

# The Ontological Status of Persons\*

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Chisholm held that persons are essentially persons. The Constitution View affords a non-Chisholmian way to defend the thesis that persons are essentially persons. The Constitution View shows how persons are constituted by—but not identical to—human animals. On the Constitution View, being a person determines a person's persistence conditions. On the Animalist View, being an animal determines a person's persistence conditions.

Things of kind K have ontological significance if their persistence conditions are determined by their being members of K. On Chisholm's view, persons have ontological significance, but animals do not. On Animalism, animals have ontological significance, but persons do not. After explaining the notion of ontological significance, this article argues that persons do have ontological significance, and hence that Animalism is not true.

Throughout his illustrious career, Roderick Chisholm was concerned with the nature of persons. On his view, persons are what he called '*entia per se*.' They exist *per se*, in their own right. I too have developed an account of persons—I call it the 'Constitution View'—an account that is different in important ways from Chisholm's. Here, however, I want to focus on a thesis that Chisholm and I agree on: that persons have ontological significance in virtue of being persons. Although I'll make the notion of ontological significance more precise later, the rough idea is that Fs (persons, or whatever) have ontological significance just in case a new F is a new thing and not just a change in some already-existing thing.

The Constitution View offers a way to place a traditional preoccupation of the great philosophers in the context of the "neo-Darwinian synthesis" in biology.<sup>1</sup> The traditional preoccupation concerns our inwardness—our abili-

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\* **Editor's note:** This special symposium, containing this paper and the two that follow it, derives from a memorial conference in honor of Roderick M. Chisholm held at Brown University in the year 2000.

<sup>1</sup> Variations on this term are widely used. For example, see Ernst Mayr, *Toward a New Philosophy of Biology: Observations of an Evolutionist* (Cambridge, MA: The Belknap Press of Harvard University Press, 1988); Philip Kitcher, *Abusing Science: The Case Against Creationism* (Cambridge, MA: The MIT Press, 1982); Daniel C. Dennett, *Darwin's Dangerous Idea: Evolution and the Meanings of Life* (New York: Simon and Schuster, 1995).

ties not just to think, but to think about our thoughts; to see ourselves and each other as subjects; to have rich inner lives. The modern synthesis in biology has made it clear that we are biological beings, continuous with the rest of the animal kingdom. The Constitution View of human persons recognizes our uniqueness even as it tries to show how we are part of the world of organisms.

On the Constitution View, something is a *person* in virtue of having a first-person perspective (or a narrowly defined capacity for one),<sup>2</sup> and something is a *human person* in virtue of being a person constituted by a human animal (or body).<sup>3</sup> Human persons are material beings, part of the natural order. As I develop the idea of constitution, this view of human persons has the consequence that although I am both a person and an animal, I am most fundamentally a person. Hence, my persistence conditions are the persistence conditions of a person (sameness of first-person perspective), not the persistence conditions of an animal (sameness of biological organism).<sup>4</sup> I could continue to exist without being an animal, but I could not continue to exist without being a person. If parts of my human body were replaced by synthetic parts until the body that constitutes me was no longer a human animal, then, as long as my first-person perspective remained intact, I would continue to exist and I would continue to be a person. But if nothing had my first-person perspective, then there would be no me. To put this controversial thesis in a slogan: Persons are essentially persons.<sup>5</sup>

I'll structure my elucidation and defense of the thesis that persons have ontological significance as follows: First, I'll explain my idea of constitution and its distinctive features. Second, I'll work out an account of ontological significance, on which both Chisholm's view and the Constitution View accord persons ontological significance. Then, I'll turn to Animalism, according to which persons are essentially animals, and show that Animalism in its several forms does not accord persons ontological significance. Finally, I'll urge—against Animalism—that what is distinctive about persons is enough to give them ontological significance.

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<sup>2</sup> I explain what I mean by a first-person perspective in "The First-Person Perspective: A Test for Naturalism," *American Philosophical Quarterly* 35 (1998): 327-348, and in *Persons and Bodies: A Constitution View* (Cambridge, MA: Cambridge University Press, 2000): Ch. 3.

<sup>3</sup> Unlike David Wiggins, who has a different sort of constitution view from mine, I do not distinguish between human animals and human bodies. I use the terms 'human animal' and 'human body' interchangeably.

<sup>4</sup> I am aware of the controversies in biology about individuating species. But we do talk about human animals, and human animals do have persistence conditions that are different from the persistence conditions that I take persons to have. That's all I need.

<sup>5</sup> A caveat: On my view, this slogan applies only to things that are persons nonderivatively in a sense that I shall explain.

## The Idea of Constitution

The relation of constitution is exemplified all around us: Not only do human bodies constitute persons, but also DNA molecules constitute genes; pieces of plastic constitute drivers' licenses; aggregates of water molecules constitute rivers. So, constitution is a very general relation.

Several features of the idea of constitution will be important here. First, the relation of constitution, which I have discussed in elaborate detail elsewhere,<sup>6</sup> is in some ways like identity. However, constitution is not identity. If you wonder how a relation could be *like* identity, but not *be* identity, think of what philosophers have called "contingent identity." By 'identity,' I mean strict identity:  $x = y \rightarrow \Box(x = y)$ . The idea of constitution plays the role in my view that the idea of "contingent identity" plays in others' views. (Indeed, one advantage of my views is that I can achieve what other philosophers want when they invoke ersatz "identity," without cheapening the idea of identity.) Identity is necessary; constitution is contingent. Hence, constitution is not identity.

