34. $r = B$

From (2) and (34) we can infer

35. $\sim(I = r)$

This again contradicts (29). Q.E.D.

What we have proved here is that if premises 2–8 are true, then (10) is false. The negation of (10) does not entail (9), the proposition that I do not have any proper parts, but it does entail the proposition that if I have any proper parts, I have infinitely many. On the reasonable assumption, then, that I do not have infinitely many proper parts, we may conclude that I have none. This assumption is not needed, however, if *a* stronger (infinitary) version of premise 5 is employed, as is implicitly done in the informal version of the Simplicity Argument stated at the beginning of the paper.

LYNNE BAKER

Materialism with a Human Face

My overall aim in philosophy is to understand the common world that we all share—the world in which we have friends and pay our bills and go on vacations and negotiate bureaucratic red tape, the world in which others do or don't return our phone calls, the world in which we are happy or frustrated. This world, Husserl's *Lebenswelt,* is populated with many different kinds of things: not only with cabbages and kings, but also with rocks, dogs, genes, teapots, birth certificates, statues, and flags. Prominent among the things that we encounter in the *Lebenswelt* are people, human persons like ourselves.

I approach this shared world assuming commonsense materialism: each of the concrete things in it is ultimately constituted by aggregates of fundamental particles. But, as I formulate the idea of constitution, constitution is not identity. It would be a mistake to suppose that ordinary things are identical to, or are reducible to, aggregates of fundamental particles. For there are many different primary kinds of things, and things of one primary kind have different persistence conditions from things of another primary kind. This is my general outlook; it is not specific to the question of what a human person is, but it is applicable to that question.

A human person is a material object in the same way that a statue or a carburetor is a material object. A statue is constituted by, say, a piece of marble; but it is not identical to the piece of marble that constitutes it. The piece of marble could exist in a world in which it was the only occupant, but no statue could. Nothing that is a statue could exist in a world without artists or institutions of art. A human person is constituted by an organism, a member of the species *Homo sapiens,* but is not identical to the organism that constitutes her. The human organism could exist in a world in which no psychological properties whatever were exemplified, but no

person could. Nothing that is a person could exist in a world without first-person perspectives. A human organism that develops a first-person perspective comes to constitute a new thing: a person. I'll call this 'the Constitution View' of human persons.

Just as different statues are constituted by different kinds of things (pieces of marble, pieces of bronze), so too different persons are (or may be) constituted by different kinds of things (human organisms, pieces of plastic, Martian matter). What makes something a person (no matter what it is "made of") is a first-person perspective; what makes something a piece of sculpture (no matter what it is "made of") is its relation to an art world. What makes a person a *human* person is that he or she is constituted by a human organism. But a person could start out as a human person and have organic parts replaced by synthetic parts until she was no longer a human person. With the persistence of her first-person perspective, she would still exist and still be a person, even with a synthetic body. If she ceased to have a human body but retained a first-person perspective, she would still exist, but not as a human. If she ceased to be a person (that is, ceased to have a first-person perspective), however, she would cease to exist altogether.

On the Constitution View, a human person and the animal that constitutes her differ in persistence conditions without there being any actual physical intrinsic difference between them. The persistence conditions of animals—all animals, human or not—are biological; and the persistence conditions of persons—all persons, human or not—are not biological.[1] On my view, what makes a human person a *person* is what I am calling a 'first-person perspective'. What makes a human person a *human* is being constituted by a human organism. (I do not distinguish between human organisms and human bodies; my body now is identical to a human organism. But it does not follow that I am identical to a human organism; I am merely constituted by a human organism.) So, there are two theoretical ideas—the notion of constitution and the notion of a first-person perspective—that need explication.

I. The First-Person Perspective

A first-person perspective is the defining characteristic of all persons, human or not.[2] From a first-person point of view, one can think about

[1] For an extended defense of this claim, see my *Persons and Bodies: A Constitution View* (Cambridge: Cambridge University Press, 2000).

[2] For a more detailed account, see *Persons and Bodies*, chap. 3, and my "The First-Person Perspective: A Test for Naturalism," *American Philosophical Quarterly* 35 (1998): 327–48.

oneself as oneself and think about one's thoughts as one's own. In English, the ability to conceive of oneself as oneself is marked grammatically by a sentence with a first-person subject of a psychological or linguistic verb and an embedded first-person reference.[3] We English speakers not only use first-person pronouns to refer to ourselves ("I'm happy"), but also to attribute to ourselves first-person reference ("I wonder whether I'll be happy in ten years"). The second occurrence of 'I' in "I wonder whether I'll be happy in ten years" directs attention to the person per se, without recourse to any name, description, or third-person referential device to identify who is being thought about. When I wonder whether I'll be happy in ten years, I am wondering about myself as myself; from a first-person perspective, I do not need to pick myself out as one object among many. I could still have this thought even if I had total amnesia. The first-person perspective opens up a distinction between thinking of myself as myself, on the one hand, and thinking of myself as Lynne Baker, or as the person who is reading this paper, on the other. Once someone can make this conceptual distinction, she can think of herself in the first person as a subject in a world of things different from herself. The first-person perspective is the ability to consider oneself as oneself in this way. This is the basis of all forms of self-consciousness.

