

FETUSES, CORPSES AND THE PSYCHOLOGICAL APPROACH TO PERSONAL IDENTITY

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Olson (1997a) tries to refute the Psychological Approach to personal identity with his Fetus Argument, and Mackie (1999) aims to do the same with the Death Argument. With the help of a suggestion made by Baker (1999), the following discussion shows that these arguments fail. In the process of defending the Psychological Approach, it is made clear exactly what one is and is not committed to as a proponent of the theory.

1. Introduction: Fetuses and Corpses

According to Olson's (1997a, 95) description, the Psychological Approach (hereafter, PA) entails that 'what it takes for us to persist through time is some sort of psychological continuity', via an 'overlapping chain of memories or by a chain of psychological connections of some other sort (or perhaps by continuity of mental capacities)'.¹ While it seems perfectly natural and quite plausible to think that personal identity has a lot to do with one's psychology, Olson objects with his Fetus Argument. He writes,

embryologists tell us that a human fetus that is less than about six months old cannot remember or experience anything, and has no mental capacities worthy of the name. If they are right, you and I cannot now be related to a five-month old fetus in any psychological way. One's psychological contents or capacities could not be continuous with those of a being with no psychological contents or capacities at all. (1997a, 96)

So it seems that if PA is true, then no person was ever a fetus (at least not a fetus of five months or younger). But each of us obviously did start out as a fetus. Olson concludes that PA is false.

Focusing on the other end of life's spectrum, Mackie (1999) questions PA with his Death Argument, which is based on the claim that we continue to exist after death, not in any sort of afterlife, but as *dead humans*. Mackie is agreeing with Feldman (1992) who argues against the idea that when a thing dies at a certain time, it ceases to exist at that time. Feldman notes that we 'often think and speak about dead things in a way that reveals that we think that dead things formerly lived' (1992, 95). We tend to think that the dead frog the student now dissects was once alive and well and that the butterfly collector has in his collection those very insects he once caught in his net. It seems that in these cases the thing that was once alive continues to exist after death. Since we are

biological organisms, it is reasonable to think that we, too, continue to exist after death.² But, Mackie claims, the fact that we persist as corpses threatens PA. Since a human corpse lacks psychological states, it is not psychologically continuous with any living person. So it seems that if PA were true, none of us would continue to exist after death. Mackie concludes that since we do survive death (as corpses), PA is false.

The Fetus and Death Arguments both take the following form:

- (i) If PA is true, then for any person x at time t and any individual y at time t^* , x is identical with y if and only if x at t is psychologically continuous with y at t^* .
- (ii) There are cases in which a person at one time is identical with an individual at another time who lacks psychological states altogether.
- (iii) It is impossible to be psychologically continuous with an individual lacking psychological states.

Therefore, (iv) PA is not true.

Another argument against PA that fits this general form appeals to the fact that one might lapse into a coma or suffer severe brain damage without ceasing to exist. Olson notes that '[w]hen someone lapses into a persistent vegetative state, his friends and relatives . . . don't ordinarily suppose that their loved one no longer exists at all, and that the living organism on the hospital bed is something numerically different from him—even when they come to believe that there is no mental continuity between the vegetable and the person' (2003, 332). This seems to be another reason for thinking that psychological continuity is not necessary for personal identity and therefore that PA is false.

In Section 3, it is shown that despite their validity, arguments of the form above are unsound. The discussion in Section 3 is motivated by a suggestion offered by Baker designed to show that the Fetus Argument 'does not hit its intended target' (1999, 154) and a possible reply to Baker's suggestion provided by Olson (1999, 162) and Mackie (1999, section IV). Let us first review this defence and reply.

2. Defence of PA and Reply

'To hold that to be a person simply is to be a human organism', Baker claims, 'is to stipulate a meaning of "person" that has no connection with the historical or contemporary use of the term' (1999, 158). The notion of a person, she points out, is the notion of a being with the right sort of psychological features. While it is unclear which psychological features (e.g. self-awareness, memory or intentions) are necessary for personhood, there does seem to be some psychological requirement. If so, then it is necessarily the case that persons are psychological beings.

But the claim that persons are necessarily psychological beings is ambiguous. Baker distinguishes between the *de dicto* and the *de re* readings of this claim. On the *de dicto* reading,

- (I) *necessarily*, for any x , if x is a person, then x has psychological features,

and on the *de re* interpretation,

- (II) for any x , if x is a person, then x *necessarily* has psychological features.

