Part One

The Metaphysical Background
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Persons in the Material World

“But what, then, am I?” Descartes famously asked in the *Meditations*. Descartes then set the philosophical stage for the next few hundred years with his equally famous answer: “A thing that thinks. What is that? A thing that doubts, understands, affirms, denies, wills, refutes and which also imagines and senses.”¹ But what kind of thing is a thing that thinks? Descartes’s own answer – that a thinking thing is an immaterial mind – has lost ground over the centuries. Today neo-Cartesian materialists typically take the thinking thing to be the brain and then go on to try to determine how particular neural states can be the mental states involved in thinking (e.g., beliefs, desires, and intentions).² But the thinker – the thing that thinks, that has an inner life – is neither an immaterial mind nor a material brain: it is the person. My brain is the organ by which I think; but I, a person embodied in a material world, am the thinker. So, where traditional Cartesian see a mind/body problem and neo-Cartesians see a mental-state/brain-state problem, I see a person/body problem: What is a human person, and what is the relation between a person and her body? This is the problem that I shall investigate here.

According to the solution that I shall offer, a human person is constituted by a human body. But a human person is not identical to the body that constitutes her. Although I am not the only contemporary philoso-

pher who takes persons to be constituted by bodies with which they are not identical, I shall appropriate the label the ‘Constitution View’ as a matter of convenience and use it for the account of persons and bodies that I shall offer.” The aim of the Constitution View is to show what distinguishes persons from other beings and how we can be fully material beings without being identical to our bodies.

The Constitution View holds that something is a person in virtue of having a capacity for what I shall call a ‘first-person perspective.’ Something is a human person in virtue of being a person constituted by a body that is an organism of a certain kind — a human animal. Minds are not what distinguish persons from other things. The fact that persons have mental or conscious states provides no boundary between persons and nonpersons, according to the Constitution View. Many mammals have mental states of belief and desire; many mammals have conscious states. What marks persons off from everything else in the world, I shall argue, is that a person has a complex mental property: a first-person perspective that enables one to conceive of one’s body and mental states as one’s own. We human persons are animals in that we are constituted by animals, but, having first-person perspectives, we are not “just animals.”

We are persons.

THREE QUESTIONS

My attempt to solve the person/body problem will yield answers to three questions:

(1) What am I most fundamentally?
(2) What is a person?
(3) What is the relation between human persons and their bodies?

The first question is Descartes’s “What am I?” This question is an ontological question. Any answer to this question has implications about conditions under which I exist and under which I persist over time. (Following Descartes, I invite each reader to engage in thinking about himself or herself in the first person.) Traditionally, there have seemed to be two major alternative answers to the question “What am I?”: an

3 For example, Sydney Shoemaker long ago considered the possibility that persons are constituted by bodies to which they are not identical. See his “Personal Identity: A Materialist’s Account” in Personal Identity by Sydney Shoemaker and Richard Swinburne (Oxford: Basil Blackwell, 1984): 112–14.
immaterialistic answer (in line with Descartes), according to which what I am most fundamentally is an immaterial mind, an independent substance contingently connected to a body; and a materialistic answer (in line with Aristotle), according to which what I am most fundamentally is a material animal. Although Immaterialism and what I shall call ‘Animalism’ do not exhaust the ontological alternatives that have been proposed, they are two of the leading views to which I shall offer a competitor. Thomas Aquinas may be thought to offer a third alternative. On his view, following Aristotle, the soul is the form of the body (an animal); but departing from Aristotle, Aquinas held that the soul is immaterial, is separated from the body at death, and exists apart from the body until it is reunited with it at the general Resurrection. Even though Aquinas did not identify himself (or any other human person) with a soul, the fact that he took the soul to be capable of existing independently of all bodies aligns him with the immaterialistic camp.

