

Cognition, Persons, Identity

Simon Beck

SECTION 1: The Story so Far

During the last twenty or so years, one particular view as to what constitutes the identity of a person has come as close as anything is likely to come to being the received view amongst philosophers working on the topic. The trend has been to follow the lines of Derek Parfit's update of Locke's view that what makes someone the same person over time is a matter of facts concerning cognition. Overlapping chains formed most importantly by apparent¹ memories, continuing beliefs, desires, projects, and so on (while not forgetting emotional attachments) are held to form your identity (Parfit 1984:205ff, 222). To be more accurate, this continuity is claimed to be what constitutes personal *survival*, while its holding in a 1:1 relationship would amount to personal *identity* (or *strict survival*).

While this view can be called the standard view now, it certainly was not always standard. Reaction to this cognitive view, or what I will call (following current usage) the 'psychological' view, led a number of philosophers in the 1960s to espouse versions of a *physical* criterion of identity, most notably Bernard Williams (1960; 1970), Sydney Shoemaker (1963) and Terence Penelhum (1970). They argued that at least some overtly physical or bodily continuity was necessary for personal identity. But these attacks no longer have any teeth. Shoemaker's case was based on a

¹ Parfit's (1984) view updates Locke's in both expanding the psychological links to include more than just memory and in substituting the less question-begging notion of *apparent* memory (which does not imply that you *are* the person who had the "remembered" experience) for the notion of *real* memory (which does). It also famously rejects the idea that identity is what matters.

misguided semantics (Beck 1993) and he has since repented (Shoemaker 1970; 1992). And the attacks of Williams and Penelhum affect only a cognitive account like that of Locke which reduces the identity of x and y to x 's being able to (really) remember y 's experiences—that is, an account much more naive than Parfit's.

But the nineties brought a new resurgence of non-cognitive views, based on new and intriguing arguments that are aimed at the sophisticated standard view. These views are united in classifying the interests of cognitive science as utterly distinct from this important field of metaphysics. In this paper I will look at three influential theories along these lines—those of Peter Unger, Peter van Inwagen and Eric Olson (although I will suggest that the latter two are at heart the same). I hope to show that the orthodoxy survives all of these attacks. All of the attacks take some form of materialism for granted, and I am happy to accept that. One of the central contentions, as we shall see, is that you cannot be a serious cognitive scientist and hold the standard view of personal identity. The standard psychological view, it is contended, is inconsistent with materialism (and thus with serious cognitive science). I will argue that this is false.

The arguments I am concerned with present different challenges to the psychological view. The one is, however, in a sense, softer than the others, requiring less change of the standard psychological view. In the first part I treat this softer challenge and then proceed to engage and cover the harder ones.

SECTION 2: Unger's Soft Challenge

In his *Identity, Consciousness and Value*, Peter Unger sets out a criterion for personal identity that, he is at pains to point out, is at odds with the received view. While he accepts that cognitive factors are of some importance, Unger wishes to champion an incompatible physical criterion. While I cannot hope to do anything like justice to the full complexity of Unger's case for this criterion here², I nevertheless wish to question whether his alternative can hope to oust the orthodoxy.

² I present a detailed argument against many more considerations he raises in Beck (2001).

Unger's view is not a *crude* physical criterion demanding that all there is to personal identity is the existence of the same human body. Nor does he even require the continuous existence of the brain. He accepts that to count as the same person, you need to retain your 'core psychology'—which is made up (roughly) of the capacities for reasoning, self-consciousness and for forming simple intentions—the capacities which all conscious humans share (Unger 1990:68). He denies that 'distinctive psychology'—the continuity of beliefs, desires, projects, etc.—on which the received psychological criterion places all the emphasis, is crucial at all. For Unger in the case of persons x (at time _{t}) and y (at some earlier time t_{-n}), $x_t = y_{t-n}$ iff there is sufficiently continuous (and unique) realization of a core psychology between the physical realizer of x 's core psychology and the physical realizer of y 's core psychology (Unger 1990:109).

Now, those who are persuaded that our survival is ultimately a matter of psychological connections are likely to complain that there is not enough in this criterion to ensure survival. After all, a continuity of the capacities for reasoning, self-consciousness and for forming simple intentions—as found in all normal human beings—does not sound much like *me*. And it hardly seems enough to ground the claims of responsibility, commitment, and so on, which make the personal identity debate so important. They may also complain that this is no more than an overly watered-down version of their own view of identity, and not appropriately described as a physical criterion at all. On this second count, however, Unger has not simply replaced continuity of distinctive psychology with continuity of core psychology—the physical aspect is indeed fundamental in his view. For, according to Unger, it is precisely the continuity of the physical realizer that makes those core mental capacities *your* core mental capacities, as opposed to *other*, exactly similar, capacities (Unger 1990:113-117).