Thesis II entails that before we acquired psychological properties, we did not yet exist, and that if we completely lose our psychology, we cease to exist altogether. So, according to II, none of us

was ever a fetus (or a fetus before psychological features developed) and none of us will ever be a corpse. But thesis I does not have these consequences; it entails only that if you existed as a (pre-psychological) fetus or were to exist as a corpse, you would not be a person then.

The characterization of PA quoted earlier from Olson entails II as well as I. Note the difference between saying that what it takes for *us* to persist through time is some sort of psychological continuity, which is how Olson (1997a, 95) describes PA, and saying that what it takes for us to persist *as persons* is some sort of psychological continuity. Elsewhere, Olson characterizes PA as claiming that '*our identity* through time consists, at least in part, in facts about psychological continuity'—that is, '[w]hether *one* survives or perishes is determined by facts about memory, character, and other mental features and capacities' (1997b, 12; emphases added). This passage also depicts PA as entailing II.

However, Baker (1999, 153) claims that a theory of personal identity can warrant the label 'psychological' without endorsing II.

Necessarily, if *x* is a wife, then *x* is married. But the *de re* modality does not follow: it does not follow that if *x* is a wife, then *x* is necessarily married . . . If proponents of the psychological-continuity view construe *being a person* as logically on a par with *being a wife*. . .

then they allow that someone who was once a person might continue to exist or might once have existed as a non-person (and perhaps without any psychological features). So by treating *being a person* as logically on a par with *being a wife*, advocates of PA can endorse I while rejecting II,³ and by rejecting II, they can consistently hold that persons once existed as pre-psychological fetuses and might end up existing as corpses. [Note that if PA is consistent with the denial of II, as Baker claims, then premise (i) of the general line of argument presented earlier is false,⁴ which means that other instances of that argument form also fail—e.g. Olson's appeal to the fact that '[w]hen someone lapses into a persistent vegetative state, his friends and relatives . . . don't ordinarily suppose that their loved one no longer exists at all' (2003, 332).]

Is Baker's defence of PA successful? Olson thinks it is not. He replies by noting that virtually all proponents of PA embrace II along with I, since 'virtually all proponents of [PA] think that I should necessarily cease to exist if my psychological contents and capacities were completely and irrevocably destroyed' (1999, 162). Mackie (1999, 225) makes an analogous point in defence of his Death Argument. He notes that there are at least two different interpretations of the debate regarding personal identity across time. One might ask,

(III) What is the relation between a person at one time and a *person* at another time that makes them numerically identical?

Mackie calls this the *narrow* question, which is not to be confused with the *wide* question,

(IV) What is the relation between a person at one time and some *individual* at another time that makes them numerically identical?⁵

The Death Argument would not refute PA if the theory were concerned only with the narrow question. But Mackie (1999, 226) notes that contemporary defenders of PA aim to answer the wide question as well, for if they were not answering IV, they would concede something that the typical proponent of PA actually denies—i.e. that we might continue to exist without psychological continuity.

It might be argued that PA theorists typically focus on the wide question simply because they fail to distinguish between the *de dicto* and *de re* readings above, and that if they were to make this modal distinction, they would realize that their account should only address question III. However, Olson and Mackie both argue that PA theorists not only are, but *should* be concerned with answering IV. Suppose that ‘the problem of our persistence through time’ is viewed as ‘the problem of finding out what it takes for one of us to be identical with someone—some *person*—who exists at another time’. Olson claims that ‘[t]hat is in fact how the problem is usually understood’, but ‘this way of putting it prejudices an important issue, for it carries the assumption that each of us must persist *as a person*’ (1997b, 2). Mackie makes the same point. He contends that accounts of personal identity, including versions of PA, ‘ought not to be restricted to the narrow question’, for ‘[i]f, in trying to discover our persistence conditions, we restrict ourselves to the narrow question, we shall be guilty of assuming without argument that we are *essentially* Persons—that we could not continue to exist without being Persons’ (1999, 227).

If Mackie and Olson are correct, then PA should be seen as answering IV and thereby endorsing II.⁶ And if PA is committed to II, then the Fetus and Death arguments do remain a genuine threat. Fortunately, for the proponent of PA, there is reason to think that Olson and Mackie are not correct.

