How to be a Conventional Person*

Abstract

Recent work in personal identity has emphasized the importance of various conventions, or 'person-directed practices' in the determination of personal identity. An interesting question arises as to whether we should think that there are any entities that have, in some interesting sense, conventional identity conditions. We think that the best way to understand such work about practices and conventions is the strongest and most radical. If these considerations are correct, persons are, on our view, conventional constructs: they are in part constituted by certain conventions. A person exists only if the relevant conventions exist. A person will be a conscious being of a certain kind combined with a set of conventions. Some of those conventions are encoded in the being itself, so requiring the conventions to exist is requiring the conscious being to be organized in a particular way. In most cases the conventions in question are settled. There is no dispute about what the conventions are, and thus no dispute about which events a person can survive. These are cases where we take the conventions so much for granted, that it is easy to forget that they are there, and that they are necessary constituents of persons. Sometimes though, conventions are not settled. Sometimes there is a dispute about what the conventions should be, and thus a dispute about what events a person can survive. These are the traditional puzzle cases of personal identity. That it appears that conventions play a part in determining persons' persistence conditions only in these puzzle cases is explained by the fact that only in these cases are the conventions unsettled. Settled or not though, conventions are necessary constituents of persons.

1 Introduction

It is an increasingly influential view that personal identity across time is in part a matter of the attitudes or desires of the entities that constitute persons. Thus some talk of 'person-directed practices' — practices of reasonable self regard that entities have for some of their continuants.[1] In some versions, these practices are social as well as personal.[2] On these views a person's identity over time is, at least in part, determined by the various person-directed practices of

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[1] 'Continuant' as we use the term is neutral between three dimensionalist and four dimensionalist accounts of persistence. On the three dimensionalist view, Xs continuant is something about which it is reasonable to wonder whether it is strictly identical to X . On the four dimensionalist view X's continuant is a temporal stage that may or may not be part of the same persisting object asthe earlier stage.

[2] Cf. Johnston, M. (1989). "*Relativism and the Self*" in M Krausz (ed) *RelativismInterpretation and Confrontation*, Ilinois: University of Notre Dame Press;Unger, P. (1990). *Identity, Consciousness and Value*. New York: Oxford University Press; Sider, T. (2001). "Criteria of Personal Identity and the Limits of Conceptual Analysis" *Philosophical Perspectives 15 Metaphysics* 189-209; Nozick, R. (1981). *Philosophical Explanations*, MA: Harvard University Press; Perry, J. (1972) "Can the Self Divide?" *Journal of Philosophy* 59: 463-488; Braddon-Mitchell, D and C.West (2001). "Temporal Phase Pluralism" *Philosophy and Phenomenological Research* pp 1-25.

the individual and/or of the community.[3] These practices include the attribution of blame and reward for past actions, encouragement for future actions, the transmission of property, the attitude of anticipation or self regard for future continuants[4] and so forth. On this view someone survives some event just if, given her person-tracking practices, or those of her community, the being that exists prior to the event is treated in the same person-directed way as the being who exists after the event. Yet had these practices been somewhat different, she would have failed to survive the event even though, as it was, she did survive. We will sometimes call these person-directed practices 'conventions of identity', and later come back to discuss whether 'convention' is exactly the right term. If these practices are conventions, then it seems that personal identity is sometimes, at least in part, a matter of convention. Call such a view conventionalism about identity. The job of this paper is to defend the coherence of this view, and in particular to defend it from some important recent criticisms by Trenton Merricks[5].

One way to defend conventionalism is via the claim that there are multiple candidates for being the referent of 'I' or 'person' or for being the referent of some proper name. The sense in which identity over time is a matter of convention then, is the sense in which the reference of 'I' is determined by convention. Whether 'I' survive some event depends on which object 'I' refers to in the future. The problem with this view is that it looks as if, although it is a conventional matter to what 'I' refers, the persistence conditions of each of the candidates for being the referent of 'I' are perfectly non-conventional.[6] This makes it seem as though there are no entities which are in any interesting sense conventional; instead there is a merely semantic issue about which entity is picked out. This is true even if convention is involved in a deeper way than the meta-semantic role of settling that the word means what it does—the sense in which 'gold' refers to rats rather than tellurium is a matter of convention.

