

Mental Excess and the Constitution View of Persons

Robert Francescotti

To cite this article: Robert Francescotti (2017) Mental Excess and the Constitution View of Persons, *Philosophical Papers*, 46:2, 211-243, DOI: [10.1080/05568641.2017.1326012](https://doi.org/10.1080/05568641.2017.1326012)

To link to this article: <https://doi.org/10.1080/05568641.2017.1326012>



Published online: 22 Sep 2017.



Submit your article to this journal [↗](#)



Article views: 29



View related articles [↗](#)



View Crossmark data [↗](#)

Mental Excess and the Constitution View of Persons

Robert Francescotti

Abstract: Constitution theorists have argued that due to a difference in persistence conditions, persons are not identical with the animals or the bodies that constitute them. A popular line of objection to the view that persons are not identical with the animals/bodies that constitute them is that the view commits one to undesirable overpopulation, with *too many minds* and *too many thinkers*. Constitution theorists are well aware of these overpopulation concerns and have gone a long way toward answering them. However, there is one mental excess worry that remains especially problematic. It is argued here that the worry about *too many thoughts*, or *too many instantiations of mentality* in general, remains a serious threat to the constitution view of persons. What exactly the threat is and how it arises is described in detail in Section III. It is then shown that attempts to allay the concern are unsuccessful. I argue, in particular, that appealing to the distinction between derivative and non-derivative instantiation fails to solve the problem.

I. Introduction

Constitution theorists believe that there are cases in which an item is not identical with the spatially coincident object that constitutes it. When applied to persons, the constitution view yields the result that a person is not identical with the spatially coincident animal/body.¹ The reason it is thought that constitution is not identity in this case is an apparent difference in persistence conditions. It would seem that the animal and its body can

1 The constitution relation that constitution theorists speak of is not mere spatial coincidence, since every item located in space spatially coincides with itself. For an example of rigorous analysis of the constitution relation, see Baker (e.g., 2000: chs. 2 and 4; 2002; 2007: ch. 8). Also, in this paper, when I talk of the *constitution view* or the *constitution theory* of persons, I am referring specifically to the claim that persons are constituted by but not identical with animals/bodies. I am not using the label to refer to the well-developed package of claims about persons and their bodies, and constitution in general, that Baker calls ‘the Constitution View’. Note, further, that if one is attracted to the constitution view but also wishes to allow that there are some disembodied, wholly immaterial persons, one could restrict the constitution claim to a proper subset of persons (human and any other organic or inorganic embodied persons there might be).

continue to exist after the person expires, e.g., in a persistent vegetative state. It also seems that the person can continue to exist without the animal, perhaps with the body of a different animal, or with an inorganic body, or as a detached brain suitably sustained.²

Although the argument from a difference in persistence conditions is compelling, there are equally persuasive counter-arguments. One popular objection to the constitution view of persons is that it commits one to undesirable overpopulation. In the chair in which you sit, there is an animal present. Given that the animal thinks, feels, and has other mental properties, if we deny that the person is the animal, we seem to be committed to two minds present in the same region of space, which appears to be one too many. And even if the person and the animal were able to share the same mind without being identical, there would still be the worry that there is more than one thinker/feeler present.^{3,4}

While often mentioned, worries about too many minds or too many thinkers/feelers are not the most threatening mental excess concerns for the constitution theorist, as explained in Section II. Another mental excess issue, which I believe is more problematic, is the worry about too many individual thoughts, feelings, and other mental episodes. If the person is not identical with the animal, then when either the person or the animal has some mental property M, assuming the other also has M, it seems there is more than one instantiation of M in that region of space, which appears to be

2 Compare with the statue and the lump of clay, where it seems that the lump of clay can continue to exist while no longer molded into a statue, and that very statue, one might think, can persist while constituted by a different lump of clay.

3 This objection to the constitution view is what Olson (e.g., 2003) calls ‘the thinking-animal argument’. For earlier expressions of the worry that if the person were not identical with the animal, there would be too many thinkers or feelers present, see, for example, Carter (1982: 81–82, 94 and 1989: §V), Snowdon (1990: 91–95), Ayers (1991: 283f), and Olson (1997: 100–109). Shoemaker (1999) calls it the ‘Too Many Minds’ objection.

4 A constitution theorist might be led to believe that the animal differs in persistence conditions from the body that constitutes it and therefore that there are at least *three* spatially coincident items (the person, the animal, and the body). Then there would be the worry that there are three minds and three thinkers. For simplicity, I will focus here on the putative difference between the person and the animal.

one too many.⁵ I call this worry, the problem of ‘too many M-instantiations’, and I describe it in detail in Section III. By getting clear on what exactly the problem is and how it arises for the constitution view, we will be in a better position to see why attempts that have been offered to solve the problem fail, and why it remains a significant threat to the theory.

Sutton (2014) attempts to solve the worry about too many M-instantiations (which she calls the problem of ‘too much thinking’) by appealing to the fact that the person and the animal/body share a supervenience base for mentality. It is shown in Section IV that this attempted solution is unconvincing. I then describe Baker’s well-known attempt to answer concerns about too much mentality, which relies on the distinction between having properties derivatively and having them non-derivatively. After describing in Section V how this distinction is supposed to solve the problem of too many M-instantiations, it is shown in Section VI that it fails to do so.⁶

Note that while I focus in this paper on the person and the coincident *animal*, I am not assuming that a person must have the body of something that qualifies as an animal. The possibility of disembodied persons aside, a person might be constituted by some non-animal body, e.g., a wholly inorganic one, and the problem of too many M-instantiations arises and remains a threat in that case as well.

II. Too Many Minds and Too Many Thinkers/Feelers

Suppose that a human person is not identical with the spatially coincident animal, as constitution theorists claim. Then the question arises whether the animal also has mental features. And if the animal has mentality, how much mentality does it share with the person it constitutes?⁷

5 Zimmerman (2002) calls this the ‘too many thoughts’ worry. For earlier mention of this problem see, e.g., Carter (1982: 94) and Ayers (1991: 283f).

6 There is also the point that constitution theorists might try to avoid the problem of too many mental episodes by viewing them as events or tropes that are not individuated by their subjects, as Zimmerman (2002) mentions. This proposal is discussed in Section III.

7 In this paper I freely talk of different individuals having the *same* mental properties. I do not mean, however, to assume that properties are not *tropes*. The trope theorist may rephrase my

To avoid the result that there are *two persons* present, the constitution theorist will need to deny that the animal has whatever features are sufficient for being a person. On the other hand, it is highly implausible to claim that the animals that constitute persons have no mentality at all. It seems clear that many animals that do not constitute persons have lots of mental features, a variety of perceptual representations, mental imagery, and beliefs and desires, along with a host of qualitative states. Since animals that do constitute persons are at least as complex as other animals in ways that seem relevant to mentality (e.g., neural complexity and behavioral capacity), it is hard to deny that they also have mentality.⁸ However, once we admit that the animals that constitute persons have mental properties, there is the worry about *too many minds*. If both the person and the animal have mentality, then if they are not identical, it seems there are two minds located in that region of space.

It is not clear, however, that the too many minds worry poses any significant threat, for it is open to the constitution theorist to insist that there is only one mind present, one mind shared by two individuals. It is not clear what exactly determines whether there is one mind present rather than two (or three or four), with cases of cerebral commissurotomy and dissociative identity disorder making the number of minds issue especially difficult. However, it does seem, as McMahan suggests, that ‘whether a range of mental phenomena constitute one mind or two depends not only on whether the phenomena are generated by one brain or two, but also on the degree of integration among the various mental events’ (2002: 88). Something along these lines seems correct. So given the intimate causal connection between the person and the animal, especially given that they have

talk of having the same properties as talk of having properties belonging to the same resemblance-class.