Behind the idea of constitution is an Aristotelian assumption. For any  $x$ , we can ask: What most fundamentally is  $x$ ? The answer will be what I call  $x$ 's 'primary kind.' Everything that exists is of exactly one primary kind—e.g., a horse or a passport or a cabbage. A thing's primary kind determines its persistence conditions. And since its primary-kind property determines what a thing most fundamentally is, a thing has its primary-kind property essentially.<sup>7</sup> It could not exist without having its primary-kind property.<sup>8</sup>

Although the idea of primary kinds is inspired by Aristotle, I differ from Aristotle in several ways: First, according to the Constitution View, there are primary kinds of artifacts, as well as of natural objects. Second, according to the Constitution View, a primary kind may be just a kind of thing; it does not have to be a kind of a broader kind (like a kind of furniture). In particular,

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<sup>6</sup> See *Persons and Bodies*. For a preliminary discussion of the notion of constitution, see "Unity Without Identity: A New Look at Material Constitution," ed. Peter A. French and Howard K. Wettstein (Boston, MA: Blackwell Publishers, 1999): 144-165.

<sup>7</sup> To borrow some paraphrases about essential properties from Chisholm, if  $x$  has the property of being a horse essentially, then ' $x$  is such that, if it were not a horse, it would not exist'; or 'God couldn't have created  $x$  without making it such that it is a horse'; or ' $x$  is such that in every possible world in which it exists it is a horse.' *Person and Object: A Metaphysical Study* (LaSalle, IL: Open Court Publishing Company, 1976), p. 25-26. Chisholm gives generalizations of these as paraphrases of the locution ' $x$  is necessarily such that it is  $F$ '. But then he goes on to say, rather forlornly, that "if a person doesn't understand ' $x$  is necessarily such that it is  $F$ ', it is not likely that he will understand the expressions in terms of which we have attempted to clarify it."

<sup>8</sup> Since a thing has the same persistence conditions in every possible world and time at which it exists, it has its persistence conditions essentially. Thus, no one who invokes persistence conditions is in a position to object to my view for invoking essential properties.

although on my view, *person* is a primary kind, I need not say that a person is a kind of some further kind (such as a kind of animal).<sup>9</sup> Third, as we shall see in the discussion of borrowing properties, something may have a primary-kind property without having that property as its primary-kind property. Something may have a primary-kind property contingently when suitably related to something that has it essentially.<sup>10</sup>

Constitution is a relation that things have in virtue of their primary kinds. The basic idea is that when things of certain primary kinds are in certain circumstances, things of new primary kinds, with new kinds of causal powers, come into existence. For example, when a piece of marble is carved by a member of an artworld, a sculptor, to have a certain shape, a new thing of a new kind—a statue—comes into existence. If a piece of marble constitutes a statue, then the primary kind of the marble statue is *statue*. The piece of marble still exists, but the statue now has pre-eminence. What makes the difference between a sculpture and a mere piece of marble is that the existence of the sculpture requires an artworld or an artist's intention or whatever is required by the correct theory of sculptural art.

What makes the difference between a human person and a human animal is that the existence of the person requires a first-person perspective. Your persistence conditions are determined by your having a first-person perspective; your body's persistence conditions are determined by its being a human animal. The organism that constitutes you, the person, retains its persistence conditions even though you-as-constituted-by-that-organism have the persistence conditions of a person.<sup>11</sup>

If constitution is not identity, we need an explanation of the fact that, if *x* constitutes *y* at *t*, then *x* and *y* share so many properties at *t*. Not only are *x* and *y* at the same places at the same times (as long as one constitutes the other), but *x* and *y* have many properties in common: weighing 200 lbs., having a toothache, running a 4-minute mile—properties that do not entail the existence of anything at any other time or in any other world.

There is an explanation: Even though constitution is not identity, it is a relation of genuine unity. And because constitution is a relation of genuine unity, if *x* constitutes *y* at *t*, *x* may borrow properties at *t* from *y* and *y* may borrow properties at *t* from *x*. (Chisholm introduced me to the idea of

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<sup>9</sup> Gareth B. Matthews has made me realize how different my view is from Aristotle's.

<sup>10</sup> Many properties (unrelated to this discussion) may be had essentially by some things and nonessentially by other things. A planet has the property of having a closed orbit essentially; a meteor that has a closed orbit has that property nonessentially. (This assumes that planets are planets essentially; otherwise it is only a *de dicto* necessity that planets have closed orbits.)

<sup>11</sup> I have a general definition of '*x* constitutes *y* at *t*' that I'll not state here. The purpose of the definition is to provide assurance that the idea of constitution-without-identity is coherent; and that constitution-without-identity is not just "spatial co-location" of two otherwise separate things. See *Persons and Bodies*, Ch. 2.

borrowing properties, but I have modified his idea quite a bit for my own purposes. On my view, if  $x$  constitutes  $y$  at  $t$ , then both  $x$  and  $y$  borrow properties at  $t$  from each other.) The intuitive idea of borrowing a property or of having a property derivatively is simple. If  $x$  constitutes  $y$  at  $t$ , then some of  $x$ 's properties at  $t$  have their source (so to speak) in  $y$ , and some of  $y$ 's properties at  $t$  have their source in  $x$ . I have put this less metaphorically elsewhere by defining ' $x$  has property  $H$  at  $t$  derivatively,' but here I'll just illustrate the idea. Consider some properties of my drivers' license, which is constituted by a piece of plastic: My drivers' license has the property of being rectangular only because it is constituted by something that could have been rectangular even if it had constituted nothing. And the piece of plastic has the property of impressing the policeman only because it constitutes something that would have impressed the policeman (a valid drivers' license) no matter what constituted it. The drivers' license has the property of being rectangular derivatively, and of impressing the policeman nonderivatively; the piece of plastic that constitutes my drivers' license has the property of being rectangular nonderivatively, and of impressing the policeman derivatively.

