On Making Things Up: Constitution and Its Critics

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Different philosophers, I have found, approach their research with different goals in mind. One of my goals in philosophy is to understand the common world that we all encounter. That world is populated by an enormous variety of kinds of things—from cows to cabbages, from cathedrals to catheters. There is genuine novelty in the world: The invention of the printing press with movable type brought into being a new kind of thing. The things that we are familiar with come into existence and go out of existence. They do not just gain and lose qualitative properties. Different kinds of things go out of existence under different conditions: The thing that is a feather goes out of existence when you pull it apart; the thing that is an automobile goes out of existence when you put it in a crusher that replaces the car with a heavy metallic cube. Moreover, different kinds of things have different kinds of effects. A battleflag may rally the troops; a similar piece of cloth that was not a battleflag would not.

Using such down-home observations as a starting point, I want to sketch a philosophical picture of the world that we all encounter—the world that has us in it, along with the other animals, artifacts, artworks, and all the other things that we are familiar with. What concerns me is the root idea of a world full of variety and novelty. I would like to get the technical details right, but frankly, I am willing to amend any definition or thesis that leaves the basic nonreductive picture intact.
The down-home observations lead quickly to some philosophical theses. One is that things have some properties essentially—properties that they cannot lose without going out of existence. Another is that many kinds of things are intentional. I'll call a phenomenon—an event, a process, an object, whatever—'intentional' if and only if it could not exist or occur in a world without propositional attitudes. All artifacts and artworks are intentional in this way. The automobile that comes to an end in the crusher and the battleflag that causes young men to sacrifice themselves are examples of intentional objects: in a world without propositional attitudes, there would be no automobiles or battleflags. With these assumptions and others—such as that medium-sized objects are three-dimensional things that endure through time—I'll propose a beginning of a comprehensive account of the world that we encounter.

THE IDEA OF CONSTITUTION

The key idea of my picture is a relation that I call 'constitution'. The term 'constitution' has been used in several ways; some philosophers use it to express a mereological idea of a relation between something and its parts. That is not the relation that concerns me. The relation that concerns me, and that I call 'constitution', is a relation between individuals of different kinds—what I call 'primary kinds'. A thing's primary kind (as I call it) is given by the answer to the question: "What most fundamentally is x?" Things have their primary-kind properties essentially. Michelangelo's David is most fundamentally a statue. Trigger was most fundamentally a horse. Neither could David cease to be a statue, nor Trigger cease to be a horse, without going out of existence.

Constitution is a very general relation, ubiquitous in the world. It is a relation that may hold between granite slabs and war memorials, between pieces of metal and traffic signs, between DNA molecules and genes, between pieces of paper and dollar bills. The fundamental idea of constitution is this: when a thing of one primary kind is in certain circumstances, a thing of another primary kind—a new thing, with new causal powers—comes to exist. When an octagonal piece of metal is in circumstances of being painted red with white marks of the shape S-T-O-P, and is in an environment that has certain conventions and laws, a new thing—a traffic sign—comes into existence. When a certain combination of chemicals is in a certain environment, then a new thing—an organism—comes into existence. A world without organisms or traffic signs would have different things in it from our world—even if it had the same combinations of chemicals and the same metals as our world. A traffic sign is a different kind of thing.
from a piece of metal; an organism is a different kind of thing from the various chemicals that make it up. Constitution is a relation of unity—unity without identity.

Constitution makes an ontological difference. When a piece of marble comes to constitute a statue, it is not just that the piece of marble acquires a new property of being a statue. Rather, a new thing of a new kind with new causal powers and new persistence conditions—a statue—constituted by that piece of marble, comes into existence. Constitution is to be contrasted with mere property acquisition: When a child enters school, she acquires the property of being a student. But no new thing thereby comes into existence. But when a piece of paper comes to constitute a dollar bill, something new, with new causal powers, does come into existence. The dollar bill is not a separate thing from the piece of paper. Rather the constituting piece of paper and the constituted dollar bill are a unity.

Another crucial feature of constitution is asymmetry. The piece of paper constitutes the dollar bill, not vice versa. This asymmetry induces a kind of ontological hierarchy. As one ascends the ontological ladder, one encounters kinds with greater causal powers and greater ontological significance. The asymmetry of constitution ensures nonreductionism.

An important application of the idea of constitution is to human persons. On my view, a human person is constituted by a human organism. Since both person is a primary kind and human organism is a primary kind, the Constitution View of human persons may seem like a version of substance dualism. As we all know, the idea of a substance is vexed, but the idea of primary kinds can give a handle on what we may mean by 'substance'.

In many ways, 'substance dualism' is not a plausible label for the Constitution View. In the first place, substance dualism usually implies that there are two basic kinds of things. I think that there are countless basic kinds of things and that they cannot be reduced to two. So, I would consider myself a substance pluralist (if forced to use the word 'substance' at all). In the second place, substance dualism is often equated with mind-body dualism, where the mind is thought of as an immaterial substance and the body is thought of as a material substance. On the Constitution View, the mind is not a substance at all; the relevant substances are person and human organism, both of which are fully material, and neither of which is the exclusive bearer of mental properties. So, the Constitution View of human persons is not substance dualism as traditionally understood. The Constitution View is a materialist account of the natural world.