8 Shoemaker (1999, 2008) famously argues that the human animal has the wrong persistence conditions to be the bearer of mentality, based on the idea that mental properties are to be individuated in terms of their causal roles along with the idea that the potential effects definitive of a mental property M are the effects on the subsequent behavior and mentality of the *same individual* that has M. Although, see Olson (2002), Hershenov (2006), and Árnadóttir (2010) for good objections to Shoemaker’s line of reasoning.

the same body and brain, it is not implausible to think that the person and the animal do share the same mind.

The idea that the person and the animal share the same mind does not entail that they have all or even many of the same mental features. That the mental features are produced by the same brain, and suitably causally related, might be enough to make them count as features of the same mind, even if some of those features are not had by both the person and the animal. Granted, it is far from clear how minds are best individuated. But it does seem that anyone who advances the too many minds objection should be prepared to explain why the person and the animal are not best viewed as sharing the same mind (even if not having all of the same mental features). Since it is not clear why the person and the animal cannot share the same mind, it is not clear that the too many minds worry is a threat to the constitution theory.⁹

However, even assuming the constitution theorist can plausibly insist that there is only one mind present, there is still the worry about too many mental entities involved. Assuming, as it seems we should, that the animal has some thoughts and feelings, since the person is also a bearer of thoughts and feelings, there is the worry that if they are not identical, then there is more than one thinker present and more than one feeler.¹⁰

But why is more than one thinker or more than one feeler a genuine concern? If one already believes with the constitution theorist that there are two individuals in that region of space, and if one also accepts the seemingly obvious view that the animal has mentality, then one would already be

9 One might be tempted to defend the idea of only one mind being present by appealing to the fact that the person and coincident animal share a supervenience base for mentality, in which case, one would find Sutton's (2014) discussion relevant. However, as shown in Section IV, Sutton's appeal to a shared supervenience base does not help with the problem of too many individual thoughts or feelings, or other mental property-instantiations.

10 Hershenov (2006: 226 and 2013: fn. 1) mentions that the label, 'the problem of too many thinkers', is preferable to 'the problem of too many minds' given the possibility that a single mind can be shared by two thinkers. Incidentally, Hershenov (2013) shows how the problem of too many thinkers arises not just for the constitution theory, but also for the view that persons are brains and for substance dualism.

prepared to accept that there are two individuals with mentality there. It is not clear that more than one thinker/feeler is itself anything a constitution theorist wouldn't already be prepared to accept simply by insisting that there are two individuals there, and admitting that they both think and feel. What makes distinct but spatially coincident thinkers/feelers especially worrisome is not the number of thinkers/feelers itself, but the fact that with more than one of them there would be too many thoughts and too many feelings occurring in that region of space. Suppose the person and the animal did not share any of the same mental properties. Then there would be no extra instantiations of mentality in that location; the person would instantiate some of the mental properties and the animal would instantiate the others, with no more instantiations of mental properties than if there were only one individual there with all of those mental features. However, if the person and the animal were to have the same, or some of the same, mental properties, then there would be special cause for concern, for then it seems there would be extra thought and feeling occurring in that location.¹¹

III. Too Many Instantiations of Mental Properties

Might it be that the animal and the person it constitutes have none of the same mental properties? One way for this to occur is for the animal to have no mental properties at all. Yet, as mentioned earlier, it is highly implausible to deny that animals that constitute persons have mentality. They are at least as complex as other animals in ways that seem relevant to mentality (e.g., neural complexity and behavioral capacity), and it is hard to deny that many animals that do not constitute persons have lots of mental features, a variety of perceptual representations, mental imagery, and beliefs and desires, along with numerous qualitative states.

11 Sutton (2014) recognizes that the concern about too many thoughts 'is a primary worry' (622). She believes that '[i]f there is not too much thinking when the body and the person think, then having two thinkers is not a problem' (624), and she therefore aims to solve the worry about too many thinkers by showing that there is not too much thinking. Her argument for the conclusion that there is not too much thinking is discussed in Section IV.

Suppose that while animals that constitute persons have mental properties, they do not have any of the mental properties that the persons have (at least not at the same time).¹² In that case, too, excess instantiations of mentality are avoided. The person would have some of the mental properties instantiated there and the animal would have the others, and the total number of mental instances at any one time would be the same as if there were only one individual in that region at that time with all of those mental properties.

However, this ‘no shared mentality thesis’ is hard to accept. The idea would be that the person has those complex mental features necessary for being a person, and the animal is the bearer of many, perhaps all, of the remaining mental features. Yet, it is rather implausible to deny that the person has at least some of the mental properties that the animal would seem to have at the time. It is hard to deny that persons perceptually represent their environments and in many of the same ways that the spatially coincident animals do. It is equally implausible to deny that persons have qualitative states of the sort the coincident animals have at the time, including feelings of hunger, fear, and pain.

There is also the fact that persons have many apparently true higher-order beliefs about their own mental states, such as a belief that one is in pain or a belief that one has a reddish visual sensation. In these cases, and many others, the target mental states are certainly no more complex than the sort of mentality the spatially coincident animal obviously has. Assuming, then, that these higher-order *de se* beliefs are true (or at least that some of them are true), the person and the animal will share the target mental states.

It is certainly implausible to deny that animals that constitute persons have mentality, and it is also implausible to deny that the person and the animal have some of the same mental properties, and at the same time.¹³

12 For the trope theorist, this ‘no shared mentality’ thesis may be interpreted as the claim that the person and the animal do not have sufficiently similar tropes (at the same time).

13 In addition to sharing the specific mental properties mentioned above, if the person and the animal both have mentality, there will inevitably be various highly general mental properties that they share; for instance, both will have the property of *having representational states*, the

However, with having the same mental properties at the same time there comes the worry for the constitution theorist about the doubling of mentality. If x and y both have mental property M , and x is not identical with y , then it seems that there are two instantiations of M there, x 's *having M* and y 's *having M*. If x and y occupied different regions of space, there would be nothing troubling about two instantiations of M , since spatially distinct individuals obviously do share properties all the time. But in the case where x is spatially coincident with the distinct item y and they both exemplify M , there is more than one instantiation of M at that time in the very same region of space, which seems to be one too many M -instantiations.

Zimmerman (2002: 318) mentions that one might try to avoid this worry by denying that particular thoughts and feelings are individuated in terms of the entities that have them. For example, one might view these instances of mentality as *events*, and one might reject Kim's (1976) view that events are complex structures consisting of an object's having a property at a time. Or if one considers events structured, one needn't view the object undergoing the event as a component of the complex. If events are not individuated in terms of the objects involved, i.e., if a difference in the object undergoing the event does not guarantee a different event, then perhaps we can avoid the conclusion that there are two events in the case where two coincident entities have the same property.

Or suppose, instead, that we view these instances of mentality as *tropes*. The worry about mental excess might still arise, a worry about two pain-tropes or two thought-tropes present in the same region at the same time. But suppose we accept Campbell's characterization of tropes as 'capable of independent existence . . . dissociated from any concrete particular'

property of *having qualia*, and the utmost general property of *having mental properties*. Also, for any mental property M_1 that the animal has and any mental property M_2 that the person has, both the animal and the person have the disjunctive property, $M_1 \vee M_2$. (Thanks to an anonymous referee for bringing the point about disjunctive properties to my attention.) One might argue that a restricted 'no shared mentality' thesis, one restricted to properties that are more specific than these general and disjunctive features, is enough to relieve constitution theorists of mental excess concerns. Yet, as was indicated, it seems there are many relatively specific mental properties that the person and the coincident animal do share.