The second illustration of having a property derivatively is perhaps more controversial. Person is your primary kind. Human animal is your body's primary kind. You are a person nonderivatively and a human animal derivatively; and your body is a human animal nonderivatively and a person derivatively. Although you are a person and your body is a person, there are not two persons where you are. This is so because constitution is a unity relation. If  $x$  constitutes  $y$  at  $t$ , and  $x$  is an  $F$  at  $t$  derivatively and  $y$  is an  $F$  at  $t$  nonderivatively—or vice versa—then there are not thereby two  $F$ s.<sup>12</sup> Even though being a person is a primary-kind property that you have nonderivatively, your body has that property derivatively; but it (the property of being a person) is not your body's primary-kind property. Everything has its own primary-kind property essentially; but it can have a second primary-kind property contingently. For example, your body's primary-kind property is the property of being a human animal. Your body has that property essentially; although your body also has the property of being a person contingently, the property of being a person is not your body's primary-kind property. Your body is a person derivatively—solely in virtue of constituting you (who are a person nonderivatively). Your body is not a separate person from you; the

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<sup>12</sup> Being a person essentially and being a person contingently are two ways of having a single property along one dimension; being a person nonderivatively and being a person derivatively are two ways of having a single property along another dimension. But if *being essentially a person* were a distinct property from *being contingently a person*, or if *being nonderivatively a person* were a distinct property from *being derivatively a person*, none of those "properties" could be borrowed. The definition of 'having a property derivatively' would rule out having any of these properties derivatively. See *Persons and Bodies*, Ch. 2.

fact that your body is a person is just the fact that you are a person (nonderivatively) and your body constitutes you.<sup>13</sup>

Not all properties may be borrowed, or had derivatively.<sup>14</sup> For example, although primary-kind properties—like being a person, or being a human animal—may be had derivatively, other properties—like being a person essentially, or having human animal as one's primary kind—cannot be had derivatively. So, my body has the property of being a person (derivatively), but my body does not have the property of *having being a person as its primary-kind property* at all (not derivatively, not nonderivatively). Rather, my body has the property of being a human organism as its primary-kind property. If being an F and being a G are two primary-kind properties, x may have both—one as its primary-kind property and the other derivatively—but x is not of two primary kinds.<sup>15</sup>

The fact that constitution is a relation of real unity has two implications for the idea of having properties derivatively: On the one hand, if x has a property derivatively, then there are not two separate exemplifications of the property: x has the property solely in virtue of its constitution-relations to something that has the property independently. On the other hand, if x has a property derivatively, x still really has it. I really am a body (derivatively); if my foot itches, then I itch. And my body is really a person (now); when I have a right to be in a certain seat, my body has a right to be in that seat. Constitution is so intimate a relation, so close to identity, that if x constitutes y at t, then—solely in virtue of the fact that x constitutes y—x has properties derivatively at t that x would not have had if x had not constituted y. (And vice versa.) The idea of having properties derivatively accounts for the otherwise strange fact that if x constitutes y at t, x and y share so many properties even though  $x \neq y$ .

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<sup>13</sup> For further discussion of this point, see *Persons and Bodies*, Ch. 7, and "Materialism With a Human Face," in *Body, Soul, and Survival*, ed. Kevin Corcoran (Ithaca, NY: Cornell University Press, 2001): 159-180.

<sup>14</sup> The following kinds of properties can not be had derivatively: (1) any property expressed in English by 'possibly', 'necessarily', 'essentially', or 'primary-kind property', or variants of these terms—call these 'alethic properties'; (2) any property expressed in English by 'is identical to,' 'constitutes', 'derivatively', 'exists' or 'is an object' or variants of these terms—call these 'identity/constitution/existence properties'; (3) any property such that necessarily, x has it at t only if x exists at some time other than t—call these 'properties rooted outside the times that they are had'; (4) any properties that are conjunctions of two or more properties that either entail or are entailed by two or more primary-kind properties (e.g., being a cloth flag, being a human person)—call these 'hybrid properties'. In *Persons and Bodies*, I amend the definition of 'having a property derivatively' to accommodate having hybrid properties derivatively.

<sup>15</sup> There may be conjunctive primary kinds. Assuming that *can-opener* is one primary kind and *corkscrew* is another, then the property of being a can-opener and a corkscrew is a primary-kind property. (I believe that Tom Nagel is responsible for a "can-opener/corkscrew" example.)

Before leaving the topic of constitution, I need to discuss a common criticism of the Constitution View. The criticism is that the Constitution View makes it too easy for new things to come into existence. We certainly do not want to say, for example, that at the founding of the United States a new entity, the President, came into being. But there seems to be nothing in the Constitution View to prevent taking the President to be a new entity, constituted by different people (starting with George Washington) at different times.<sup>16</sup>

The critic has a point. What I need is a theory of primary kinds to distinguish cases of property-acquisition (George Washington merely acquired the property of being President) from cases of constitution (a piece of clay came to constitute a statue). I do have a theory of sorts; at least it is a condition on primary kinds: A kind *K* is a primary kind just in case (nonderivative) members of *K* have their persistence conditions in virtue of being members of kind *K*. Although this seems fine as far as it goes, it may not fully satisfy the critic. For it provides no way to adjudicate disagreements about which properties do determine persistence conditions. For example, I include among primary kinds organisms (e.g., maggots, redwoods, dogs), artifacts (e.g., telephones, submarines, stamps), and artworks (e.g., sculptures, paintings), but not social roles (e.g., *President*). Others may disagree.

In addition to the condition on primary kinds—that primary-kind properties determine persistence conditions of their nonderivative bearers—I can offer two characteristics that distinguish constitution from property-acquisition. If *x* constitutes a *G*, as opposed to just acquiring the property of being a *G*, then the *G* has whole classes of causal properties that *x* would not have had if *x* had not constituted something. Pieces of paper constitute dollar bills, and dollar bills have a whole range of vastly different kinds of causal properties—e.g., they pay off your debts, bribe the mayor, give you peace of mind, allow you to quench your thirst by inserting them into machines—a whole range of causal properties that the constituting pieces of paper would not have had if they had not constituted anything. A second characteristic of constitution is its relative stability. For example, pieces of metal constitute keys, but if I have a metal dogtag and use it to jimmy a lock, my dogtag does not thereby constitute a key. Rather, it merely acquires the property of being used to jimmy a lock. But both of these characteristics—new causal properties and relative stability—are admittedly vague.