A being can be conscious without having a first-person perspective. Dogs and other mammals are conscious; they have psychological states like beliefs and desires (simple ones, anyway); they can engage in practical reasoning using these simple beliefs and desires. Such animals have points of view; but their points of view are not conceptions of themselves as themselves. If a dog could talk, it could say, "I'm hungry"; but the dog could not have the thought expressible by "I'm sure that I'm hungry." The simple first-person in "I'm hungry" may be, as Peter Geach and Bertrand Russell argued, eliminable. The embedded first-person reference in "I'm sure that I'm hungry" is, as I have argued elsewhere, not eliminable.[4] It is the ability to entertain the latter kind of thought that manifests the first-person perspective. There are many kinds of intentional states that only a being with a first-person perspective can have—namely, those that require one as the thinker to conceive

[3] See Hector-Neri Castañeda, "He: A Study in the Logic of Self-Consciousness," *Ratio* 8 (1966): 130–57, and "Indicators and Quasi-Indicators," *American Philosophical Quarterly* 4 (1967): 85–100. For a study of philosophy from a first-person point of view, see Gareth B. Matthews, *Thought's Ego in Augustine and Descartes* (Ithaca: Cornell University Press, 1992).

[4] See Baker, *Persons and Bodies*, chap. 3, and "First-Person Perspective."

of oneself as oneself. If a dog, *per impossibile,* came to have a first-person perspective, then the dog would come to constitute a canine person. If a gorilla were taught a language sufficiently close to English that we could recognize embedded first-person references, then that gorilla would come to constitute an ape person. Anything that has a first-person perspective is a person.

So, what distinguishes human persons from animals is not consciousness; nor is it the ability to have intentional states like fearing or desiring. The ability to have intentional states is a necessary, but not a sufficient, condition for being a person. To be a person—whether God, an angel, a human person, a Martian person, an artificial person—one must be capable of having a first-person perspective.

Our first-person perspectives may well be the product of natural selection. But whether they are or not, the appearance of a first-person perspective makes an ontological difference in the world. Human animals are continuous with nonhuman animals in every way but one: only human animals (as far as we know) constitute persons. If biologists do not recognize a first-person perspective as biologically significant, then . . . well, it just goes to show that ontology does not recapitulate biology.

II. Constitution

What distinguishes human persons—who, like all persons, have first-person perspectives—from other kinds of persons is that human persons are constituted by human bodies. The relation of constitution itself is a perfectly general one: U.S. dollar bills are constituted by pieces of paper; genes are constituted by DNA molecules; diplomas are constituted by pieces of parchment or by pieces of paper. Constitution is thus a very general relation, not a relation peculiar to persons and bodies.[5]

Nor is constitution an obscure relation. Not only is it very familiar to everyone, but also the term 'constitution' is susceptible of explicit definition in terms of ordinary logical and modal ideas. Since I have presented a detailed exposition of the idea of constitution elsewhere, here I want to describe constitution more informally.[6]

[5] See Baker, "Unity without Identity: A New Look at Material Constitution," in *New Directions in Philosophy*, Midwest Studies in Philosophy, vol. 23, ed. Howard Wettstein (Malden, Mass.: Blackwell Publishers, 1999), 144–65; and Baker, "Why Constitution Is Not Identity," *Journal of Philosophy* 94 (1997): 599–621.

[6] Baker, *Persons and Bodies*, chap. 2, and "Unity without Identity."

The basic idea of constitution is this: when certain kinds of things are in certain kinds of circumstances, things of new kinds, with new kinds of causal powers, come into existence. For example, when a certain combination of chemicals is in a certain environment, a thing of a new kind—an organism—comes into existence. A world without organisms, even if it contained the "right" combination of chemicals but in the "wrong" environment, would not have the same things in it as a world with organisms. So, constitution makes an ontological difference. Call the answer to the question, "What most fundamentally is x?" x's 'primary kind'. If x constitutes y, then x and y are of different primary kinds. Each thing has its primary-kind property essentially.

The notion of constitution can be explicated in terms of familiar logical and modal ideas. Using 'primary kind' for what a thing most fundamentally is, Michelangelo's *David* is of the primary kind *statue*, and its primary-kind property is the property of being a statue. Let the term 'circumstances' stand for all the background conditions that are necessary but not sufficient for something to be of a certain primary kind. For example, the circumstances for something to be a statue (that is, statue-favorable circumstances) include an art world; the circumstances for something to be a gene (gene-favorable circumstances) include processes of reproduction of organisms. Now let F be x's primary-kind property and G be y's primary-kind property. Then, x constitutes y at t if and only if

(a) x and y are spatially coincident at t.
(b) x is in G-favorable circumstances at t.
(c) Necessarily, if anything that has F as its primary-kind property is in G-favorable circumstances at t, then there exists some spatially coincident thing at t that has G as its primary-kind property.
(d) Possibly, x exists at t and there is no spatially coincident thing at t that has G as its primary-kind property.
(e) If y is immaterial, then x is also immaterial.

The point of the last clause is to insure that materiality is not lost by constitution. If something is material (a piece or marble, a piece of cloth), then what it constitutes (a statue, a flag) is also material. These conditions demonstrate the coherence of the idea of constitution.

Constitution is not identity, understood in the strict, Leibnizian sense, but constitution is nevertheless a genuine relation of unity. Constitution is as intimate as a relation can be short of identity; it is not just spatial colocation. If x constitutes y, then y inherits many of x's properties and x inherits many of y's properties. Elsewhere, I have spelled out this inheriting in

detail, in terms of borrowing properties, or of having properties derivatively.[7] If x constitutes y, then x has some properties in virtue of constituting y, and y has some properties in virtue of being constituted by x. For example, my driver's license is constituted by a piece of plastic. The piece of plastic borrows the property of allowing me to check in for an airline flight from the driver's license that it constitutes; the driver's license borrows the property of marking my place in a novel from the piece of plastic that constitutes it. Similarly, a person, Sam, is constituted by a human body. Sam derives the property of being able to reach the light bulb from his body's being six feet tall; and Sam's body derives the property of having a right to be in a reserved seat from Sam's having purchased a reserved-seat ticket.