(1981: 479). Or suppose we believe that while tropes must be had by an object, the same trope need not be had by the same object. In either case, we would deny that tropes are individuated by the objects that have them. We might instead view them as individuated solely by their spatiotemporal location. On this view of tropes, given that the person and the animal spatially coincide, the person's M-ness at some time and the animal's M-ness at the same time count as the very same trope, and therefore no extra mental trope is present.¹⁴

If event-identity does not require the identity of the object(s) undergoing the event, then the constitution theorist need not worry about an extra mental event when the person and the animal have the same mental property. And if there are tropes, and the identity of tropes does not require the identity of their bearers, then there is no concern about an additional mental trope. Still, it seems there will be two of *something* in that case — and not merely two objects instantiating the mental property, but two instantiations of that property. Consider any property F (mental or otherwise), and any items x and y , where x has F, y has F, and $x \neq y$. Then there is a condition of the world that is the instantiation of F by x , and this condition of the world is different from the condition that is the instantiation of F by y . If we think of events as individuated in terms of their objects, then we would call this difference in instantiation a difference in 'events'. Or if we believe that properties are tropes, and think that tropes are individuated by their bearers, then we would call it a difference in tropes. In fact, even if we deny that events or tropes are individuated in terms of the objects involved, we can still acknowledge a difference in which object is undergoing the event or a difference in which object is possessing the trope.¹⁵ Alternatively,

14 Or one might endorse a 'primitivist' criterion of trope individuation, according to which, there is no analysis or reduction of trope individuation available. While differing from the spatiotemporal criterion, such an account can also allow the possibility that tropes x and y are identical without being had by the same object. See, for example, Ehring (2011: ch. 3) for objections to the spatiotemporal criterion and a defense of the primitivist view.

15 Even a trope theorist who believes that concrete particulars are reducible to bundles of tropes can acknowledge that $x \neq y$ (by acknowledging that they are different bundles), and therefore can concede that F's being had by x is different from F's being had by y .

one might prefer to speak of *states of affairs* to describe the difference between x 's instantiation of F and y 's instantiation of F . In any case, it seems that there would be a genuine difference being expressed.

Here I wish to remain neutral on how events, tropes, or states of affairs are best individuated, and also neutral on whether properties are tropes, or whether states of affairs are reducible to events or to tropes, and neutral on the host of related issues regarding items belonging to these categories. I wish to remain neutral, not only because I do not know the answers to these questions, but also because the mental excess worry discussed here is one I believe arises regardless of one's views on these ontological matters. What I will assume is something that seems innocuous enough. Let us call it the 'Non-Identity Principle', 'NI' for short:

(NI) For any items x and y , and any property F , if x has F , y has F , and $x \neq y$, then there is a condition C that satisfies the description, 'the instantiation of F by x ', and there is a condition C^* that satisfies the description, 'the instantiation of F by y ', and $C \neq C^*$.¹⁶

That is, given NI's antecedent, C and C^* are not exactly the same condition; while the property instantiated is the same, there is a difference in the item instantiating the property. If one believes that events are individuated in part by the objects undergoing them, then one might view C and C^* as distinct events. Or if one endorses tropes and believes that the same trope cannot be had by more than one object, then one might view C and C^* as distinct tropes.¹⁷ Or one might find it more natural to think of the difference between C and C^* as a difference in states of affairs. Yet, whatever the difference is called, according to NI, there is a difference. And it is not merely a difference in x and y . The difference is in the instantiation of F *by* x and the instantiation of F *by* y .

16 Even if x 's F -ness and y 's F -ness were best viewed as tropes, and even if they were numerically identical tropes, there would still be a difference (as NI entails) between x 's having the trope and y 's having it.

17 See Cameron's (2006) distinction between different non-transferability theses available to trope theorists (different ways to view tropes as tied to the objects that have them).

One might wonder whether NI applies to cases in which x and y spatially coincide. The principle does seem to apply when one of the items is a proper part of the other. My body's weighing less than one ton is not the very same condition as my torso's weighing less than one ton, and the bookshelf's being completely full is not the same as the middle shelf's being full. There are different property-instantiations here, despite the fact that in these cases the former is in some way dependent on, or due in part to, the latter.

NI would also seem to apply in cases where x and y wholly spatially coincide. Even if x and y completely spatially coincide, if they are not identical, then to talk about x 's having F is to describe a condition of the world that is in some way different from what we describe when we say that y has F . For example, if the person is not the animal, then 'the animal's being conscious' describes a different condition from what 'the person's being conscious' describes. If we were to agree with constitution theorists who think that persons and animals are substantially different kinds of entities, then it would be especially hard to deny that 'the animal's being conscious' and 'the person's being conscious' describe different conditions.¹⁸ Still, whether x and y are substantially different kinds of items or not, if $x \neq y$, then even if they wholly spatially coincide, F 's being instantiated by x is not exactly the same as F 's being instantiated by y ; if nothing else there is a difference in which item is doing the instantiating.

There is, then, a legitimate concern for the constitution theorist that NI is true in the case where F is a mental property, and x and y are distinct but spatially coincident individuals. It does seem that

(NI*) For any person x , any animal y that constitutes x , and any mental property M , if x has M , y has M , and $x \neq y$, then there is a condition C that satisfies the

18 And they could not describe the same condition if only one of the two individuals is conscious, as a constitution theorist might (albeit implausibly) believe; recall Shoemaker's position mentioned in footnote 8. Note also that if we replace 'conscious' with 'has a first-person perspective', then Baker would agree that only one of the two expressions describes a condition that actually obtains.

description, 'the instantiation of M by x ', and there is a condition C^* that satisfies the description, 'the instantiation of M by y ', and $C \neq C^*$.

We might call conditions C and C^* 'events' or 'tropes' or 'states of affairs'. Wishing to remain neutral on how these items are best-individuated and whether they (tropes, especially) really exist, I shall speak here of 'property-instantiations', and call the difference in conditions expressed by NI and NI* a difference in property-instantiations. As the term is being used here, one necessary condition for being the same property-instantiation is that the item instantiating the property is the same. Viewing this as a necessary condition for being the same property-instantiation is justified by the fact that if $x \neq y$, then it does seem that there is some difference between the instantiation of F by x and the instantiation of F by y , even if nothing other than there being different items doing the instantiating.¹⁹ And the worry for the constitution theorist is that when a person has some mental property M , and the spatially coincident animal has M as well, if the person is not identical with the animal, then there is more than one instantiation of M present (more than one M -instantiation), which seems one too many.²⁰

In Sections IV-VI, we will discuss two possible attempts to show that there really is no problem regarding too many M -instantiations. To show that there is no problem, the constitution theorist might appeal to the fact that the person and the animal share a supervenience base for mentality,

19 I leave it open whether the same property-instantiation also requires that the property instantiated is the same; I leave it open, for example, whether x 's *driving* to Chicago is the same property-instantiation as x 's *travelling* to Chicago. Also, I leave it open for now whether the time of the instantiating must be the same in order for the property-instantiation to be the same; more on the time issue in Section VI. It is enough for a difference in M -instantiations in the case of constitution that the item doing the instantiating is different.

20 One might be tempted to think of the 'conditions' I mention as *truth-makers*. I am reluctant to characterize them as truth-makers, mainly because I wish to allow that x 's *instantiation of F* and y 's *instantiation of F* can qualify as different conditions of the world even if what makes ' x is F ' true is also what makes ' y is F ' true. In addition, I wish to avoid the issue of which items serve as the ultimate truth-makers, e.g., facts, tropes, or states of affairs. Further, I do not want to imply that the conditions I am talking about *necessitate* the truth of propositions (a feature that some truth-maker theorists attribute to truth-makers).

or the constitution theorist might rely instead on the distinction between having properties derivatively and having them non-derivatively. The appeal to a shared supervenience base is considered and rejected in the next section, and in Section VI it is shown that relying on the derivative/non-derivative distinction also fails to remove the worry about too many M-instantiations.

