

Critical Notice

LYNNE RUDDER BAKER, *Persons and Bodies*. Cambridge: Cambridge University Press 2000. Pp. xii + 233.

"The time has come," the Walrus said,
"To talk of many things:
Of shoes — and ships — and sealing-wax —
Of cabbages — and kings —" (Lewis Carroll)

I Introduction

Ontologists tend to divide into two camps. There are those who relish theoretical parsimony and wield the razor of William of Ockham against the messy ontological commitments of our common sense beliefs. And there are others, inspired perhaps by the pluralism of William James, who resist what they regard as the false economy of the Ockhamists in favor of a more generous common sense ontology. Lynne Rudder Baker, a self proclaimed pragmatist, is a spiritual follower of the second great William; she believes in many things. Baker's *Persons and Bodies* is a robust defense of common sense pluralism about the physical. And in line with our modern common sense understanding of ourselves as material beings, persons are included in her theory of the physical.

The central problem burdening common sense pluralism, as well as motivating the various Ockhamist reactions, is what has come to be called the problem of coincidence. Everyday thought and speech refer both to seals and to sealing wax, to kings (persons of a certain status) and to human beings or bodies. Where the first (seal, king) coincides completely in space with the second (sealing wax, human being respectively), is there one object in that place, or two? The initial response of common sense is perhaps to dismiss the latter out of hand. The king *is* a

human, after all, and the seal a quantity of sealing wax. But once we note that the conditions for the persistence in time of such objects may differ, or that (as Baker insists) they differ in essential properties, the one-object option seems less appealing. If both *exist*, as pluralism asserts, and the seal can be destroyed without the wax ceasing to exist, then perhaps the best defense of common sense is to recognize that the seal and the sealing wax are two.

The 'one-object' solution is sometimes defended (as relative identity theory) at the cost of weakening the identity relation (denying Leibniz' Law), and therefore of bringing into question the sense of 'is' when we say that the seal is the sealing wax, or the king the human. No such weakening of the relation of identity for Baker; hers is a two-object solution to the problem of coincidence. But she does not reject the claim that the king is the human. Instead she glosses this truth as involving, not the 'is' of identity, but the 'is' of constitution, an asymmetrical 'unity' relation between two objects. The two-object theory of constitution has been suggested in the writings of many philosophers, most notably in the pioneering work of David Wiggins.¹ But nowhere (that I know of) in the literature does it receive the systematic development and forthright defense that distinguishes Baker's book.

The three parts of this study focus respectively on three central issues in Baker's work. The first is the general relation of constitution which is ubiquitous, according to Baker, both in nature and in the realm of human artifacts. The second is the particular constitution relation Baker believes to obtain between a person and her body. Third, and, as I shall argue, quite distinct from the issue of constitution, is Baker's theory of personal identity.

II Constitution

The theory of constitution can best be appreciated by contrast with an alternative approach to the existence of complex objects that is not committed to coincidence. The theory I have in mind is what Frederick Doepke has called the one-many approach and which we might call 'compositionalism' after the usage of Peter van Inwagen, the theory's

1 David Wiggins, *Sameness and Substance* (Cambridge, MA: Harvard University Press 1980); also *Identity and Spatio-temporal Continuity* (Oxford: Blackwell 1967). Baker herself defends the two-object (non-identity) solution against relative- (or contingent-) identity theory in 'Why Constitution Is Not Identity,' *Journal of Philosophy* 94 (1997) 599-621.

best known exponent.² The composition relation is a part/whole relation obtaining between a thing and the plurality of parts (ultimate material simples in van Inwagen's version) that make it up. Since an object overlaps, but does not coincide completely with, the things that compose it, the coincidence problem can disappear on a suitably constructed theory of composition.

Baker's constitution relation, by contrast, is logically one-one. One object, *x*, constitutes another, *y*, in circumstances *D*, if *x* and *y* are instances of 'primary kinds' *F* and *G* respectively such that necessarily whenever an *F* is in *D*, that *F* constitutes a *G* (43). The theory of constitution applies *only* to coincident objects, and Baker's main project is to explain the conditions under which a distinct new object is constituted by some thing. Therefore Baker's is not a general theory of ontology, since some *unconstituted* objects must be, and belong to, primary kinds, on pain of infinite regress. But she has relatively little to say about the nature of unconstituted objects.

What she does say occurs in a late chapter, evidently an afterthought (215). There a second object-forming operation is specified: the singularization of a plurality of things. Singularization is a relation of composition, rather than one of constitution. It bears a load in Baker's theory of constitution far exceeding the scant attention it receives. For objects *composed* in this way *must* have a primary kind in order to play their role in the theory of *constitution*. For, as noted above, the definition of constitution requires that constitutionally related objects necessarily belong to specified primary kinds.

Baker has only this to say about the primary kind of a singularized plurality or 'aggregate': the kind of the aggregate is the kind of its components. Her model is a mass of water, composed of water molecules, and therefore of the primary kind water. But this is a very special case, one we might call 'homogeneous composition.' Baker seems unaware of the problem posed for her theory by more heterogeneous cases of composition. She briefly discusses the composition of an organism, only to force the diverse components of an organic body into the desired homogeneous form by counting all of them as 'organs' or components

2 Frederich Doepke, 'Spatially Coinciding Objects,' in Michael Rea, *Material Constitution* (Lanham, NJ: Rowman & Littlefield 1997), 10-24. Peter van Inwagen, *Material Beings* (Ithaca: Cornell University Press 1990). (See 124ff for van Inwagen's objections to the coincidence theory.) To see how a compositional, or part/whole, theory of a type closer to common sense than van Inwagen's can be infected by the coincidence difficulty, see David Wiggins, 'On Being in the Same Place at the Same Time,' in Rea, 3-9.

of organs (215). No questions are raised about the individuation of organs or why that should count as a primary kind. In general, her paradigms of things that constitute other objects are quite selective: a statue (David) is constituted by a piece of marble (Piece), a dress or flag by a piece of cloth. But what of sculptures made of a variety of components, or dresses with buttons and zippers? The truth is that Baker gives us but a fragment of an ontology, one restricted, it seems, to cases of 'common sense coincidence,' i.e., cases we are pretheoretically inclined to view as coinciding *things*.