I am satisfied to think of the idea of constitution as offering a form of a theory that needs to be filled out by a theory of primary kinds. For purposes here, however, I only need the claim that *person* is a primary kind, and later, I'll give reasons to consider the person case to be a matter of constitution, and not mere property acquisition.

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<sup>16</sup> Dean Zimmerman, among others, has pressed this criticism on me.

To conclude the discussion of constitution: The aim of my conception of constitution is to make sense of a relation more intimate than separate existence, but still not identity. I take identity to be necessary or strict identity: If  $(x = y)$ , then  $\Box(x = y)$ . Many philosophers think that if  $x$  and  $y$  are not identical, then they are just two different things, like the sun and the moon. The notion of constitution offers a third position, a position intermediate between identity and separate existence. (Say that  $x$  and  $y$  have separate existence at  $t$  if and only if there is no property  $F$  such that  $x$  and  $y$  are the same  $F$  at  $t$ .) For any  $x$  and  $y$ , there are three (not two) possibilities: strict identity, constitution, and separate existence. In *Persons and Bodies*, I give a general definition of 'constitution' that shows that there is "logical space" for such an intermediate position.<sup>17</sup> Thus, any criticism of my view that presupposes that nonidentity entails separate existence begs the question against my view.

Chisholm also uses the term 'constitution,' but for a relation somewhat different from the one I am trying to elucidate. On Chisholm's view, being constituted is a mark of ontological inferiority. On his view, if a table, say, is made up of boards AB on Monday and BC on Tuesday, then the table (which existed on both Monday and Tuesday) is an ontological parasite—a mere ens successivum—that does not exist in its own right.<sup>18</sup> Clearly, I am not using 'constitution' in Chisholm's way.<sup>19</sup> On my view, if  $x$  constitutes  $y$  at  $t$ , then  $x$  is not just a stand-in at  $t$  for  $y$ :  $y$  exists in its own right. And not only does  $y$  borrow properties from  $x$  at  $t$ , but also  $x$  borrows properties from  $y$  at  $t$ .<sup>20</sup>

Here, then, is a significant contrast between Chisholm's and my conceptions of constitution. Rather than being a relation between a really existing thing and an ontological parasite, constitution on my view is a relation between really existing individuals. A world with assault weapons, fiber-optic cables, and space stations is ontologically richer than a world that contains only the particles produced by the Big Bang. A world with organisms in it is

<sup>17</sup> Constitution offers the fruits of contingent identity, temporal identity, relative identity and so on without tampering with genuine identity.

<sup>18</sup> If the boards, AB, constituted the table on Monday and the boards, BC, constituted the table on Tuesday, then what really existed on Chisholm's view were the boards, AB, which "stood in for" the table on Monday, and BC, which "stood in for" the table on Tuesday. To say that the table is an ontological parasite is to imply that all of the intrinsic, present-rooted properties of the table are borrowed (in Chisholm's sense) from the boards that constitute it.

<sup>19</sup> I argue for my conception in "Persons in Metaphysical Perspective," in *The Philosophy of Roderick Chisholm* (Library of Living Philosophers, Vol. XXV), ed. Lewis Edwin Hahn (Chicago: Open Court Publishing Company, 1997): 433-453.

<sup>20</sup> There are further differences between Chisholm and me here. Most important is that, on my view, constitution is a key to understanding human persons. On Chisholm's view, constitution has nothing to do with persons at all; persons exist in their own right; constituted things (on Chisholm's view) are ontological parasites.



ontologically richer than a world that contains no organisms but contains all the chemicals that make up amino acids and proteins. On Chisholm's view, constitution produces ontological parasites; on my view, constitution provides a vehicle of ontological novelty.

### Ontological Significance

Despite these differences between Chisholm's view and mine, Chisholm and I are allies in rejecting views that deny that persons have ontological status.<sup>21</sup> While disagreeing with Chisholm that a person is an *ens per se*—which cannot gain or lose parts nor come into being or pass away gradually—I heartily endorse his larger point that a person is not an ontological parasite. Moreover, Chisholm is right to hold that 'person' is not a phase-sortal like 'child,' nor does it designate a property or an abstract entity, nor does it refer to a logical construction of nonpersonal elements, nor is it just an honorific for human animals. Persons, Chisholm and I agree, are real individuals whose appearance in the world makes an ontological difference. They have ontological significance. Now I want to try to spell out what I mean by saying that persons are ontologically significant.

Intuitively, to say that Fs (tigers, chairs, anything) have ontological significance is to say that the addition of a (nonderivative)<sup>22</sup> F is not just a change in something that already exists, but the coming-into-being of a new thing. The primary bearers of ontological significance are properties; things have ontological significance in virtue of having ontologically significant properties. Every individual thing that exists has ontological significance in virtue of some property or other. Ontologically significant properties must be essential to their (nonderivative) bearers. For example, being a student is not an ontologically significant property; being a water molecule is: The difference, I think, lies in the idea of persistence conditions.<sup>23</sup> A water molecule has its persistence conditions in virtue of being a water molecule; a student does not have her persistence conditions in virtue of being a student. To generalize:

<sup>21</sup> On Chisholm's view, a person is either an *ens per se* or "just a *façon de parler*:" "I am certain, then, that this much is true: if I'm a real thing and not just a *façon de parler*, then neither my coming into being nor my passing away is a gradual process." Roderick Chisholm, *On Metaphysics* (Minneapolis: University of Minnesota Press, 1989): 59. I think that the dichotomy—*ens per se* or "just a *façon de parler*"—is a false one. See my "Persons in Metaphysical Perspective."