IV. Sharing a Supervenience Base

As mentioned in Section III, denying that the person and the animal have any of the same mental properties is not a viable option for avoiding mental excess. Indeed, there is a long-standing issue of how the person and the animal can avoid having any of the same mental properties given that they have the same body, and therefore have all of the same physical properties. If they have all of the same physical properties, then given that the mental supervenes on the physical, they must have all of the same mental properties as well.²¹ I leave open whether this supervenience concern can be adequately answered by the constitution theorist, and if so, how.²² I mention supervenience here because, as Sutton (2014) argues, the constitution theorist might appeal to the fact that the person and the animal/body share a supervenience base for mentality to avoid worries about mental excess.

Sutton describes a quantity t as ‘*non-summativè*’ when ‘the amount or number of t had by x and the amount or number of t had by y , taken together,

21 See Carter (1988) for an early presentation of how supervenience considerations threaten those who deny that persons are identical with their bodies. See also Carter (1989: §V) on why an appeal to supervenience supports the view that a person is identical with the spatially coincident organism.

22 The constitution theorist might insist that the person and the animal do not have all of the same physical properties. Shoemaker (1999, 2008) develops this idea with his distinction between ‘thick’ and ‘thin’ properties, the former belonging only to those with the right persistence conditions. On Shoemaker’s view, the person and the animal/body share thin physical properties but not thick ones. The animal and its body lack the thick physical properties on which mental properties supervene. (A different way to try to deal with the supervenience problem is to invoke Baker’s derivative/non-derivative distinction and claim that the person and the animal differ in which physical properties they have non-derivatively.)

are the same as the sum of the two *minus* the amount or number of t that is shared by x and y' (2014: 621). As she illustrates, if your body weighs 150 lbs. with one of your arms weighing 9 lbs., the scale records 150 rather than 159. Weight is non-summativ in this case, Sutton claims, because the body and the arm share a supervenience base for weight in the sense that the physical conditions on which the weight of the body supervenes include all of those on which the weight of the arm supervenes. So what physically determines the weight of the arm is nothing in addition to what physically determines the weight of the body. Sutton contends that we should expect that mentality also fails to be summative in situations, like the case of constitution, where distinct but spatially coincident individuals share a supervenience base for mentality. Focusing on the body instead of the animal, her argument that there is no excess thinking in the case of constitution is:

- (1) Where object a and object b share a supervenience base for x , x is not summative.
- (2) A person and her body share a supervenience base for thinking.
- (3) Thinking is not summative where a person and her body share a supervenience base for thinking. [from (1) and (2)]
- (4) When something is not summative, there is not too much of that thing.

Conclusion: therefore, there is not too much thinking if both the body and the person think. (2014: 624)

As the example of the body and component arm shows, there are cases in which objects a and b share a supervenience base for a feature F and the quantity of F -ness is not summative. But is it true, as (1) states, that in all cases where a supervenience base for some quantity is shared, the quantity fails to be summative? To answer this question, we need to distinguish between two ways of construing the supervenience relation. Supervenience is often viewed as a relation between *properties*, or families of properties (e.g., with mental properties supervening on physical properties or normative properties supervening on non-normative properties). But when supervenience is viewed in this way, sharing a supervenience base for some feature F is certainly no reason to think

that the quantity of F-ness is not summative. Suppose that *a* and *b* are two distinct persons, and suppose they both have a mental feature M because they both have some subvening physical property, P. Then while *a* and *b* share a supervenience base for M (by sharing property P), the quantity of M-ness in this case is obviously summative; the amount of M-ness had by *a* and *b*, taken together, is double the amount had by each. So when the supervenience relation is construed, as is commonly the case, as relating properties, then contrary to (1), sharing a supervenience base for some property F does not ensure that the quantity of F-ness is not summative.

So if Sutton's argument is to succeed, she cannot (and does not for the purpose of her argument) think of supervenience as relating properties. While less common, supervenience may be viewed, and is construed for the purpose of her argument, as relating concrete particulars, with one set of individual objects or events supervening on another.²³ However, even when the supervenience relation is viewed as relating concrete particulars, premise (1) is dubious. The reason why weight is not summative in the case of the body and the component arm is that the arm is a proper part of the body. Since the arm is a proper part of the body, the concrete condition that is the arm's weighing 9 lbs. is itself a proper part of the more complex state of affairs that is the body's weighing 150. That is why the arm's weighing 9 lbs. is nothing in addition to the body's weighing 150.

The sharing of a supervenience base is a consequence of the arm's being a proper part of the body. But it seems that it is the arm's being a proper part of the body, and not the sharing of a supervenience base itself, that makes it the case that the arm's weighing 9 lbs. is nothing in addition to the body's weighing 150. Suppose we were told that there is something that is not a proper part of the body, but is in fact wholly spatially coincident with the body. If we were then told that while that thing weighs 150 lbs., it is not

23 She mentions (624: fn. 5) that her claim 'is that the person and the body share a supervenience base for thinking and *token* thoughts, but they do not share a supervenience base for properties' (emphasis added), and she also allows 'the possibility of fusions supervening on their parts'.

identical with the body, a question might arise about whether weight really is non-summativ in that case, and the question arises despite the body and that other item sharing a supervenience base for weight.

So premise (1) of Sutton's argument is dubious. While a quantity is not summative in the case of wholes and their proper parts, it is not clear that this is true in all other cases where the objects share a supervenience base for some quantity. Of course, the case of the person and the body/animal is one of those other cases, since the body/animal obviously is not a proper part of the person.²⁴ So even though the body/animal and the person share a supervenience base for mentality, we cannot conclude from this that mentality is not summative in that case. Their sharing a supervenience base for mentality does not remove the worry for the constitution theorist about too many instantiations of the supervening mental properties.²⁵

V. Derivative and Non-Derivative Instantiation

Baker (2000: 102) has us consider the thought, 'I hope that I will not be in pain on my birthday'. On her view, the person has this thought non-derivatively (not because of the person's constitution relations to anything else that has the thought). The animal that constitutes the person also has the thought, but the animal has it derivatively — solely in virtue of constituting

24 There are mereological constitution accounts. See, e.g., Thomson (1998). On such accounts, the constituter is considered part of the object it constitutes, and the constituted is part of the constituter, although neither is considered a *proper* part of the other. By allowing that x can be an improper part of y without being identical with y , mereological constitution theories allow that the constituter is an improper part of the constituted object, and that the constituted is an improper part of the constituter, even though they are not identical. Baker is not a mereological constitution theorist; while she admits that 'the Constitution View has a place for mereological sums — not as ordinary objects, but as ultimate *constituters* of ordinary objects', she insists that 'constitution cannot be understood as mereological composition' (2007: 186–187).

25 In defense of premise (1) of her argument, Sutton offers a *reductio*, claiming that if (1) were false, the result would be that 'when object a becomes a proper part of object b , x increases twofold' (625). This result is absurd, but it does not follow from the falsity of (1). (1) is meant to apply to all cases in which objects share a supervenience base for some quantity, and not just cases where one is a proper part of the other. The general claim might be false even if it is true (with the denial leading to absurdity) when applied specifically to cases involving wholes and their proper parts.

something that has the thought non-derivatively. According to Baker, the distinction between derivative and non-derivative instantiation allows us to believe that the person is not the animal, and also believe that both have the thought, without having to admit that there are two thoughts present, i.e., without having to believe that there is more than one instantiation of the mental property. There is only one instance of thinking ‘I hope that I will not be in pain on my birthday’, and that single instance is the non-derivative instantiation of the mental property by the person and the derivative instantiation of the mental property by the animal.²⁶

Baker believes that animals that constitute persons also have mental properties non-derivatively. ‘[I]f I have the same kind of pain that a dog could have, then ... my body (a human animal) could have had that pain without constituting a person, and I have the pain derivatively’ (2000: 102). In that case, the animal has the pain non-derivatively; it feels pain, and not because it constitutes a person or anything else that feels pain. And the person has the pain derivatively; the person has the pain in virtue of being constituted by something (the animal) that has it non-derivatively. Yet, while both the person and the animal experience the pain, there is only one instance of pain present, a single instance that counts as the non-derivative instantiation, by the animal, of the property of being in pain and the derivative instantiation of that property by the person.²⁷

It seems Baker is quite right to allow that animals that constitute persons have mental properties non-derivatively. Against the bold claim that animals that constitute persons have no mentality whatsoever, there is the fact that (a) many animals that do not constitute persons seem to have lots of mental features together with the fact that (b) the animals that constitute persons are at

26 See Baker’s detailed analyses of what it is to have a property derivatively and what it is to have a property non-derivatively (e.g., 2000: ch. 4; 2002; and 2007: ch. 8).