All of these major competitors — Immaterialism, Animalism, and my own Constitution View — are competing ontological answers to the question “What am I?” They are ontological answers because each competitor purports to say what most fundamentally I am (and you are) and to give conditions under which I (and you) continue to exist. For example, if Immaterialism is correct, then what I am most fundamentally is an immaterial soul or mind; and I continue to exist as long as a particular immaterial soul or mind exists. If Animalism is correct, then what I am most fundamentally is an organism; and I would cease to exist if a particular organism ceased to exist. If the Constitution View is correct, then what I am most fundamentally is a person, a being with a


first-person perspective; and I would cease to exist if that first-person perspective were no longer exemplified. As a human person, according to the Constitution View, I am constituted by a human body; even so, my continued existence depends on the continuation of my first-person perspective.

In addition to Descartes’s question “What am I?” – my question (1) posed earlier – there is another important question whose answer is to be woven into this discussion: John Locke asked, “What is a person?” My question (2) is Locke’s question. It is important to see that these two questions – “What am I?” and “What is a person?” – are distinct questions.7 Even so, I propose to offer an account that integrates their answers. To Descartes’s question, “What am I?” I shall give an explicitly ontological but non-Cartesian answer: What I am most fundamentally is a person. This answer to Descartes’s question leads straight to Locke’s question, “What is a person?” To Locke’s question I shall give an answer that is quasi-Lockean in that it takes the defining property of a person to be something mental: A person, as I have said, is a being with a first-person perspective. But the kind of person that I am is a human person, necessarily embodied. If one is necessarily embodied, then one could not exist without having some body or other; but it does not follow that one must have the body that she in fact has. But at all times of her existence, she does have some body or other. So, on the Constitution View, human persons are material beings with first-person perspectives.

Even as I reject Descartes’s immaterialist answer to the question “But what, then, am I?” I am convinced that Descartes asked the right question. It is important to see that Descartes’s question is essentially first-personal; it could not be posed in the grammatical third person. Descartes’s concern was to discover what he was; Descartes did not ask, “What is a human being?” or even “What is Descartes?” Answers to these questions would provide no purchase on “What am I?” This latter question, unlike the third-person questions, could not occur to any being that lacked a first-person perspective. So, persons are the only beings with the ability to ask the question “What am I?” Is our ability to ask this question just an accident? I shall say no: Our being able to ask this question indicates a deep fact about us. It is part of our nature to be able to ask “What am I?” Not only is a first-person perspective

7 Failure to distinguish these questions leads Animalism to suppose that an Animalist answer to the first question is a theory of personal identity. See, for example, Olson, The Human Animal.
required in order to raise that question; but also, for beings who have first-person perspectives, the question “What am I?” is a natural and even pressing one to ask. We are puzzles to ourselves in a way that no other kinds of beings are.

One natural answer to the question “What am I?” is that I am a human being. Although no one is likely to take exception to this answer (except for those who think that we are immaterial minds, or monads), it is far from clear how this answer should be interpreted. Some philosophers use ‘human being’ simply to mean ‘human organism.’ For example, John Perry says: “By ‘human being,’ I shall mean merely ‘live human body.’ It is a purely biological notion.”8 Other philosophers use ‘human being’ in a richer sense. For example, Mark Johnston says: “[H]uman being’ names a partly psychological kind, whereas ‘human organism’ . . . names a purely biological kind.”9 So, ‘I am a human being’ requires interpretation, which the Constitution View will provide. On the Constitution View, ‘I am a human being’ is true because I, who am most fundamentally a person, am constituted by a human organism that has reached a certain level of development.

In ordinary language, ‘human being’ and ‘man’ are used more or less interchangeably with ‘person.’ Although I shall generally avoid the term ‘human being,’ as well as ‘man,’ it is worthwhile to mention my own view of the term. First of all, not every human organism is a human being. Exactly when a human organism becomes a human being I leave to biologists to say. (Thomas Aquinas taught that a human fetus became a human being when it began to have a rational soul – at the time of “quickening,” around twelve weeks.) I want to point out that it is highly misleading to use ‘human organism’ and ‘human being’ interchangeably.