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[3] In what follows we will concentrate mainly on personal rather than social aspects of these conventions, in particular on the practice of future self-regard and anticipation. It is a controversial matter how to weight the social and personal aspects, and in fact it is the opinion of the authors that the social aspects matter for identity only insofar as they causally, rather than logically, impact on the personal aspects.

[4] See for example Johnston (1989).

[5] Merricks, T. (2001). "Realism about Personal Identity over Time" *Philosophical Perspectives 15 Metaphysics* J.Tomberlin ed MA: Blackwell pp173-187.

[6] Merricks (2001) pp175-177

Of course it might be part of the semantics (rather than the meta-semantics) that convention settles the reference of 'I' or of some proper name, just as according to two-dimensionalism, it is part of the semantics of 'gold' that its reference is settled by the intrinsic natures of the actual yellow ductile valuable stuff[7]. But by itself, that consideration does not tell us that when convention has done the settling, it settles on some entity whose identity is in any way conventional—just as even if convention is part of the reference fixing semantics of gold, when the actual valuable yellow etc. stuff turns out to have atomic number 79, then that stuff does not have conventional identity conditions. Though we do not rule out the possibility that some considerations of content in common between users of different allowable precisifications of 'person' might go some way to illuminating the path from the multiple candidate view to conventionalism, we do not think that such a path is easy to find.[8] So even though some such as Olsen[9] think that multiple candidate considerations are the only route to conventionalism, we must look further afield—even if it remains a desideratum of a good account of conventionalism that it explain why there sometimes seem to be multiple candidates.

In this paper we want to defend a more straightforward and extreme version of conventionalism, the view that persons are conventional constructs: objects whose existence logically depends on conventions.[10] We call the view logical conventionalism. According to logical conventionalism, the existence of the relevant conventions is part of the truth conditions for claims about the existence of persons. The view that some objects are conventional constructs is largely undisputed. Nations, for instance, are often held to be objects that exist just when territories, folk, and conventions of a certain kind exist. These conventions may exist just when the folk behave in certain ways, in which case nationhood supervenes on territories, persons and their actions. The identity of nations over time is clearly in part a matter of convention, since if we were to

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[7] Braddon-Mitchell, D. (forthcoming) "Mastering Meaning" *Philosophical Studies*; Chalmers, D. (forthcoming) 'The Foundations of Two Dimensional Semantics' *Philosophical Studies*;; Jackson, F. (forthcoming) 'Why we need A-intensions" *Philosophical Studies*.

[8] Robinson, D. (2004) "Failing to agree and failing to disagree" this volume

[9] Olson, E. (1997). "Relativism and Persistence" *Philosophical Studies* 88:141-162.

[10]This view owes its origins to Hume in Hume, D. (1978). *A Treatise of Human Nature* (eds.) L.A. Selby-Bigge and P.H. Nidditch Oxford: OUP pg 261. Derik Parfit also seems to defend this view in Parfit, D. (1984). *Reasons and Persons* Oxford: Clarendon Press. It is unclear whether some other defenders of conventionalism such as Mark Johnston subscribe only to the multiple candidate view, or to a a view that includes the claim that persons are conventional constructs.

abolish the relevant nation-constituting conventions, (if the folk were to act differently) we would ipso facto abolish nations. This is precisely the view we want to defend about persons.

Just as the existence of nations consists in there being certain territories, persons and conventions, so too the existence of persons consists in there being certain conscious, functioning beings and certain conventions. In both cases, changing the relevant conventions changes the persistence conditions of the objects in question, since the conventions are in part constitutive of those objects.[11] This is the sense in which had our person conventions been different, persons would have survived different events to the ones they in fact do survive.

Yet while the view that nations (as against land masses) are conventional constructs—logical conventionalism about nations—passes largely unassailed, not so for the claim that persons are conventional constructs. This view has of late come under fire from those non-conventionalists who hold that it is never a matter of convention under what circumstances you or I persist over time.[12] Merricks in particular argues that what we have called logical conventionalism has three highly unpalatable metaphysical consequences. First, he argues that conventionalism about identity over time entails conventionalism about identity at a time, and that conventionalism about identity at a time is mad, even by the lights of the traditional conventionalist. In §2 we argue that in fact we should embrace conventionalism about identity at a time. The second argument relies on the assumption that "a fully developed conscious human organism is sufficient for the existence of an entity like you or me".[13] Merricks argues that conventionalism entails the denial of this view, and that that too is mad. We likewise embrace the denial of this alleged truism in §3. The final argument is that there is a kind of circularity in conventionalism. To have conventions you first need persons, but how can this be if conventions are part of the existence conditions for persons? In §4 we dissolve this apparent circularity.