27 On the other hand, ‘[i]f the pain, like the pain caused by the expectation of being hanged in two weeks, is such that it could be borne only by a being with a first-person perspective, then the person bears it at *t* nonderivatively, and the body-constituting-the-person bears it at *t* derivatively’. Again, ‘we might say that a single instantiation of *F* at *t* is shared by *x* and *y*’ (2007: 178–179).

least as physically equipped in ways sufficient for mentality as those that do not constitute persons. In addition to (a) there is the fact that (a*) many animals that do not constitute persons seem to have lots of mental features non-derivatively. Thus, given (b), we have reason to believe that animals that constitute persons have lots of mentality non-derivatively.

Persons also have mental properties non-derivatively. However, suppose that the person and the animal have none of the same mental properties non-derivatively, at least not at the same time. Then it would seem that the worry about too many M-instantiations is avoided. For any mental property that the person and the animal share, there is only a single instance of that property, a single instance that is both the non-derivative instantiation of the property by one of the pair and the derivative instantiation of the property by the other.²⁸

Baker assures us that ‘to have a property derivatively is still really to have it’; for example, while ‘Mary’s property of having a broken leg is a property that Mary has derivatively — in virtue of being constituted by a body that has a broken leg’, it is still the case that ‘she really has a broken leg’ (2002: 37–38). So we can accept the ban on sharing non-derivative mentality without denying that the person experiences the perceptual states, bodily pains, and other basic representational and qualitative states that Baker would claim the animal has non-derivatively. The ban on sharing non-derivative mentality also allows that the person has the lower-order mental features that are targets of the higher-order *de se* beliefs had (non-derivatively) by the person.²⁹ The person has all of those basic mental features, albeit derivatively.

So it seems that within the framework of a constitution theory the distinction between derivative and non-derivative instantiation is highly plausible,

28 While plausible within the framework of a constitution theory, the idea that persons have only some of their mental properties non-derivatively will not attract those committed to the ‘Priority Principle’ that persons themselves have mental properties in general in a primary and non-derivative sense. See Bailey’s (2015) defense of the Priority Principle and his description of views of personal ontology that conflict with it.

29 As Baker mentions, ‘[t]he thoughts that a person has nonderivatively can be judgements about the mental properties that a person has derivatively’ (2000: 104).

and it also appears quite effective at solving the problem of too many M-instantiations. To have a property derivatively is really to have it. But it would seem, as Baker claims, that the derivative instantiation of the property is not something in addition to the non-derivative instantiation, and in that case, it seems there is no worry about too many instantiations of the property. However, as shown in the next section, even with the distinction between derivative and non-derivative instantiation, the worry about too many M-instantiations does not disappear.

VI. Too Many M-Instantiations (Derivative or Not)

To derivatively have a property, Baker says, is really to have it. That seems right; to *have* a property in virtue of something else having it is still to have that property.³⁰ Yet, if it is true that to have a property derivatively is really to have it, then even with the distinction between having properties derivatively and having them non-derivatively, the worry about mental excess expressed in Section III remains.

Let us recall the problem. According to the Non-Identity Principle,

- (NI) For any items x and y , and any property F , if x has F , y has F , and $x \neq y$, then there is a condition C that satisfies the description, ‘the instantiation of F by x ’, and there is a condition C^* that satisfies the description, ‘the instantiation of F by y ’, and $C \neq C^*$.

If events are individuated in part by the objects involved, then C and C^* could be viewed as distinct events. Even if events are individuated spatiotemporally so that x ’s having F and y ’s having F do not count as distinct events, there is still the difference between x undergoing the event and y

30 Engelhardt (2015) argues that if x has F derivatively, in virtue of y ’s constituting x and y having F , then x ’s having F is not a genuine *instantiation* of the property. Perhaps Engelhardt is correct, but his view is not something we should accept *if* we are constitution theorists aiming to avoid too many M-instantiations with the derivative/non-derivative distinction. For then we would have to deny that the person and the animal ever instantiate the same mental properties at the same time. So for the sake of deciding whether Baker’s appeal to the derivative/non-derivative distinction can *plausibly* solve the problem of too many M-instantiations, I will assume here that she is correct to think that having a property derivatively does count as a genuine instantiation of it.

undergoing the event, which is the difference between C and C^* . One might find it natural to consider this a difference in states of affairs. Yet, whatever the difference is called, according to NI, there is a difference. And it is not merely a difference in x and y ; the difference is in the instantiation of F by x and the instantiation of F by y .

NI would seem to hold true even in cases in which x and y wholly spatially coincide. Even if x and y wholly spatially coincide, if they are not identical, then to talk about x 's having F is to describe a condition of the world that is in some way different from what we describe when we say that y has F . For example, if the person is not the animal, then 'the animal's being conscious' and 'the person's being conscious' pick out different conditions. If we were to agree with constitution theorists who think that persons and animals are substantially different kinds of entities, then it would be especially hard to deny that 'the animal's being conscious' and 'the person's being conscious' describe different conditions. Still, whether x and y are substantially different kinds of items or not, if $x \neq y$, then despite their spatially coinciding, F 's being instantiated by x is not exactly the same as F 's being instantiated by y ; if nothing else there is a difference in which item is doing the instantiating.

So there is a legitimate concern that NI is true in the case where F is a mental property, and x and y are distinct but spatially coincident individuals. It does seem that:

(NI*) For any person x , any animal y that constitutes x , and any mental property M , if x has M , y has M , and $x \neq y$, then there is a condition C that satisfies the description, 'the instantiation of M by x ', and there is a condition C^* that satisfies the description, 'the instantiation of M by y ', and $C \neq C^*$.

Calling conditions C and C^* 'property-instantiations', the worry is that if the person and the animal both have M , but they are not identical, then there are too many mental property-instantiations, too many M -instantiations.³¹

³¹ Lim points out that if to have a property derivatively is really to have it, 'there are still two things really thinking your thought', in which case, 'the too many thinkers problem remains' (2014: 373). Not only would there be two thinkers, which a constitution theorist might readily accept simply by accepting that there are two entities there and that both persons

It is possible to have two property-instantiations where one of the two is nothing *in addition to*, nothing *over and above*, the other. For example, while an arm's weighing 9 lbs. is not identical with the whole body's weighing 150 lbs., the former property-instantiation is not anything in addition to the latter. In this case, there is more than one property-instantiation, but since one of the two is nothing in addition to the other, there are *not too many* property-instantiations. One might argue that the same is true in the case of the person and the spatially coincident animal both having mental property M. In that case, one of the two M-instantiations is derivative, and being derivative that M-instantiation is nothing in addition to the other. So, one might argue, while there is more than one M-instantiation, there is *not one too many*.

In what follows, I argue on the contrary that the constitution theorist cannot fully avoid viewing a derivative M-instantiation as something in addition to the non-derivative one. The reason is that in at least many cases, the derivative M-instantiation is independent of the non-derivative one in the sense that the former can obtain without the latter. Let us call the M-instantiation that is M's being had by person p , ' I_{Mp} ', and call the M-instantiation that is M's being had by animal a , ' I_{Ma} '. It can be shown that for many mental properties, the following two *Independence Principles* are true:

if M is instantiated by person p and by coincident animal a , and $p \neq a$, then I_{Mp} can obtain without I_{Ma} , even if p instantiates M derivatively,

and

if M is instantiated by person p and by coincident animal a , and $p \neq a$, then I_{Ma} can obtain without I_{Mp} , even if a instantiates M derivatively.³²

and coincident animals think. There is the further point, which is arguably the more basic problem, that there are two thinkings there, two instantiations of the thought.