The primary aim of Baker's theory of constitution is thus not to give a general answer to the ontological question (what exists?), but rather to deal with the more specialized problem of coincidence between objects we intuitively regard as existing. Thus her theory should be evaluated by how well it answers the various alleged difficulties relating to coincidence, difficulties which serve to demonstrate the difficulty of maintaining the kind of common sense ontology Baker holds.

One difficulty we have already met is the reaction of robust common sense that the king *is* the human, that there are not, as we can plainly see, two different objects, seal and sealing wax, on the letter. Her way with this first coincidence difficulty is simply to stare it down. Constitution, she claims, is a *unity* relation between two objects 'intermediate between' identity and separate existence (27; also 173f.). The unity of the seal and the wax is indicated by the 'is' (of constitution, not identity) when we say the seal is the wax; their difference is shown by the way they differ essentially.

Baker says far too little, however, about the nature of the unity relation. Not a marriage of equals, apparently, she writes that when x constitutes y , 'the identity of "the thing" — y as constituted by x — is determined by that of y ' (46; see also 114). 'The thing' here clearly begs the question concerning the existence and ontological status of x (or x as constituting y). There is a strong suggestion that x somehow loses its identity in that of y ('As long as x constitutes y , x has no individual existence' [46]), which is difficult to understand except as the view that there is but *one* object, y , existing. (If not one, and not quite two, do we understand this as some fractional number of objects?³) The idea that the sealing wax is no longer wax when it becomes a seal has illustrious antecedents in the Aristotelian theory of substantial change. (See Doepke, 17-21.) But it is difficult to

3 Baker's own attempt at making sense of this is to invoke context dependent practices of counting: 'We may count either by identity ... or by nonseparateness,' she writes (174-5). But to be told that two inseparable objects might sometimes be counted as one is hardly to deny that they are two!

understand for all that, and Baker does not pursue the suggestion. Moreover, her theory of derivative versus nonderivative properties, as we shall see, makes clear that the constituting object (x) does indeed have many fundamental properties independently of the thing (y) it constitutes.

Many key aspects of Baker's theory are best seen against a background of an ongoing dispute over what she, following Michael Burke,⁴ calls 'the standard theory of constitution.' For in addition to the basic anti-coincidence intuitions we have just considered, there are found in the literature a number of more specific arguments against widely held constitutionalist views. Baker's own theory can be seen and assessed to a large extent as a response to these difficulties. In what follows, I shall state two objections (or classes of objections) to the standard theory and show how Baker's theory would (or does) attempt to deal with them. These are what I shall call 'the Explanatory Objection' and 'the Properties Objection.'

The Explanatory Objection proceeds from the assumption that coinciding objects x and y, while they coincide, share all physical/intrinsic properties. They have, as Mark Heller observes, exactly the same molecular structure, any forces acting on x will be acting on y as well, etc. What, then, could explain the modal difference (Heller) or the difference in kind (Burke) between x and y?⁵

Baker's reply to Burke's version of the explanatory objection is to argue that what explains both the kind and the persistence conditions of a thing are its essential properties (172). She does not directly consider Heller's version of the objection, but given her alleged explanatory ordering, his question would naturally arise. Most of Baker's relevant discussion centres on her denial of what she calls the '*Assumption*,' that 'the nature and identity of a thing are determined by its actual intrinsic properties' (195). She argues intrinsic similarity is neither necessary nor sufficient for sameness in kind (170). She supports the non-necessity claim by citing a case of clocks (her watch and Big Ben) which are (in some respects) intrinsically dissimilar. But this is in fact irrelevant to the problem at hand. No one doubts that objects of the same kind may differ in all manner of intrinsic features. What is difficult to comprehend is how two

4 Baker, 57; Michael Burke, 'Copper Statues and Pieces of Copper,' *Analysis* 52 (1992) 12-17

5 Mark Heller, *The Ontology of Physical Objects* (Cambridge: Cambridge University Press 1990), 30-1; Burke, 'Copper Statues.'

objects can share *all* intrinsic features and yet differ essentially, i.e. the non-sufficiency claim.

Baker supports the non-sufficiency claim by citing (once again) David and Piece. Here though David may share the physical intrinsic properties of Piece, it has an essential relationship to 'an artworld' that Piece lacks (36, *passim*). It appears, then, that what *explains* the difference in kind between David and Piece is this relational difference. Now this solution to the explanatory problem does not seem clearly generalizable. For as Baker writes, 'persons and animals [constituting persons] do differ in persistence conditions without any actual physical intrinsic difference between them' (195). Yet here no comparable relational story is suggested. She does insist, however, that it is the *importance* of certain facts about persons that underpins the constitution of a person as something over and above her body. (More on this below.) Perhaps it is the importance (to us? to God?) that is the significant relational feature.

To see how such relational features might function to explain, we must appreciate their nature. Baker's artworld is a human institution, a set of practices, centring on art creation and appreciation, determined by how people *represent* works of art. Thus the differences between David and Piece (while they coincide) appear to be merely representational (Lewis) or conventional (Heller). But as Lewis argues in this connection,⁶ multiple ways of representing an object do not entail that there is more than one thing represented. Baker, however, assumes that differences in the way a thing is represented can sometimes entail a difference in ontology. (See especially 38-9.) But although she writes throughout as if there were always an objective fact of the matter whether a constituted object exists, there is no satisfactory discussion of just *which* representational differences determine ontological distinctions, nor of *how* they explain those distinctions.

The Properties Objection can take a number of different forms. In one, we note that the letter is sealed by the sealing wax, and would have been so even if the image of the seal had not been impressed upon the wax. But then the fact that the seal seals the letter seems a case of egregious overdetermination. How can both be required for such a simple task?

Another form of the properties objection concerns quantitative properties like weight and size. A seemingly general truth about material things is that when objects are combined such properties are themselves aggregated. Put a 50 lb. computer on a 50 lb. table and the result weighs

6 David Lewis, *The Plurality of Worlds* (Oxford: Blackwell 1986), 248ff.

100 lbs. But when a 50 lb. piece of marble comes to constitute a 50 lb. statue, the result is only 50 lbs.