There are two ways for an object to have a property: derivatively or nonderivatively. Say that x has constitution relations to y, or is constitutionally related to y if and only if either x constitutes y or y constitutes x. Then, roughly, to have a property nonderivatively is to have it independently of constitution relations; to have a property derivatively is to have it in virtue of being constitutionally related to something that has it independently of constitution relations.[8] Betsy Ross's first U.S. flag had the property of being rectangular derivatively; it borrowed that property from the piece of cloth that constituted it. The constituting cloth had the property of being rectangular nonderivatively—the piece of cloth could have been rectangular without constituting anything. On the other hand, the flag had the property of being revered nonderivatively; the constituting cloth had the property of being revered derivatively. In the given background in which flags are revered, but pieces of cloth are not, the cloth would not have been revered if it had not constituted something that was revered. Not all properties are subject to being had derivatively—for instance, the property of being identical to a person is not.[9] But what we might call "ordinary" properties—properties like being red, or having the genes for blue eyes or even being tax-exempt, properties that do not entail the existence of things in other times or worlds—may be had derivatively. If x has a property F derivatively, then there is some y such that y has F nonderivatively, and x is constitutionally related to y.[10] The idea of having properties derivatively explains how x and y have so many properties in common when x constitutes y.

Constitution, as I construe it, shows how there can be a relation of unity that is not identity, a relation that is intermediate between identity and separate existence. It is not surprising that constitution is like identity in some ways and unlike identity in other ways. We have seen how constitution differs from identity: if x constitutes y, x and y are of different kinds and have different persistence conditions. Now we see how constitution is similar to identity: if x constitutes y, x and y each inherit properties from the other and hence have many of their properties—size, location, color, texture, and others—in common.

III. Persons and Bodies

Human persons differ from nonbodily or immaterial persons (if there are any) in that human persons are not just pure subjects, but are necessarily embodied. They are constituted by bodies. And their bodies are the objects

[7] Some properties are excluded from the definition of 'having properties derivatively'. I identify four kinds of properties that cannot be had derivatively: alethic properties, "identity / constitution / existence" properties, properties rooted outside the times at which they are had, and hybrid properties. For detailed exposition of 'having properties derivatively', see Baker, *Persons and Bodies*, chap. 2, and "Unity without Identity."

[8] The actual definition has the odd consequence that your body nonderivatively has the ability to survive loss of the first-person perspective. (Since your body has that property, but you do not, your body does not have that property derivatively.) I could add a clause to the definition of 'x has H nonderivatively' to prevent the definition's having the odd consequence: e.g., "x's having H does not entail instantiation of any property that x has derivatively." Since I do not think that this odd consequence has serious repercussions, I won't add a clause to the definition to prevent its having the odd consequence.

[9] No properties of any of the following types may be had derivatively: *(a)* properties expressed in English by the locutions 'essentially' or 'necessarily' or 'primary kind' (as in 'has F as its primary-kind property'), or variants of such terms ("alethic properties"); *(b)* properties expressed in English by the locutions 'is identical to' or 'constitutes' or 'exists' or variants of such terms ("identity / constitution / existence properties"); *(c)* properties of any sort such that necessarily, x has it at t only if x exists at some time other than t ("properties rooted outside the times at which they are had"—Roderick Chisholm's idea); *(d)* properties that are conjunctions of two or more properties that either entail or are entailed by two or more primary-kind properties ("hybrid properties").

[10] We could turn this into a sufficient condition, as well as a necessary condition, for 'having F derivatively' as follows: Say that x has F *supernonderivatively* iff *(a)* x has F nonderivatively, and *(b)* x's having F does not entail instantiation of any property such that x has it derivatively. Then, the following schema is true: 'The fact that x has F derivatively = the fact that x is constitutionally related to y and y has F supernonderivatively.'

In general, x has property F iff there is some y such that *(a)* either $x = y$ or x is constitutionally related to y, and *(b)* y has F nonderivatively, and *(c)* y's having F nonderivatively does not entail instantiation of any property such that y has it derivatively. (Without clause *c*, from the facts that I am constitutionally related to my body and my body has the property of being able to survive loss of a first-person perspective nonderivatively, it would follow that I have the property of being able to survive loss of a first-person perspective. Since this consequence would be inconsistent with the Constitution View of human persons, it must be avoided. Hence, clause *c*.) This note and note 8 were prompted by correspondence with Tom Senor.

of first-person reference. If Smith wonders whether she has cancer, she is wondering about her body from a first-person point of view. She is not wondering whether there is a malignant tumor in some particular body identified by a third-person demonstrative pronoun or description; she is wondering whether there is a malignant tumor in her own body, considered as herself. This is different from wondering about a material possession, say. If Smith wonders whether there is a dead battery in her car, she wonders whether there is a dead battery in a particular car, which she identifies by a description or a third-person demonstrative reference. Without a third-person way to think about the car, she could not wonder about its battery. But if Smith is wondering how she will die, she can think of her body as her own without recourse to any name or description or second- or third-person demonstrative pronoun. And reference without recourse to the familiar third-person devices is the mark of first-person reference.

What distinguishes human persons—who, like all persons, have first-person perspectives—from other kinds of persons is that human persons are constituted by human bodies that are the objects of their first-person reference. Part of the relation between a human person—Jones, say—and her body is that Jones can think of her body and refer to it, and to no other, in the first-person way, "from the inside." The body with respect to which Jones has a first-person relation is the body that she (normally) can move without moving anything else, the body that she tends when she is in pain, and the body that expresses intentional states that are hers. States like pain, longing, sadness, hope, fear, frustration, worry, effort, and joy as well as states like believing, desiring, and intending are expressed through posture, facial expression, sounds, and other bodily motions. The body that expresses Jones's intentional states is the body to which Jones has a first-person relation. Jones's first-person relation to her body at t does not imply that Jones thinks of her body at t; indeed, Jones may believe at t that she is disembodied. The body to which Jones has a first-person relation is the body which would sweat if Jones were in a sauna, and so too is the body that would cringe if Jones were threatened, or the body that would move if Jones decided to leave the room. Jones's body at time t distinguishes Jones from all other persons at t. What distinguishes me now from all other coexisting persons—even physical and psychological replicas of me, if there are any—is that at this time, I have a first-person relation to this body and to no other; and any replica of me at this time has a first-person relation to some other body.