³² I say that these Independence Principles are true for 'many' mental properties. I do not say 'all' to allow, for example, that the content of a *de se* mental feature is anchored to its bearer in such a way that only that individual and no other can (non-derivatively) instantiate the mental property. If that were the case, then the derivative bearer of the property could not have the property (even derivatively) without constituting or being constituted by the very individual

To establish the first of these, let us start by noting that proponents of a constitution view of persons generally believe that persons do not depend for their existence on the particular animals or bodies that happen to constitute them. While it seems that biological continuity of the right sort is what makes it the case that an animal continues to exist, the constitution theorist will believe that what matters for the persistence of a person is something different — the most likely candidate being some sort of mental continuity.³³ If the persistence of a person is a matter of the right sort of mental continuity, then given that this mental continuity does not require the continued existence of the same animal, person *p* can continue to exist even if *p* comes to be constituted by an animal other than *a*, or even something other than an animal. Moreover, it is possible for *p* to have some mental property derivatively without being constituted by the particular animal/body present at the time. For *p* to have that mental property derivatively it is enough that *p* has it in virtue of being constituted by something or other that has it non-derivatively — just as the statue derivatively has the property of being a lump of clay even though the statue's having that property does not require that it's constituted by that particular lump.

Suppose, then, that person *p* has M derivatively at time *t*, in virtue of being constituted by animal *a* that has M non-derivatively at *t* (where M might, for example, be the desire for food, or a feeling of pain, or the belief that it will soon rain). And let M be a mental property, like these, which it is possible for a person to continue to have (derivatively) even when constituted by a different animal. Also suppose that shortly after *t*,

that has the property non-derivatively. I leave open here which mental properties exactly fail to conform to the Independence Principles. To establish my conclusion that worries about too many M-instantiations remain, I need only show that the principles apply to some mental properties (and indeed it should become clear that they apply to very many).

³³ This is not to imply that a proponent of a mental continuity account of personal identity must be a constitution theorist. Note also that while mental continuity does not require having the same mental features, having the same mental features does count as a type of mental continuity (where *x* is mentally continuous with *y* in virtue of *x*'s bearing the *mental sameness* relation to *y*). So Baker's view that the person persists by having the *same first-person perspective* falls within the class of mental continuity accounts of personal identity.

the brain of a is transplanted into the body of an animal other than a . Suppose, further, that during the transplant, brain activity is somehow maintained and in such a way that p continues to have M without interruption. In this possible scenario, p does not stop having M only to resume having it; p continues to have M throughout. Let us suppose, also, that p not only continues to have M , but that the very instantiation of M by p present before (i.e., I_{Mp}) continues uninterrupted. If this were to happen, then brainless animal a , even if it continued to exist (as a dead animal), would no longer have mentality, and so I_{Ma} would no longer obtain. The new animal, a^* , which acquires p 's brain, would have M . And since 'M-instantiation', as we are using the term, stands for something individuated in part by the objects doing the instantiating, the instantiation of M by a^* (I_{Ma^*}) is not the same M-instantiation as I_{Ma} . (Recall that viewing the same property-instantiation as requiring the same item doing the instantiating is justified by the fact that if $x \neq y$, then as NI states, there is some difference between the instantiation of F by x and the instantiation of F by y .)

It would seem, then, that I_{Mp} can outlast I_{Ma} even though the former instantiation is the derivative one. However, one might object that in the case described, when p is no longer constituted by a , the particular M-instantiation, I_{Mp} , ceases to obtain, only to be followed by a different, even if indistinguishable, instantiation of M , call it ' I^*_{Mp} '. And if so, then the case described is not a case in which I_{Mp} outlasts I_{Ma} .³⁴ I am assuming, however, that what I am calling 'M-instantiations', and 'property-instantiations' in general, can *endure*, just as one might think of events or tropes enduring, the same event occurring or the same trope existing for a period of time. Assuming that property-instantiations can endure, then it seems there are possible brain transplant scenarios of the sort described above in which I_{Mp} continues for the duration of the transplant without being replaced by a distinct I^*_{Mp} . Perhaps there are possible brain transplant scenarios in which I_{Mp} is replaced by a distinct M-instantiation. However, it also seems possible that I_{Mp} itself continues to obtain, outlasting I_{Ma} . Such a

34 Thanks to an anonymous referee for bringing this possible objection to my attention.

case arguably requires that brain activity is maintained during the transplant so that p continues to have M without interruption, although this situation certainly is not impossible.

While constitution theorists typically do not accept temporal parts, they could do so, and they could believe not just that objects have temporal parts but that what I am calling ‘property-instantiations’ have them as well.³⁵ Yet, even if perdurantism were true, and property-instantiations in particular had temporal parts, this would not alter the fact that I_{Mp} can outlast I_{Ma} . Suppose that property-instantiations do have temporal parts. Then our hypothetical brain transplant scenario may plausibly be described as a case in which the perduring item I_{Mp} has I_{Ma} as a proper temporal part, with another proper part being I_{Ma^*} . So there is the possibility even with perdurantism of I_{Mp} outlasting I_{Ma} .

Moreover, the point that I_{Mp} can obtain without I_{Ma} can be made in a way that avoids any concerns about property-instantiations enduring and what it takes for them to endure. Rather than imagining what happens over time, let us imagine the way things could have been at some moment in time. We are supposing that what actually obtains is: person p instantiates M derivatively at time t by being constituted by animal a that has M non-derivatively at t . It seems that things could have been different; p could have instantiated M derivatively at t by being constituted by an animal other than a that instantiates M non-derivatively at t .³⁶ Let us also suppose that in this counterfactual scenario, the brain processes or other conditions that underlie the instantiation of M are the same as they actually are, but with the rest of the body being different enough to yield a different animal.³⁷ Since what I am calling ‘property-instantiations’ are individuated by their objects, and a is not present in the non-actual case, I_{Ma} does not obtain in that case.

35 Thanks to an anonymous referee for alerting me to this possible position.

36 If one accepts *counterpart* theory, one would consider this a case involving a counterpart of p and a counterpart of an animal other than a . My talk of trans-world identity here and in the counterfactual descriptions that follow may be replaced with talk of counterparts if one prefers.

37 The conditions underlying the instantiation of M may include relations to external items that an externalist might consider necessary for having a mental property with the content of M .

Does I_{Mp} obtain in that case? Well, I have stated one necessary condition, and only one, for being the same property-instantiation — that the item doing the instantiating is the same.³⁸ This certainly is not a sufficient condition. For x 's having property F to count as the same condition as y 's having some property G, some restrictions on the property instantiated obviously need to be met. It is arguable that F needn't be the very same property as G; one might argue that 'Jill's driving to Chicago' describes the same condition as 'Jill's travelling to Chicago'. However, not just any property will do to yield the same property-instantiation: the situation that is Jill's *leaving* Chicago is certainly not the same as her travelling to Chicago. Questions also arise about time-restrictions; just as one wonders whether Gilbert's walking would be the same event if it occurred a bit later, one might wonder whether what I am calling 'property-instantiations' must occur at the same time, or during the same interval of time, to be identical. For the purpose of establishing the first of the Independence Principles, I can leave open here to what extent the property and time can differ to have a different property-instantiation. The only sufficiency claim I need to rely on here is the plausible assumption that if the object, property, and time are the same, then it is the same property-instantiation. Let us also add to the set of sufficient conditions that the spatial location of the property-instantiation is the same to avoid doubts about identity that might arise when the property is instantiated in different parts of the same object. Now, in our counterfactual situation, it is the same object that has the same property at the same time and in the same region of the brain. So in our counterfactual situation, it seems plausible to suppose, and implausible to deny, that I_{Mp} does obtain; for if the same property is instantiated by the same object in the same location at the same time, then by all standards it would count as the same condition (the same event, the same situation, the same state of affairs, or whatever one might call it). Given that I_{Ma} does not obtain in the counterfactual

38 The reason why I had stopped with stating just this one necessary condition is that no other conditions are required given NI and NI* to establish a difference in M-instantiations.

situation, it follows that I_{Mp} can obtain in the absence of I_{Ma} , and I_{Mp} can obtain in the absence of I_{Ma} even though I_{Mp} is the derivative property-instantiation.