3. What PA Does and Does Not Entail

According to Olson and Mackie, if proponents of PA were to focus only on the narrow question, they would presuppose that we are essentially persons. But it seems that just the opposite is true. Suppose an account of personal identity were designed to describe our persistence conditions *simpliciter*, and not merely *qua* persons. Then so long as it remained a *psychological* account, it would presuppose that without the right psychological features, we cease to exist altogether. Suppose, on the other hand, the account were designed to describe our persistence conditions *qua* persons. In that case, the theory would remain neutral on whether we might exist without being persons. The theory would focus on question III, and thereby entail thesis I, which leaves completely open whether II is also true. So it seems that focusing on the wide question, rather than the narrow question, is what would make the PA theorist presuppose without argument that we are essentially persons. If prejudging this controversial issue is a flaw, as Mackie and Olson suggest, then it seems it is the narrow question and not the wide question that PA should address after all.

To further support this point, consider the relation between a statue and its constituent material. Perry imagines that ‘Smith offered Jones \$5,000 for a clay statue of George Washington’ and in return ‘Jones delivers a statue of Warren Harding he has since molded from the same clay’ (1970, 198). While the resulting statue is arguably the *same lump of clay*, it seems odd to say that it is the *same statue*. Being the same statue seems to require exemplifying the right sort of aesthetic properties. These aesthetic properties include whatever features are necessary for being a statue—since *x* and *y* are the *same statue* only if *x* is a statue and *y* is a statue. The requisite properties also seem to include certain aesthetic *relations* between *x* and *y*. If statue *x* and statue *y* are not aesthetically related in the right sort of way, e.g. if they do not have sufficiently similar statuesque features, then it is tempting to conclude that *x* and *y* are different statues.

Now suppose that person *x* undergoes significant psychological changes and *y* results. Even assuming personhood remains (that *x* is a person and *y* is a person), if the

psychological changes are drastic enough, one might be inclined to say that x and y are not the same person. In fact, this is precisely what a PA theorist should say, for a theory of personal identity hardly deserves to be called 'psychological' if it does not require sufficient psychological similarity or continuity. So advocates of PA seem committed to holding that

- (a) there are psychological changes such that by undergoing those changes, one becomes a *different person*.

Note, also, that just as being the same *lump of clay* does not require keeping the same statuesque form, being the same human *animal* does not require maintaining the same person-making features. Whether we accept PA or not, we should admit that one might remain the same animal regardless of the psychological changes one undergoes. Given (a), it follows that

- (b) it is possible for an individual x at one time to be the *same animal* as y at some other time while being a *different person* from y,

which is analogous to saying that the *same lump of clay* can become a *different statue*. In fact, (b) is what Locke himself, the paradigm PA theorist, says regarding the prince and the cobbler. After the consciousness of the prince enters and informs the body of the cobbler, the cobbler body now houses a different person but remains the same 'man' (the same human animal).⁷

It appears, then, that the proponent of PA can and should accept (b). But if (b) is accepted, then there seems to be no good reason to deny that

- (c) it is possible for an individual x at one time to be the same animal as y at some other time, where x is a person but y is not a person (and does not even bear any psychological features).

Recall the statue and its constituent clay. Being the same lump of clay does not require maintaining the same statuesque form or even being statuesque at all. That's why it is not implausible to say that the lump of clay that is now a statue will remain the same lump of clay when the artist returns it to its original formless state. Likewise, being the same human animal does not require having any psychological features, which is why it is not implausible to say that a person remains the same animal even after lapsing into a vegetative state.

To sum up: PA is committed to (a), and whether we support PA or not, it seems we should grant that remaining the same animal has no particular psychological requirements. If so, then PA is also committed to (b). But there is no good reason to accept (b) without also accepting (c). It seems to follow that the proponent of PA should accept (c) along with (a) and (b).