However, it is noteworthy that the Constitution View does solve or avoid problems that beset mind-body dualism. The insurmountable problem for mind-body dualism is that the relation between mind and body is inexplicable: there is just a mysterious union between mind and body. The Constitution View of human persons, by contrast, has a well-worked out
account of the relation between person and human organism (body). The relation is constitution—which is not peculiar to human persons but is the metaphysical glue, so to speak, of the material world. The intractability of the relation between mind and body, for substance dualism, stemmed from conceiving the relation as a causal one. On the Constitution View, on the other hand, the relation between person and body is not causal. The Constitution View offers significant advantages over traditional substance dualism: I can say how person and body are related; the relation is a material one, of a kind that obtains throughout the material world; and the relation is noncausal. Moreover, as I argued in Persons and Bodies, the Constitution View of human persons delivers (almost?) all of what mind-body dualists want—in particular the possibility that you could exist with a different body from the one that you have now.²

I should also distinguish the Constitution View of persons from Aristotle’s view of form and matter. As is well known, Aristotle had a concept of a “man”—a rational animal—but no distinct idea of a person. A man is made up of matter. A man, on Aristotle’s view, is a substance, but the matter that makes up a man is not itself a substance.³ Matter alone is not a substance. On my view, a person (“a man”) is a substance, but so is the human organism that constitutes the “man.” (There are many other differences between the Constitution View and Aristotle’s view that I cannot pursue here.)⁴

Now let me turn to the definition of ‘constitution’ and the allied notion of ‘having properties derivatively’. Following a discussion of the problems that can be solved with these ideas, I’ll consider some criticisms.

THE TECHNICAL APPARATUS

Let F and G be distinct primary kinds. An F constitutes a G only in certain circumstances—different circumstances for different primary kinds. Call the circumstances in which an F constitutes a G ‘G-favorable’ circumstances. Only in circumstances with certain laws and conventions in force does a piece of plastic constitute a driver’s license; only in circumstances including organismic environment and perhaps even evolutionary history does a conglomerate of cells constitute a human heart. G-favorable circumstances are the milieu in which something can be a G. The G-favorable circumstances are those necessary, but not sufficient, for something to be a G. Then, when a suitable F is in G-favorable circumstances, it comes to constitute a G. When a piece of marble is in statue-favorable circumstances, then it comes to constitute a statue. What the statue-favorable circumstances are depends on the correct theory of statues. Statue-favorable circumstances may involve the
existence of an artworld, the intentions of the sculptor, the appearance of the piece of marble—whatever it takes for something to be a statue. Now we can define 'constitution'.

(C) x constitutes y at t = df. There are distinct primary-kind properties F and G and G-favorable circumstances such that:

1. x has F as its primary-kind property & y has G as its primary-kind property;
2. x and y are spatially coincident at t; &
3. x is in G-favorable circumstances at t; &
4. □∀x∀t((z has F as its primary-kind property & z is in G-favorable circumstances at t) → ∃u(u has G as its primary-kind property & u is spatially coincident with z at t)); &
5. ◊∃t(x exists at t & ¬∃w(w has G as its primary-kind property & w is spatially coincident with x at t)); &
6. If y is immaterial, then x is also immaterial.

I'll leave aside further discussion of clauses (1) - (3) for now. Clause (4) says that, necessarily, when an F is in G-favorable circumstances, a G that is spatially coincident with the F comes into existence. Clause (5) ensures non-identity of x and y, where x constitutes y. (I take identity to be strict, classical, Leibnizian identity. One of the advantages of the constitution picture is that it obviates the need for contingent identity, relative identity, temporal identity, or any other kind of faux identity.) Clause (6) ensures that if there are immaterial things, then they are not wholly constituted by material things. For example, a human body could not wholly constitute a Cartesian person consisting of a material body and an immaterial soul.

On the Constitution View, you are constituted by your body, a human organism. Person and human organism (or human body—I use the terms synonymously) are both primary kinds. The primary kind of a human body is biological; the primary kind of a person is psychological. A (non-derivative) person is a person in virtue of having a narrowly defined capacity for a first-person perspective (nonderivatively). When a human organism develops to the point at which it can support a first-person perspective (around birth), it comes to constitute a person, and when it can no longer support a first-person perspective, the organism (i.e., the body) ceases to constitute a person. The organism exists from embryo to corpse; during part of that time it constitutes a person. The organism is not replaced by a person; it comes to constitute a person. While the organism constitutes the person, neither the organism nor the person has separate existence apart from the other. Meeting your neighbor on the street, you meet a person-constituted-by-a-body, not a person and a body.

Now we are in a position to see how constitution allows for unity without identity. If x constitutes y at t, x and y are not just two things that happen to be at the same place at the same time. Rather, if x constitutes y at t, there is a unified individual whose identity is determined by the primary
kind of y. If a piece of marble constitutes a statue, the piece of marble does not cease to exist, but (1) can only put it metaphorically) its identity is encompassed or subsumed by the statue. The unified individual is the statue-constituted-by-a-piece-of-marble. If you went into a gallery of the Louvre lined with works by Antonio Canova and identified them only as pieces of marble, you would be missing what is there. The constituted thing has ontological priority over its constituter. (This further bolsters the anti-reductive thrust of my view.)

A statue has some of its properties (weight, color, texture) in virtue of being constituted by a piece of marble, say; and the piece of marble has some of its properties (being worth $20 million, being selected for the cover of ArtNews) in virtue of constituting the statue. So we need to distinguish between having a property derivatively and having a property nonderivatively. Let the expression 'x has constitution relations to y at t' abbreviate 'x constitutes y at t or y constitutes x at t'. Then, to have a property derivatively is to have it in virtue of constitution-relations to something that has it independently of its constitution-relations. A constituted thing inherits many properties from its constituter; and a constituter inherits many properties from what it constitutes. This two-way borrowing further indicates the unity of a constituter and what it constitutes.

Not all properties may be had derivatively. There are four classes of properties that cannot be had derivatively: (1) alethic properties (properties expressed in English by locutions like 'essentially', 'possibly', 'primary-kind' (as in 'has F as its primary-kind property') and their variants; (2) identity/constitution/existence properties (properties expressed in English by 'is identical to' or 'constitutes' or 'exists' or their variants); (3) properties rooted outside the times that they are had (properties whose instantiation entails that the bearer existed at earlier or later times\(^\text{10}\)—such as 'was in the quarry yesterday'); (4) hybrid properties (conjunctive properties that entail or are entailed by two or more primary-kind properties—such as the property of being a human person). Call properties in any of these four classes 'excluded properties'.