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[11]Of course, there are those who agree that there exist persons, territories and conventions, but disagree that these constitute some nation. See for example Heller, M. (1990). *The Ontology of Physical Objects: Four Dimensional Hunks of Matter*. Cambridge: Cambridge University Press chapter 4; Merricks, T. (2000). "No Statues." *Australasian Journal of Philosophy*, 78(8): 47-52.

[12]Merricks (2001); Olson, E. (1997). "Relativism and Persistence" *Philosophical Studies* 88:141-162.

[13] Merricks (2001) p 181.

2 A Scandalous View

As we just noted, Merricks argues that conventionalism of the kind we endorse has a scandalous consequence: that whether persons exist at a time is in part a matter of convention. We will briefly present a version of Merricks' argument that might suit both the three dimensionalist and the four dimensionalist about persistence. Suppose you are a three dimensionalist. Now suppose that there exists A at t_1 and B at t_2, and that neither of these has conventional existence conditions. Then there is a simple metaphysical fact about whether A = B, for no convention can make it the case that strict identity holds or fails to hold. So if conventions are not constituents of objects at a time, then they cannot in any way determine persistence over time.

Or suppose you are a four dimensionalist. If A at t_1 does not have conventional existence conditions, and nor does B at t_2, then there exists, independent of convention, the fusion of A and B.[14] This fusion is a perduring object: an object that persists independent of any convention. All that convention could do here, is play a role in settling what term we use for that fusion.

We think we are sympathetic to this argument, or at least to its conclusion. But whether it is a good argument in the end does not concern us, for we will defend conventionalism by "out-smarting" the argument: accepting the claim that the existence conditions for persons at times include conventions. So we reject only the claim that this view is mad or even unacceptable to a coherent conventionalism.

Why does the view that a person's existence at a time is in part a matter of convention seem so scandalous? Let us consider again the case of a nation—the case where conventionalism seems on strongest ground. It is intuitively easy to see why a change in convention amounts to a change in the identity over time of a nation. We see it happen frequently: the borders of some nation are widened by some treaty to include more territories and peoples, trade patterns thus change, people's attitudes change, the legal effects ramify and so on. After a while a vast array of conventions—the nation determining conventions—are changed. And so the idea that nations change over time in part in virtue of conventions is a fairly familiar one. The idea that a nation could be snuffed out in an instant by some conventional *fiat* seems, however, a little less plausible. Why is this? Because, we think, the conventional *fiat* only ushers in the changes of convention. It is not itself, perhaps, a sufficient alteration to the nation-

[14] Assuming unrestricted mereological composition.

forming conventions to snuff out a nation—though perhaps the events of September 1989 snuffed out the conventions that in part constituted the German Democratic Republic fairly quickly. But if one *could* remove all those conventions from a nation at a time, one would have left but a territory. One just has to think counterfactually. So conventions are part of what constitutes a nation at a time, despite *prima facie* intuitions to the contrary.

Similarly while many have thought that a person's persistence over time might in part depend on conventions, perhaps there is a *prima facie* implausibility in the claim that their existence at a time is dependent in that same way. It does not seem plausible that my current existence depends on current conventions. We do not, as Merricks puts it, fear death by paradigm shift.[15] Furthermore, even conventionalists themselves seem to imply that conventions only play a role in personal identity some of the time. They imply, for instance, that in general it is not a matter of convention whether some person persists.[16] Rather, conventions only have some work to do in various puzzle cases: conventions in part determine whether I will survive in cases of tele-transportation, or brain transplant, or other such recherche cases. My existence now, as a physically and psychologically continuous person, does not seem to depend on conventions in this same way, and—according to non-conventionalists such as Merricks—to suppose that it does is too high a price to pay.