Let me show how the idea of constitution-without-identity, defined above, applies to persons and bodies.[11] Name the human animal that

[11] For a more detailed exposition of the Constitution View, see *Persons and Bodies*, chap. 4.

constitutes Jones "Body." Jones's primary-kind property is the property of being a person; Body's primary-kind property is the property of being a human body. Person-favorable circumstances are the organismic and environmental conditions conducive to development and maintenance of a first-person perspective. To say that Jones is constituted by Body at t is to say the following:

(a′) Body and Jones are spatially coincident at t.
(b′) Body is in organismic and environmental conditions at t conducive to development and maintenance of a first-person perspective; and
(c′) It is necessary that: for anything that has the property of being a human body as its primary-kind property at t and that is in organismic and environmental conditions at t conducive to development and maintenance of a first-person perspective, there is some spatially coincident thing that the property of being a person as its primary-kind property at t; and
(d′) It is possible that: Body exists at t and there is no spatially coincident thing that has the property of being a person as its primary-kind property at t; and
(e′) If Jones is immaterial, then Body is immaterial.

Let me make three brief comments. The first concerns the organismic and environmental conditions conducive to development and maintenance of a first-person perspective at t, as cited in (b′) and (c′). The relevant organismic conditions are that the organism, particularly the brain, is developed to the extent that a normal baby's brain is developed at birth. The relevant environmental conditions include those in which the infant naturally develops various senses of 'self', as described by developmental psychologists.[12] The first-person perspective, on my account, fits easily into the framework of developmental psychology. The second comment concerns (d′) It is possible that: Body exists at t and there is no spatially coincident thing that has the property of being a person as its primary-kind property at t. Body could exist at t but be dead; in that case, Body would not be in the relevant organismic conditions conducive to development and maintenance of a first-person perspective, and so would not constitute a person. The third comment concerns (e′) Biologists, and most everybody else, would agree that Body is not immaterial. Hence, by modus tollens, we conclude that Jones is not immaterial. (The reason for this last clause is to

[12] For example, see Daniel N. Stern, *The Interpersonal World of the Infant* (New York: Basic Books, 1985), and Jerome Kagan, *Unstable Ideas: Temperament, Cognition, and Self* (Cambridge: Harvard University Press, 1989).

rule out the possibility that Body could constitute a Cartesian person that had an immaterial soul.)

Now let me make some contrasts between persons and higher animals. Although dogs and other higher animals are subjects of mental states, they do not have first-person perspectives. Dogs are conscious; they have beliefs and desires (in a severely limited range); and they have points of view.[13] But, as we have seen, a first-person perspective requires more. A first-person perspective requires that one can *conceive* of oneself in a uniquely first-personal way. Both a dog and I can believe that there's food behind the rock; but only I can conceive of myself as believing that there's food behind the rock. There is a sense in which a dog has a "first-person relation" to its body, but it is not the same sense in which I have a first-person relation to my body. Both the dog and I can move our bodies without moving anything else. But, unlike the dog, I can think about my body in a way that only a person can: I can wonder whether I'm shrinking. To wonder about my body is to wonder about myself. (I can also think about myself in ways that have nothing to do with my being embodied: I can wonder whether I'll still be happy next year.) So, although I am not identical to my body, the constitution relation is a unity relation—tight enough so that I myself am (derivatively) an animal without being identical to an animal.

In short, I am constituted now by a body that is essentially an animal. On the one hand, because constitution is not identity, it does not follow that I am essentially an animal. On the other hand, because constitution is a relation of genuine unity, I inherit many of my body's properties, in particular its physical and biological properties. I have the property of having a liver derivatively—in virtue of being constituted by something (an animal) that has a liver independently of its constituting anything. The result is this: The body that constitutes me now is essentially (and nonderivatively) an animal, and it is contingently (and derivatively) a person; I am essentially (and nonderivatively) a person, and I am contingently (and derivatively) an animal.[14]

The idea of having properties derivatively also applies to mental properties. For example, many of my mental states—like wanting food—are shared with higher animals like dogs. If my mental state is of a type that a dog could have, then I have it derivatively. (If a dog could have it, then so could a human animal that did not constitute anything have it.) In that

[13] See Baker, "First-Person Perspective."

[14] I am not claiming that all essential properties are nonderivative. Although a (nonderivative) statue has its shape solely in virtue of being constituted by something of that shape, it is plausible to suppose that something that is a statue nonderivatively has its shape essentially.

case, my body has the mental state nonderivatively. This does not imply that the organism that constitutes me has one desire for food, and I have another. Rather it implies that my desire for food depends on my being constituted by an animal.

On the other hand, the property of hoping that I will not be in debt next year is one that I have nonderivatively. I have that property independently of my constitution-relations to my body, since my having it does not entail that I am constituted by something that could have had it without constituting anything. Indeed, since I am constituted by my body, and only something with a first-person perspective could have that hope, my body could not have that property without constituting a person, according to the Constitution View. Therefore, some of my mental states (such as wanting food) I have derivatively; other of my mental states (such as hoping that I will not be in debt next year) I have nonderivatively.

In each case, there is just one desire and one hope. The Constitution View is not subject to a charge of duplicating mental states (or anything else). I have the thought nonderivatively; the animal that constitutes me has it derivatively—solely in virtue of constituting something that has the thought nonderivatively. The account of 'having a property derivatively' makes it perfectly clear what it means to say that there is a single thought that I have nonderivatively and the animal that constitutes me has derivatively.