More generally, for any property of coincident objects, it seems clear that the property will have only one, not two, instances. (A single trope for the trope theorist, a single instantiation for the advocate of universals.) And finally, if, contrary to appearances, we hold that there really *are* two instances, we should have to explain why that is so. For surely the fact that the statue and the marble have similar physical properties cannot be a mere coincidence.⁷

Baker's response to difficulties of this type has, as it seems to me, two main thrusts. In both it is a given that 'there are not two sets of intrinsic physical properties' to be found in such cases (193). The first thrust is to emphasize the *unity* of the constitutionally related objects (or 'c-unified objects'). They 'are not two things that rather mysteriously come to coincide [but are instead] things of different primary kinds that are a unity in virtue of being constitutionally related' (192-3). This suggests, though Baker does not explicitly claim, that one property instance is literally shared by two c-unified objects. The capacity to bear properties is tied to our very conception of what an object, physical or otherwise, is. So this response by itself would invite the reply that it collapses the two c-unified objects into one.

Baker's second thrust, one that receives far more explicit development than does the former, distinguishes her theory most clearly from previous theories of constitution. This is her distinction between the derivative and the nonderivative properties of an object. An object has a property nonderivatively if it has that property regardless of any constitution relation it might stand in to other objects. If, on the other hand, an object *x* has *P* in virtue of the fact that *x* is c-unified with some other object, then *x* has *P* derivatively. The king, for example, has the property of being fat derivatively, by virtue of his relation to his body, which is fat nonderivatively.

The virtue of the theory is that it dispenses with the apparent doubling of properties. Those that the c-unified objects both have while they coincide (i.e. those that do not depend on the two object's differing persistence conditions) are in a sense shared by the two objects, each object being related to one and the same property in different ways.

7 The paradox of the doubling of quantitative properties was suggested by Lewis, 253. A more general statement of the properties objection, as directed against a constitutionalist reading of Locke, is found in Gary Wedeking, 'Locke on Personal Identity and the Trinity Controversy of the 1690s,' *Dialogue* 29 (1990), 180-1.

Therefore, the thought possessed nonderivatively by the person and derivatively by the constituting human is not duplicated (102, 193).

This raises the question of how nonderivative possession of properties are distributed between c-unified objects (the Allocation Question). Setting aside for now the one central case of a person and her body, Baker's intentions concerning Allocation are for the most part tolerably clear. Take her favorite case, the statue (David) and the piece of marble (Piece). The physical characteristics, mass, chemical composition, etc. are nonderivative properties of Piece; the representational and aesthetic properties (how it represents the person David, its possession of representationally determined parts such as a nose [181], etc.) belong nonderivatively to David. 'Shape,' perhaps, is ambiguous. We might describe the statue's shape in terms of what it represents, a man standing in such and such position. But in the sense in which shape could be described completely in a three dimensional Cartesian geometry, the shape (S) is physical. As such, S goes nonderivatively to Piece, even though S is what suits Piece so perfectly to constitute David, and gives David its capacity to evoke aesthetic emotions etc. For Piece could, *per accidens*, have had precisely that shape in a world lacking the human institutions of Baker's artworld, where no sculpture could exist.

Even so, it is not clear that Baker's formal theory of Allocation can capture these intuitions. In her account (46f.), it is the possession of nonderivative properties by a *constituting* object that dominates.⁸ A constituting object x bears H (at t) nonderivatively, i.e. independently of any object x might constitute, if 'x could still have had H at t (*in the given background*) even if x had constituted nothing at t' (50, my italics). This means that only properties of x *sufficient* for the constituting of y are excluded from x's nonderivative properties.

Now this result may seem absurdly strong. For it entails that the requirements for an object x to constitute another y cannot be, say, individually necessary conditions that are only jointly sufficient for y. Nor can there be some critical mass of y-relevant conditions, whether necessary or not, that are collectively required for the constitution of y. This is where Baker's 'in the given background' qualification weighs in. With the crucial exception of the constitution of persons, nearly all of Baker's examples are of constitution relations that require a background

8 This is because the key requirement [I(b)(2)(ii)] for a constituted object, y, to possess a property H nonderivatively is that there could be no object x which constitutes y such that x bears H nonderivatively.

of 'relevant conventions — social, political, legal, or economic' (53).⁹ The artworld (presumably a matter of social and economic conventions) must be in place before the relevant facts about Piece (how it is created, treated and represented) can entail that Piece constitutes David.

The picture we are painting here is in fact a strange one. It implies that there is nothing about Piece *per se*, but only about Piece in a certain institutional context C, that precludes Piece from having a certain property P (such as representing something for some person) nonderivatively. To use Baker's metaphor, Piece must 'borrow' (40, n.33) the property P in C which it might well have nonderivatively, *given its intrinsic nature*, outside of C.

To appreciate the strangeness of this consequence, it is important to bear in mind that Baker's counterfactual test is not causal (50-1). That the king is fat might causally depend upon the king's status and personality, for example; nevertheless being fat is a nonderivative property of the king's body. Baker has in mind instead what is metaphysically (or logically) impossible for x to have *without* constituting some second object y. It is not, therefore, that without C in place, a certain person *would* not as a matter of fact have represented Piece in the way she did, or that Michelangelo *would* not in fact have created David (i.e. isolated Piece from the surrounding marble) with the creative intentions he in fact had, etc. Rather than being a question about how Piece would in fact have been *outside* the context C, it is instead that Piece *could* not have such properties *in* C without borrowing them from David.

The kinds of properties in question here, such as Piece representing something for someone (P), are, to be sure, relational ones. But the *capacity* to represent something x for y (those resemblances to x which, given certain psychological dispositions of the part of y, would lead y to regard x in the right way) is a causal power and as such, a property we should expect to be rooted in (i.e. identical to or supervenient upon) some set of non-dispositional, intrinsic properties (Q), of Piece. Now consider Piece with its properties Q in two possible worlds, w1, in which there is not, and w2, in which there is an artworld. Alternatively we might consider a change in one world, where Piece, with Q, persists through

9 A second exception is that of strands of DNA constituting a gene (21, 35). This example appears to do duty for many other cases of constitution in nature. Unfortunately it receives virtually no discussion or analysis. One standard way of construing the difference is to think of 'gene' functionally, as specifying a certain causal role, while DNA is that which in fact plays that role. But the causal role itself is abstract, certainly not a material object. The physical thing involved is the thing that plays this role. And that thing is in fact identical to the DNA. So there is no room here for a (non-identity) relation of constitution.

the advent of an artworld. What happens to Q when Piece is embedded in these alternative global contexts?