We disagree. Just as if there are no nation conventions there exist only territories and persons but no nations, so too if there are no person conventions there exist human organisms but no persons. We will show that the puzzle cases that focus our attention on identity across time are only a special case of conventionalism. This does not mean that traditional conventionalists are wrong to think that there is something special about these cases. We argue that, appearances to the contrary, the existence of a person at a time is dependent on conventions, but that this is perfectly consistent with the intuition that conventions play a special role in puzzle cases.

The implausibility of the claim that existence at a time depends on conventions in the case of persons has, we think, two origins. Suppose first that we are concerned with the versions of conventionalism that are concerned with social conventions. A social or legal convention might declare certain classes of humans not to be persons. But would this constitute those persons (say the brown-haired in our midst) ceasing to exist, with nothing left but mere brown-

[15]Merricks (2001) p 173.

[16]See for example Johnston (1989) p 452.

haired *Homo sapiens*? Just as in the national case, if such a change in convention could have such an effect at all, it would do so only very slowly. Only gradually would people stop regarding the brown haired as responsible for their actions, stop praising them for their past good deeds, hoping for their futures, punishing them for their bad deeds. Only very slowly indeed (and then probably only with massive intervention) would the crucial individual practices—of anticipation of the future, and self-regard with respect to future entities—in the brown haired themselves be removed. If it came to pass that in virtue of being treated as non-persons the brown haired lost these attitudes towards themselves, then there is a clear sense in which they would no longer be persons. For someone who simply does not care in a special person-directed way about particular locations in the past or the future, who is not invested in themselves in any way at all, who has no future goals or plans, who does not conceive of anything in the world as belonging to herself, or herself as being part of any social nexus, just is not the sort of thing we take to be a person[17].

These changes would indeed take a long time if they could be effected. What is happening is that it takes a number of changes in convention to wipe out a person. In the more easily imaginable case one change causally instigates more changes of convention until such time as enough have changed. But if somehow a human *were* instantly to lose all of those conventions of attitude, and thus all of the person-directed conventions, they would have ceased to be a person. From this we can see that a person's existence at a time is dependent on these conventions. The person's existence at a time synchronically depends on the person-directed practices dispositionally encoded in the constituting entity.[18]

Most of the conventions that in part constitute what it is to be a person are settled conventions. For instance, it is a settled convention that persons have some attitude of self-concern toward physical and psychological continuants. Equally, it is pretty much settled that persons have no attitude of self-concern towards entities in the future that are *neither* physical nor psychological continuants. Settled conventions such as these go largely unnoticed because we have no need to think about them, and their invisibility helps to explain how we might be blind to their role in synchronically being part of the existence conditions of persons. But imagine a human being stripped of these

[17] Plausibly, some religious traditions take overcoming personhood to be a kind of goal: some readings of Zen Bhuddism can make it seem as though this state is desirable, and desirable under the label of dissolving the 'I'.

[18] Or, according to some, the social conventions that synchronically apply to them.

conventions, one with no self-concern for the future. They would have little reason for acting, and would be a kind of conscious wanton[19] that, according to our brand of conventionalism, is indeed no person.

2.1 Conventionalism in Puzzle Cases

When we talk about conventionalism about personal identity, though, we tend to talk about unsettled conventions: we talk about those cases where it is not clear which of two or more conventions we ought to adopt. These are the puzzle cases. Consider for instance, the following simplified example. The attitude of self-regard for future both psychological and physical continuers is a settled convention. We think that an entity that exists at a time is a person only if it has an attitude of self-regard to future continuers of some kind, and we think that that person persists just if at some future time, the continuer for which the person had self regard itself exists. It is also a settled convention that a person persists if it has a continuer with which it is both psychologically and physically continuous. This convention covers most usual cases. Typical puzzle cases are where psychological and physical continuity come apart.[20] Then there might exist two possible[21] continuers for some presently existing person. The settled convention tells us that a presently existing person will have self-regard for his or her future continuer and that that continuer will be physically and psychologically continuous. Unfortunately, in this case there is no physically and psychologically continuous continuer. So it is unclear which, if either, of

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[19] Wanton in the sense of lacking regard for the future not the more technical sense of lacking second order desires (though perhaps this is entailed) as found in Frankfurt, H. (1971). "Freedom of the Will and the Concept of a Person." *Journal of Philosophy* 68: 5-20.