Even so, the continuity of those core capacities is *necessary* for survival on Unger's account, and we can still ask whether this is true. Surely who you think you are and whose experiences you seem to remember are more important to who you are than whose basic capacities you enjoy? Sydney Shoemaker (Shoemaker 2, that is) has asked just this, and has argued that 'individual' psychology is more crucial to our surviving than core psychology (Shoemaker 1992:141-143). On the face of things this seems

plausible enough, and Shoemaker moves to support this intuition with his description of Brainland.

Brainland is covered with brains, each linked to a life-support system and to the rest of the network of brains. All of the brains have the capacity for active thought but only some are active at any time. Should an active thinker decide (for example) to move in a specific direction, the nearest brain in that direction would then be activated while the original brain becomes dormant, its thoughts moving across to the activated brain. In this way, distinctive psychologies will move around Brainland, being supported by different core psychologies (following Unger's account of those) as they go. When it comes to describing the persons in Brainland, Shoemaker claims that we have a clear example of continuity of distinctive psychology trumping core psychology: 'while the brains in Brainland stay put, the persons move around' (Shoemaker 1992:141).

In the face of this challenge, Unger stands firm. 'Forget Brainland', he says,

here's the helpful case: A machine records the exact nature of, and the relative arrangement of, all your atoms. The information is then sent to a companion device that, from new matter, makes a qualitatively identical person. Now, instead of destroying anything much ... the very process by which the information is recorded also *immediately* does this: It affects your *brain* in such a way as to make it the brain of an amnesiac moron. As is *very* clear, you survive, just becoming such a moron; it's *someone else* who now has the (sort of) distinctive psychology that, before, only you had (Unger 1992:161-162).

Unger feels that this thought-experiment removes misleading descriptions, and thereby reveals a better description of what goes on in Brainland: persons stay just where they are, becoming amnesiac morons while the adjacent brain acquires a distinctive psychology exactly like theirs used to be (Unger 1992:162).

SECTION 3: Unger's Challenge Considered

At first glance, Unger does indeed take the intuitive high ground here; my

first response to his thought-experiment is that I would be the moron. But this first response may be too uncritical—a bit like my first response that the rabbit has actually disappeared from the magician's box—and it does merit some investigation.

If the thought-experiment under discussion only involved a machine that turns me, or (to put things in neutral terms) what used to be me, into an amnesiac moron, then my response is clear that I would be the moron. To confirm that this fits with our deep views on our own survival, we can apply Unger's crucial test of whether I would accept a fair amount of pain now so as to avoid that moron's undergoing great pain in the future. The result is that I respond unequivocally that I would take the pain now. My response is also clear, although more complicated, when the great future pain test is applied in Parfit's 'Branch-line' thought-experiment. In that case (Parfit 1984:287), a machine like Unger's one creates a copy of the person from new matter. But instead of turning the original human into a moron, it leaves him as he was psychologically—only damaged in such a way that he will die in a few days. In this case, I would take a fair amount of pain beforehand to relieve the fatally damaged person from torture. I would also take pain for the relief of the surviving copy—but not as much pain. To borrow some terms from an earlier work of Unger's (Unger 1982:119), my *dominant* response to the branch-line case is that I stay in my old body, but I nevertheless also feel a *dominated* response that I am the surviving replica.

This brings us back to Unger's case, which combines the simple moron-scenario with Parfit's branch-line. Having thought about the branch-line case, I am much less eager in my response to Unger's story. The response which he suggests as evinced by his story is really only forthcoming from the simpler version in which the only candidate for identity is the amnesiac moron. When his story is considered as a development of the branch-line case, it is no longer at all clear that I should accept much pain to relieve the moron, or that I should take less pain there than I should for the sake of the psychologically sound replica. Changing the branch-line case in this way has an important effect on my intuitive response to that thought-experiment, namely of reversing the order of dominance. At the very least it renders my response that I survive as the moron *much less* dominant, to such an extent that it cannot be said to provide anything like independent confirmation for Unger's criterion. And significantly, the factor

that has been responsible for the change in response is the removal of *continuing distinctive psychology*—the very factor Unger wishes to sideline through his thought-experiment.

In the light of these considerations, Unger's alternative to Shoemaker's thought-experiment cannot be seen as the helpful case that it was advertised to be. His claim that it is 'an example ... which does less (than Shoemaker's) to generate contexts where misleading tendencies have much force' (Unger 1992:161) is just not true.