<sup>22</sup> A nonderivative F is a thing that is an F nonderivatively. The reason for the qualification 'nonderivative' is that a derivative F may lose the property of being F without thereby going out of existence. E.g., my body is a person derivatively, but if I went out of existence while my body remained, my body would cease to be a person without ceasing to exist altogether. So, the ontological significance of a property is determined only by those things that have the property nonderivatively.

<sup>23</sup> In "Why Constitution is Not Identity," *Journal of Philosophy* 94 (1997): 599-621, I argued that everything that can go out of existence altogether has persistence conditions.

(OS1) The property of being an F has ontological significance if and only if, necessarily, if x is an F (nonderivatively), then being an F determines x's persistence conditions.

Here is the rationale for (OS1). Suppose that the property of being an F has ontological significance. Then, the instantiation of that property brings into existence a new thing, an F. Every existing thing has persistence conditions, and has its persistence conditions essentially. Since the F has its persistence conditions essentially, instantiation of the property sufficient for bringing the F into existence must be sufficient for the F's having the persistence conditions that it has. Therefore, if the property of being an F is ontologically significant, then the property of being an F determines the (nonderivative) F's persistence conditions.

On the other hand, if the property of being an F determines the (nonderivative) F's persistence conditions, then the instantiation of the property of being an F entails that there is an F with those persistence conditions. Since things have their persistence conditions essentially, the F could not have existed before the instantiation of the property of being an F (which determines the F's persistence conditions). So, the instantiation of the property of being an F brings into existence a new entity, and the property of being an F has ontological significance. Therefore, if the property of being an F determines the (nonderivative) F's persistence conditions, the property of being an F has ontological significance. Hence, (OS1).

Ontological significance is not only a feature of properties, but also a feature of things that have those properties:

(OS2) (Nonderivative) Fs have ontological significance in virtue of being Fs if and only if the property of being an F has ontological significance.

I'll use 'Fs have ontological significance' to abbreviate '(nonderivative) Fs have ontological significance in virtue of being an Fs'.<sup>24</sup> (OS1) and (OS2) aim to explicate the basic idea of ontological significance: Being an F is an ontologically significant property if and only if the addition of a (nonderivative) F adds to the stock of what there is.<sup>25</sup>

Since 'is a nonderivative F' in the vocabulary of the Constitution View is equivalent to 'is an F' in other vocabularies, the qualification 'nonderivative' in (OS1) and (OS2) is no restriction on the generality of these necessary and

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<sup>24</sup> I.e., 'Fs have ontological significance' is short for: 'For all x, if x is a nonderivative F, then x has ontological significance in virtue of being an F.'

<sup>25</sup> Although I avoid the 'qua' locution, the way that I have elucidated 'Fs have ontological significance' suggests that an alternative to that expression might be 'Fs-qua-Fs have ontological significance.'

sufficient conditions for ontological significance. Outside the context of the Constitution View, the qualification 'nonderivative' may be dropped without loss.

Now it is easy to see that on the Constitution View, persons<sup>26</sup> have ontological significance, given (OS1) and (OS2). Indeed, since every primary-kind property determines the persistence conditions of its (nonderivative) bearers, every primary-kind property has ontological significance—being a person, being a human animal, being a statue, being a piece of marble. So, on the Constitution View, persons and human animals both have ontological significance. Persons have ontological significance in virtue of being persons, even when they are constituted by human animals; human animals have ontological significance in virtue of being human animals, even when they constitute persons.

Likewise, on Chisholm's view, persons are ontologically significant. Indeed, Chisholm begins with the assumption that persons are *entia per se*, and the idea of an *ens per se* is formulated in terms of persistence conditions: *entia per se* cannot gain or lose parts without ceasing to exist, nor can they come into existence or pass away gradually. On one of Chisholm's definitions, a person is "that which is necessarily such that it is physically possible that there is a time at which that thing consciously thinks."<sup>27</sup> And he takes it that anything that instantiates this property is an *ens per se*—a being that has the persistence conditions of persons. So, according to (OS1) and (OS2), persons are ontologically significant both on my view and on Chisholm's.

### Animalist Accounts of Persons

Chisholm and I not only agree that persons have ontological significance; we also agree in what we deny. Neither Chisholm nor I thinks that we persons are identical to animals or are essentially animals. With the ascendancy of biology, however, Chisholm and I may be in the minority. Many philosophers today hold that persons are most fundamentally animals. These

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<sup>26</sup> I.e., nonderivative persons. In general, I'll drop the qualification when it seems clear that I am talking about nonderivative Fs.

<sup>27</sup> On *Metaphysics*, 59-60. 'Physically possible,' Chisholm tells us, means not contrary to the laws of nature. In *Person and Object*, Chisholm says that a person is "an individual thing which is necessarily such that it is physically possible that there is something which it undertakes to bring about." Chisholm goes on to point out: "Our definition has the consequence that, if an individual thing *x* is a person, then in every possible world in which *x* exists, *x* is a person from the moment it comes into being until the moment it passes away." *Person and Object*, 137.

philosophers—call them ‘Animalists’<sup>28</sup>—hold that we persons have the persistence conditions of human organisms.<sup>29</sup>

Suppose that Animalism is correct, and that we have the persistence conditions of human animals, and hence are essentially animals. We are also persons. How may an Animalist understand persons if persons have the persistence conditions of organisms? I’ll consider two kinds of possibilities: Being a person, on an Animalist view, either concerns having psychological properties (actually or potentially) or it does not. The only way that I can think of for an Animalist to hold that being a person has nothing to do with having psychological properties, actually or potentially, is to identify the property of being a human person with the property of being a human animal.<sup>30</sup> (To identify the property of being a person with the property of being a human animal would be a nonstarter since it would preclude even the logical possibility of there being nonhuman persons.) Such a ‘property-identity’ Animalist may claim that persons have ontological significance by means of the following inference:

- (1) Human organisms have ontological significance;
- (2) The property of being a human person = the property of being a human organism;

So, (3) Human persons have ontological significance.