[20] See for example Williams, B. (1973). "Are Persons Bodies?" in *Problems of the Self* New York: Cambridge.

[21] There is an interesting issue here: if we knew the future, we would not regard each candidate as a possible continuer. For (barring true fission) one of these objects would have an unbroken chain of self regard, anticipation etc., and one would not. Knowing the future takes away the epistemic limitation. It only seems open when it is underdescribed: we know only that one continuer preserves much psychology and not much of the physical, and the other continuer the reverse. In addition, if we knew all the psychological facts about the present time slice and the future ones we also would know the answer to our question, because conventions of self regard, and dispositions to form them, are themselves psychological facts.

two continuants ought to be the one toward which attitudes of self concern and other person-directed practices should be directed.

Cases like this require some additional conventions according to which either a psychological or a physical continuer is the one for which a person ought to have future self regard. If we adopt person-directed practices according to which we have future self regard for persons with which we are psychologically but not physically continuous, then we adopt conventions according to which we can survive some events but not others. We adopt conventions according to which we can survive tele-transportation, but not massive psychological upset.

This is the sense in which conventions do "extra work" in puzzle cases. It is not that in everyday cases conventions are not necessary for the existence of a person, rather, it is that in puzzle cases the everyday conventions are not sufficient to settle the matter of identity over time. Puzzle cases require that there be some new convention that settles the matter in these cases. So when conventionalists say that in general it is not a matter of convention whether a person persists or not, what they really mean, or should mean, is that in general the conventions that determine whether or not a person persists are *already settled*. In general, conventions do not leave it open what future entities are parts of the person. So it is clear whether or not a person will survive a given event. In puzzle cases, however, the conventions are not settled, and so until the relevant convention is adopted it is unclear whether a certain event will be survived or not. Regardless of whether we are talking about puzzle cases or everyday cases, however, the conventions are equally constitutive of personhood.

The case of unsettled convention helps to explain why the multiple candidate view is at least diagnostic of conventionalism, even if it is not constitutive of it. For one way to have multiple candidates is to have conventions that cover most usually encountered cases, and to then philosophically reflect on cases where the conventions as they are under-determine personal identity. In unusual cases where the settled conventions fail to determine identity over time, there will appear to be candidates, each of which corresponds to one way of settling some further convention.

So if persons are conventional constructs, then a person exists at a time just if the relevant conventions hold at that time. There are those, however, who find this counterintuitive. Surely, they point out, if there exists some conscious, fully functioning human organism at a time, then an entity just like us exists at that time. But if that is so, then conventions are not necessary in order for a being like us to exist, and so you and I are not conventional constructs.

3 Human Organisms and Human Persons

Is a "conscious, fully developed human organism sufficient for the existence of a being like us"? [22] Merricks certainly thinks that it is, and thus concludes that we are not conventional constructs. Merricks leaves open the question of what a being like us is, on the grounds that it is a controversial matter exactly what our natures are, and a controversy into which he does not wish to be drawn. He does not even assume that a conscious fully functioning human organism is sufficient for the existence of a person: only that it is sufficient for a being like us. The argument rests on the idea that if we imagine some fully functioning conscious human organism, we find it intuitively very compelling that that thing is just like you or I. If it is sufficient for a being like you or I, then conventions are not necessary for beings like you or I to exist, and it cannot be the case that we are conventional constructs.

The apparent plausibility of this argument rests on the fact that it is under-described. When we say that the fully functioning conscious human organism is like us, to what aspect of "like" are we referring? Certainly such an object is like us in various respects. No one doubts that. It is like us in being a human organism. It is like us in being a primate. It is like us in being conscious. On the other hand, it is may not be like us in other respects. It may not be like us in being a member of a certain family or nation, or in owning any possession, or perhaps in having any goals. In particular, it may not be like us in having any self regard for future continuants, or in praising or blaming itself for its own behaviour, or in planning for the future, or in caring for some of its fellow human organisms. It may in fact be unlike us in a great many respects. It may be unlike us insofar as we are persons and it is not. A fully functioning human organism is like us in *all* relevant respects just if it is a special kind of conscious human organism, namely the kind that has associated with it various conventions: at a minimum the conventions of self regard for some sorts of continuers.