If Piece in the latter embedding, the artworld context in which Piece constitutes David, must 'borrow' P from David, as Baker claims, it is hard to see how the *capacity* to have P could remain a nonderivative property of Piece. But since that capacity is, or supervenes upon, Q, it seems that even such intrinsic properties as Q must be derivative for Piece once Piece comes to constitute David. But *derivative properties are all necessarily relational*. They are properties an object has only in virtue of (41 *passim*) its (constitutional) relation to some other object. As Baker writes, 'the fact that y has such properties is not a different fact from the fact that x has them at t and x constitutes y at t' (58; see also 103-4). It follows that Q cannot be intrinsic to Piece in the artworld global context. Thus the intrinsic physical properties of a natural object are themselves hostage to the institutional context in which the object is embedded. But intrinsic properties are nothing if not local to (located in) an object and invariant through alternative global contexts. Not only is this consequence deeply paradoxical, it runs counter to Baker's own apparent intentions concerning allocation.

The above conclusion is about the constituting object x, not the object constituted y. My final and most serious objection to Baker's account relates in contrast to the nature of the *constituted* object. Baker argues plausibly that works of art and other objects essentially connected with human institutions are in an important sense conventional in nature: the *essences* such things are conventional and relational rather than intrinsic. But if the above challenge concerning the allocation of intrinsic qualities to the constituting object can be met, and Baker's *intended* distribution of properties between the constituting and the constituted object maintained, then a possibly even more serious problem looms on the side of the constituted object. The deep problem with her account is that most constituted objects will, given her intended assignment of nonderivative properties, have no intrinsic properties at all. That is because, as we have seen, derivative properties are necessarily relational rather than intrinsic. It is no use saying that David 'has' a certain mass m — Baker's usage throughout. For Piece has m in one way, as an intrinsic property, while David 'has m' only relationally, insofar as it is constitutionally related to Piece. Where P is any property, in other words, 'is P' is ambiguous when applied both to objects that have P nonderivatively and to those that 'have P' derivatively.

The possession of causal powers is often taken to be the mark of real existence. And for Baker new causal powers always arise when an object is constituted by another (25). This functions for her, I believe, as a test for when an object is constituted by, and is therefore something over and above, another. Now all causal powers are capacities to affect other

objects, and are in that way relational. But only some causal powers are based in intrinsic properties of an object. The power of the bogeyman to frighten children, for example, is not. For this is a power the bogeyman has only because he is represented in a certain way. The causal powers of the bogeyman are not really to be explained by reference to any of his actual properties, for there are none. What are real are the stories, oral and written communications, and the mental representations they evoke.

Now the power that David has, to bring tears to the eyes of sentimental aesthetes, to generate tedious academic papers and astronomical auction bids, are exactly of the above sort. There are, of course, differences in the kind of causal story we should tell here from the one we tell about the bogeyman. For David is constituted by Piece, a real physical object, while the bogeyman is constituted by nothing physical at all. So to account for the causal powers of David, we must note those of Piece — to reflect light, to stimulate retinal photo-receptor cells and so on, i.e., precisely the causal powers rooted in the intrinsic qualities of Piece. But many of David's causal powers will be rooted in intrinsic properties of other objects, namely, the relevant mental representations.

A test for the location of the *real* causal powers is, as usual, misrepresentation. Where another object *o* is mistaken for David, it will acquire similar powers. And if the differences are undetectable, *o* may acquire *all* of David's powers, though *o* nevertheless does not constitute David and we would be wrong in our belief that it did. To use another of Baker's examples, a five dollar bill has powers the paper constituting it lacks. But counterfeit bills will have similar causal powers. A *perfect* counterfeit will have all the powers of the real bill. The constitution of a new object does not, then, itself yield the new causal powers.

Melinda Hogan and a referee from this journal have both objected to this result along the following lines. The causal powers of a real five dollar bill differs from those of a counterfeit in this: only the former can actually (i.e. legitimately) pay down one's debts. (Compare: only I, and not my molecule-for-molecule replacement could actually divorce my wife, for only I, and not my replacement, am married to her.)

I am not entirely confident in how to approach this interesting objection, but my inclination is as follows. Since by hypothesis, the real bill and the counterfeit are indiscernible, there could be no *discernible* differences between their effects. (Otherwise the counterfeit could be discerned by its effects and would therefore be imperfect.) Let *E* be all the relevant effects that the legitimate currency and perfect counterfeits share, such as being taken by everyone as having paid down the debt and so on. Now consider the set *F* of effects debt payment with real currency would have that 'payment' with the counterfeit would lack. What is the relation *R* between *E* and *F*? My answer is that *R* is simply

the (Davidsonian) relation of event identity; 'paying down the debt' is just a way of describing E, given the assumption of legal currency in the right institutional context. If this is correct, then payment of the debt is not an event additional to E. Assuming, as I would, that all effects are events, it follows from the original hypothesis that the real bill and the counterfeit produce identical effects. They therefore have the same causal powers. But without new causal powers requiring explanation by such properties, there is no case for *any* intrinsic properties of constituted objects. As I see it, nothing real can exist without intrinsic properties. Therefore I conclude that Baker has made no case for the existence of constituted objects.

III Are Persons Animals?

Baker's account of personhood, of the characteristics that distinguish persons from other beings, is firmly rooted in the Lockean tradition. 'What marks persons off from everything else in the world ... is that a person has a complex mental property: a first-person perspective [FPP] that enables one to conceive of one's body and mental states as one's own' (4). Like other modern Lockeanes, she emphasizes the proclivity for self-evaluation and creation that flows from this cognitive capacity. This familiar story has the somewhat counterintuitive, or at least unconventional, implication that humans who have not yet attained, or have irremediably lost, such cognitive abilities are not persons, and Baker evidently accepts this consequence.

What Baker adds to the usual neo-Lockean conception is a resolutely ontological understanding of the matter. 'When a person comes into being, a new thing — and not just a new exemplification of a property by a previously existing thing — comes into existence. The addition of a person increases the stock of things that exist' (105-6). Thus the capacity for self-awareness is unlike the various physical abilities of humans and other animals such as athleticism, as well as other mental capacities such as genius and musicality. The attainment of genius by some being (no doubt a person) may increase the stock of properties in the world, but it does not result in any new entity. Geniuses are nothing more than persons of genius.