The inference is valid, but the second premise is untenable for two reasons: First, there are no grounds for holding it; second, it is tantamount to eliminativism about persons.

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<sup>28</sup> The term ‘Animalist’ comes from Paul Snowdon, who is an Animalist himself.

<sup>29</sup> It may be reasonable to suppose that human organisms are essentially human organisms, but it is a view that Thomas Aquinas would oppose. According to Aquinas (following Aristotle), a zygote formed by a human egg and a human sperm first acquires a vegetative soul, then a sensitive soul. The organism does not become a human organism until it acquires a rational soul (at about 12 weeks). If we take it that there is a single developing organism from zygote on through birth and beyond, then on Aquinas’s view, a human organism would not be essentially a human organism—since it exists before acquiring a rational soul and thus before becoming a human organism.

<sup>30</sup> Fred Feldman takes the term ‘person’ to be ambiguous. There are, he says, “four distinguishable concepts of personality.” He claims that we have a concept of “biological personality,” but he offers no warrant for using the term ‘personality’ here; indeed, a biological person on his view is nothing other than a human organism from conception to disintegration. There is nothing particularly personal about it. However, on his view, the property of being a biological person (as opposed to the property of being a psychological person) furnishes our persistence conditions. As far as I can tell, Feldman would endorse this property identity for what he calls “biological persons.” He seems to take the property of being a biological person to be the property of being a human animal. See his *Confrontations with the Reaper: A Philosophical Study of the Nature and Value of Death* (New York: Oxford University Press, 1992): 101.

To see that there are no grounds for the claim of identity between being a human person and being a human organism, consider: Does the assertion have any a priori or a posteriori justification? It has no a posteriori justification. Unlike the assertion of the identity of water and  $H_2O$  molecules between 0 and 100 degrees centigrade, there was no empirical discovery that would underwrite an identity of being a human person and being a human animal. Indeed, without some way to characterize the property of being a human person other than in terms of its alleged identity to the property of being a human organism it is logically impossible that there be any *discovery* that underwrites the property-identity claim.

So the justification for the property-identity claim must be a priori, based on the meanings of words. But the meanings of the words give no warrant for asserting identity. The term 'person' was introduced in something like its current meaning to apply to parts of the Christian Trinity—hardly human organisms. It was given wide application by Locke, who explicitly distinguished being a person from being a "man," as he called it. Since historically, 'being a human person' and 'being a human organism' were not taken as denoting the same property, considerations of use or meaning do not do not give a priori justification for the claim of property identity. So, we are left with no justification for the claim of Animalist property-identity.

To see that the thesis of identity between the property of being a human person and the property of being a human organism is tantamount to eliminativism about persons, consider: If being a human organism is identical to being a human person, then by parity of reasoning, being an oyster is identical to being an oyster person. (At any rate, I do not believe that a property-identity Animalist has resources to make a principled objection to the thesis that being an oyster is identical to being an oyster person.) But there is no such property as being an oyster person. If there is no such property as being an oyster person, then by parity of reasoning in the other direction, there is no such property as being a human person. In that case, property-identity Animalism collapses into eliminativism about persons. Eliminativism about persons is hardly compatible with taking persons to have ontological significance. So, premise (2) is false and the argument is unsound.

So, an Animalist who takes having psychological properties to be irrelevant to being a human person does not assign ontological significance to persons. However, there are several theses available to an Animalist that construe being a person in terms of psychological properties. Consider:

- (1) Necessarily, if  $x$  is a human person at  $t$ , then  $x$  has psychological properties at  $t$ .

On Animalism + (1), persons have their persistence conditions not in virtue of being persons but in virtue of being animals; nor would the property of

being a person be essential to persons. *Person* would not be a substance-sortal (as it is on the Constitution View), but would be a phase-sortal like *infant* or *puppy*. In this case, being a person would be a contingent property of persons, and persons would have no ontological significance.<sup>31</sup> Now consider:

- (2) Necessarily, if *x* is a human person at any time, then *x* has psychological properties at some time or other.

Animalism + (2) has the consequence that whether or not an embryo is a person depends on its subsequent development. If it is miscarried or aborted before it has psychological states, then it is not a person. If it is carried to term and is born normally, then it was a person all along. So, on Animalism + (2), being a person is a contingent property of persons, and persons have no ontological significance. Finally, consider the most plausible notion of personhood available to an Animalist:

- (3) Necessarily, if *x* is a human person at *t*, then *x* has the capacity at *t* to have psychological properties.

'Capacity' is a notoriously elastic term. For purposes here, I take it that to have a capacity at *t* to have *F* is to have an internal structure at *t* such that it is consistent with the laws of nature that things with that internal structure have *F*. Now consider a person, Smith, who has suffered irreversible damage to the cerebral cortex, so that it is physically impossible for the brain ever to support psychological properties again. Suppose also that Smith's lower brain that regulates animal life continues to function.<sup>32</sup> Does Smith still exist?

I'll consider two versions of Animalism + (3). On one, suggested by writers on medical ethics, Smith does not still exist. On this construal, when the cerebral cortex is destroyed, so is the human animal. So, although Smith is [identical to] a human animal, destruction of the cerebral cortex is destruction of that human animal and hence destruction of Smith. However, after destruction of the cerebral cortex, an animal still persists, but it is not a human animal (and thus it is not Smith).

I do not believe that this construal is a viable option for Animalists. Here's why. Call the animal with functioning cerebral cortex, *H*. Call the animal after the cerebral cortex was destroyed, *H'*. Are *H* and *H'* the same animal? If so, then being human is just a contingent property of animals. In

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<sup>31</sup> What Feldman calls "a psychological person" conforms to Animalism + (1) (or perhaps +(2)). A psychological person on his view is just a "biological person" (a human organism) with psychological properties.