Let 'having a property' be an undefined notion of generic exemplification, a relation that holds between a thing and the properties that it has derivatively or nonderivatively.\(^\text{11}\) Now, define 'y has H at t independently of its constitution relations to x', and then define 'x has H derivatively at t' in terms of y's having H at t independently of its constitution relations to x:

\[(1) y \text{ has } H \text{ at } t \text{ independently of } y\text{'s constitution relations to } x \text{ at } t =_{df}
\]

(a) H is not an excluded property; and
(b) y has H at t; and
(c) Either
   (1) (i) y constitutes x at t, and
       (ii) y's having H at t (in the given background)
           does not entail that y constitutes anything at
           t; or
(2) (i) x constitutes y at t, and
(ii)  y's having H at t (in the given background) does not entail that y is constituted by something that could have had H at t without constituting anything at t.

(D) x has H at t derivatively = df
(a) H is not an excluded property; and
(b) There is some y such that:
   (1) y has H at t independently of y's constitution relations to x at t; and
   (2) it is not the case that: x has H at t independently of x's constitution relations to y at t.

Now we can define having a property nonderivatively:

(N) x has H at t nonderivatively = df
(a) x has H at t; and
(b) Either  (1) H is an excluded property; or
        (2) There is no y such that:
             (i) y has H at t independently of y's constitution relations to x at t; and
             (ii) It is not the case that: x has H at t independently of x's constitution relations to y at t.

(I), (D), and (N) are reductive definitions of derivative and nonderivative exemplification in terms of the undefined notion of generic exemplification and constitution. A substantive axiom concerning the notion of generic exemplification is this:

(G) x has H at t if and only if either (a) x has H at t derivatively, or (b) x has H at t nonderivatively.

Let me illustrate the definitions. The piece of marble that constitutes Michelangelo's David has the property of being a statue derivatively, and the property of being white nonderivatively. David, constituted by that piece of marble, has the property of being a statue nonderivatively, and the property of being white derivatively.

The kind of independence at issue in (I) is not causal, but rather logical or metaphysical. For example, if the winning team hoists the coach in celebration, the position of the coach's body is not causally independent of its constituting the coach—the team would not have hoisted that body if it hadn't been the body of the winning coach—but the position of the coach's body is logically independent of its constituting the coach.12 The coach has the property of being, say, five feet off the ground derivatively—in virtue of being constituted by a body that is five feet off the ground independently (in the relevant noncausal way).

As I see it, then, there are two ways to have a property—nondervitionally or derivatively.13 Although to have a property derivatively is to have it in virtue of constitution—relations to something that has it nondervitionally, to have a property derivatively is still really to have it: Mary's property of having a broken leg is a property that Mary has derivatively—in virtue of being
constituted by a body that has a broken leg; but she really has a broken leg. It would be literally false for her to say, “I don’t have a broken leg; it’s just my body whose leg is broken.” If her body has a broken leg, then Mary has a broken leg.

My primary kind is person. I have my primary-kind property non-derivatively (and essentially); my (nonderivative) body is a person derivatively, in virtue of constituting something that is a person independently. My body has the property of being a person contingently; it did not have that property before it came to constitute a person, and it can survive loss of that property. But I can’t. If I were to cease to be a person—i.e., cease to have a first-person perspective, I would cease to exist.

My body is a person and I am a person; but there are not two persons where I am. My body and I are the same person—I nonderivatively, my body derivatively. Likewise, my body is a body and I am a body; but there are not two bodies where my body is. My body and I are the same body—I derivatively, my body nonderivatively. If $a$ constitutes $b$ and $a$ is an F nonderivatively and $b$ is an F derivatively, there are not thereby two Fs. This is so because being an F derivatively “piggybacks,” so to speak, on being an F nonderivatively.

My (nonderivative) body, i.e., the human organism that constitutes me now, has some mental properties nonderivatively—as do nonhuman animals. Many animals are sentient and feel pain and have rudimentary beliefs and desires. My body has such properties that it shares with other animals nonderivatively; but it has many mental properties derivatively. Any thought the thinking of which requires a first-person perspective is nonderivatively mine and derivatively my body’s. If I am entertaining the thought that I’m glad that I was invited to the Chapel Hill Colloquium, then I am entertaining that thought nonderivatively. My body thereby entertains the thought derivatively. But there are not two thoughts there—mine and my body’s—any more than there are two persons where I am.

The idea of having properties derivatively does important work in the Constitution View. It explains how it is that when $x$ constitutes $y$, $x$ and $y$ have so many properties in common without being identical: $x$ and $y$ have properties derivatively from each other. It also explains how it is that, although I am a person and my body is a person and I am not identical to my body, there are not two persons where I am: Since my body has the property of being a person derivatively, its being a person is a matter of its constituting something that has the property of being a person nonderivatively. Hence, my body is not another person in addition to me.

The reason that the idea of having properties derivatively can serve these purposes is this: The relation of constitution occupies an intermediate position between strict identity, on the one hand, and separate existence, on the other. (The fact that ‘constitution’ can be defined using familiar logical
and modal ideas by (C) indicates that the idea is not incoherent.) What constitution-without-identity shows is that there are two ways for things to fail to be identical (two ways to be numerically different, if you prefer). By the term ‘identity’, I always mean classical, strict identity. But the idea of non-identity divides into two more fine-grained notions: constitution and separate existence.

