

## **Lecture 4**

### **Constitutionalism**

#### **1. Introduction**

Last time we looked at the arguments for animalism. We also considered a couple different objections to the position that challenged the form of the animalist argument. Recall that, according to animalism, human persons are identical to human animals. By contrast, on the constitutionalist view, human persons are identical to *persons* and are *constituted* by animals. Here, we'll consider several more objections to the animalist position and show how constitutionalism accommodates these challenges.

Baker (2016) argues that animalists and constitutionalists are committed to the truth of the following distinct sets of propositions.

- A1.** You are identical to an organism 'O'
  - A2.** There is no time at which you exist and O fails to exist.
  - A3.** There is no time at which O exists and you fail to exist.
  - A4.** There is no time at which you have a property and O fails to have that property.
  - A5.** There is no time at which O has a property and you fail to have that property.
  - A6.** Our persistence conditions are the persistence conditions of animals.
  - A7.** We could exist without having mental properties or the ability to acquire them.
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- C1.** You are identical to a person 'P'
  - C2.** There is no time at which you exist and P fails to exist.
  - C3.** There is no time at which P exists and you fail to exist.
  - C4.** There is no time at which you have a property and P fails to have that property.
  - C5.** There is no time at which P has a property and you fail to have that property.
  - C6.** Our persistence conditions are the persistence conditions of persons.
  - C7.** We could not exist without having mental properties or having the ability to acquire them

#### **2. Arguments against Animalism**

Turning then to some further objections to animalism.

##### **Biotechnology**

We currently have the technology to replace certain parts of our body with pieces of technology that are integrated into the functioning of the rest of the system. For example: pacemakers, artificial joints, cochlear implants. As these technologies progress it will be possible to replace more and more of our bodies with technology. Now consider a case like the following:

Suppose a person with paralysis “survives the implantation of a non-organic mind-brain interface connected to robotic limbs which P can move at will” (59). Either it is the case that, the organism survives this procedure or it does not. If it does survive, then the person will have properties that the animal does not—for instance, the property of being able to move. This violates A4. If it doesn’t survive (i.e. that the changes are considered so drastic as to stop the organism from being the same organism before and after), then the person exists at a time when the organism does not. This violates A2.

### **Resurrection**

This argument doesn’t depend on the actual occurrence of resurrection, but rather the possibility of the same. In resurrection, the very same person who died is brought back to life. Baker argues that, “if bodily resurrection is possible, and if Animalism is true, then the same living organism lives both before and after death—into eternity” (61). However, the living organism and anything eternal have different properties. The organism can deteriorate in various ways, but that which is eternal does not deteriorate. Therefore, since “no single individual can be corruptible during part of its existence and incorruptible during some other part” animalism is inconsistent with the possibility of resurrection.

Here, by ‘corruptible’, Baker means ‘perishable’ (see Baker 2018, “Constitutionalism: Alternative to Substance Dualism”). Where, she takes it (on the basis of Biblical evidence) to be the case that nothing eternal is perishable. Even independent of the Biblical view of immortality, we can see how being imperishable is necessary for being eternal. For, if to be perishable is to be able to perish (i.e. to end or die), then since X’s being eternal or immortal entails that X does not end or die, it also entails that X is imperishable.

In defence of the claim that, if X is perishable and Y is not perishable, then X is not identical to Y, she argues as follows:

*Can God not transform Smith’s body that is perishable now into a body that is imperishable? Certainly, he can. But to do so is to effect a substantial change: Smith’s new imperishable body would not be the same body as Smith’s current perishable body. Why not? Perishability and imperishability are persistence conditions. Objects have their persistence conditions essentially: a single object cannot be perishable at one time and imperishable at another time. Hence, the perishable body that Smith has now is not identical to the imperishable body that Smith will have in the resurrection. (2018: 347)*

### 3. Constitutionalism

On Baker's view, we are *constituted* by an animal, but are not identical to it. According to Baker, "persons are basic entities" (2016: 51). That is to say, there is no way to analyse personhood. She does, however, characterise personhood as being "essentially first-personal" (51). To have a "robust first-person perspective" (51) one must have "the ability to conceive of oneself from the first-person, as a subject of thought and action" (2018: 342). From here, our persistence conditions consist in the sameness of first-person perspective, where this is nothing more than a "brute fact" (348).