<sup>32</sup> Similar thought experiments are used by Eric T. Olson in *The Human Animal: Personal Identity Without Psychology* (New York: Oxford University Press, 1997) to illustrate Animalism. His version is the second one discussed in the text.

that case, being a human animal could not furnish the persistence conditions of human animals—since, assuming that H is the same animal as H', a human animal can lose the property of being human without going out of existence. But if the property of being a human animal does not provide the persistence conditions of human animals, then Animalism is false. So, on the view that holds that a human animal cannot persist after destruction of the cerebral cortex, H and H' must not be the same animal. But if H is not the same animal as H' and both H and H' are animals, then H' must have replaced H.<sup>33</sup> What happened to H? There is no plausible answer. Without anyone's being able to detect that anything was amiss, H just disappeared. I do not believe that the persistence conditions of animals that are countenanced by biologists allow for the undetectable disappearance of one animal and its undetectable replacement by another animal. So, that version of Animalism—that takes destruction of the cerebral cortex to be destruction of the human animal—entails untenable persistence conditions for animals, and I'll not consider it further.

On the other version of Animalism + (3), the persistence conditions of human animals are determined by lower-brain functions like metabolism, digestion, respiration, and circulation.<sup>34</sup> On this version of Animalism, Smith still exists after destruction of his cerebral cortex. If Smith has the persistence conditions of a human animal, then Smith still exists since the lower-brain functions that regulate animal life continue to function. But since there is no longer a capacity for having psychological properties, Smith is no longer a person (according to Animalism +(3)). If Smith can exist without being a person, then being a person is irrelevant to Smith's persistence conditions. In that case, being a person is not an ontologically significant property.

We have considered two versions of Animalism coupled with (3), where (3) is the view of persons that takes personhood to be the capacity to have psychological properties. The two versions of Animalism were, first, the view that takes the destruction of the cerebral cortex to be destruction of the human animal, and, second, the view that takes the persistence conditions of the human animal to be determined by lower-brain functions. On neither of these versions of Animalism + (3) are persons ontologically significant by (OS1) and (OS2).

Notice that Animalism cannot be combined with a Chisholmian construal of a person—as being “that which is necessarily such that it is physically possible that there is a time at which that thing consciously thinks.” As Chisholm would agree, human animals do not have this property. First of

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<sup>33</sup> Speaking from the Constitution View, we should add another conjunct to the antecedent: “...and H and H' are not related by constitution.”

<sup>34</sup> See Olson's *The Human Animal*.

all, human animals come into and go out of existence gradually, but, as Chisholm argues, no person—no *ens per se*—comes into or goes out of existence gradually.<sup>35</sup> Putting aside that difficulty, however, there is another difficulty with attempting to combine Animalism with Chisholm's definition of a person.

Suppose that H is a human animal that comes into being in the normal way: a fertilized egg undergoes cell division, is implanted in the uterus, and approximately nine months later, a normal baby is born. Now suppose that there is another possible world in which the same egg is fertilized by the same sperm that produced H; but in this other world, the mother-to-be drinks some toxic water which results in impairment, but not destruction, of the fertilized egg just as the new animal comes into existence.<sup>36</sup> Given Animalism, H still comes into being in this other possible world—same egg, same sperm, same time, same uterus—but the impairment is such that there is no physical possibility that H ever consciously think. (The impairment prevents the organism from ever developing a cerebral cortex.) Nevertheless, H, the human animal, still exists in the other possible world. But since it is physically impossible for H in that other world to think, H is not a person in that other world. And, on Chisholm's definition, if H is not a person in every possible world in which H exists, then H is not a person in any possible world in which H exists. So, on Chisholm's view, H—the normal baby born in the actual world—is not and never will be a person in the actual world.

I conclude that nothing with the persistence conditions of an animal can be a person, on Chisholm's view (as Chisholm would be the first to agree). My point is to show that a hybrid position that is part-Animalist and part-Chisholmian is not available to anyone. Given Chisholm's view, it is impossible that H, the normal baby born in the actual world, is or ever will be a person—since there is a possible world in which it is physically impossible that H ever consciously think. Given an Animalist view, it is possible that H, the normal baby born in the actual world, either is or will be a person—since H is just like any other normal baby born in the actual world. It is impossible that both positions be correct.

Therefore, on none of the construals of Animalism that I can think of does Animalism accord persons ontological status. Of course, an Animalist who denies that there is a property of being a person in the first place just concurs with my point that Animalism denies that persons have ontological significance.

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<sup>35</sup> Roderick M. Chisholm, "Coming into Being and Passing Away: Can the Metaphysician Help?" in *On Metaphysics*, 49-61.

<sup>36</sup> Whenever that is. Logically speaking, I do not believe that there could be a new individual until about two weeks after fertilization. Before that time, there is the physical possibility of "twinning." Since it is logically impossible for one thing to be identical to two things, I think that it is a logical error to hold that a new life begins at fertilization.



To sum up: On Animalism, animals have ontological significance, but persons do not. On Chisholm's view, persons have ontological significance, but animals do not. On the Constitution View, both persons have ontological significance and animals have ontological significance; and we, being essentially persons, have our persistence conditions in virtue of being persons. So, on the Constitution View and on Chisholm's view, persons have ontological significance. On the Animalist view, persons have no ontological significance.

### The Upshot

The fact that on the Constitution View persons have ontological significance (in the sense defined) and on the Animalist View they do not have ontological significance has not, I think, been properly appreciated. This fact, however, does not add up to a satisfactory argument for the Constitution View over Animalism, unless persons really do have ontological significance. So, I offer the following argument:

- (1) If Animalism is true, then persons do not have ontological significance.
- (2) Persons do have ontological significance.
- ∴ (3) Animalism is not true.