Even if ‘human being’ is used to denote organisms that have reached a certain stage of development, there is still a conceptual difference between ‘human being’ and ‘human person.’ (Biologists themselves distinguish between organisms and persons when they speak, for example, of “the biological substratum of personhood.”10) It may be that we

reserve ‘human being’ for human animals that support first-person perspectives, in which case all human beings are (i.e., constitute) persons. But even so, ‘human person’ is a psychological/moral term. Whether or not \( x \) is a human being depends on biological facts about \( x \); whether or not \( x \) is a human person depends additionally on psychological facts about \( x \) – namely, on the Constitution View, on whether or not \( x \) has a capacity for a first-person perspective. I shall retain Locke’s insight that person is a moral category. As we shall see in Chapter 6, only persons can be held accountable for what they do. Locke was right: ‘person’ is a forensic term – not merely a forensic term, but a forensic term nonetheless. “Wherever a man finds what he calls himself, there, I think, another may say is the same person. It is a forensic term appropriating actions and their merit; and so belongs only to intelligent agents capable of a law, and happiness and misery.”

Locke also distinguished between a “man” and a person. The “idea in our minds of which the sound ‘man’ in our mouths is the sign,” Locke said, “is nothing else but of an animal of such a certain form: . . . [W]henever should see a creature of his own shape and make, though it had no more reason . . . than a cat or a parrot, would call him still a man.” The identity of an animal consists in “a participation of the same continued life, by constantly fleeting particles of matter, in succession vitally united to the same organized body.” By contrast, according to Locke, “what Person stands for . . . is a thinking intelligent Being, that has reason and reflection, and can consider itself as itself, the same thinking thing in different times and places; which it does only by that consciousness, which is inseparable from thinking, and as it seems to me essential to it: It being impossible for any one to perceive, without perceiving, that he does perceive.” Locke’s discussion of persons, unlike his discussion of ‘man’ (i.e., human animal) is couched entirely in mentalistic terms. It is true that Locke is not entirely consistent in his use of ‘man’; sometimes he takes ‘man’ to signify a composite of body and soul. Although I shall depart from Locke in many respects, I shall follow him in distinguishing between person and animal and in supposing that what is distinctive about persons is something mental.

12 *Essay II*, xxvii, 8.
14 *Essay II*, xxvii, 9. As we shall see in Chapter 3, on my view, nonhuman animals perceive without perceiving that they perceive.
On this much — that a person is “a thinking intelligent being that has reason and reflection and can consider itself as itself, the same thinking thing in different times and places,” and that a man (human being) is a kind of animal — I agree with Locke. But Locke went further and distinguished a person from a thinking substance (material or immaterial). According to Locke, persons (whose identity consists in the continuity of consciousness) are not basic substances. The term ‘substance’ in philosophy has a tortured history; in an attempt to avoid the murkiness surrounding ‘substance,’ let me just say this: If we understand ‘basic substance’ to apply to those things that must be included in a complete inventory of the world, then I take persons to be basic substances. A description that mentioned material atoms, or even animals, but omitted mention of persons (and omitted mention of properties that could not be instantiated in a world without persons) would be seriously incomplete as a description of the world as it is today. On the view that I shall defend, persons must be mentioned in any complete inventory of what there is.

The third of my three questions is this: What is the relation between human persons and their bodies? On the Constitution View, a human person is constituted by a human body but is not identical to the constituting body. The relation between you and your body — constitution — is the same relation as the relation between Michelangelo’s David and the piece of marble that constitutes it. As I have argued elsewhere, David is not identical to that piece of marble, nor is David that piece of marble plus something else. Constitution is a ubiquitous relation, and in Chapter 2, I shall offer a detailed account of ‘constitution’ in general, with no reference to persons.