We have already seen what constitution is. It remains to spell out the idea of separate existence. With these two notions of constitution and separate existence—and without modifying the classical notion of identity—there are two ways for things to be nonidentical. In order to define the notion of separate existence, we need first to extend John Perry’s notion of being the same F to accommodate constitution. (Perry’s notion is that x and y are the same F if and only if (x = y and Fx).) I’ll adopt Perry’s notion of ‘the same F’ for excluded properties and introduce a new condition for nonexcluded properties: x and y are the same F at t if and only if: (x = y or x has constitution relations to y at t) and Fxt. Then the fully general definition of ‘x and y are the same F at t’ is this:

(Same-F) x and y are the same F at t = df.
∀F∀t{Either (1) (i) F is an excluded property (i.e., F cannot be had derivatively) and
(ii) (x = y & Fxt);

or (2) (i) F is not an excluded property (i.e., F can be had derivatively) and
(ii) [(x = y or x has constitution relations to y at t) & Fxt]}

With this definition of ‘the same F’, we can define a second way that things can be nonidentical besides constitution:

(SE) x and y have separate existence at t = df.
(1)x and y exist at t and
(2)There is no F such that x and y are the same F at t.

So, now we have two ways to be nonidentical at t: constitution at t and separate existence at t. In some respects, constitution is like identity: if x constitutes y at t and Fxt (for many Fs), x and y are the same F at t. Cicero and Tully are the same person in virtue of being identical; my body and I are the same person in virtue of being constitutionally related. In other respects, constitution is like separate existence: if x constitutes y at t, there are many properties (e.g., modal properties) that x and y do not share. You and your body are nonidentical in virtue of being constitutionally related; you and I are nonidentical in virtue of having separate existence. If x and y are constitutionally related at t, there is a unity of x and y at t—a unity without identity. If x and y have separate existence at t, there is no unity. Constitution and separate existence are two ways of being nonidentical.18
This refinement of the notion of nonidentity into constitution and separate existence can also apply to the idea of there being “two things.” Speaking for myself, I believe that the ‘how many’ question has no application apart from some context: “How many things are in this room?” cannot be answered unless we know the kinds of things we’re talking about. However, many philosophers insist on the following: If \( x \) and \( y \) are nonidentical, then where \( x \) and \( y \) are, there are two things. Since I have carefully defined two ways of being nonidentical, I think that the inference is invalid. If \( x \) and \( y \) are constitutionally related, then I would deny that where \( x \) and \( y \) are, there are two things. My opponents would disagree: “Misleading, yes,” they would aver, “but true nonetheless.”

Since I think that there is no “absolute” way of counting, I simply do not accept this. However, I am prepared to make a concession. Just as there are two ways of being nonidentical, we can say that there are two ways of being “two things.” If \( x \) and \( y \) have separate existence at \( t \), then \( x \) and \( y \) are “two things” in the ordinary way. But if \( x \) and \( y \) are constitutionally related at \( t \), then \( x \) and \( y \) are “two things” in what I would consider a Pickwickian way.\(^{19}\)

That there are two ways of being nonidentical (and perhaps two ways of being two) is my view. It is carefully worked out; the terms are defined. You may not like the view, but you can not legitimately argue against it by assuming that it is false.

Thus, I offer the idea of constitution as a “third way,” an intermediate relation between strict identity and separate existence. Let us turn now to criticisms. I’ll consider, first, criticisms of the application of the idea of constitution-without-identity to human persons, and then criticisms pointing to defects in my technical apparatus. I’ll conclude by giving reasons to accept the Constitution View.

CRITICISMS OF THE CONSTITUTION VIEW OF HUMAN PERSONS

Let me begin with a clarification. Harold Noonan supposes that I hold that “no actual human person is identical with any actual human being.”\(^{20}\) That is not my view. As I mentioned on p. 7 of *Persons and Bodies*, the term ‘human being’ is used ambiguously—both to name a psychological kind and to name a purely biological kind. So, I try to avoid the term. But when I use it, I am usually talking about human persons.

Now to the criticisms. Eric Olson has a number of objections. First, Olson takes the Constitution View to be a version of traditional substance dualism in that one of the substances is immaterial. (“Whatever it [the Constitution View of human persons] is,” he says, “it’s not materialism.”\(^{21}\)
I'll call the view that Olson accuses me of having 'immaterialist-substance dualism' to distinguish it from the kind of "substance dualism" that I accept—namely, cases in which a G is constituted by an F, where the F and G are distinct substances. But since the F is in turn constituted by a J and so on, the term 'dualism' is close to vacuous. ('Substance pluralism' would be more accurate.) Anyway, I have no truck with immaterialist-substance dualism. Olson, however, thinks that my protests notwithstanding, the Constitution View is saddled with immaterialist-substance dualism because of "Baker's claim that we have no material properties except in a derivative way,"22 But this is just misleading. On the Constitution View, human persons have material properties in exactly the same way that marble statues do. It would be absurd to say that the Constitution View is immaterialist-substance dualism about marble statues; and there is no more justification for saying that the Constitution View is traditional substance dualism about human persons.

One reason that Olson thinks that the Constitution View amounts to immaterialist-substance dualism is that he says that to have a property derivatively is to have a relational property, and he insists that a "materialist needs to say that we have material properties in ourselves." But of course I do say that "we have material properties in ourselves." Again: I have material properties in exactly the same way that Michelangelo's David has them. Moreover, since we have seen that on the Constitution View, there are two ways that things can be nonidentical (not numerically identical is Olson's favored locution), there are two corresponding ways to interpret the term 'relational'. I would prefer to reserve the term 'relational' for properties whose relata are separately existing things. In that case, derivative properties are not relational. If you insist on calling 'relational' any properties whose relata are nonidentical, then, since I have shown that y-constituted-by-x is a genuine unity, the way in which derivative properties could be "relational" is benign. To think otherwise is to fail to distinguish constitution from separate existence, a distinction that I have tried to make quite clear.

Olson has a number of criticisms about alleged counting problems and overpopulation. Many have the following form: "If my body is 'something numerically different' from me, then there are twice as many Fs (persons, human animals) as we thought there were. But it is absurd to suppose that there are two Fs in the circumstances. Therefore, the Constitution View is absurd."

