the existence of a fully developed and conscious human being cannot account for collective intentionality. But it is also not able to explain deontic power relations, which are entailed by collective intentionality.

Crucially, most, if not all, person-type interactions and activities involve normative attitudes and practices, thus situating their participants within what Searle calls deontic power structures. From this perspective, to be a person is to be the locus of such attitudes and practices or to be able to stand in such relations. Since collective intentionality stand behind these attitudes and practices, and since collective intentionality is not reducible to personal intentions or aggregates

of them, it would seem to follow that the existence of a fully developed and conscious human being is not sufficient for the existence of a person. So, in addition to showing how conventions (specifically, collective intention to assign status functions in accordance with constitutive rules) can be constituents of persons, I have now shown that without them there would be no persons, only human beings. Both claims reinforce the idea that Menkiti's maximal persons are social entities. Entities whose existence and persistence depend on social conventions.

However, if conventions are indeed constituents of persons, then perhaps the more troubling issue is that new things come into existence simply because we think about and adopt certain practices toward them. More clearly, just as something could cease to be money if people in a locality cease to have certain attitudes and practices toward it, so too persons might cease to exist when our attitudes and practices change.

Although I do not find this outcome troubling at all, it is important to disentangle the conventionalism from the alleged arbitrariness.¹³ Again, considering the example of money can help us. I might (wishing to revive an ancient practice) think that Whale's tooth is money, and so offer it wherever I go in exchange for goods and services. I might even persuade my friends to join in on this disruption of the prevailing financial system. However, none of that makes a Whale's tooth money.

There are two reasons why, and they help us see why the existence of conventional persons is not arbitrary. One is that there is a logical structure to the conferral of status functions. Specifically, it requires collective intentionality, which, as we noted, is not reducible to individual intentionality or aggregates of them. It also requires collective acceptance of relevant constitutive rules. So, one can hold on to the view that conventions are constituents of persons without claiming that any one individual (or small group of them) can arbitrarily bring social entities into existence. When social entities come into existence, it is not based on the whims and caprices of any one person. They often require a linguistic and cultural community.

Menkiti gestures towards the same idea when he says that whether there are persons in his sense depends on whether that "fact and the practices flowing therefrom ... holds for a general public" (2004b, p. 330). He is referring to the attitudes and practices associated with the status of person. But he is also delineating between cases in which someone thinks and acts as though something is a social object and those in which a social object truly exists—i.e., due to collective intentionality (which he characterises in terms of a general public). The other reason why the existence of person is not arbitrary has to do with the fact that unlike other social entities, persons are only *partly* constituted by conventions. Although it is true that one is not a person because of one's intrinsic features, it is nonetheless the case that only certain kinds of physical things, that is, human beings, can count as persons. Since it is not up to *us* taken as a collective that there are human beings, it follows that it is not *entirely* up to us that there are persons. As Menkiti implies, we cannot arbitrarily decide that nonhuman animals are persons (1984, p. 177). In general, we cannot arbitrarily decide who counts as persons.

I draw another lesson from the observation that persons are not purely conventional entities. It is that many of the conventions that constitute persons are deeply connected to our practical and forensic interests as human beings in community. Some of these include carrying out obligations, making claims, holding each other responsible and ascribing praise and blame etc. This does not undermine the earlier claim that the existence of a developed and conscious human being is not sufficient for the existence of a person (or that without conventions there are no persons). Instead, it illustrates that these conventions are more or less established, unlikely to be altered willy-nilly. So, too, the category of person which depends on them is not altogether arbitrary.

At this point, I may be accused of relying on the intrinsic features of a human being to explain why the conventions that constitute person are established, although I denied earlier on that the identity of a social object is not determined by its intrinsic feature. Some clarification is needed to make it clear that it is the relevant conventions that are doing the important work in my arguments. If I say that gold counts as money because it is a good store of value, of course part of what I mean is that some of its intrinsic features contribute to it being so. Yet, “a good store of value” is not an intrinsic feature of gold, but depends on our attitude toward the intrinsic features of gold. In the same way, the established conventions that constitute persons are linked to our attitudes and practices regarding the special properties of adult human beings. But it is predominantly the attitudes and practices that constitute persons as social kinds.

Finally, it is worth asking whether and to what extent Menkiti’s conventionalism regarding persons undermine their reality. As you might recall, both Gyekye and Matolino explicitly demarcate between what truly exists on the one hand, and our attitudes and practices about it, on the other. Thus, they assume that mind-independence is criterial for realism. It should already be clear that I take a contrary view. And that’s not just because the criteria itself is unhelpful in dealing with problem cases. While it is useful in telling apart physical and social objects (e.g., gold and money; human being and person, on Menkiti’s view), it offers little help in deciding between social objects and artificial kinds, like synthetic chemicals and engineered biological organisms. The former is created in the social world, the latter in a lab. In both cases, new objects come into being as a result of human attitudes and practices (respectively in the social world and in biological and chemical sciences).¹⁴ But we do not think that artificial kinds are unreal.