IV. Replies to Some Objections

Although not identity, constitution makes for real unity. As such, it has been caricatured by those who cannot imagine a relation of unity that is intermediate between identity and separate existence. The idea of such an intermediate position strikes some philosophers as incoherent.[15] As we have seen, however, the notion of constitution-without-identity is demonstrably coherent. Since I reply in detail to numerous objections to the Constitution View elsewhere, here I'll respond to what seem to me the main worries of the critics.[16]

[15] Anyone who believes in the Christian doctrine of the Trinity is committed to there being a relation (besides proper parthood) between strict identity and separateness. So, an orthodox Christian believer is in no position to declare the claim that there is an intermediate relation between identity and separateness to be incoherent. An orthodox Christian believer should look for fault in my specific account of constitution, not in the general idea of constitution-without-identity.

[16] See Baker, *Persons and Bodies*, chaps. 7, 8.

1. Some philosophers do not see how things that are exactly alike in microstructure can be of different kinds or can have different persistence conditions. For example, Michael Burke asks how a statue and a piece of copper that makes it up can belong to different kinds. They are "qualitatively identical. Indeed, they consist of the very same atoms. What, then, could *make* them different in sort?"[17]

This question is a worry only on the assumption that the nature and identity of a thing are determined by its actual intrinsic physical properties. But we have independent reason to think that ordinary things—like statues, flags, carburetors, and passports—have relational properties essentially. (Nothing that is a statue could exist in the absence of an art world.) As I have argued at length elsewhere, it is an error to assume that difference in essential properties is ipso facto a difference in intrinsic properties.[18] And without the assumption that all essential properties are intrinsic properties, the worry about how *x* and *y* can have all the same actual intrinsic properties and yet differ in kind or in persistence conditions disappears.

Once we see that a thing can have relational properties essentially, we are freed from supposing that if *x* and *y* differ in primary kind, then there must be an actual physical intrinsic difference between *x* and *y*. And being freed from that supposition, we can see how an animal can have certain biological properties essentially, and a person can have those same biological properties contingently. Difference in primary kind and difference in essential properties go together, whether the essential properties are intrinsic or relational. And to ask why something has the essential properties that it has is to ask a nonsensical question. (Why is it essential to the number four that it is even? Why is it essential to organisms that they have cells?)

2. Some critics think that the Constitution View forces one to posit linguistic ambiguities. For example, Eric Olson makes a number of assumptions about my view that simply are in error. He says that although I (Baker) take the sentence 'Human animals are primates' at face value (as I do), he thinks that I claim that the sentence 'Human animals are sentient' "must be understood differently" from 'Human animals are primates'.[19] I make no such claim. Indeed, I think that dogs, human animals, and

[17] Michael B. Burke, "Copper Statues and Pieces of Copper: A Challenge to the Standard Account," *Analysis* 52 (1992): 14.

[18] Baker, "Why Constitution Is Not Identity."

[19] Eric T. Olson, "Reply to Lynne Rudder Baker," *Philosophy and Phenomenological Research* 59 (1999): 163.

human persons are sentient in exactly the same way: they are conscious; they have various conscious states (like feeling pain). What sets human persons apart from dogs and human animals that do not constitute persons is that human persons have first-person perspectives, not that they are sentient.

In general, I take the predicate 'is an H' to be univocal, but not to be identical to either of the predicates 'is constitutionally related to an H' or 'is identical to an H'. Here are truth conditions for 'is an H' used predicatively, where 'H' can be instantiated by any of a broad range of properties:[20]

> 'x is an H' is true iff either *(a)* *x* is constitutionally related to an H, or *(b)* *x* is identical to an H.

'I am an animal' used predicatively is true in exactly the same sense as 'Fido is an animal'. 'Human animals are sentient' is true in exactly the same sense as both 'Dogs are sentient' and 'Human persons are sentient'. The difference between human persons on the one hand and dogs and human animals on the other does not lie in what it means to be sentient, but rather lies in the source of sentience. Dogs and persons differ in that in virtue of which they are sentient: Dogs and human animals are sentient in virtue of being identical to animals of a certain sort; human persons are sentient in virtue of being constituted by animals of a certain sort. But 'is sentient' is univocal: the same property is being attributed in all three cases. So, the Constitution View does not lead to positing ambiguities in predicates.

3. A related criticism concerns the use of the personal pronoun 'I'. The criticism (this one by Paul Snowden) runs like this: Animals have evolved to use 'I'. So, if a person is not identical to an animal, then when the sentence "I am identical to an animal" comes out of the animal's mouth, there are two statements—a true one by the constituting animal and a false one by the person. But that's absurd. Therefore, the objection goes, the person is identical to the animal.[21]

[20] 'H' cannot be instantiated here by *(a)* an alethic property (any property expressed in English by the locutions 'essentially' or 'primary kind' (as in 'has F as its primary-kind property'), or by 'possibly' or 'necessarily' or variants of such terms); or *(b)* an "identity / constitution / existence" property (any property expressed in English by the locutions 'is identical to' or 'constitutes' or 'exists' or variants of such terms); or *(c)* a property rooted outside the times at which it is had (any property such that necessarily, *x* has it at *t* only if *x* exists at some time other than *t*). For greater detail, see *Persons and Bodies*, chap. 2.

[21] Paul F. Snowden, "Persons, Animals, and Ourselves" in *The Person and the Human Mind,* ed. Christopher Gill (Oxford: Clarendon, 1990): 83–107.