The constitution relation is what she calls a relation of "unity". She describes the constitution relation in the following way:

[...] the basic idea of constitution is this: when certain things of certain kinds (human organisms, pieces of marble, aggregates of water molecules) are in certain circumstances (different ones for different kinds of things), then new entities of different kinds come into existence. The circumstances in which an aggregate of water molecules comes to constitute a river have to do with the relation of the water molecules to each other; the circumstances in which a piece of marble comes to constitute a statue includes an artist's intention. The circumstances in which a human organism comes to constitute a human person include the organism's developing a brain that can support a (rudimentary) first person perspective. But in each case, new things of new kinds – rivers, statues, persons – with new kinds of causal powers, come into being. (343)

One important characteristic of constitution, on her view, is as follows:

**Property Sources:** "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." (2016: 52)

Constituting and constituted objects can share properties. But in these cases, one of the two has the shared properties only derivatively. So, take a lump of marble which constitutes the sculpture *David*. Both share the property of being made of marble, but *David* only has this derivatively; the lump of marble is the "source" of the property. Whereas, the property of being revered by art historians is shared by both, but *David* is the source of that property, and not the lump of marble.

Similarly, human persons and their organisms share the property of having a liver; but the human person only has this property derivatively. They also both share the property of (for instance) being humble; but the organism only has this property derivatively. The organism is the source of the former and the person the source of the latter. Baker calls this distinction (between having properties derivatively or non-derivatively) the **Key Distinction**.

Importantly, Baker takes her view to be *distinct* from dualism. We are not immaterial souls or minds.

*What we call “minds” are not entities at all, but collections of properties and capacities that we call “mental.” [...] [Some]— like wondering how one will die, or being grateful that one is healthy (properties that require robust first-person perspectives) – are exemplified only by persons. So, my solution to the mind-body problem is to say that **there are no entities that are minds**, no finite immaterial entities that are parts of persons or that can exist apart from bodies. There are rather persons (and some animals) who have all kinds of mental properties. (2018: 344, my emphasis)*

Thus, she takes it that her view has the advantages associated with dualism—namely it allows for the possibility of our survival without our particular body. But, it does not incur the metaphysical cost of independently existing distinct non-material substances (i.e. minds).

#### 4. Arguments against Constitutionalism

Baker addresses a few different objections from the animalist to her view.

##### **The Reductio Argument**

From Baker (2016: 54)

- R1.** If animalism is false, then when I say ‘I am an animal’ that remark is false
- R2.** Animals—and hence H [the animal that, according to animalism, I am identical to]—have evolved the capacity to use the word ‘I’.
- R3.** If R2, then remarks using ‘I’ made through the mouth of H are remarks in which H speaks of itself.
- R4.** If remarks made through the mouth of H are remarks in which H speaks of itself, then ‘I am an animal’ made through the mouth of H is true.
- R5.** When I say ‘I am an animal’, that remark is made through the mouth of H.
- C1.** Therefore, when I say ‘I am an animal’ that remark is true
- C2.** Therefore, animalism is true.

Baker responds to this argument by arguing that 'I' refers non-derivatively to the person and only derivatively to the human organism. She also argues that the person constituted by a human animal is an animal derivatively, and so on her account 'I am an animal' is still true, when uttered by a person constituted by a human animal. Similarly, my human animal is a person derivatively, so 'I am a person' said through the mouth of my human animal is also true. It is only the case that the utterances express falsehoods if we understand the copula (i.e. the conjugated verb 'to be') to be a use of the 'is' of identity.

### **The Thinking Animal Argument**

Recall the following argument from the last lecture:

- TA1.** There is a human animal sitting in your chair.
- TA2.** The human animal sitting in your chair is thinking.
- TA3.** You are the thinking being sitting in your chair
- C3.** You are the human animal.

Here, Baker denies the implicit uniqueness claim in TA3. Instead, she accepts that you and your animal are both in your chair and thinking. But again, the animal is only derivatively thinking, and you are non-derivatively thinking. She does not want to deny that non-human animals can think, but she argues that they are limited in the kinds of thoughts that they can have.

### **Fission and Duplicates**

Finally, on fission and physical duplicates, given that Baker takes it to be a brute fact whether someone has the same first-person perspective that I do, she could simply deny that your physical duplicate has the same first-person perspective that you do. Similarly, Baker could deny that one or both of the individuals who wake from a fission procedure have the same first-person perspective that I do.