We have been considering mental properties that a constitution theorist might think a person has derivatively and the animal has non-derivatively (e.g., a feeling of hunger or a pain sensation), and which also are properties a person could have (derivatively) even while constituted by a different animal or body. It would seem there are lots of mental features of this sort. So it seems that for many mental features, if not most, the first of our Independence Principles is true:

if M is instantiated by person p and by coincident animal a , and $p \neq a$, then I_{Mp} can obtain without I_{Ma} , even if p instantiates M derivatively.

There is also reason to believe that the second Independence Principle is true in many cases:

if M is instantiated by person p and by coincident animal a , and $p \neq a$, then I_{Ma} can obtain without I_{Mp} , even if a instantiates M derivatively.

Suppose that M is the sophisticated belief that each person necessarily has a first-person perspective. Baker would consider M a mental feature that the animal has derivatively, in virtue of the person it constitutes having it non-derivatively. Suppose, then, that animal a has M derivatively. Having M derivatively does not require that a constitutes the person p that it actually does constitute, so long as a has M in virtue of constituting something or other that has M non-derivatively — just as the lump of clay has the property of being a statue derivatively, even though it could still have that property while constituting something other than that particular statue.

So let us also suppose that with some disruption of person-making features, animal a comes to constitute a different person. Imagine further that a continues to have M (the belief that each person necessarily has a first-person perspective), and that a 's instantiation of M remains entirely uninterrupted. Imagine that the brain activity that underlies M remains the same, while other brain processes change in such a way and to such a degree that the animal ends up constituting a different person. If the

processes that underlie the belief remain the same, then it is plausible to suppose that the M-instantiation, I_{Ma} , continues throughout. Not only would a continue to have M, but assuming that M-instantiations can endure, the particular M-instantiation that is I_{Ma} would persist. At least, this seems to be a possible scenario. However, in this case, I_{Mp} would not continue to obtain since p no longer exists and M-instantiations are individuated (in part) by the objects doing the instantiating.

Perhaps it is better to avoid questions about whether M-instantiations can endure and what it would take for them to endure, and instead of imagining circumstances changing over time, imagine that the circumstances at some time were different. We are imagining that what actually happens is: animal a has M derivatively at time t by constituting person p who has M non-derivatively at t . It seems that things could have been different; a could have instantiated M derivatively at t by constituting a person other than p that has M non-derivatively at t . Since what I am calling ‘property-instantiations’ are individuated in part by their objects, and p is not present in the non-actual case, I_{Mp} does not obtain in that case. But it seems that I_{Ma} does obtain in that case. Again, I have not stated sufficient conditions for being the same property-instantiation. However, if it is the same object, instantiating the same property at the same time, and in the very same region of space, then (whether we talk about events, states of affairs, facts, or tropes) that would seem to be enough to yield the same condition of the world. In our counterfactual situation, it is the same animal, the same mental property, and the same region of the brain involved at the same time; so it seems that I_{Ma} does obtain in that possible scenario. But it does so without I_{Mp} . So even if it is actually the case that a has M derivatively, in virtue of p having M non-derivatively, I_{Ma} obtaining does not require that I_{Mp} obtains. Mental property M in this case is the belief that each person necessarily has a first-person perspective. But the point that I_{Ma} can obtain without I_{Mp} can also be made with lots of other mental properties that a constitution theorist might think the animal has derivatively (provided only that it’s a property the animal could possibly have while constituting a different person — e.g., unlike the kind of *de se* mental features mentioned in footnote 32).

The Independence Principles were introduced and supported to answer the claim that while there is more than one M-instantiation in the case in which p and a both instantiate M, there are not too many M-instantiations if either p or a has M derivatively, for the derivative instantiation is nothing in addition to, nothing more than, the non-derivative one. It seems, on the contrary, that in the case of at least very many mental properties, the derivative instantiation can obtain without the non-derivative one, which entails that the former is not nothing more than the latter. So the worry that there are too many M-instantiations remains.

VII. Summary and Concluding Remarks

It may be useful to briefly review some of the main points of this essay. I will also add a few brief remarks about what we can and cannot conclude about the plausibility of the constitution view compared to its rivals, and the extent to which the problem of too many property-instantiations described here generalizes.

By denying that the animals that constitute us have the mental properties sufficient for personhood, the constitution theorist avoids the worry that there are *too many persons*. There is the potential concern about *too many minds*. Although, it is arguable that this worry is not especially problematic, for if a mind is a collection of mental states within one body, suitably causally related, then it is not implausible to suppose that it is the same mind that the person and the spatially coincident animal share (even if the person and the animal enjoy different states of that same mind).

There is the worry about more than one thinker and/or feeler present. Yet, it seems that more than one thinker/feeler need not itself overly trouble constitution theorists given that they already believe there is more than one individual there and also given the compelling idea that the person and the animal both have mentality. What makes too many thinkers/feelers problematic is not merely that there is more than one thinker/feeler present, but that with more than one there will be an excess of individual thoughts and feelings. If the person p is not identical with the constituting animal a , and p and a both have some mental property M, then there is a

mental condition of the world, the instantiation of *M* by *p*, and as explained in Section III, this is a different condition from the instantiation of *M* by *a*. Calling the conditions ‘property-instantiations’, and ‘*M*-instantiations’ in particular, the worry for the constitution view of persons can then be described as the problem of too many *M*-instantiations.

Just as one might allow the sharing of a single mind, one might allow the sharing of property-instantiations by distinguishing between having a property derivatively and having it non-derivatively. Unfortunately for the constitution theorist, this distinction does not solve the problem of too many *M*-instantiations. Baker insists that to have a property derivatively is really to have it. This certainly seems correct; to have a property in virtue of another object’s having it is still to have the property. But if person *p* and animal *a* both have *M*, then given that $p \neq a$, we get the result that there is more than one *M*-instantiation present. There is *p*’s instantiation of *M*, which is one condition of the world, and there is *a*’s instantiation of *M*, which is another, and even if one of these two conditions is derivative, there are still two of them, one obtaining because of the other.

It might be objected that while there are two *M*-instantiations when both *p* and *a* have *M*, the derivative instantiation is nothing in addition to, nothing more than, the non-derivative one, and therefore, it might be thought, while there is more than one *M*-instantiation, there is not one too many. However, it was shown in Section VI that in many if not most cases the derivative instantiation can obtain without the non-derivative one, and therefore the former is not nothing more than the latter. So in those cases even if one of the two *M*-instantiations is derivative, it still seems that there is one *M*-instantiation too many. (And note that while I focus in this paper on the person and the coincident animal, I am not assuming that a person’s body must be the body of an animal. Consider, for example, a person constituted by a wholly inorganic body. The problem of too many *M*-instantiations arises and remains a threat to the constitution theory in that case as well, with no help from the distinction between having properties derivatively and having them non-derivatively.)