Perhaps, more importantly, since, as I argued earlier, collective intentionality is both irreducible and ineliminable, social reality—including social objects, properties and relations, which it creates, is ontologically significant.¹⁵ Here, I am claiming that irreducibility and ineliminability are useful criteria for deciding what is part of a general ontology. Social reality meets the demand. Thus it is part of general ontology. For Menkiti too, social reality is not only ontologically novel but also significant, in that it is not reducible to physical reality. He says that the latter does not entail the former (2004a, p. 120). Moreover, my overall reading of him is that without collective intentionality, and the social objects it spawns, many human attitudes and behaviours in society would be inexplicable. Consider, for example, that race is not biologically real (or even perhaps mind-independent), but it is irreducible and socially real and that perspective helps us better understand the world. Similarly, social entities, like persons, are ontologically significant—that is, are real in spite of their mind-dependence.

6 | CONCLUSION

In the end, Menkiti’s twin propositions namely, that persons and humans differ ontologically and that human attitudes, behaviours and practices constitute person as social kinds, are not in grave predicament. To support this view, I argued that the arguments by Gyekye and Matolino either miss the core of Menkiti’s strategy or problematically assume that there is a sharp line to be drawn between metaphysics and practical concerns. Regarding the first proposition, I argued specifically that Menkiti is neither caught up in the logical confusion Gyekye identifies nor does he commit a category mistake as Matolino claims. Regarding the second, drawing on Searle’s account of social ontology, I showed how human attitudes, behaviours and practices constitute persons as distinct entities in social reality. By viewing persons as constituted partly by conventions, and thus as entities in a social ontology, we are more able to make sense of the twin

propositions that they are social kinds and that they differ from humans who belong in a natural ontology.

Concerning the threat of conventionalism that seem to lurk behind my interpretation of Menkiti's maximal view of person, I argued that although persons are social kind they are nonetheless ontologically significant. One part of the argument is that social ontology should be seen as part of a general ontology and the other is that contrary to Gyekye and Matolino mind-independence is not a reliable criterion for realism. Throughout, I maintain that being partly conventional does not undermine the reality of maximal persons.

Approaching Menkiti's maximal view from the perspective of social ontology can shed significant light on the social and normative aspects of personhood. By understanding the principles that stand behind the making of social reality, we are better able to understand how one becomes a person in the social world. Moreover, there is enormous potential for intercultural philosophy. Whereas much of the mainstream focus has been on institutions and plural entities, Menkiti's African approach expands the principles of social ontology to individual persons.

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ENDNOTES

- ¹ There is obviously some sort of ontological potentiality in most human beings to become persons, which, as far as we know, nonhuman animals lack. And although those human beings who have this potential differ in some way from those who don't, that's not the difference Menkiti is referring to here. As we shall see shortly, the difference between being a human being merely and being a person is ultimately a *social* fact. In particular, it is a function of social incorporation, participation and recognition.
- ² See Presbey (2002) on the role of "intragroup recognition" in Massai concept of person.
- ³ Uchenna Okeja has also pointed out that the pronoun *o* in Menkiti's own Igbo language does not discriminate between person and human (2013, pp. 80–81).
- ⁴ For a recent attempt to revive linguistic relativism, see Reines' and Prinz's (2009). The particular brand of it relevant here is what they call, "ontological Whorfianism," according to which, "languages influence psychological processes because they lead us to organize the world into categories that differ from those we would discover without language" (p. 1029).
- ⁵ Gyekye acknowledges this point, but goes on to insist that the difference is purely moral (1992, pp. 108–109). So, rather than the linguistic point, he is essentially disputing that the distinction is ontological. I address aspect of his objection later.
- ⁶ See Ajume Wingo (2006) for this reading of Gyekye.
- ⁷ See Marya Schechtman (2014, pp. 187–195) for a similar argument. Also, philosophers of biology appear to have landed on a hybrid approach which involves inner workings and environmental dispositions (see, for example, Sterelny & Griffith, 1999, Chap 1).
- ⁸ See Baker 2015 for something similar.
- ⁹ See, for example, Gyekye, 1997 and Matolino, 2009.

- ¹⁰ It is not urgent for my aims to explain how collective intentionality generate obligations. See Frank Hindriks (2013) for an explanation based on Margaret Gilbert's (1989, 2009) account of shared intention and joint commitment.
- ¹¹ I may be accused of implicitly appealing to intrinsic features of mature human beings (i.e., their robust psychological and moral properties) in explaining why persons can take part in such practices, although I claimed earlier that the identity and nature of social objects does not depend on intrinsic features. I shall return to this issue later.
- ¹² For the contrary view that linguistic representation is not needed, see Frank Hindriks (2009) and Lynne Baker (2019).
- ¹³ See Lewis (1969). While conventions like driving on the left side of the road are arbitrary, choosing these conventions is not. In this case, it solves a coordination problem and that's necessary, not arbitrary.
- ¹⁴ Of course, there are strategies for distinguishing between synthetic chemical and biological kinds on the one hand, and social objects on the other. For detailed discussion of mind-dependent kinds, and especially arguments why these various strategies fail see Muhammad Ali Khalidi (2015, 2016).
- ¹⁵ Because I have relied heavily on Searle, it is worth pointing out that at this point he takes a different approach regarding the ontological significance of social reality. He thinks that although it is empirical objective, it is nevertheless ontologically subjective (2006, p. 15; 2010, p. 18). In this regard, his strong commitment to physicalism brings him closer to Gyekye and Matolino, who also deny that reality is logically independent of our representations of it (2010, p. 4). For a contrary view, similar in some ways to mine, see Baker (2019).

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