This line of argument has an obviously question-begging premise—namely, that if I am numerically different from my body, there are twice as many persons and bodies as we thought there were. I have gone to some lengths to show that the term 'nonidentity' (or 'numerical difference') subsumes two different relations—constitution and separate existence. (Again: Numerical identity is not at issue here. It is the denial of numerical identity that I think fragments into two.) Where there is the "separate
existence" variety of nonidentity, then there are twice as many Fs. But where there is the constitution variety of nonidentity, then there are not twice as many Fs as we thought. Since this is my view (like it or not), an argument that depends on an inference from the nonidentity of x and y to there being two Fs just rests on the prior assumption that the view is false.

I'll give two examples of this question-begging ploy. (ii) Olson takes as a premise in an argument against the Constitution View that if x is a person and y is a person and x and y are nonidentical, then there are two persons. In Persons and Bodies, I argue against the claim that if x is a person and y is a person and x and y are nonidentical, then there are two persons (98). Even if my argument there is unsuccessful (and no one has ever non-question-beggingly shown that it is), it is clearly not legitimate to argue against me by taking as a premise (without further argument) a thesis that I explicitly deny.

(ii) Olson takes the Constitution View to give rise to the nonsensical question, "How do I know which of the two numerically different people who share my location I am?" I have shown that, on my view, there are two ways to be "numerically different." If we take 'numerically different' to imply that there is another person, separate from me, sharing my location now, then my view does not imply that there are two numerically different people where I am. If 'numerically different' allows for constitution, then the question does not arise: I am the (nonderivative) person nonderivatively writing this now. The nonsensical question gets its punch by question-beggingly presupposing that my body is a another person in addition to me. Again: no argument that assumes or stipulates that there is no "third way" between identity and separate existence can non-question-beggingly be used against the Constitution View.

There is a related objection that has been aimed primarily at Shoemaker—the "too many thinkers" objection. I responded to this in Persons and Bodies, but I'll say more here. The objection concerns the referent of 'I'. On my view, the word 'I' always nonderivatively refers to the person—the person constituted by the body. Suppose that I entertain the thought, "I am happy." The word 'I' nonderivatively refers to myself (the nonderivative person who is constituted by this nonderivative body). Since my (nonderivative) body has no first-person perspective independently of me, it cannot make any nonderivative first-person reference. It can only have the property of thinking 'I am happy' derivatively. (The oddness of attributing thought to a body, even derivatively, is relieved by the analogy to Aristotle's cases of proshen homonymy. See note 15.) Just as there are not two thoughts, "I am happy," one by me and one by my body, there are not two references of 'I', one to me and one to my body. The reference to me already "takes in," as it were, the body that constitutes me. It is a caricature to suggest that I refer to myself, the (nonderivative) person, and my body refers to itself, the (non-derivative) body, and each of us attributes to itself the property of being
happy. Rather, I refer nonderivatively to this nonderivative person; my body refers derivatively to this same nonderivative person. The word ‘I’ has a single referent here—this nonderivative person, myself-constituted-by-my-body—whether we consider the thought as entertained nonderivatively by me or derivatively by my body.

Not only do I see no technical obstacles to understanding human persons in terms of constitution-without-identity, but also—not surprisingly—I find this view of persons attractive. It allows human persons to be part of the material world—as material as statues and traffic signs. It shows both how we are similar to other material things (ultimately constituted by aggregates of atoms), and how we are distinctive (we nonderivatively have first-person perspectives). It allows that we can persist through change of body. We already have artificial hearts and hips; can artificial brainstems be far behind? (I recently read an article on self-replicating machines in *Scientific American*, in which the authors said, “In a sense, researchers are seeing a continuum between nonliving and living structures.”) So, it seems to me a good thing to understand persons in terms that are not strictly biological. Let us turn now to the criticisms of the technical aspects of the general idea of constitution.

CRITICISMS OF THE IDEA OF CONSTITUTION

As I mentioned at the beginning, what I care about is the overall view. However, I would like to get the technical details right, and I am happy to get any help on these that anyone is willing to give. I want to discuss very briefly three technical problems that critics have raised about my definition of ‘constitution’. Then, I’ll discuss a strategic decision to explicate constitution without advert to mereological ideas of parts and wholes. The three technical problems concern (1) my claim that constitution is nontransitive and a symmetrical; (2) the description of G-favorable circumstances—the circumstances in which something can be a G; and (3) the relation between constitution and spatial coincidence or co-location.

(1) I claimed that constitution was irreflexive, asymmetric, and nontransitive. Dean Zimmerman showed me a flaw in my argument for nontransitivity. So, now I recant: constitution is transitive. That is all right with me. Transitivity is certainly more elegant than the separate instances of constitution that I postulated all the way down to aggregates of particles.

What is central to my idea of constitution is that constitution is asymmetrical. Asymmetry is to be secured by clause (4) of the definition of ‘constitution’, with suitable filling out of G-favorable circumstances. Several people (e.g., Derk Pereboom and Michael Rea) have raised doubts about
asymmetry.\textsuperscript{25} Here I just want to emphasize that asymmetry is not at all in danger, because I can easily get asymmetry on the cheap: First, define a relation, 'constitutions', that is just like constitution without the claim of asymmetry. Then define 'constitution' as this relation: $x$ constitutes $y$ at $t$ if and only if $x$ constitutes* $y$ at $t$ and $y$ does not constitute* $x$ at $t$. So, there is no danger that for technical reasons, I would have to give up asymmetry.\textsuperscript{26} (Indeed, I'd give up the whole project before I'd give up asymmetry.)