This argument is specious. We can agree that animals evolved to use 'I'. But when animals evolved to the point of being able to use 'I' in a way that manifests a first-person perspective, they came to constitute persons. According to the Constitution View, the pronoun 'I', when used sincerely and literally by a human person, always refers nonderivatively to the person—the person constituted by an animal. When "I am identical to an animal" issues from the mouth of the animal that constitutes me, I refer to myself (the person) nonderivatively, and say of myself that I am identical to an animal. What I say is false since, although constituted by an animal, I am not identical to an animal. (If I had simply said, predicatively, "I am an animal," then what I said would have been true, since on the Constitution View I have the property of being an animal derivatively.)

There are not two referents of 'I'—any more than there are two persons or two animals—where I am. So, when "I am identical to an animal" issues from an animal's mouth, there are not two statements—a true one by the animal and a false one by the person. There is only one statement (a false one) made nonderivatively by the person. If the sentence had been, "The thing that constitutes me is identical to an animal," it would have been true.

On the Constitution View, 'I' always refers nonderivatively to the person using it. If a person is constituted at *t* by a particular animal, and the person uses 'I' at *t*, then the person refers at *t* to a person constituted by the animal. This is so even if the person is attributing to herself a property that an animal could have without constituting anything. For example, if Jones says, "I am hungry," Jones refers to herself nonderivatively by means of 'I' and attributes to herself the property of being hungry, a property that she has derivatively in virtue of being constituted by an animal. When a person refers to herself, she does not fail to refer to the constituting animal: she refers to an embodied being constituted by that animal. Since you are constituted by a body, you refer to yourself, an embodied being, when you say, "I generally have good digestion." There are not two referents of 'I', nor are there two digestive systems. There is a single digestive system that you have derivatively and the animal that constitutes you has nonderivatively. The Constitution View simply does not result in linguistic incoherence.

4. Some criticisms simply do not apply to my view. For example, consider this one, by Olson again. "I found it hard to understand how, despite having all the right biological features, I could fail to be an organism; or how, despite having all the right psychological features, or at any rate all the right physical features, the organism that 'constitutes' me could fail to be a person."[22] But I do not "fail to be an organism." I most assuredly am an organism. But I have the property of being an organism, not in virtue of being identical to an organism but in virtue of being constituted by an organism. Nor does the organism that constitutes me "fail to be a person." It most assuredly is a person: me. Again, according to the Constitution View, the organism has this property, not in virtue of being identical to a person but in virtue of constituting a person. Of course, I think that anything that has all the right biological features is an organism, and anything that has all the right psychological features is a person.

Still, one might press the complaint by saying that on the Constitution View, a human person is not *strictly speaking* an animal. Consider Olson again: "Baker's view still entails that there are beings physically indistinguishable from human animals that are *strictly speaking* not animals (even if they 'are' animals in the sense of being constituted by animals); and it entails that there are beings physically indistinguishable from human people that are *strictly speaking* not people."[23] What does "strictly speaking" mean here? On the one hand, suppose that "*strictly speaking* not animals" means "not identical to animals." In that case, we should interpret the charge that "there are beings physically indistinguishable from human animals that are *strictly speaking* not animals" like this: "there are beings physically indistinguishable from human animals that are not identical to animals." No quarrel there. That's just my view. I have explained in significant detail how there can be beings physically indistinguishable from human animals that are constituted by human animals, but are not identical to the animals that constitute them. It is no criticism of my view to point out what I insist upon (and what I have shown to be coherent). To suppose otherwise is just to beg the question.

On the other hand, suppose that "strictly speaking" means "speaking seriously and literally." In that case, the criticism just misfires. For I am not committed to the existence of beings that are physically indistinguishable from human animals but that, speaking seriously and literally, are not animals. Speaking seriously and literally, I think that human persons are human animals derivatively, in virtue of being constituted by animals. In neither case—whatever "strictly speaking" means—does the criticism have any purchase on the Constitution View.

[22] Olson, "Reply to Baker," 163.
[23] Ibid., 163–64; Olson's emphases.

5. Then there is a criticism from the opposite quarter. Several philosophers charge that if I am a person and the animal that constitutes me is a person, then we have duplication of persons. Variations of this line worry about how many persons, how many speakers, how many thinkers, how many mental states there are.[24] Here is a sharpened version of the argument:

(i) If I am not identical to my body and my body is a person and I am a person, then where I am there are two persons.
(ii) It is false that where I am there are two persons.
(iii) I am a person, and my body is a person.
(iv) ∴I am identical to my body.

The first premise clearly begs the question against the Constitution View. For it presupposes what the Constitution View explicitly denies—namely, that if x is not identical to y, then x is not the same F as y. However, according to the Constitution View, we count, not by identity, but by identity-or-constitution.[25] Where F is a property that can be borrowed,[26]

x is the same F as y = [($x = y$ or x is constitutionally related to y) & x is F]

According to the Constitution View, the constitution relation yields a unity: if x is constitutionally related to y, and x has F nonderivatively and y has F derivatively, it does not follow that there are two F's. And an argument against the Constitution View that employs an unargued-for premise that supposes otherwise just begs the question against the Constitution View.

Since my body is a person solely in virtue of constituting me, my body is not a different person from me. Again: I have the property of being a person nonderivatively (and essentially), and my body has the property of being a person derivatively (and contingently). So, the Constitution View neither denies that my body is a person nor implies that wherever I am, there are two persons—my body and I. My body and I are the same person.

[24] Snowden, "Persons, Animals, and Ourselves," and Eric T. Olson, *The Human Animal: Personal Identity without Psychology* (New York: Oxford University Press, 1997).

[25] Philosophers who would oppose the Constitution View also allow that we do not count by identity. See, for example, David Lewis, "Survival and Identity," in *The Identities of Persons,* ed. Amelie Oksenberg Rorty (Berkeley: University of California Press, 1976), 26–28; and Harold Noonan, "Constitution Is Identity," *Mind* 102 (1993): 133–46.