What can we conclude regarding the Olson-Mackie claim that PA should be seen as entailing II (the *de re* view that each person is necessarily a person)? It is tempting to think that (c) and II are incompatible and conclude that PA actually forces us to *reject* II. But this additional conclusion does not follow, for despite appearances, (c) and II are not incompatible. One can accept (c) without II simply denying that the person is identical with the constituent animal. This is what Baker happens to believe. Suppose a person has her organic parts gradually replaced by non-organic parts, and suppose the replacement is completed in such a way that she is able to interact with her environment just as she did before the surgery. Suppose, in particular, that her cognitive abilities are indistinguishable from her earlier capacities. Baker thinks that in this case, 'the person would persist but the organism

would not' and that the 'possibility of cases like these rules out identification of a person with the organism that is her body' (2000, 19).⁸

If we deny that the person is identical with the animal, we can still accept thesis (c) on the right interpretation. The interpretation would be that the animal that once constituted a person now constitutes a non-psychological being—not that what was once a person is identical with what is now a non-psychological being. However, II is a threat to PA only when construed as a claim about identity and not just constitution; i.e. only when viewed as claiming that

(II*) no person at one time can be *identical* with an individual at another time that lacks psychological features.

Thus, with the right interpretation, (c) is logically consistent with II, read as II*. So we cannot say, in response to Olson and Mackie, that PA should be viewed as rejecting II (i.e. II*). Note, however, that Baker's Constitution View is certainly not representative of PA in general. Many proponents of PA accept the common-sense view that the person is identical with the constituent animal (which, presumably, is one reason why Baker spends so much time explaining and defending her opposing view). Since it is perfectly legitimate, if not more plausible, for the PA theorist to think the person is identical with the constituent animal,⁹ we can say at least this much: contra Olson and Mackie, *it is not true that PA should be viewed as entailing II*. That is, PA theorists not only can consistently reject II, but it is perfectly legitimate for them to do so.

Then what are proponents of PA committed to if not II? While Olson and Mackie wrongly insist that they should accept the *de re* claim, they are right to think that thesis I alone does not entail PA. Regarding the word 'person', Olson recognizes that 'philosophers most often use it in a sense that implies having certain psychological features, such as rationality and the capacity for self-consciousness', and he is happy to admit that since 'a tiny embryo . . . has no psychological features . . . it is not a person, at least not yet' (1997b, 24). And Mackie (1999, 224) distinguishes between a weak sense of 'person', which requires no particular psychological capacities, and a strong sense of 'person' (*Person* with a capital 'P') that does. Since Olson and Mackie allow that I is true, accepting I is not sufficient for endorsing PA.

What more is required? Well, why would anyone deny that x and y are the same person even while admitting that they are the same animal? The most obvious reason is the belief that *being suitably psychologically related* is necessary for being the same person but not necessary for being the same animal. It seems, then, that what is distinctive about PA is the claim that

(V) there is a non-trivial psychological relation R such that x is the same person as y only if x bears R to y.

Suppose that x and y are both persons. Then x and y bear the following relation to one another: *sharing the property of being a person with*. If being a person requires the right sort of psychological features, then this relation qualifies as a *psychological* relation. Even opponents of PA can (and probably should) insist that being a person requires the right sort of psychological features. So assuming that x's being the same person as y requires that both x and y are persons, PA's opponents can (and should) admit that the relation, *sharing the property of being a person with*, is a psychological relation that must obtain between x and y if x is to be the same person as y. That is why thesis V mentions

a *non-trivial* psychological relation. To capture what is distinctive about PA, V requires more than trivial relations—more than relations that obtain simply by virtue of the fact that x and y are both persons. With the mention of a non-trivial psychological relation, V is able to capture what is distinctive about PA. And note: V does not entail II. V is a definition of what it is for x and y to be the same person, which need not tell us what it is for x and y to be the same *organism*, the same *material object* or the same *simpliciter*. Since V entails PA without entailing II, we have further reason to deny that the PA theorist should accept II.¹⁰

The idea that ‘person’ does not denote an essential property is attractive to those like Olson and Mackie who reject PA. In fact, one might be tempted to consider *person essentialism* the major point of controversy in the debate over PA.¹¹ But this is a mistake. Those who oppose PA will obviously reject person essentialism, for if there are no psychological constraints on x’s continuing to exist as the same person (other than that x remains a person), then certainly there will be no psychological constraints on whether x continues to exist simpliciter. Note, however, that PA’s opponents are not the only ones who can reject person essentialism. Suppose that x and y are both persons, but that y is vastly dissimilar and discontinuous with x psychologically. Saying that x and y are not the same person because of this dissimilarity/discontinuity is enough to make our account of personal identity psychological, which is why thesis V is arguably the crucial point of disagreement between PA and opposing views. And, as noted above, it is perfectly consistent with V that we are most fundamentally animals, not persons, and that we might therefore continue to exist even when we lose the property of being a person. So it seems that *Animalism*, at least when construed as the view that we persist just so long as the human animal persists,¹² is in no way at odds with PA.¹³