(2) Another technical problem that I acknowledge is that I woefully underdescribed the idea of G-favorable circumstances in my definition of constitution. Of course, the G-favorable circumstances will be different for different primary kinds. The difficulty is to make the G-favorable circumstances comprehensive enough so that the addition of an F makes it the case that there's a G, but not so comprehensive that the G-favorable circumstances by themselves entail that there's a G. Again, Dean Zimmerman helped me out by suggesting that I use open sentences to characterize G-favorable circumstances. Consider the circumstances in which C, a piece of cloth, constitutes F, the flag made by Betsy Ross. The flag-favorable circumstances can be specified by a list of open sentences true of the piece of cloth when it constitutes a flag. E.g., 'x is in a context in which there are conventions of national symbols'; 'x is rectangular, flat, and nonrigid'; 'x is approximately 3 feet by 5 feet'; 'x is in the possession of someone who knows how to sew, has a well-stocked sewing basket, and has intentions to make a national symbol and carries out those intentions'.\textsuperscript{27} These sentences can be satisfied by things that are not pieces of cloth, and by things that are not flags; but when a piece of cloth does satisfy them all, there is a flag.

(3) Many philosophers who discuss constitution-without-identity understand constitution to be simple spatial coincidence, or co-location. On my view, that is a mistake. Constitution cannot be understood just in terms of co-location. In the first place, constitution is asymmetric and co-location is not. In the second place, constitution, with the allied notion of having properties derivatively, accounts for the unity of a constituted object, but co-location does not. Indeed, co-location makes unity a mystery. Co-location raises a question that constitution can answer but co-location cannot: Why are statues and pieces of marble co-located, but bulldogs and fireplugs never are co-located? Co-location is mute in the face of this question, but constitution furnishes at least a beginning of an answer in terms of primary kinds. Some pairs of primary kinds are related in the way given by the definition of 'constitution'; others are not.\textsuperscript{28} So, constitution is a much richer notion than co-location.

Now, I'll turn to questions of mereology. Several philosophers have urged me to define 'constitution' as a mereological relation. Ted Sider and Dean Zimmerman, for example, have offered counterexamples to my defi-
nition of 'constitution'—counterexamples which may motivate one to turn to mereology. Suppose that there are two kinds of matter that are penetrable relative to each other; they just pass right through each other. "Imagine a strange possible world," says Sider, "in which the laws of nature do not prohibit two things being in the same place at the same time. In such a world, if some object \(a\) constitutes another object \(b\), Baker's definition implies that \(a\) will also constitute any third object that is the same sort of thing as \(b\) and which happens to share spatial location with \(a\), even if it shares no parts in common with \(a\)."\(^{29}\) Dean Zimmerman suggests that this counterexample can be avoided by replacing clause (6) in the definition of 'constitution' by (6\(^*\)):

\[(6^*)\text{ Every part of } y \text{ has a part in common with some part of } x, \text{ and vice versa.}\]

I am reluctant to accept Zimmerman's suggestion because of the association of the word 'part' in a philosophical context with mereological theories of the part-whole relation.

In the first place, I do not think that there is any such relation as 'the part-whole relation'. What is a part of something depends on the nature of the thing that has it as a part. For example, there is a part of a house, part of a curriculum, part of the American dream, part of the game, part of the judiciary, part of life, part of being a girl. Even for material objects, 'part' is not univocal. Intentional objects—objects that could not exist in a world without propositional attitudes—have intentional properties essentially. And things that have intentional properties essentially have parts in two different ways. One way that part of your $10 check to me—the token check—would be missing is that you forgot to sign it; without the signature, part of the check is missing. Another way that part of your same $10 check to me would be missing is that you absent-mindedly tore off the part of the paper where the signature is. The signature and the part of the piece of paper where the signature is are parts of the check in different ways. Since a single thing (like the token $10 check) can have parts in different ways, I do not see how there can be a philosophically illuminating theory of a single relation of part to whole. So, I am reluctant to import talk of parts into my definition of 'constitution'.

Another reason to avoid reference to parts is that talk of parts in philosophy is highly misleading with respect to what concerns me. I think that all the standard mereological theses—mereological supervenience, mereological essentialism, mereological extensionality, mereological universalism—are false. Although, as Peter van Inwagen has forcefully reminded me, talk about parts does not entail any of these mereological theses, mereology does not seem to me a useful way to understand the relation between kinds (especially intentional kinds) that I want constitution to capture. (Much of a person's
behavior [e.g., her perjuring herself] is not even describable in terms of the behavior of her parts.)

If I don’t embrace mereology, then I cannot accept Zimmerman’s friendly amendment in terms of parts. What, then, should I do about Sider’s counterexample about the interpenetrating kinds of matter? One possibility would be to reject the modal intuitions on which it rests.30 What reason do we have to think that such a bizarre world with completely different laws of nature and kinds of matter is even metaphysically possible? In a different context, Peter van Inwagen has urged “extreme modal and moral skepticism (or, one might say, humility) in matters unrelated to the concerns of everyday life.”31 A second possibility is to restrict the Constitution View to what is physically possible, to constitution-as-it-actually-is.32 Of course, I could just give up and accept Zimmerman’s amendment and require that if x constitutes y, then every part of x have a part in common with some part of y. Although I would accept this amendment as a last resort, I’m inclined to put off the amendment until I am convinced that the scenario envisioned is metaphysically possible.

WHY ACCEPT CONSTITUTION?

Even if the technical problems with the definition of ‘constitution’ are not insurmountable, however, one may wonder: Why bother with constitution? After all, the view is fairly complicated. Yes, the view is complicated because I have tried to work out the ideas of constitution and of having properties derivatively in some detail. In addition, I’ve tried to show, also in some detail, how the view applies to human persons. Let me mention just three more reasons to accept the Constitution View of material objects:

1. The Constitution View is a comprehensive view of the natural world. The definition of ‘constitution’ provides the materials to formulate a general thesis of materialism: Materialism is true if and only if every concrete thing that exists at t is either a fundamental particle or is ultimately constituted by an aggregate of fundamental particles at t. The Constitution View is compatible with materialism so construed.