As far as can be determined from Baker's text, the *only* organisms that constitute a distinct entity are those with FPPs; the FPP is 'a biological surd' (16). She does not deny that the FPP is a product of evolution. Indeed, she insists on it. But the upshot of this view is evidently a remarkable discontinuity in evolutionary history, where the (presumably gradual) development of a cognitive capacity results at a certain point in primate evolution in a *sui generis* entity, distinct from (i.e. not

identical to) the organism whose evolution gave rise to the capacity. Since, moreover, the entity must either exist or not,¹⁰ there must evidently be some precise point in this evolutionary process when persons first emerge. And since this phylogenetic development is recapitulated in ontogeny, a similarly definite point must apparently exist in the development of each individual person. This commitment of Baker's theory we shall call her 'ontological rupture' thesis.

One might well find Baker's notion of an ontological rupture in some tension with a plausible understanding of the matter that is beginning to emerge clearly from the science of primate cognitive ethology, one which would view self-awareness as arising gradually through the accretion of various communicative abilities, insights into the mental states (including intentions) of other animals and into the structure of the animal's social order and its own place in that order.

Baker attempts to turn tables on this plausible line of thought in a singularly unpersuasive argument to the effect that *failing* to recognize the ontological rupture is inconsistent with 'regard[ing] the animal kingdom as unified' (16-18). The argument turns on the premise that we must recognize the significance — the *ontological* significance — of the FPP. This premise is in fact a fundamental support for Baker's ontology of persons and a theme of many passages in her book. Yet there is no serious examination of the concept itself, or of how a valuational notion of significance or importance relates to the ontological fact of existence. Such is the terra incognita of Baker's theory.

A theme that is explored, in Baker's third chapter, is that of the cognitive capacities relating to self-awareness of other animals, in particular, other primates. A major issue is whether chimpanzees and other primates that have demonstrated experimentally a certain capacity for self-recognition have an FPP and thus should count as persons according to Baker's theory. This discussion is marred throughout by a mishandled technical device of H.N. Casteñeda's which is at best distracting and unhelpful and often seriously confusing.¹¹ Nevertheless there are, particularly in the earlier parts of the discussion, some promising insights into the question of animal consciousness.

Baker's key distinction is between what she calls 'weak' and 'strong first-person phenomena' (61f.). Weak first-person or 'perspectival' phenomena are common to the various intelligent non-human animals whose behavior can be explained in terms of 'practical syllogisms,' i.e.

10 Gareth Evans, 'Can There Be Vague Objects?' *Analysis* 38 (1979), 208

11 See Appendix.

cognitively integrated beliefs and desires. These are perspectival in that the dog, for example, reasons from a unified point of view. It acts from a perspective but 'without any conception of having a perspective that differs from other perspectives' (62).

Strong first-person phenomena, or the possession of a true FPP, is the characterizing feature of persons. Although the elements of the FPP are not explicitly distinguished, I think at least three can be discerned. One is that the person thinks of herself in a first personal way, distinct from any attributive characterization or ordinary *de re* demonstrative reference. This, of course is the sort of first personal thought developed in many writings of H.N. Casteñeda and in John Perry's 'The Essential Indexical.'¹² A second element is that the person must conceive herself as an *object* of a certain kind distinct from other objects of that kind. A third is that the person is not only the subject of mental states and attitudes, but is able to conceive of such states and attitudes, presumably in others, but most importantly in herself.

Together with the first, the second element reflects what I take to be Baker's most interesting insight. A person must conceive herself not only as a subject of a certain perspective, but as an object as well. The person must 'conceptualize the distinction between himself (and everything else) from a third-person point of view and himself from a first-person point of view' (67). A person thus integrates a subjective with an objective view of herself. Seeing oneself as an object of a special kind, an object with a viewpoint, is coordinate with thinking of certain other objects as themselves subjects of points of view and bearers of propositional attitudes. Such a non-solipsistic understanding of oneself is required for one to articulate to oneself one's own perspective. It is therefore this rather complex understanding of oneself as one subjective being among others, rather than simply a direct introspective awareness of one's inner states, that gives rise to the second order awareness of mental states and attitudes.

The above reading of Baker's phenomenology of the FPP is drawn from many scattered passages, mainly from her long and flawed third chapter. (See Appendix.) Her application of these ideas to the question of whether certain non-human primates such as chimpanzees have FPPs seems to me so sketchy and hasty in its (negative) conclusions as to border on the irresponsible. For the moral consequences of how this

12 Baker seems to associate the first element with the perspectivalism of animal mentality. At least that is what I am inclined to infer from her citation of Perry (but not Casteñeda) as offering an account of '(merely) perspectival phenomena' (62, n.6).

question is answered are serious indeed, imposing a special responsibility on the philosopher to consider the available evidence carefully. But while Baker describes a small selection of the literature, including Gordon Gallup's well-known experiments in chimpanzee self-recognition, I cannot see that the evidence is carefully considered. Gallup's experiments demonstrate an ability in mature chimps to recognize themselves as objects, apparently satisfying a key requirement for having a FPP according to Baker's theory. (There exists in addition substantial evidence about the abilities of these animals to recognize the mental states of others, but none of this evidence is even mentioned.) Baker suggests that chimps may be 'intermediate' between persons and non-persons (62-3). But it is left to the reader to speculate about how they fall short. Her summary remarks on the question are brief and enigmatic, centring on the claim that '[f]or strong first-person phenomena, it is not enough to *distinguish* between first and third person; one must also be able to *conceptualize* the distinction, to conceive oneself as oneself' (64). But what 'conceptualization' adds to the distinguishing, the holding, and holding distinct, of these two viewpoints on oneself, is simply not explained. And even the suggestion of an intermediate status for these apes is soon forgotten, after Baker, in a footnote (64, n.11), alleges, quite without explanation, that the phenomena observed by Gallup were somehow produced, rather than detected, by his experiments.

Baker's clean ontological rupture would obviously be compromised by the existence of true intermediate cases. And her dismissal of this possibility is tied to a twofold failure of her theory, (1) to consider the ontological implications of the gradual development of phenomena she regards as ontologically significant, and (2) to explain why other, allegedly less significant, phenomena are not *sufficiently* important to result in ontologically emergent entities. A proliferation of new entities to correspond to *every* difference in the pattern of mental and behavioral traits in animals would no doubt run up against the common sense nature of Baker's pluralism. But what leads her to precisely the typology of significant differences (FPPs versus no FPPs) that determines her ontology of living beings? Why not, in particular, a typology that includes at least the possession of consciousness as ontologically significant? For many philosophers would regard this as far and away the most important emergent phenomenon in evolutionary history after life itself.