Rather than Unger's version, I contend that *this* is the helpful case as far as the contest between core and distinctive psychology is concerned: Brown and Robinson (yet one more time) have their brains removed from their bodies. Using a brain-state transfer device along the lines envisaged by Bernard Williams (Williams 1970)—which can extract information stored in one brain, clear the information from another and replace it with the scanned information—distinctive psychologies are swapped between the removed brains. Now Robinson's brain is placed into Brown's body and vice-versa. In Robinson's body is someone who thinks they are Robinson; in Brown's body is someone who thinks they are Brown. The question as to who they really *are* seems thus to receive a straightforward answer. The crucial point to notice, though, is that Brown-body has *Robinson's core psychology*, given the continuity of its realizer—Robinson's brain. The same goes, *mutatis mutandis*, for Robinson-body. Is there *any* temptation to say that a body-swap has occurred in line with what Unger's criterion decrees? The great future pain test certainly provides no support for such a description. The only diagnosis for someone who insists that Brown is now in Robinson's body seems to be that they have fallen into the trap that Unger (1990:13) warns us against, and allowed too great an 'attachment to a certain approach' to warp their intuitions.

SECTION 4: The Hard Challenge 1—Van Inwagen

Unger's case, even if it fails, only asked that we bring physical factors into the picture as a way of marking the distinctness of a particular core psychology. The challenges to the psychological view now to be considered ask much more than this. They demand that we ignore psychological factors altogether in characterizing what constitutes a person's identity over time.

Both arguments that I will examine have this consequence, but I will examine that presented by van Inwagen first, since it is the more direct of the two. It also forms an interesting contrast with the case presented by Unger insofar as views about method are concerned.

Van Inwagen professes to be deeply opposed to thought-experiments of the sort used by Unger and Shoemaker (and in my response to Unger). He points out that the most influential arguments offered for a psychological view of identity depend on the intuition that people can 'swap bodies' which is drawn out by thought-experiments involving brain state transfer devices and the like. He is unimpressed by this method and the beliefs it evinces, no matter how widely they are shared. He is, he says, 'an annoyed enemy of the philosophical employment of fantastic thought experiments—an employment that is, I believe, the result of the widespread adherence of philosophers to the nonsensical idea of "logical possibility"' (van Inwagen 1997:308). Despite this aversion, the argument he presents does not turn on a rejection of the method of thought-experiment. Rather, he allows brain state transfers for the sake of argument, but contends that even if your psychology were fed in some way into another body, that would not mean your identity would go with it. As he puts it, he sets out to show that informational transfer cannot turn one material thing into another.

Here is the core of van Inwagen's case:

You believe that human persons really exist. And you are a materialist. So what do you think these human persons that you think really exist are? Well, material things, obviously. Perhaps whole human organisms, perhaps parts of human organisms ... but some sort of material thing. For the sake of having a concrete example, I'll suppose that you think, as I do, that human persons are whole human organisms So you are a certain living organism, *x*. And if you hold views like Shoemaker's on the possibility of bodily transfer, you believe that there could be another, numerically distinct living organism *y* such that, if the right sort of information flowed from *x* to *y*, you would become *y* But when the matter is put this way, it is evident that your belief is simply impossible, a violation of the very well established modal principle that a thing and another thing cannot become a thing and itself (Van Inwagen 1997:310).

The crucial premise in this argument is the presentation of materialism as the view that all real things are material things, and that this 'are' is to be understood as representing strict identity. Thus if you are x in this sense and you become y (after your psychology is transferred to y) while x still exists, then you are both x and y . And since, by assumption, x and y are distinct individuals, this is in conflict with the principle of the necessity of identity. In the light of this *reductio*, van Inwagen contends, we cannot hold both materialism and a psychological view of personal identity. He is clear as to the way forward: we must not accord psychological factors any of the weight they are traditionally allowed, and must realize that we are organisms (or some such material thing) and no more than that—our identity is a matter of organism-identity.

The crucial premise outlined above is a contentious one, however. I do not mean to drag the issue of relative identity back into the debate here. Van Inwagen sees that doing so would be one possible response, and I am happy to accept his contention that this would not lead to an acceptable solution³. The view that the relation between persons and their bodies, organisms, or whatever, is strict identity is contentious because it has been widely denied, even by those of a strong materialist bent. Van Inwagen (1997:311) cites Shoemaker as expressing just this denial:

Shoemaker recognizes that, although his brain-donor and brain-recipient are (on his account) the same *person*, they are not the same animal or the same human being. His solution to this difficulty is to say that ... persons are not *strictly* animals or human beings Rather, persons ('human' persons, anyway) 'share their matter with' and 'occupy the same space as' and have 'the same non-historical properties' as human beings. And, of course, he holds that it is in principle possible for one and the same person to bear these relations to different human beings at different times.

Van Inwagen (1997:312) is not about to accept this response. It just misses the point as far as he is concerned.

³ I am also happy to accept his contention that a four-dimensionalist approach would not offer an acceptable solution.