2. The Constitution View honors the variety of kinds of things in the world. It does not aim to explain away the things that everyone believes exist and cannot avoid believing exist. Since we all act as if statues, say, are enduring things (we take out insurance policies, teach children about them, etc.), a view that recognizes the existence of statues (and not just particles that make it up) along with many other kinds is more natural than one that does not.

3. Without special pleading for human persons, the Constitution View situates persons in the material world in a way that gives our animal
natures their due while respecting what is unique about us. Human animals are not biologically distinctive. As the New York Times put it recently, “It is one of the great conceptual advances of science in the last decade to link the five ‘great apes’—including man—into one biologically similar group.” We can even agree that human organisms are merely “survival machines,” and still disagree that human persons are merely survival machines, all things considered. Ontology does not recapitulate biology.

Since many of the differences between my opponents and me spring directly from methodological differences, I want to conclude with some remarks about the role of human interests in “serious metaphysics.”

HUMAN INTERESTS AND “SERIOUS METAPHYSICS”

Some philosophers, I think, seek to know what would exist if we—we people, we inquirers—did not exist. Others seek to understand reality in its fullness, with emphasis on those aspects that could possibly matter to someone. I am in the latter camp, and I do not apologize.

Ted Sider says: “Baker’s discussion of statues brings out one of the more implausible features of her ontology: what there is seems to depend on human interests.” This charge raises deep methodological issues that I can only begin to discuss here. In one way, I do (and not implausibly, in my opinion) think that what there is depends on human interests, and in another way I do not. The way in which I do not think that what there is depends on human interests is illustrated by the old riddle that I heard as a child. Question: If you call a tail a leg, how many legs does a donkey have? Answer: Four. Calling a tail a leg does not make it one.

But there is another way in which I do think that some of what there is does depend on human interests. (Pace, Sider, I think that no description of reality that really omits human interests could be close to exhaustive.) The existence of some things—the moon, the squirrel outside—does not depend on human interests. But the existence of other things—the drill press in our garage—does depend on human interests. I think that it is a metaphysical as well as a causal fact that there would be no drill presses (or other artifacts or artworks) without human interests. It is a causal fact because human interests are in the causal history of the invention and building of drill presses. It is a metaphysical fact because in a world without human interests, things that are drill presses in our world would not exist.

Molecular duplicates of drill presses may exist by cosmic accident, but they would not be the same objects that in our world are drill presses. In a world without attitudes, there would be nothing that could function as a drill press. Something is a drill press in virtue of its function (not in virtue
of what it is made of), and, I believe, artifacts have functional properties essentially. If you smash a drill press, say, it is not as if there used to be something that was a drill press, and that thing still exists—though is no longer a drill press but a scattered object of pieces on the floor. No, something went out of existence: the drill press. The thing that was a drill press exists no longer. (I cannot help thinking here of the World Trade Center Towers. Whatever we take their essential properties to have been, when they collapsed, they—the things that they were—went out of existence altogether; they did not just lose the property of being towers and continue to exist as non-towers.)

I understand that there are other metaphysical views about what there is, but I see no reason to hold them. In the real world, there seems to be a deed to my house. This fact cannot be understood in terms of sums of enduring simples, or spacetime worms, or anything that is nonintentional. If you accept the Constitution View, you can see how the deed to your house is part of reality. Put a piece of paper in deed-favorable circumstances (including legal conventions of ownership), and you have a deed.

Sider says, “It is tempting to conclude that [Baker] thinks we create the world, that these continuants [lumps and statues] exist because we have concepts for them.” Again: Yes and no. Presumably, there would still have been lumps if human beings had never existed; but there would have been no statues in the absence of human beings (with their conventions and propositional attitudes). “Or,” Sider goes on, “is it a cosmic accident that reality just happens to contain objects whose histories match our ordinary concepts for tracing?” There is no cosmic accident here. Certain objects match our concepts because people manufactured them to match our concepts. It seems to me as plain as the nose on my face that the world today—with telecommunications satellites and electron microscopes—is ontologically richer than the world ten minutes after the Big Bang, or even the world one thousand years ago.

As I said at the beginning, one of my aims in philosophy is to understand our common world. Why do things seem the way that they do? What can reality be like, given that it appears to us as it does? I believe that these are serious metaphysical questions—ones that motivated Plato, who can hardly be accused of not doing serious metaphysics. In any case, these are some of the questions that motivate me. My answer to the questions—Why do things seem the way that they do? What can reality be like, given that it appears to us as it does?—is that material reality should be understood in terms of constituted objects. There is continuity from the “bottom” (e.g., aggregates of particles) to the “top” (e.g., human persons and other intentional objects like artifacts and artworks). Things seem to go out of existence because they do go out of existence; they do go out of existence because certain of their properties are essential to them, and when they lose those prop-
erties, they no longer exist. This is at least the beginning of an answer to why things seem the way that they do.35

NOTES

1. So, I am not using ‘intentional object’ in Brentano’s sense. A Stop sign is an intentional object in my sense.


3. If I understand her correctly, Eleonore Stump has suggested that we can construe ‘matter’ and ‘form’ in Aquinas, Aristotle’s interpreter, as relative terms. What is formed matter at one level can be matter for something higher up the scale. On this interpretation, form both is configured and what configures other things. The matter that makes something up may itself already have form (i.e., be configured). See Eleonore Stump, “NonCartesian Substance Dualism and Materialism without Reductionism,” *Faith and Philosophy* 12 (1995): 505–31.

4. For example, for Aristotle, a human heart or hip would not be a substance. On the Constitution View, artifacts are substances as much as anything else is. So, on the Constitution View, an artificial heart or an artificial hip would be a substance; but on Aristotle’s view, a natural heart or a natural hip would not be a substance. There are many issues here to be explored (elsewhere). Gail Fine and Patricia Card have pressed upon me affinities between Aristotle and the Constitution View.