Clearly the answer to this question has to do with the relatively well developed intuitions most of us have about the essential conditions for the persistence of persons — in contrast to our rather parochial disinterest in questions concerning the persistence of other beings. And Baker's most persuasive argument for the constitutionalist view that persons are distinct from (i.e. not identical to) human beings (or other organisms) rests on plausible essentialist intuitions. This is her 'Bionic Replacement

Argument,' which (with the above ontological significance argument) constitutes one of the twin pillars of Baker's constitutionalist theory of persons. The Bionic Replacement Argument runs as follows:

An organic body is essentially organic. That is, an organic body cannot itself become inorganic. Its parts may be replaced by inorganic parts, but it (the body that was organic) could not persist through near-total replacement of organic parts by inorganic parts. So, if sameness of living organism were necessary for sameness of persons, then a person would be unable to persist through near-total replacement of organic parts by inorganic parts. It certainly seems metaphysically possible (and perhaps even physically possible) for Jones to have a series of operations that successively replaced enough of Jones's organs with inorganic parts so that Jones's body was no longer the organic body that she started with. But it would not follow that, after the operations, Jones no longer existed. (122-3; see also 225-6)

As persuasive as I find this argument, I think it can be shown to prove too much, at least for Baker's purposes. Let me demonstrate that my dog, Waldorf, is not (identical to) an animal or organism. Now Wally possesses her own individual, though fairly typical, canine consciousness (a personality of her own, as we dog lovers are wont to say). She is an exemplification of a certain type of conscious being, a 'canine-conscious being.' Like any person, Wally can survive replacement of organic by inorganic parts. We begin with the easy parts, replacing Wally's diseased kidney and her cancerous leg by a mechanical kidney and prosthetic leg, and so on, for most of her body. We then proceed to her brain, where we undertake a very slow and gradual replacement of Wally's brain cells with functionally isomorphic silicon chips, replacing them one by one and giving each one a period of time to be assimilated by Wally's brain, in the fashion described by Peter Unger.¹³ Thus we ensure that Wally's behavior undergoes no sudden changes (but merely those we might expect through normal learning and maturation). More important, Wally's brain throughout supports her particular form of consciousness, the Waldorfian variant of canine-consciousness. There is no point at which Wally's behavior becomes strangely mechanical, for example, leading us to believe that her consciousness has disappeared. At the end of this series of gradual changes, few or none of Wally's parts are organic. But, as with Jones, Wally still survives. I would, for example, be as culpable if I refused to honor my ongoing responsibilities to Wally as Jones's family would be if they failed to honor theirs to Jones. Invoking Baker's essentialist thought that organisms are necessarily (predomi-

13 Peter Unger, *Identity, Consciousness and Value* (Oxford: Oxford University Press 1990)

nantly) organic, I conclude that Wally is not (identical to) an animal or organism. I leave it to the reader to decide whether (a) dogs are not animals or (b) Wally is not a dog.

This reasoning, from plausible premisses to a most implausible conclusion, may fairly be called paradoxical (the Dog Paradox), since its resolution is far from obvious. I would myself favor a four-dimensionalist solution, in which ontological issues are prised completely away from our ordinary intuitions about survival or persistence, thus rejecting Baker's argument. The reasoning can be saved, of course, at the price of accepting the conclusion. This would be consistent in general with Baker's constitutionalism. But since there is nothing all that special about Waldorf (except to me), the result would be a great proliferation of conscious entities, and (all the better) a rejection of Baker's ontological rupture. The ontological significance of persons, together with Baker's charge that her opponents fail to take persons seriously (218-22), would be cast into doubt. But again, I would say, so much the better.

One difficulty for Baker's theory, however, would remain, even on a broadened constitutionalist view of conscious animals. This is the issue of Allocation discussed in the first part of this essay. In contrast to the cases of constitution we focussed on there, persons, if they exist as entities distinct from their constituting organisms, have real intrinsic nonderivative properties. This is because Baker attributes the defining features of the person, the FPP, nonderivatively to the person, and only derivatively to the organism. Here the nonderivative properties of the constituted object are not limited to those it derives from its relation to an institutional background. The difficulty arises from the fact that the FPP is causally dependent on straightforwardly physical features, PF, of the organism, namely the structure and physiology of the brain. PF and the FPP are counterfactually linked, so the possessor of one (whether person or organism) must have both. So it seems that PF *must* be nonderivative features of the person, not the organism. But PF is a complex decomposable into particular micro-characteristics of the brain, the specific links between individual neurons, for example. It would not do to attribute the individual features nonderivatively to the organism while the aggregate of them, PF, goes to the person. But it appears that Baker is committed to just that, resulting in an oddly disunified conception of the human organism. Extending the constitutionalist view to other conscious organisms only serves to make this disunity difficulty ubiquitous within the animal kingdom.

IV Personal Identity

Baker refers to her theory of persons and personal identity as 'the Constitution view' (4, *passim*). But it important to note that the general account of material constitution we have examined in the first part of this essay is developed, largely in her second chapter, 'with [she writes] no reference to persons' (9). Her views on persons are largely Lockean, truer in my view to Locke's way of thinking than much of what is on offer as commentary on Locke himself. Like Locke's, Baker's thoughts on personal identity are developed in a conceptual context of 'sortal relativity' that is so familiar today as to go almost unnoticed, but was quite a novelty when first introduced by Locke (II, xxvii, 3-8). We might characterize the doctrine this way. Pointing to an object and saying 'this thing' is inadequate to specify *what* thing we have in mind. We understand what thing is referred to only when we mention the kind (Locke's 'idea') of the thing, which brings with it (as *we* would say) the persistence conditions for that kind. As Locke puts it regarding one of his examples (mass of matter / living body) 'Identity is not applied to the same thing' (II, xxvii, 3: Nidditch, 330: 31). This much of Locke, and of our modern common sense, is *neutral* concerning the issue of how we are to understand metaphysically the difference in identity of the coinciding mass of matter / living body. In Locke, this is highly debatable, with textual evidence available for either relative identity or constitutionalist readings.¹⁴ The issue is a live one for the reason that nothing in Locke's theory of persons per se decides this question one way or the other. The many Lockean elements of Baker's thought concerning persons are thus neutral concerning the theory of constitution, and Baker's title 'the Constitution View' is therefore descriptively misleading.