[26] That is, F is not an alethic property, nor an "identity / constitution / existence" property, nor a property rooted outside the times it is had, nor a hybrid property. For details, see Baker, *Persons and Bodies,* 48–49.

Similarly, there are not two animals where I am. Since I am an animal in virtue of being constituted by something that is nonderivatively an animal, I am an animal derivatively. Since the animal that constitutes me is a person only because it constitutes something that is a person nonderivatively, it is a person derivatively. As we have seen, since I am an animal derivatively, I am not a *different* animal from the animal that constitutes me; and since the constituting animal is a person derivatively, she is not a *different* person from me. This is why it is not the case that wherever I am there are two persons or two animals.

6. Here is one last criticism advanced by those who do not think that the Constitution View is really a materialist account of persons:[27]

(i) If a human person x is a material being, then there is some material object to which x is identical.
(ii) x is not identical to x's body (or any part of it). [the Constitution View]
(iii) If x is not identical to x's body (or any part of it), then there is no material object to which x is identical.
(iv) ∴There is no material object to which x is identical. ((ii) & (iii), modus ponens)
(v) ∴Human person x is not a material thing. ((i) & (iv), modus tollens)

Premise (iii) is false. It would just beg the question against the Constitution View to suppose that if human person x is identical to a material object, then she is identical to her body or some part of it. She is identical to herself and not another thing. This is true whether she is a material being or not. Whether the *only* way for me to be a material being is for me to be identical to my body or some part of it is what is at issue and cannot be assumed in a premise against the Constitution View. For if the Constitution View is correct, then I am a material being and I am not identical with my body or with any part of my body.

Of course, a human person is strictly identical to some material thing: himself or herself. It would be nonsensical to require that there be *something else* to which a human person is strictly identical; and it would beg the question against the Constitution View to disallow that *human*

[27] Alvin Plantinga offered this argument (or something like it) at the Notre Dame Conference on the Mind / Body Problem in 1994. See also Peter van Inwagen, "Materialism and the Psychological-Continuity Account of Personal Identity," in *Mind, Causation, and World,* Philosophical Perspectives, no. 11, ed. James E. Tomberlin (Malden, Mass.: Blackwell Publishers, 1997), 312.

person is a material-object category. For according to the Constitution View, *human person* has as great a claim to be a material-object category as *marble statue* does. So, the claim that a human person is a material being is not ad hoc. The Constitution View, as I have developed it, is decidedly not ontologically neutral about persons: it takes *human person* to be a material-object category.

Indeed, if the argument just given—for the conclusion that on the Constitution View a human person is not a material object—were sound, a parallel argument would show that Smith's body is not a material object. Smith's body has existed over forty years, and it is constituted by aggregates of cells—different aggregates of cells at different times. Therefore, Smith's body is not identical to any particular aggregate of cells. One cannot say that at any given time, there is some aggregate of cells that is identical to Smith's body unless one says that Smith has as many different bodies as she has aggregates of cells. But that's not how bodies are individuated: Smith has a single body, constituted at different times by different aggregates of cells. Nor can one say that Smith's body is identical to a disjunction of all the aggregates of cells that make up the body throughout its existence. Assuming, as I do, that identity is a necessary relation, the view that Smith's body is identical to a disjunction of all the aggregates of cells that make it up would have an untoward consequence: If Smith's barber on some occasion of haircutting had cut one strand of Smith's hair one millimeter shorter, Smith's body would no longer have existed. For if Smith's body were identical to a certain disjunction of aggregates of cells, then with the subtraction of even one cell, Smith's body would no longer have existed.[28] Here's an argument that is parallel to the argument that on the Constitution View a human person, Smith, is not a material object. This parallel argument would show that Smith's body is not a material object:

(i′) If Smith's body is a material being, then there is some material object to which Smith's body is identical.
(ii′) Smith's body is not identical to any aggregate of cells (or to any disjunction of aggregates of cells).

[28] Here is the argument: Suppose that Smith's body = A (a disjunction of certain aggregates of cells). Take away one of the cells in one of the aggregates; then one of the original aggregates is replaced by a new aggregate. So the disjunction is replaced by a new disjunction, just like the old but minus one cell. Call the new disjunction of aggregates 'A-'. Obviously, A-≠A. Now if Smith's body = A, and A≠A-, then Smith's body≠A-. So, if A had been replaced A-, Smith's body would have ceased to exist.

(iii′) If Smith's body is not identical to any aggregate of cells (or to any disjunction of aggregates of cells), then there is no material object to which Smith's body is identical.
(iv′) ∴There is no material object to which Smith's body is identical. ((ii′) & (iii′), modus ponens)
(v′) ∴Smith's body is not a material thing. ((i′) & (iv′), modus tollens)

Since even substance dualists would agree that Smith's body is a material thing, something is wrong with this parallel argument. It seems clear that what is wrong with the argument is premise (iii′). Of course, Smith's body is a material thing, even though it is not identical to any aggregate of cells or to any disjunction of aggregates of cells. So, (iii′) is false. Similarly, in the original argument, Smith is a material thing, even though she is not identical to any human or other body. So, (iii) is false as well.[29]

In short, neither the linguistic nor the metaphysical objections that I have seen hold water. Each one either attributes to the Constitution View some consequence that it does not have (as in claiming that it denies that I am an animal) or blatantly begs the question with a premise that presupposes that the Constitution View is false (as in the assumption that if I am a material object, then I must be identical to my body, or to some part of it).