5. This definition was improved with the help of Dean Zimmerman.

6. Clause (4) needs modification, which I’ll only note here and move on. I need to add a clause to the antecedent to ensure that, aside from G, z has no primary-kind property of higher-order than F. I define ‘higher-order primary-kind property’ in terms of higher-order causal powers. See “Reply to Derk Pereboom,” in the Book Symposium on *Persons and Bodies in Philosophy and Phenomenological Research* (forthcoming).

7. I added clause (6) in response to a counterexample from Anil Gupta. Dean Zimmerman and Ted Sider have proposed further counterexamples that I shall consider later.

8. People in late stages of Alzheimer’s disease are sometimes said to have lost their ‘selves’. Radical change of personality or loss of memory are not what I mean by loss of ability to support a first-person perspective. As long as a being can think thoughts about herself from the first-person (like ‘I know that I’m going to die; or I wish that I were dead’), the person remains no matter what the content of those thoughts.

9. I’ll drop the time indices unless they seem needed.

10. This idea comes from Roderick Chisholm, *Person and Object* (LaSalle, Ill.: Open Court, 1976), 100.

11. I am extremely grateful to Dean Zimmerman for showing me how to set out the theory this way. He not only improved my definitions, but also he showed me how to avoid a “reductive” interpretation that defined derivative exemplification in terms of an undefined notion of nonderivative exemplification.

12. I am assuming that a possible world in which the coach’s team lost is closer, in the given background, than a world in which the team mistakenly thought that someone else was the coach and hoisted the wrong person. (That’s why I thought it safe to say “the team would not have hoisted the body if it hadn’t been the body of the winning coach,” without hedging by saying “the team would not have hoisted the body if they hadn’t believed that it was the body of the winning coach.”)

13. Since ‘having a property derivatively’ is defined in terms of constitution-relations, the property of having F derivatively is itself an excluded property (an identity/constitution/existence property), and hence is not subject to being had derivatively.
14. Although I am a body derivatively, my property of being a body derivatively is itself not had derivatively. See note 13.

15. William G. Lycan Jr. suggested an analogy with Aristotle here. Gareth B. Matthews identified the analogy as Aristotle's proshen homonymy—the phenomenon of words (e.g., 'healthy') that get their meaning by reference to a central paradigm case (e.g., 'healthy organism'). We may speak of healthy food, healthy complexion, and healthy urine, but to understand these locutions, we must understand 'healthy organism'. Similarly, to understand 'S's body is a person', we must understand 'S is a person'. This dependence of the derivative exemplification of personhood on the nonderivative exemplification of personhood prevents there being two persons where S is.

16. I have met with resistance even for derivative ascriptions of mental states to bodies. As Douglas Long has pointed out, the word 'body' is used in more than one way. A person is constituted by a body in the very general way that bodies obey Newton's laws. But we also use 'body' as a "subject of descriptions of the physical structure and appearance of human beings ..."—as when we say, "her body is weak, but her mind is strong." Psychological ascriptions do not apply to bodies, where 'body' is used in the latter way; but 'body' used in this latter way is not apt for designating a constitutor of a person. Distinguishing these uses of 'body', I hope will lessen the resistance to applying psychological ascriptions to the constitutors of persons. See Douglas Long, "The Bodies of Persons," Journal of Philosophy 71 (1974): 291–319.

17. Cf. John Perry, "The Same F," Philosophical Review 79 (1970): 181–200. I'm taking 'x has the property personhood' to be equivalent to 'x is a person' and I'm "translating" 'Fx', where 'F' denotes the property of being a person, as either.

18. Some critics simply do not recognize that there can be two ways of being nonidentical, and hence that there is genuine unity without identity. See the reviews by Ted Sider and by Eric Olson.

19. I would not make a similar move with respect to "two persons." There is no sense in which my body and I are two persons. My body's being a person depends entirely on its constituting something that has person as its primary kind.


22. Ibid.

23. Dean Zimmerman tries to push immaterialist-substance-dualism on me. He notes (as has Michael Rea) that an immaterialist-substance-dualist could define derivative having of H as 'having by a being tied to a soul that nonderivatively has H'. Then, he asks how such a view would differ from mine. The answer, I think, is clear: I do not have immaterial souls. Clause (6) of the definition of 'constitution' rules them out. Although Zimmerman urges me to change clause (6)—see the next section— I have not changed it.


26. Jaegwon Kim pointed out this strategy to me in (about) 1996.

27. I think that there's another problem with the idea of G-favorable circumstances that I had not thought of until recently: We need to distinguish those circumstances in which a G can come into existence from those circumstances in which an already-existing G can remain in existence. The latter are a lot less stringent than the former. Since there will be vastly different G-favorable circumstances for the different instantiations of G (i.e., for the different primary kinds), I don't see much theoretical merit in trying to specify G-favorable circumstances in any general way.
28. Many philosophers who take constitution just to be co-location consider co-location without identity to be mysterious. But co-location is no more mysterious than the mereological idea of overlap, which many philosophers profess to understand. Overlap is a species of co-location: x overlaps y iff x and y have a part in common, where having a part in common is x's having a part at the same place and time as y. So, any mystery about co-location seems to be equally a mystery about the notion of overlap. Derk Pereboom suggested this to me.


30. Another possibility, suggested by Shelly Kagan, is to generalize (6) to rule out the further counterexamples based on the (putative) possibility of bizarre kinds of matter. For example, I could require that there be no different kinds of ur-stuff (ectoplasm, ghostly stuff, whatever) in y than in x.


32. 'Constitution-as-it-actually-is' is Zimmerman's phrase.


35. Many thanks to Peter van Inwagen, Dean Zimmerman, Hud Hudson, and Gareth Matthews for stimulating conversations on these matters. An earlier version of this paper was given at the Chapel Hill Colloquium, October 26–28, 2001. Dean Zimmerman was the helpful commentator. Support for this paper comes in part from a grant from the Pew Charitable Trusts. The opinions expressed in this paper are those of the author and do not necessarily reflect the views of the Pew Charitable Trusts.