In this section, it was shown that Olson and Mackie are wrong to think PA should be viewed as answering the wide question (question IV) and entailing II (the belief that we are essentially persons). So Baker’s point remains. By rejecting II, the PA theorist can consistently hold that a person might exist without psychological features at some point in her career, and thereby allow that a person existed as a fetus and will end up existing as a corpse—which means that premise (i) of the line of argument presented in section 1 is false.

There is, however, a potential concern that needs to be addressed. The worry is that one can endorse PA and then escape the Fetus and Death Arguments by rejecting II, but only by paying a very big price—the price of endorsing *relative identity*. Let us address this worry before we conclude.

4. The Threat of Relative Identity

Being a person at a certain time requires bearing psychological features at that time (i.e. thesis I is true). So by rejecting II, we allow that someone who is a person at one time can exist *without being a person* at some other time. Since it is trivially true that one can be the *same person* only if one is a person, it follows that by rejecting II, we allow that someone who is a person at one time can continue to exist at another time *without being the same person*. Remember that remaining the *same animal* does not have any psychological requirements, just as remaining the same lump of clay does not require remaining statueque. It seems to follow that by rejecting II, we commit ourselves to relative identity.

According to the doctrine of relative identity, x and y are not identical simpliciter, but only relative to a sortal (e.g. identical relative to the sortal ‘animal’ but not identical relative

to the sortal 'person'). The problem with this doctrine, Wiggins (1967, 3–4) notes, is that it conflicts with the logical principles traditionally associated with numerical identity, especially Leibniz' Law (the indiscernibility of identicals). Suppose that x is identical with y . Given that x is the same G as x , it follows from the indiscernibility of identicals that y is the same G as x . So it seems that according to the classical view of numerical identity, x cannot be the same F as y without being the same G (e.g. cannot be the same animal without being the same person). The worry is that if this conflict with the classical view is reason to reject relative identity,¹⁴ then there is also a reason why the PA theorist should not reject II.

Luckily, the threat of relative identity can be avoided, for whether a statement of the form ' x is the same F as y but not the same G ' conflicts with the classical logic of numerical identity depends on whether both conjuncts qualify as genuine identity claims. It is no threat to the classical view of identity that x is the same wall as y but no longer the same colour. The reason is that ' x is the same colour as y ' is not meant to assert that x is identical with y , in which case, ' x is not the same colour as y ' is not meant to deny the identity. (The only sense in which ' x is the same colour as y ' and ' x is not the same colour as y ' might be considered identity claims is that one asserts and the other denies that the identity relation holds between the colour exemplified by x and that exemplified by y .)¹⁵

What about the phrase ' x is the same animal as y but not the same person'? Should both conjuncts be viewed as genuine identity claims (the first conjunct asserting and the second denying identity)? One possible reason to think otherwise is based on the idea that *constitution* is not identity. Consider once more the statue and the constituent clay. Suppose we deny they are identical based on the belief that they have different persistence conditions (e.g. the clay, unlike the statue, is able to exist without being a statue).¹⁶ Then we can claim that at least one of the conjuncts of ' x is the same clay as y but not the same statue' fails to qualify as a genuine identity claim. Perry explains,

[i]f all references are to the statue, then 'being the same clay' simply amounts to 'being made of the same piece of clay' and does not express identity. If all the references are to the clay, then ' $-$ is a different statue from $-$ ' should be construed as meaning ' $-$ is a different statue than $-$ was,' which amounts to ' $-$ is formed into a statue that is not identical with the statue $-$ was formed into'. (1970, 199)

If all references are to the statue, then the first conjunct, ' x is the same clay as y ', is not claiming that x and y are identical (but only that what constitutes x is identical with what constitutes y). If all references are to the clay, then the first conjunct does assert that x is identical with y , but the second conjunct, ' x is not the same statue as y ', does not deny identity; it denies only that the statue x constitutes is identical with the statue y constitutes.