The fact that the problem of too many M-instantiations remains a threat to the constitution view of persons does not itself entail that we should reject it. Alternatives to the constitution view also have consequences that strike many as implausible. An obvious alternative is the animalist position that persons, like us, that have the bodies of animals are identical with those animals. This account seems to have the consequence, implausible to many, that the person cannot survive a brain transplant or as a detached brain suitably sustained (assuming that the excised brain does not itself count as an animal). Another alternative to the constitution theory is the view that the person is identical, not with the animal itself, but with a proper part of the animal, i.e., its functioning brain or some part of that brain.³⁹ This view honors the intuition that the person goes where the brain goes in the case of transplant or detachment, but only at the expense of entailing that we occupy a minor portion of the space our bodies occupy. I have not shown that the consequence of too many M-instantiations discussed here is more implausible than the results of these other accounts. However, I have shown that despite efforts to solve concerns about mental excess, the particular worry about too many M-instantiations does remain. It also seems that the consequence of extra M-instantiations is implausible enough that it is a worry one would need to answer to justifiably endorse the constitution view with any strong measure of confidence. And if the worry cannot be adequately answered, it should at least be duly considered when deciding how the costs of the constitution view compare with those of its rivals.

The problem of too many M-instantiations discussed here is obviously just one type of excess worry for constitution theorists. Consider any x and y , such that x is constituted by y , and there is a property F , where it is tempting to say that both x and y have F . Suppose that x is a statue, y is the marble that constitutes the statue, and F is the physical property of being located in the corner or the aesthetic property of inspiring awe. Or suppose that x is a car,

³⁹ See, for example, Puccetti (1973), Nagel (1986: 40–41), and Campbell and McMahan (2010). Also see McMahan's (2002) 'Embodied Mind Account' of personal identity and what Parfit (2012) calls the 'Embodied Person View'.

y is the entire collection of material that constitutes the car, and F is the property of weighing more than one ton. In cases such as these where it seems plausible to say that both x and y have F , if we also believe that $x \neq y$, then the worry about too many F -instantiations arises. And in these cases, the appeal to the derivative/non-derivative distinction fails to solve the problem of F -excess for the same reason it fails to do so in the case of the person and the animal sharing mentality.

Note, however, that while the derivative/non-derivative distinction does not solve the problem of too many mental- or other F -instantiations, we should not conclude from this that worries about F -excess arise whenever we talk about properties being had derivatively. Whether talk of having properties derivatively is accompanied by worries about too many F -instantiations depends on the sense of 'derivative' employed. For example, in saying that x has F derivatively, one might mean not that x itself has F , but only that some *proper part* of x has F . In this sense of 'derivative', if it were true, say, that each of us is a composite of a physical body and a non-physical soul, then each of us would derivatively have the property of being extended in physical space. But there is no worry about excess property-instantiations here assuming that the composite is not itself extended in physical space. Or, in saying that x has F derivatively, one might mean that x 's having F is *causally dependent* on the features of some distinct item, y . In this sense of 'derivative' our thoughts and feelings are derivative of the activity of the microscopic items that comprise our bodies. However, assuming that y (the microscopic activity) does not have F , there is no threat of F -excess, since there is an F -instantiation only by x and not by y . And even if some y does have F , with x 's having F causally dependent on y 's having F , there needn't be any concern about F -excess if x and y do not spatially coincide (such as when one person's idea is 'derivative' of, in the sense of being causally dependent on, another person's having the same idea). These senses of 'derivative' are unlike the notion that Baker employs to save the constitution theory. According to that sense of 'derivative', x 's derivatively having F requires that x and y both really do have F , and that x and y wholly spatially

overlap. It is this sense of 'derivative' which, rather than alleviating worries about F-excess, should warn us of its presence.

San Diego State University
rfrances@mail.sdsu.edu

References

- Árnadóttir, S. T. (2010) 'Functionalism and Thinking Animals,' *Philosophical Studies* 147: 347–354.
- Ayers, M. (1991). *Locke. Volume II, Ontology*. London: Routledge.
- Bailey, A. M. (2015) 'The Priority Principle,' *Journal of the American Philosophical Association* 1: 163–174.
- Baker, L. R. (2000) *Persons and Bodies: A Constitution View*. Cambridge: Cambridge University Press.
- Baker, L. R. (2002) 'On Making Things Up: Constitution and Its Critics,' *Philosophical Topics* 30: 31–51.
- Baker, L. R. (2007) *The Metaphysics of Everyday Life: An Essay in Practical Realism*. Cambridge: Cambridge University Press.
- Cameron, R. (2006) 'Tropes, Necessary Connections, and Non-Transferability,' *Dialectica* 60: 99–113.
- Campbell, K. (1981) 'The Metaphysic of Abstract Particulars,' *Midwest Studies in Philosophy* 6: 477–488.
- Campbell, T. and J. McMahan (2010) 'Animalism and the Varieties of Conjoined Twinning,' *Theoretical Medicine and Bioethics* 31: 285–301.
- Carter, W. R. (1982) 'Do Zygotes Become People?,' *Mind* XCI: 77-95.
- Carter, W. R. (1988) 'Our Bodies, Our Selves,' *Australasian Journal of Philosophy* 66: 308–319.
- Carter, W. R. (1989) 'How to Change Your Mind,' *Canadian Journal of Philosophy* 19: 1–14.
- Ehring, D. (2011) *Tropes: Properties, Objects, and Mental Causation*. Oxford: Oxford University Press.
- Engelhardt, J. (2015) 'Emergent Substances, Physical Properties, Action Explanations,' *Erkenntnis* 80: 1125-1146.

- Hershenov, D. B. (2006) 'Shoemaker's Problem of Too Many Thinkers,' *Proceedings of the American Catholic Philosophical Association* 80: 225–236.
- Hershenov, D. B. (2013) 'Who Doesn't Have a Problem of Too Many Thinkers?,' *American Philosophical Quarterly* 50: 203–208.
- Kim, J. (1976) 'Events as Property Exemplifications,' in M. Brand and D. Walton (eds.), *Action Theory*, Dordrecht: D. Reidel, pp. 159–177.
- Lim, J. (2014) 'Derivative Properties and the Too Many Thinkers Problem,' *Metaphysica* 15: 369–380.
- McMahan, J. (2002) *The Ethics of Killing: Problems at the Margins of Life*. Oxford: Oxford University Press.
- Nagel, T. (1986) *The View from Nowhere*. New York: Oxford University Press.
- Olson, E. T. (1997) *The Human Animal: Personal Identity Without Psychology*. New York: Oxford University Press.
- Olson, E. T. (2002) 'What does Functionalism Tell Us about Personal Identity?,' *Nous* 36: 682–698.
- Olson, E. T. (2003) 'An Argument for Animalism,' in R. Martin and J. Barresi (eds.), *Personal Identity*, Oxford: Blackwell, pp. 318–334.
- Parfit, D. (2012) 'We Are Not Human Beings,' *Philosophy* 87: 5–28.
- Puccetti, R. (1973) 'Brain Bisection and Personal Identity,' *The British Journal for the Philosophy of Science* 24: 339–355.
- Shoemaker, S. (1999) 'Self, Body, and Coincidence,' *Proceedings of the Aristotelian Society, Supplementary Volume* 73: 287–306.
- Shoemaker, S. (2008) 'Persons, Animals, and Identity,' *Synthese* 162: 313–324.
- Snowdon, P. F. (1990) 'Persons, Animals, and Ourselves,' in C. Gill (ed.), *The Person and the Human Mind: Issues in Ancient and Modern Philosophy*, Oxford: Clarendon Press, pp. 83–107.
- Sutton, C. S. (2014) 'The Supervenience Solution to the Too-Many-Thinkers Problem,' *The Philosophical Quarterly* 64: 619–639.
- Thomson, J. J. (1998) 'The Statue and the Clay,' *Nous* 32: 149–173.
- Zimmerman, D. W. (2002) 'The Constitution of Persons by Bodies: A Critique of Lynne Rudder Baker's Theory of Material Constitution,' *Philosophical Topics* 30: 295–338.