If there is still an intuition that a fully functioning conscious human organism is sufficient for the existence of one of us, where we see ourselves not as mere massive objects, apes or *Homo sapiens*, it may be because the term "fully functioning" has personhood built in. We might well consider that a human organism is fully functioning just to the extent that is exhibits the relevant

[22]Merricks (2001) p 181.

person-directed practices. For we might consider that a human organism that does not in any way care about its future is a severely aberrant human organism that is not in some relevant sense "fully functioning". So if a human organism is fully functioning just to the extent that certain conventions are true of that organism, then it follows that a fully functioning human organism is indeed sufficient for the existence of one of us. If a human organism can be fully functioning and yet lack these conventions, then a fully functioning conscious human organism is not sufficient for the existence of beings like us. Either way it is true that beings like us—persons—are conventional constructs.

Of course in the ordinary course of things, a fully functioning conscious human organism is one of us, because in general such an object does exhibit the relevant person-directed practices. So in normal circumstances persons are constituted by human organisms. Such an organism is an insufficient but necessary part of a sufficient but not necessary condition for the existence of a person.[23] Being a fully functioning conscious human organism with the relevant conventions is only one way to be a person, and thus in some sense only one way to be a being like us. Being a robot or an alien life form with the relevant conventions would also be a way to be a being like us insofar as it would be a way to be a person.

So the claim that a conscious functioning human organism is not sufficient for the existence of a being like us does not mean that conventionalists are wrong to think that in general persons are constituted by human organisms. It does not, therefore, flout our intuitions about the relation between persons and the organisms that constitute them. But is there some other reason to suppose that the view that persons are conventional constructs is mistaken? If logical conventionalism is viciously circular, then this is certainly so.

4 The Circularity Objection

If persons exist only if the relevant conventions exist, and if persons construct conventions, then how did the first persons ever manage to spring into existence? A person would need to exist in order to construct some person conventions. But some person conventions would need to exist before any person could exist. So the view that persons are conventional constructs seems

[23]This is not meant to invoke causal inus conditions, but rather constitutive inus conditions.

to commit us to a vicious circularity problem that renders it impossible that any person ever came into existence.

It is certainly true that some conventions can only come into existence given that persons already exist. Perhaps the various conventions pertaining to property ownership are conventions of this kind. Not all conventions are like that though. Consider one of the more fundamental conventions associated with personal identity, the practices of self-regard for future continuers. It is easy to see that this convention could exist prior to the existence of persons. Plausibly, apes exhibit the practice of future self-regard. So too planning for the future is a practice a great many animals engage in: squirrels collect nuts in summer to store for winter. If you are unwilling to grant that these are conventions in a fully-fledged sense, then call them proto-conventions, for they are certainly on the way to being person-directed practices as we have defined them. No doubt some of the organisms that exhibit these person-directed practices are proto-persons: they either exhibit only a limited number of the necessary person-directed practices, or they exhibit they only to a limited degree. Proto-persons, then, are in part constituted by proto-conventions. Various changes in processing power, social structure, language development, and so on lead to conditions where proto-conventions gradually form into fully-fledged conventions, and thus proto-persons become persons.[24]

None of this requires that fully-fledged persons exist prior to the development of person conventions, though it does require that some proto-conventions exist prior to the existence of persons. But that should hardly be cause for alarm. So logical conventionalism is not viciously circular.

4.1 Practices or Conventions?

We talk throughout this paper about conventions; this is because much of the debate about personal identity is couched in those terms, as is the discussion of conventionalism about national identity. But notice something: the 'conventions' that govern national borders are not *mere* conventions. They are not matters of no consequence, like which side of the road you drive on, where it matters that it is settled, but it does not really matter to anyone *how* they are

[24] An important parallel is with the evolution of proto-language into language. See for example papers in Knight, C. Hurford, J. and M. Studdert-Kennedy (2000). *The Evolutionary Emergence of Language: Social Function and the Origins of Linguistic Form.* Cambridge: CP. especially Biggerton, D. (2000) "How proto-language became language".

settled. The same can be said for what we have called the identity-governing conventions. We have used the term 'conventions' to cover talk of person-directed practices such as those of self-regard for future continuers; sometimes we talk of person-directed practices such as the self attribution of praise or blame, and sometimes we talk of person-directed practices such as the attribution of property rights. Some of these practices are exhibited by animals generally considered to be non-persons. In these cases it looks like such practices might be simply hard-wired into the animal's brain. And if that is so, then plausibly some are hard-wired into the human brain also, in which case they may not be malleable, and even when they are malleable it may not be a matter of indifference how they are changed just so long as they are changed coherently.