Analogous points apply in the case of persons and constituent animals. Suppose, with Baker, that the person is not identical with the constituent animal. Then assuming ' x ' and ' y ' refer to the *person*, ' x is the same animal as y ' should be interpreted as ' x and y are comprised of the same animal'—which claims not that x is identical with y but that the animal comprising x is identical with the animal comprising y . If ' x ' and ' y ' refer to the *animal*, then the first conjunct does claim identity between x and y , but the second conjunct does not deny identity; it denies only that the person x constitutes is identical with the person y constitutes.

So denying that the person is identical with the constituent animal is one way for the proponent of PA to reject II without having to accept relative identity. Although, if we believe the person is not identical with the constituent animal, then we don't even have to worry about rejecting II, for we then have a different reason to reject the Fetus Argument. If the person is not identical with the animal, then since the fetus is the animal (at an early stage), the person is not identical with the fetus. It's the animal, and not the person, that is identical with the fetus.¹⁷

But *must* the PA theorist deny that the person is identical with the animal in order to avoid relative identity? If so, then there may be cause for concern, for denying that the person is the animal will seem to some at least as problematic as accepting relative identity.¹⁸ Fortunately, a proponent of PA can consistently avoid relative identity even while admitting that constitution is identity. To illustrate, we need an analogy other than the same wall/different colour example, for in that case, the *x* and *y* (the wall and the colour) are not identical. We need an example to show how we can say that *x* is the same *F* as *y* but not the same *G*—and also that *x* is identical with *y*—all without accepting relative identity. Fortunately, examples of this sort are not hard to find. It is no threat to the classical logic of identity that *x* might be identical with *y* (e.g. by virtue of being the same organism or the same material object) without being the *same dancer*. It might be that while *x* at *t* is identical with *y* at *t**, they are not the same dancer simply because during the period from *t* to *t**, *x* (who is *y*) lost the capacity to dance. Since *x* and *y* are the same dancer only if *x* is a dancer and *y* is a dancer, *x* and *y* are not the same dancer in this case. Or, less trivially, it might be that the ability to dance is retained but the manner in which *y* dances at *t** is so different from the way that *x* danced at *t* that we are inclined to describe the individual (the numerically same individual) as a different dancer. In either case, when we say that *x* and *y* are not the same dancer, we are not denying that *x* and *y* are identical. Therefore, we are not saying that *x* and *y* are identical with respect to one sortal but not identical with respect to another.

Likewise, 'x is not the same person as y' need not be considered the denial of any identity claim. For it might be that while *x* is identical with *y*, they are not the same person simply because by the time *x* at *t* becomes *y* at *t**, she has lost all psychological features. In that case, we would have to admit that *x* is not the same person as *y* (since *y* is not even a person) even though *x* is identical with *y*. Or it might be that a person-making psychology does remain, but *y* is radically psychologically discontinuous or dissimilar with *x*. If the discontinuity/dissimilarity were drastic enough, thesis V would force us to conclude that although *x* is a person and *y* is a person, *x* (who is identical with *y*) is a different person. It was argued in Section 3 that V is what defines PA. If so, then the conclusion that *x* is not the same person as *y* is one a PA theorist can easily accept. And in this case, too, when we say that *x* is not the same person as *y* we are not denying that *x* is identical with *y*. So we are not saying that *x* and *y* are identical with respect to one sortal but not identical with respect to another. Relative identity is avoided.

5. Summary

Recall the general line of argument against PA presented in Section 1:

- (i) If PA is true, then for any person *x* at time *t* and any individual *y* at time *t**, *x* is identical with *y* if and only if *x* at *t* is psychologically continuous with *y* at *t**.

- (ii) There are cases in which a person at one time is identical with an individual at another time who lacks psychological states altogether.
- (iii) It is impossible to be psychologically continuous with an individual lacking psychological states.

Therefore, (iv) PA is not true.

The Fetus and Death arguments are not the only arguments that fit this form. Others include those claiming that an individual continues to exist when in a coma or after severe brain damage or in some other vegetative state. Recall Olson's point that '[w]hen someone lapses into a persistent vegetative state, his friends and relatives . . . don't ordinarily suppose that their loved one no longer exists at all . . . even when they come to believe that there is no mental continuity between the vegetable and the person' (2003, 332).