I just established the first premise. Although I cannot embark on a full-scale defense of the second premise in this paper, I shall offer two considerations in favor of it.

The first consideration is this: Persons are self-conscious, and self-consciousness is unique. No other part of the animal kingdom is self-conscious in the way that we are.<sup>37</sup> Self-consciousness is sufficiently different from everything else known to us in the natural world that it is reasonable to say that the difference that self-consciousness makes is an ontological difference. I can almost hear the question: Why not be more Aristotelian and take the "genus and species" approach? An Aristotelian may say that we are animals who differ from other animals in being self-conscious. Then I ask: In virtue of what do I have my persistence conditions? The answer cannot be that I have my persistence conditions in virtue *both* of being a human animal and of being self-conscious. Since the animal that is supposed to be me [nonderivatively, of course] existed before it was self-conscious, I cannot be both essentially an animal and essentially self-conscious. To say that persons

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<sup>37</sup> This is not to deny that there are gradations of mentality throughout the animal kingdom. My claim is that there is only one species with a first-person perspective, and that species is obviously different from all the others in what it manages to accomplish and produce.

are essentially animals, and not essentially self-conscious, is to make properties like *wondering how one should live* irrelevant to what we most fundamentally are, and properties like *having digestion* central to what we fundamentally are. I think that what we most fundamentally are is a matter of what is distinctive about us and not what we share with nonhuman animals.

The second consideration is this: Considered in terms of genetic or morphological properties or biological functioning, there is no discontinuity between chimpanzees and human animals. In fact, human animals are biologically more closely related to certain species of chimpanzees than the chimpanzees are related to gorillas and orangutans.<sup>38</sup> So, biologically speaking, there's no significant difference between us and higher nonhuman animals. But all things considered, there is a huge discontinuity between us and nonhuman animals. And this discontinuity arises from the fact that we, and no other part of the animal kingdom, are self-conscious. (If I thought that chimpanzees or computers really did have first-person perspectives, I would put them in the same category that we are in—namely, persons.)

So, in biological terms, there are no significant differences between us and other higher primates, but there are enormous differences between us and nonhuman animals all things considered. [Only we seek to understand our place in the universe.] Biologists and biologically-oriented philosophers speak with one voice in insisting that the animal kingdom is a seamless whole in which the human animals have no special significance. This suggests that biology does not fully reveal our nature. So, perhaps we should say that biology may well reveal our animal nature, but that our animal nature does not exhaust our nature all things considered. Rather, self-consciousness distinguishes us ontologically from the rest of the animal kingdom. This is to say that self-consciousness—and thus personhood—is an ontologically significant property.

The point here concerns the status of self-consciousness. The issue is not whether or not self-consciousness is a product of evolution, or whether or not it has a neural basis. The Constitutionalist's claim is that when self-consciousness did evolve by natural selection (if it did), it was sufficiently different from every other property in the natural world that it ushered in a new kind of being.<sup>39</sup> Self-consciousness makes an ontological difference whether it is a product of natural selection or not. Since biologists do not recognize any ontological difference between human and nonhuman animals, we should conclude that ontology does not recapitulate biology.

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<sup>38</sup> Daniel C. Dennett, *Darwin's Dangerous Idea* (New York: Simon and Schuster, 1995): 336. Dennett is discussing Jared Diamond's *The Third Chimpanzee*.

<sup>39</sup> The reason that I do not say that self-consciousness ushered in a new kind of animal is that biologists do not take self-consciousness to distinguish species, and I take the identification of new kinds of animals to be within the purview of biology.

In short, the uniqueness of self-conscious beings—of beings who can think of themselves as themselves, who have inner lives—makes it plausible to hold that to be a person is to be a special kind of thing—a thing that has ontological significance in virtue of being of that kind. Here again I share a Chisholmian intuition: The coming-to-be of a person is not just a change in some already existing—but theretofore nonpersonal—thing.<sup>40</sup> Rather, a new person is a new entity in the world.<sup>41</sup> If this is correct, then persons have ontological significance. And if persons have ontological significance, then Animalism is wrong.

### Conclusion

What I have done here is to make precise what I mean by 'the ontological significance of persons,' and then to show that the Constitution View affirms the ontological significance of persons and that the Animalist View denies the ontological significance of persons. Finally, I offered some considerations to show that persons should be regarded as having ontological significance, and hence that the Constitution View is superior to Animalism.

The Constitution View is a materialist view that explains the sense in which we are animals—that is, biological beings, part of the seamless animal kingdom. At the same time, the Constitution View explains the sense in which we are different from other animals in a way that makes us ontologically unique. What makes us ontologically distinctive is the first-person perspective. The property of having an inner life—not just sentience—is so extraordinary, so utterly unlike any other property in the world, that beings with this property are a different kind of thing from beings without it. Only beings with first-person perspectives can write their memoirs or dread old age or discover evolution and intervene in its otherwise blind operations. And in my opinion, what something fundamentally is—its nature—is more a matter of what it can do than of what it is made of.

If the Constitution View is correct, then the property of being a person is not just a contingent property of a fundamentally nonpersonal thing like an organism. Persons have ontological significance. Although my elucidation and defense of this thesis is not very Chisholmian, I am confident that Chisholm would approve of the conclusion.<sup>42</sup>

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<sup>40</sup> Recall the arguments against identifying being a human person with being a human organism.

<sup>41</sup> A new nonderivative person, that is. When a body comes to constitute a person, it becomes a person derivatively, but the body is not thereby a new person. The body's being a person is entirely a matter of the body's constitution-relations to a person.

<sup>42</sup> I'd like to thank Gary Rosenkrantz, my commentator at the Chisholm Memorial Conference at Brown University, November 10-11, 2000, for helpful comments. Also, thanks are due to Gareth B. Matthews for reading many drafts of this paper and to Katherine A. Sonderegger for searching discussions of these matters.