If we are to be strict about what a convention is, we would incline to the classic account of Lewis.[25] Strict conventions in this sense are matters which are malleable, need to be coordinated, and where it is common knowledge between all that coordination is required, but where there is no requirement around which practices coordination takes place. Perhaps many or all of the practices that are sometimes called 'conventions' in the personal identity literature are not strict conventions in this sense.

This suggests that there might be a significant difference in kind between the various person-directed practices, corresponding to how close they are to strict conventions. Some practices such as self regard for future continuers in some basic way may be the sort of deeply fundamental practice also exhibited by non-persons or proto-persons, and be hard-wired into the brain. They won't be malleable, nor will they be a matter of indifference Other practices such having self-regard for a continuer with which one is psychologically but not physically continuous, seem not be to be hard-wired in this way and thus malleable.

In every case, identity will depend on practices—thus the term 'practice dependent' that we have used elsewhere.[26] In some cases, where the practices underdetermine identity and need changing because of widespread cases where psychological and physical continuity come apart,[27] we have the puzzle

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[25] Lewis, D. K. (1969). *Convention: a philosophical study*. Cambridge: Harvard U.P.

[26] Braddon-Mitchell, D and C. West (2001). "Temporal Phase Pluralism" *Philosophy and Phenomenological Research* 62(1): pp 1-25.

[27] We sometimes speak as though in reality these do not come apart, but of course sometimes they do, such as in cases of amnesia, infancy and dementia. And this often has

situations. Under these conditions, personal identity is dependent on something closer to a strict convention, for in these cases there is something to be decided almost at will: namely which practice to adopt. Even then, though, there may be strong and irresolvable arguments: and these arguments are not necessarily merely ones about how to solve a coordination problem[28].

So it may well turn out that many practices we call conventions are not *strict* conventions after all. But we will go on calling it conventionalism, for conventionalism is sometimes used in the sense of making the existence of things depend on human practices. Some people, for example, are conventionalists about spoons, because they think that nothing is a spoon in the absence of human practices of cooking, and they do not mean this in the plausible causal sense. We are not a conventionalists about spoons[29]: no spoon has practices of any even culinary kind wired into its own nature. This is in contrast to persons, who themselves instantiate the practices that in part constitute them. But note that conventionalism about spoons, while perhaps mad, still does not require the culinary practices to be strict conventions. Culinary practice could easily be a very unmalleable thing—nor need it be coordinated.

Here is another example to show that this view preserves the spirit of traditional conventionalism. Return to the case of conventionalism about nations. Suppose, unknown to us, all of the behaviours that go into settling border disputes and setting up international conventions are the product of hard-wired psychological dispositions to do with primate territoriality. Everything we say about the nature of nations as constructs goes through just as before, even if we don't use the term 'convention'. Nations are still constructs of practices and territories: they exist only insofar as those practices as well as territories exist. Similarly the idea behind conventionalism about persons is that persons exist only if they exhibit person-directed practices. Persons are constituted by such practices as well as a conscious entity of some kind. Whether none, some, or all of these practices are hard-wired is beside the point.

If you are unconvinced by this, we propose a change of paper title: 'How to be a Practical Person'. And we do not think that logical practice dependence

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important practical consequences: consider the debate that followed the publication of Michael Tooley's book Tooley, M. (1983). *Abortion and Infanticide*. Clarendon Press: Oxford.

[28] Robinson (2004).

[29] Though this denial does not mean that there might not be *historical* identity conditions for spoons that involve conventions; more strictly neither of us is a synchronic conventionalist about spoons. Killing all the cooks doesn't destroy the supervenience base for spoons!

will be much more palatable to the foes of conventionalism than logical conventionalism with strict conventions.