One way to respond to these arguments is to appeal to Baker's distinction between the *de dicto* and *de re* readings of the claim that persons necessarily bear psychological states (readings I and II). By endorsing only the *de dicto* claim, the PA theorist can reject premise (i) above; the response would be that PA requires psychological continuity for one's persistence *qua person*, which does not require psychological continuity for one's persistence *simpliciter*. In response, Olson and Mackie argue that PA should be seen as answering the wide question regarding our persistence *simpliciter*. However, in Section 3, it was shown that this is not the case. Proponents of PA may choose to answer the wide question, but contrary to Mackie and Olson, it is not true that they *should* do so. The proponent of PA is committed to the idea that (a) with sufficient psychological changes, one becomes a *different person*. But remaining the *same animal* does not require any particular set of psychological features. So if we accept PA, we seem committed to the claim that (b) the same animal might become a different person. And if we accept (b), there is no good reason to deny that (c) a person might survive as the same animal but without being a person and without any psychological states—just as the lump of clay that now constitutes a statue might one day be or have been a formless mass. Assuming that the person is identical with the constituent animal, (c) entails that II is false. Of course, the proponent of PA can join Baker and deny that the person is identical with the animal.¹⁹ So we cannot conclude that PA theorists should reject II; but we can conclude that Olson and Mackie are wrong to think they should accept II. If this conclusion is correct, then as Baker suggested, rejecting II is a perfectly legitimate way for one to accept PA while escaping the Fetus and Death Arguments.

It was also shown that the crucial difference between PA and opposing views is thesis V, the idea that there is a non-trivial psychological relation R such that x is the same person as y only if x bears R to y. If V accurately defines what is distinctive about PA, then the fact that V does not entail II is an additional reason not to view PA as committed to II.

It would appear, then, that whatever other problems PA might have, the theory has nothing to fear from fetuses, corpses or any other non-psychological entities a person might have been or might someday become.

NOTES

1. Olson labels this the *Standard View* in 1997a, and elsewhere (e.g. 1994, 1997b) calls it the Psychological Approach.

2. According to Mackie (1999, 237), 'biological organisms persist as long as this organisation of constituent parts [fit to convey life] remains sufficiently nearly intact'. So unless one's death is especially violent, one is likely to continue existing for some time afterwards.
3. Believing that the concept of a person is a phase sortal, like the concept of being a wife, does not *require* rejecting II. One could hold that we might exist without the psychological features definitive of being a person, but not in the complete absence of psychology. Accepting the former, however, does make it tempting to think that persons could survive the complete loss of psychology.
4. Actually, Baker ends up denying that persons started out as foetuses. After she establishes that 'Olson's argument does not hit its intended target' (1999, 154), by showing that the PA theorist need not endorse II, she then goes on to argue (1999, 154–58) with the help of her *Constitution View* that, in fact, we were never foetuses, and this enables her to reject premise (ii). But more on her *Constitution View* later.
5. Here Mackie is borrowing from Olson's (1997b) distinction between the 'broad' and the 'narrow' questions regarding persistence. Olson describes the narrow question as asking: 'What are the conditions under which something that is a person at one time is identical with something that is a *person* at another time?' (1997b, 25). The broad question asks: 'What are the conditions under which something that is a person at one time is identical with *anything at all* that exists at another time?' (1997b, 25).
6. That the PA theorist *can* reject II cannot be denied. Locke defines personhood in terms of self-consciousness, but Noonan notes that defining a person as a being with self-consciousness is 'rather like a definition of a "genius" as something capable of achieving a certain score in I.Q. tests' (1978, 350). And Snowdon points out that as defined by a Lockean, the word 'person' 'appears very similar to lots of across-species functional classifications which do not mark out abiding sorts, e.g., "is a teacher," "can play chess at a grandmaster level," "is a prodigious calculator"' (1990, 90). If 'person' denotes a phase sort and not an abiding sort, then thesis II is false. So it is clear that one can reject II consistently with PA (e.g. as the Lockean does). Olson and Mackie are not denying this; their claim, remember, is that the PA theorist *should* not reject II.
7. Thanks to Gerald Urick for reminding me of this support from Locke (i.e. support for the idea that PA need not be viewed as answering the wide question, IV, and therefore need not be viewed as entailing II).
8. Since Baker thinks the person is not identical with the constituent animal, she is able to admit that the animal can survive the loss of psychological features without denying II. Denying II is the option she suggests for those who think the person is identical with the animal.
9. I say 'if not more plausible' since denying that the person is identical with the animal is not without its difficulties. If the animal that constitutes you fails to be a person, that might be because the animal lacks the requisite psychological states. But how could the animal lack those psychological states when it has your brain, exhibits all of your behaviour, and resides in the same environment? On the other hand, if the animal shares your psychological states with you, then how could it fail to be a person? And if it were to have just the psychological states you have, the animal would think it is a person, just as you think you are a person. So how does it know that it is the animal and not the person? And how do you know that you are not the animal? [For these and similar objections to the view that we are not identical with the organisms that constitute us, see Carter (1989, 9–10), Snowdon (1990, 91, 94–95) and Olson (1997b, chap. 7 and 2003). Also see van Inwagen (1997, 152), who argues that the view that a person is not identical with the constituent