V. Why Accept the Constitution View?

I have set out the Constitution View of human persons in some detail; I have tried to deflect objections to it, and I have shown that the general idea of constitution-without-identity is coherent. But are there any positive reasons to accept the Constitution View? To my mind, the answer is a resounding yes. First, without any special pleading for persons, the Constitution View of human persons shows exactly how human persons are like and unlike other material things—from genes to statues and passports. That is, the Constitution View shows how human persons are part of the material world without reducing personal to something nonpersonal. Indeed, as I have shown elsewhere, the Constitution View brings with it a general account of material beings.[30]

Let me compare the Constitution View to its rivals—Substance Dualism and Animalism. I'll deal with Substance Dualism briefly. The main advantage

[29] Such considerations might drive some to four-dimensionalism; I think that that would be a mistake, but discussing why is beyond the scope of this paper.
[30] Baker, *Persons and Bodies*, chap. 9.

of the Constitution View over Substance Dualism is that the Constitution View achieves almost everything that a Dualist wants without postulating any immaterial substances. For example, the Constitutionalist agrees with the Dualist on all the following points: *(a)* A human person is not identical to her body. A human person can survive complete change of body. *(b)* Not all truths about human persons are truths about bodies. *(c)* A person has causal powers that a body would not have if it did not constitute a person. *(d)* Most important, persons have ontological significance: being a person is not just a contingent and temporary property of some fundamentally nonpersonal thing.[31] It seems to me that if these and other desiderata can be satisfied by both a materialist view (like the Constitution View) and an immaterialist view (like Substance Dualism), the materialist view is preferable. The Constitutionalist can give the Dualist what she wants while avoiding the well-known and long-discussed problems of Substance Dualism.

The other main rival to the Constitution View is Animalism. Animalism is the view that we persons have the persistence conditions of animals. It is the view that persons are identical to human animals.[32] The Animalist View has two important consequences (that discredit it to me). First, unlike both Substance Dualism and the Constitution View, the Animalist View entails that bodily transfer, or replacement of body, is metaphysically impossible. Indeed, on the Animalist View, it is metaphysically impossible that I should have had a different body from the one that I actually have. Second, on the Animalist View, being a person is irrelevant to the kind of individual that one fundamentally is. Indeed, as one Animalist has put it, perhaps we cannot properly call that vegetating animal a *person* since it has none of those psychological features that distinguish people from nonpeople (rationality, the capacity for self-consciousness, or what have you). If so, that simply shows that you can continue to exist without being a person, just as you could continue to exist without being a philosopher, or a student or a fancier of fast cars.[33] On the Animalist View, my being a person is metaphysically on a par with my "being a philosopher, or a student or a fancier of fast cars."

Since I have argued against Animalism at great length in *Persons and Bodies,* here I just want to pose a dilemma for anyone who holds that persons are

[31] For greater detail, see ibid.

[32] Even though David Wiggins is well known for developing a view of constitution-without-identity, he does not apply that view to persons and animals. He takes persons to be identical to animals, but animals not to be identical to their bodies. (By contrast, the Constitution View takes persons not to be identical to animals, but animals to be identical to their bodies.)

[33] Olson, *Human Animal,* 17.

identical to human animals. What is the status of human animals? Are they continuous with the rest of the animal kingdom or do they differ in some fundamental way from, say, apes? To hold that human animals are fundamentally different from other kinds of animals is to posit a biologically unmotivated gap in the animal kingdom. Biologists emphasize the continuity between human and nonhuman animals; they see rather small differences in degree not in kind. Hence, it would seem that we should not suppose that human animals are fundamentally different from other kinds of animals.

So, suppose that, according to the Animalist View, human animals are not fundamentally different from other kinds of animals. Then, how can such an Animalist account for the vast differences between nonhuman animals and human animals that are or constitute persons—who have art, science, literature, philosophy, government, religion, and so on; who have discovered evolution and intervene in evolutionary processes, clone mammals, devise medical treatments, stop epidemics, and so on? If such Animalists are right, a complete inventory of what's in the world need not mention persons at all; the property of being a person is just a temporary and contingent property of animals that are ontologically level with animals that do not constitute persons. Such an Animalist just has to deny the ontological significance of data like these: We alone among animals have the capacity to assess and modify our goals, to own up to what we do, to hold each other responsible for what we do. We alone are moral agents. We alone can wonder what kind of beings we are. (The list could go on indefinitely.) None of these things, on the Animalist View, has any ontological significance whatever. So, an Animalist must either posit a biologically unmotivated gap between human and nonhuman animals or deny the ontological significance of what is distinctive about human persons.

According to the Constitution View, the most significant fact about us ontologically is that we are persons (that is, we have first-person perspectives). Since our being persons (having first-person perspectives) underwrites the possibility of moral and rational agency, the Constitution View ties what is morally and rationally important about us, and what matters to us, directly to what we basically are. (Contrast the Animalist, according to whom our existence and persistence are independent of having mental states whatever, and who has no way to connect what is unique about us to what we basically are.) The fact, if it is a fact, that the first-person perspective evolved naturally does not diminish its ontological significance: Beings with a capacity for a first-person perspective are fundamentally different from other beings.

There would be no "us" at all if we were not persons. If there were no persons, there would be no *me* to consider my own persistence conditions.

Our abilities to ask "What am I?" and to make life plans and wonder how we'll die (and all the other things that require a first-person perspective) are indicative, according to the Constitution View, of the kind of beings that we are. Let me conclude by reiterating three features of the Constitution View that I take to recommend it over both Substance Dualism and the Animalist View:

1. The Constitution View situates human persons firmly in the material world, without reducing them to something essentially nonpersonal.
2. The Constitution View allows for the possibility that a human person could have a different body from the one that she actually has.
3. The Constitution View ties what is distinctive about us—our ability to care about our long-term future, to try to change our habits in light of rational assessment of our goals—to what we are most fundamentally: persons. The existence of persons makes an ontological difference in the world.

PART III

Does Life after Death Require Dualism?