In fact, if some of these practices were indeed hard-wired, it would add to the explanatory plausibility of our account of why puzzle cases in which we have multiple candidates are diagnostic of conventionalism. For hard-wired practices are in general likely to be relatively crude, and sensitive only to the kinds of cases present in evolutionary history. Hard-wired practices are settled, and in ordinary circumstances they are sufficient to settle matters of personal identity. But circumstances change, conceptual and technological progress is made, and new situations arise such as cases in which psychological and physical continuity come apart routinely. These cases are under-determined by the existing hard-wired dispositions, and it is in these "puzzle" cases where the non hard-wired practices come into play. These practices must be settled to determine what persons there are.

5 Conventionalism and Realism

Conventionalism about personal identity is sometimes contrasted with realism about personal identity. Merricks, for instance, uses realism about personal identity to refer to the view that personal identity over time is never a matter of convention.[30] If that is how we understand realism, then clearly no conventionalist is a realist about persons! But there is a straightforward sense in which the view that persons are conventional constructs is a realist view. Realism about a discourse, one might think, is truth aptness plus some of the positive existential claims being true.[31] Logical conventionalists think that persons are perfectly real. Persons are (in four dimensionalist terms) the fusion of certain stages that are conscious entities of some kind, possibly human, possibly robotic, possibly alien, such that the psychology of these stages realizes certain conventions. The claim that the conventions exist is truth-apt, and sometimes true. The claim that conscious entities exist is truth-apt, and sometimes true. These claims are sometimes both true in virtue of the existence of a single thing. So persons exist, in a straightforwardly realist sense of 'exist'.

The logical conventionalist is also realist about human organisms: claims about such organisms are truth apt, and the conventionalist certainly thinks that human organisms exist: though perhaps they can exist without

[30] Merricks (2001) p. 173.

[31] Pettit, P. (1991). "Realism and Response Dependence." *Mind* 100(4): 587-62.

conventions.[32] Indeed, the conventionalist thinks that in our environment, persons and human organisms overlap a good deal. The extent to which they overlap depends on the extent to which we think that human organisms at certain times have associated with them certain practices and conventions. Are human organisms that are foetuses persons? Are human organisms that are in a coma and brain dead persons? This is controversial. But if these organisms are not persons, it is because they are not constituted by the relevant conventions. It is because they are not prone to project themselves into the future, or be inclined to engage in self regard for future continuers.

So in a perfectly good sense of "realism", logical conventionalists are realists, as well they should be: if anything is real then surely persons are.

6 Conclusion

Perhaps some of the resistance that many have to conventionalism—and especially logical conventionalism—has to do with the idea that if conventionalism were true, our personhood would be a matter of mere convention. But there is all the difference in the world between convention and mere convention. Mere convention is where we must make a decision between a number of options, but where it does not matter to us which option we choose. Or it is where we operate on a particular convention, but see that if we all switched to another convention matters would be just as good, and as a result do not much care for our convention except insofar as we see we have to have one or another.[33]

Our personhood, though, is something we care about deeply. We operate on certain conventions, but care greatly about them. Some of the most interesting issues in personal identity in fact arise from seeing that there are cases where we care enormously about certain conventions, even while seeing that there is nothing in nature that makes our caring about those conventions any more rational than caring about some other conventions.

In puzzle cases, the psychological continuity theorists and the physical continuity theorists continue to fight it out in metaphysics class, even when they realise there is no further fact that could settle the issue. We should not let this blind us to the fact that most of us have as a settled convention that we have self-regard for future entities that are both psychologically and physically

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[32] Though perhaps not for long, as wantonness is not good for survival.

[33] Lewis, D. K. (1969). *Convention : a philosophical study*. Cambridge: Harvard U.P.

continuous. Nor that that settled convention—or perhaps the disjoined version—matters a lot to us. Most of us are human beings, but that is not all that we care about in ourselves. We care about caring about things: and that is why our concept of person determines that there are persons only when these conventions of care are instantiated. Being merely human is not enough.

Showing that our concept does work this way is of course a bigger job than we can attempt here, though it is begun in much of the conventionalist literature.[34] Our task is to show how it *could* work that way: to show how to be a conventional person, and to show how to be a logical conventionalist.

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[34] Johnston (1989); Nozick (1981); Parfit (1984).

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