animal is at odds with a mind-body identity theory. However, consider Baker's admirable defence of the Constitution View against these kinds of objections (2000, especially pp. 142–45 and 191–204).]

10. It seems, then, that we can advocate PA while also accepting the cogent arguments that Olson himself (1997b, 32–36) offers against II. 'To say that something is a person', Olson notes, 'is to say something about what it can do'; it is to say 'that it can think in a certain way—that it is rational, that it is ordinarily conscious and aware of itself. . . ' (1997b, 32). However, to say that an entity can do these things, Olson suggests, is not to say *what* it is. 'We might still ask, Is the thing that can think a biological organism? A Cartesian ego or Leibnizian monad? An angel? A machine made of metal and silicon? What sort of thing is it that has those special psychological properties?' (1997b, 32). Rather than indicating an item's fundamental category, Olson concludes that personhood is merely a *capacity* or an *ability* of a thing, a feature than an object might acquire and then lose.
11. DeGrazia introduces the label 'person essentialism' (2002, 102).
12. The label 'animalism' has also been associated with other, similar sounding, though importantly different views. For example, in addition to characterizing animalism as the view that 'I would cease to exist if a particular organism ceased to exist' (Baker 2000, 5), Baker also describes it as the view that sameness of person consists in sameness of living organism (2000, 120–24), a view that is clearly incompatible with PA. And Snowdon (1990, 89) uses the label 'non-animalist' for one who denies that you and I are identical with a human animal. Being an animalist in this sense (believing that the person is identical with the animal) is certainly no threat to PA.
13. Baker (2002, 380–88) argues that if we deny II, then we are committed to holding that persons do not have *ontological significance*. But why isn't it possible for x's having F to be of great ontological significance even though x might one day exist without being F? As DeGrazia (2002, 113) points out, 'If I accepted person essentialism, I might find the person/non-person distinction somewhat more interesting in a narcissistic sort of way, but I would not find it *ontologically*—that is, from the standpoint of ontology in general—more interesting than the other two distinctions I have drawn' (the sentient/non-sentient and the self/non-self distinctions).
14. van Inwagen notes that while 'a logic of relative identity can be developed in a way that is at least formally coherent', the consequences of a logic of relative identity 'are so radical that one should be deeply suspicious of any theory of personal identity that requires relative identity as a part of the package' (1997, 313).
15. One might worry that Leibniz' Law is still violated. Wall x differs in colour from wall y. So by the indiscernibility of identicals, $x \neq y$. This is a worry for any account of diachronic identity, and it is solved in one of two ways. We might appeal to *temporally indexed* properties; being white *at time t* is a property exemplified by both x and y. Or we might appeal to a four-dimensionalist view of material objects. On this view, the wall is not wholly present at any one time; what is present at any one time is only a temporal part of the wall. And while the temporal part, x-at-t is not identical with temporal part, y-at-t* (given their discernibility), we can still maintain that they are temporal parts of the *numerically same* wall (by virtue of some sort of spatio-temporal continuity).
16. Gibbard (1975) is a good place to enter the contemporary debate on the statue and the clay. Gibbard defends the idea that the statue and the clay are identical and therefore that there are *contingent identities*. Yablo (1987), one among many who reject contingent

identity, shows how essentialists (with their commitment to the necessity of identity) can still acknowledge an *identity-like* connection between the statue and its constituent material.

17. See Baker (1999, 155).
18. Recall the objections mentioned in Note 9.
19. Then (c) would be endorsed when interpreted as claiming that the animal that once constituted as person now constitutes a non-psychological being, and not that what was once a person is identical with what is now a non-psychological being.

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