As befits the subject of this essay, I shall refrain from commenting here in any detail on the Lockean version of the theory we are considering.¹⁵ Suffice it to say that if 'consciousness' is substituted for 'FPP,' as is quite reasonable given Locke's very similar explanation of the idea (II,

14 For textual evidence pointing both ways, see Nicholas Griffen, *Relative Identity* (London: Oxford University Press 1977), 17-19, and Michael Ayers, 'Individuals without Sortals,' *Canadian Journal of Philosophy* 4 (1974), 125, n.19. See also William Alston and Jonathan Bennett, 'Locke on People and Substances,' *Philosophical Review* 93 (1988), 27-8, and Wedeking, 'Locke on Personal Identity,' 179f.

15 See Gary Wedeking, 'Locke's Metaphysics of Personal Identity,' *History of Philosophy Quarterly* 4 (1987) 17-31.

xxvii, 9), propositions (1) through (4) below, central to Baker's theory, can be attributed to Locke almost without revision.¹⁶

According to Baker, persons are material things in the sense that they are in some sense based in matter (which she explains, of course, in terms of constitution, not identity). Nevertheless, they are *essentially* independent of the underlying stuff composing them in that the persistence conditions for persons differ from those for matter.

1. Persons are temporal continuants differing essentially, particularly in persistence conditions, from the aggregate of matter that makes them up.

Baker's notion of what a person is, is that of a thing with a FPP. By that she means a capacity for self-awareness as well as self-evaluation. It is this, a 'complex mental property,' that 'marks off' persons from all other objects.

2. The possession of a FPP is a property essential to being a person.

Baker's main discussion of her notion of a FPP is contained in her chapter 3. There she explains, as we have seen, the nature of the capacity for self-awareness that forms the heart of her view of persons, distinguishing persons from other animals. It is a capacity, that is, a dispositional property, to think about oneself and one's relation to the world in certain way, a capacity unique to all and only the members of what Baker calls the 'primary kind' persons.

The concept of a first-person perspective (FPP) bears considerably more philosophical weight for Baker than is suggested by its role in demarcating persons from non-persons. For Baker believes 'It is these person making features that should determine what counts as personal identity over time' (124). And for her this is not just an idle desideratum; the FPP functions in fact, according to Baker, to provide a criterion for the identity of a person over time: one's 'continued existence [as a person] depends on the continuation of [one's] first-person perspective' (6). That is to say, where x and y are persons identified on different occasions,

16 See (8-10) for Baker's own reading of Locke. Baker distinguishes her view from Locke's in that 'According to Locke, persons ... are not basic substances' (9). The expression 'basic substance,' however, is not to be found in Locke. And in the sense defined by Baker, as applying 'to those things that must be included in a complete inventory of the world,' Locke undoubtedly *did* hold persons to be basic substances.

3. If x has FPP x' and y has FPP y' , then $x=y$ only if $x'=y'$.

It is here that Baker's thinking most closely mirrors Locke's ideas on consciousness, not just in his explicit explanation, but in the sub-text, the implicit role of the idea in his theory of personal identity. As in Locke, there is in Baker a transition, barely commented upon, from the notion of a general capacity (i.e. a certain *property*) shared by all persons, to a class of *particulars*, each possessed by a given person and retained by that person as long as she continues to exist.

The theory bears an obvious similarity to the traditional Cartesian theory of the soul. Interestingly Baker rejects the latter on the grounds that it can provide no non-circular account of personal identity. We have no criteria for the diachronic identity of a soul, she argues, except that it is the soul of a single person through a period of time (130-1). She does not explain why an exactly similar argument fails to disqualify the FPP for this role as well. Like Locke on consciousness, she seems to believe that the identity over time of one's FPP is epistemically accessible in a way that the identity of one's soul is not.

Both the appeal of this idea as well as the difficulty in maintaining it are best appreciated in the light of the thought experiments that have played so large a role in philosophical discussions of personal identity since the time of Locke. Those of Locke himself, concerning the transfer of consciousness, form the very backbone of the relevant philosophical literature and are so well known as to require no rehearsal here. These Baker finds 'utterly convincing' (141; also 123), and the appeal of her doctrine emerges from the fact that the intuitive force of such thought experiments is that we must seek an answer to the question of personal identity in some aspect of mentality rather than in the body of the person.

The rub is in those thought experiments on which a large late twentieth-century discussion of personal identity has turned, involving hypothetical (or real) possibilities such as the splitting of consciousness, duplication, and the contingent satisfaction of memory claims. These have the upshot that no purely qualitative feature of the mind could suffice to provide for identity of the person as a temporal continuant.

Baker (in contrast to Locke) is well focussed on these later thought experiments and the difficulties these present for a mentalist theory of personal identity (127-30). Indeed, no one can fault Baker for concealing the difficult burden of proof her theory must shoulder.

Suppose that I wake up and look in the mirror and see a strange new body. What makes that person me, no matter what body constitutes her (or him!), is that she has my first-person perspective. I am certain that I am this person (with the unfamiliar body), no matter how many other people also look in the mirror and find similar unfamiliar bodies. Now suppose that these other people ... are also psychologically

continuous with me. They have the same apparently intimate knowledge of my past and so on. Each of the others also thinks that she is L.B. (141)

Yet she is convinced that one (at most) may be the real L.B., and it is a fact of the matter which one. This, then, is Baker's most startling claim about personal identity: even in a case of duplication, for example, where neither a third person nor the original (134) could say which of the contenders *is* the original,

4. There is always a determinate fact of the matter whether a given contender is the original.

'Personal identity over time is, in an important sense, unanalyzable' (132), so there are no certain empirical indicators. Nevertheless Baker claims that which is L.B. is evident, at least to the contender who is in fact L.B., on the basis of 'incontrovertible facts, easily discernible from the first-person perspective' (136).