The idea of a person, as we use it, is relatively recent. It was not available to Aristotle in his vast studies of “man.” The term ‘person,’


17 On Aristotle’s view, only males were fully human beings; females were lesser beings. I shall simply ignore this aspect of Aristotle’s thought.
as is well known, comes from the Latin word ‘persona,’ meaning mask. The term first came to prominence in something like the way that we use it today in Christian theology. Although ‘Person’ is still used for the Christian Trinity, it has come to apply more broadly to beings like us. By the seventeenth century, ‘person’ had become what Locke called a “forensic” term, one that connoted legal and moral status. So, the concept of a person is relatively recent. But persons have been around since the dawn of history. There were persons long before there was a concept of a person.

Some see an ambiguity in the term ‘person’ when applied to individuals. Fred Feldman, for example, suggests that people confuse psychological persons and biological persons. He takes psychological persons to be simply members of the species Homo sapiens; he takes psychological persons to be organisms with psychological capacities such as self-consciousness and the ability to engage in purposeful action. He holds that one can cease to be a psychological person without ceasing to exist, but that one cannot cease to be a biological person without ceasing to exist. Let me emphasize that I do not think that there is any such ambiguity regarding ‘person.’ First, there do not seem to be the two concepts of personality to which Feldman appeals. What Feldman calls ‘the biological concept of personality’ is not a concept of personality at all; a “biological person,” as Feldman uses the term, is simply a member of the species Homo sapiens; it may have no personality whatever. Second, the (putative) ambiguity itself is theory-laden in a way that begs the question against the Constitution View. Embedded in the claim that one can cease to be a psychological person without ceasing to exist, but that one cannot cease to be a biological person without ceasing to exist, is a controversial presupposition. The presupposition is that we are to be identified with what Feldman calls ‘biological persons’ that can exist without ever having any psychological properties at all. This presupposition is an extreme version of the Animalist View that I have already questioned and will challenge further. So, the presupposition required

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19 I say ‘individuals’ in order to exclude from consideration extraneous uses of ‘person’ – as in “The corporation is a [legal] person.”
to make Feldman’s point is a metaphysical thesis that begs the question against the Constitution View. We would do well to begin our inquiry by using ‘person’ in a less theory-laden way that does not render the Constitution View false before we start.

*Pretheoretically,* I take the term ‘person’ to apply to entities like you and me. The domain that I wish to explore includes Elizabeth I, Genghis Khan, Albert Schweitzer, Mother Theresa, Joseph Stalin – the kinds of things capable, for example, of planning their futures. The *theory* that I shall present will identify the first-person perspective as the person-making property and will take human persons to be persons constituted by human bodies. Furthermore, according to the theory, a human person could cease to be human (by gradual replacement of organic by inorganic parts) and yet continue to exist. But a human person could not cease to be a person and continue to exist. Unlike ‘adolescent,’ ‘person’ is not a phase sortal: Being an adolescent is a property that an individual has during part of his or her existence, but the same individual who is now an adolescent can (and typically, will) lose the property of being an adolescent without ceasing to exist – simply by growing older. By contrast, on the Constitution View, the same individual who is now a person could not lose the property of being a person without ceasing to exist. If a person died and ceased to be a person, then the entity that had been a person would cease to exist. On the Constitution View – the theory to be developed and defended – *person* is an ontological kind.

Finally, let me defend my use of the plural ‘persons’ instead of ‘people.’ Judith Jarvis Thomson has complained, “[P]hilosophers do not use ‘person’ as a mere innocuous singular for ‘people’: ‘person’ in the hands of philosopher trails clouds of philosophy.” 21 Well, this is philosophy. My aim here is theoretical; I am not trying to sketch out ordinary usage. Rather, beginning with ‘person’ pretheoretically as referring to things like you and me, I want to give an account of those things. I begin with Descartes’s question “What am *I*?”, and I answer that I am a person. Since you, the reader, are also a person, there are at least two of us persons; of course, we are people. But since ‘people’ suggests a collective and I want the theory to apply to you and me individually, ‘persons’ seems a better term for us than ‘people.’ The theory applies to each person and, therefore, to persons (or people) distributively, not collectively. ‘A theory of people’ sounds collective in a way that ‘a theory of

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