But Baker's account of the facts accessible to the real L.B. seem strangely similar to facts accessible to all the pretenders. When L.B. awakens after fission she has an experience from her own FPP of that FPP itself. 'I'm alive!' cries L.B.; and she can make no sense of the idea that 'it's partly me and partly somebody else who is having this experience' (136). That is, L.B.'s FPP presents itself to herself *as* her own and as something unitary. But of course *ersatz* L.B. cries 'I'm alive!' as well and thinks similar thoughts about *her* FPP. Yet it is something about the facts accessible to L.B. and not to *ersatz* L.B. that seem to underlie Baker's claim that which is the real L.B. is a fact of the matter. Much of the argumentation of Baker's chapter 'Personal Identity Over Time' is centred on this claim, and it is by far the most obscure part of the book.

Only quotation could convey the flavor of Baker's reasoning. Here is what I take to be Baker's main argument (137; see also 141-2) purporting to bear on the claim.

[i] Suppose that after the operation (either fissioning or total brain-state transfer) there are two people B and C with an equal claim to being me. [ii] If either B or C had my first-person perspective, then I would know it. [iii] For B's (or C's) experience of thinking "I'm alive" would be my experience of thinking "I'm alive."... [iv] And if I were thinking "I'm alive," (whether or not someone else was having a qualitatively similar thought), then there would be a fact of the matter that I was alive at that time. [v] Therefore, if one of the resulting people, B or C, were I, there would be a fact of the matter which I was. (137)

Both [iii] (when properly read as a conditional, with the antecedent of [ii]) and [iv] as well as the conclusion [v] are tautologies, but it is evident that Baker takes [v] to be the substantive claim

[v'] There may [in an equal claimant case] be a fact of the matter which is me [the original].

[ii], of course, receives no support from the tautologies that follow it, so it must be considered on its own. But what does it mean? Is the 'know' objectual (Russellian 'acquaintance') or is it intended in the propositional attitude sense, to imply knowledge of some *fact*. Reading [ii] as being about acquaintance yields

Acq: If B had my FPP, she would be acquainted with my FPP.

Now to have a FPP *is* to have an awareness of oneself and of one's own mental states. This, I think, Baker quite reasonably holds to imply awareness of one's own FPP. It follows that *any* FPP that B possesses will be an FPP that B is acquainted with. So if we read Acq literally, i.e. as simply stating what would follow if B had my FPP, it will be difficult to find fault with it. But how from such an innocuous hypothetical could [v'], the substantive proposition that there is a fact whether I am B, follow? The argument would be a complete *non sequitur*.

Interpreting the consequent of [ii] as a propositional attitude yields

Pr: If B (or C) had my FPP, she would know that she had my FPP.

Now Baker explicitly rules out the obvious *de dicto* reading of the consequent. Since 'my FPP' as written by Baker, refers to Baker's FPP, the *de dicto* reading says that B knows something she would express, for example, by saying 'I possess Baker's FPP.' But Baker denies that B need even believe anything she would so express (142). In any case, such a reading would render the consequent false even if the antecedent were true. For in Baker's thought experiment, the various *ersatz* Bakers would all believe inscriptionally similar propositions on identical evidence. Therefore, if B did have a belief of this form, it could not be knowledge.

My best guess at understanding [ii], then, is that Baker intends a *de re* reading of the consequent, resulting in something like:

DR: If B had my FPP, she would know *of* my FPP that she possesses it.

Given the antecedent, it follows that B's FPP = my FPP. And given the reasonable assumption that B knows that she possesses her own FPP, the consequent follows from the antecedent. The *de re* reading of [ii] is therefore true. The problem, of course, is that it is a *truism* given its antecedent. Again, how could the substantive [v'] follow?

[v'] would follow, of course, if we took the antecedent to be *true*, rather than just hypothetical, construing it as:

[v''] Since B has my FPP, she knows of my FPP that she possesses it.

But this is just to assume the point at issue, that it is a *fact* that B (or C) is Baker. My best guess at understanding Baker's argument, and the main claim of her theory of personal identity, then, is that it simply begs the question.

V Conclusion

Persons and Bodies is an uneven book, and much of Baker's writing on persons and personal identity are perhaps best taken as programmatic rather than as finished theory. But Baker is capable of writing with care and precision. Where she does, mainly in developing her theory of constitution, she advances the discussion of an attractive and widely held ontology considerably. As far as I know, Baker's is the only serious attempt to deal with the sticky questions about the properties of coinciding objects that arise for this ontology. Whether the theory can succeed here is a fair test of the general approach. Therefore no one who is attracted to the plausible pluralist idea that there exist both a seal and a quantity of sealing wax can afford to ignore her theory.¹⁷

Appendix: Baker's Use of the Star Convention

Baker develops her theory using Casteñeda's star convention: the pronoun 'he*' (or 'I*'), read 'He himself' (or 'I myself'). This is intended to distinguish knowledge that a person has of herself as such from that which one might have of the person she *in fact is*, but leaving open the question of whether she believes herself to be that person. (See also John Perry, 'The Essential Indexical,' *Nous* 13 (1979) 3-22.) The distinction is (in Casteñeda) between the belief that Mary would express by saying 'I am tall' as distinct from that she might express when observing her own reflection in cleverly concealed mirrors by saying 'That person is tall.' Casteñeda noted that a third person remark about Mary,

Mary believes that she is tall,

17 I would like to thank two referees from this journal as well as D.G. Brown, James Kelleher, Seth Makinson and especially Melinda Hogan for helpful comments on earlier drafts of this essay.

is ambiguous with respect to these two types of self-referential belief. Thus he used his star to disambiguate. In

Mary believes that she* is tall,

Mary is credited with a belief of the former sort, which she has of herself as such.

There is, however, no corresponding ambiguity in Mary's own use of the 'I' pronoun. The belief she would express as 'I am tall,' just *is* the belief that she* (she herself) is tall (H.N. Casteñeda, 'On the Logic of Self-Knowledge,' *Nous* 1 [1967], 12). Baker, however, holds that there is a distinction between the belief that she would so express and that which she might express as 'I* am tall.' Thus Baker's paradigm of self-knowledge (as such) is not this simple self-attribution, but rather the more complex,

I believe that I* am tall,

Therefore her paradigm case is of a belief which is *both* a self-attribution in the relevant sense *and* a belief about attitudes or mental states. The fact that both features are entailed in her paradigm seems to blind Baker to the analytical distinction between them. Conflating these features serves her poorly when she attempts to reason about the intellectual capacities of non-human apes and other primates.

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