Let us grant for the sake of argument that ... persons ... are not strictly identical with any human being or any animal. Nevertheless, if one is a materialist and if one believes that persons really exist, then one must concede that every person is strictly identical with *some* material thing. Someone who holds views like Shoemaker's is therefore committed to the proposition that there could be two simultaneously existing material things such that one of them could become strictly identical with the other simply in virtue of a flow of information between them. ... The argument does not essentially depend on the assumption ... that the two objects in the case considered are 'human organisms'. Substitute in the argument any material-object category you like for 'human organisms' and the point of the argument is unaffected.

SECTION 5: Van Inwagen's Challenge Considered

I want to argue that van Inwagen is wrong to insist that a materialist cannot follow something like the route that he scorns Shoemaker for attempting in trying to defend a psychological view. Consider familiar materialist claims about the relation between psychological states like beliefs and material things. Most materialists nowadays accept some sort of functionalist account of the psychological: psychological states are defined by the functional roles they play (how they are typically caused by external stimuli, how they interact with other internal states, and what behaviour they typically cause). These defining roles, it turns out, are played by material states⁴. In the light of this general picture, the claim is often made that beliefs are material states. At first glance, this analogy seems to be going van Inwagen's way. For if my belief that *p* is a brain state, then we have the same sort of relation that he is holding us to between persons and material things, the one which led us into his *reductio*. But to stop there is to ignore the crucial place of *realization* in the story.

The functionalist account is that brain states *realize* the roles that define psychological states. Psychological states like beliefs are higher-order

⁴ I will stick with van Inwagen's term 'material' rather than the usual term 'physical', simply for stylistic reasons.

states defined (in terms of causal relations) over a domain of first-order states, and these first-order states turn out to be brain states. In this way there is no threat to the principles of materialism, yet no requirement that beliefs be strictly identical with brain states—it is on precisely that point that functionalists differ from sixties-style mind-brain identity theorists. Van Inwagen's case against the compatibility of the psychological view of personal identity with materialism rests on the demand that something has no place in the materialist ontology unless it is identical with something material, yet that is patently not the case with the items closest to the materialist's heart. Should materialists—most of whom are functionalists—indeed be committed to van Inwagen's principle they would have to be eliminativists, since their denial of the identity of beliefs with material states would mean that there are no beliefs. In other words, the materialism that van Inwagen sees as incompatible with the psychological view is not mainstream materialism at all.

This reply has said nothing about what the relation is between persons and human beings nor even argued that the relation between beliefs and bodily states is suitably analogous to this relation. I think showing the central premise in his argument to be faulty is enough to block the argument, but I realise that it may nevertheless not be a fully satisfying response. I will return in Section 8 to a more detailed account of the relation between persons and humans, but in the meantime something can be said to strengthen my case.

Although a person is a different sort of thing from a belief (persons *have* beliefs, but not vice-versa) there are some important analogies between the concepts. The sort of materialist envisaged above sees beliefs as states that are defined by their functions—by what they do rather than what they are (in the sense of what they are made of or how they are internally structured, say). Something very similar seems to be true of persons. Persons are defined by the combined role of moral agent and moral object. Their standard definition is given in functional terms: according to Locke's (1694: 39) classic account, a person is something that can think, and 'can consider itself as itself, the same thinking thing, in different times and places'. Something is a person as long as it can do the things a person does—in this very clear sense one of the features of the concept *person* is that it is a functional concept. What it *is* that performs these functions is not specified.

As a result, just as in the case of beliefs and brain states, there is nothing in the concept itself that demands identity between a person and what it is that functions in this way.

Now we can return to the issue at hand. *Person* as a functional concept is a higher-order concept, and we can see persons as being related to (material) things of an order below, even if that relation is not precisely the relation of realization. Persons are (perhaps) *constituted by* human organisms⁵ or whatever turns out to play the relevant role—in a way similar to which beliefs are realized by brain states. This would mean that persons are not strictly identical with material things, but that does not make them *non-material* things. Organism *y* may thus come to constitute you when information is transferred from organism *x* to *y*; yet there is no conflict with the necessity of identity since there is no reason (as there was in van Inwagen's version of things) to say that you are still *x* as well as being *y*. That means there is a way of reconciling materialism and the psychological view of identity, despite van Inwagen's insistence to the contrary. And importantly, the analogy that serves to show the way comes from precisely the source that van Inwagen cites as his main premise—namely, materialism. Have we given up the other central premise of van Inwagen's argument in taking this route—that is, are we denying the reality of persons? Persons may not feature in the list of basic things in our ontology, but that makes them no less real than any psychological thing.

SECTION 6: The Hard Challenge 2—Olson

Olson's challenge to the psychological view turns on issues similar to those raised by van Inwagen, although it is a more sophisticated case, and places its emphases differently. Like van Inwagen, in the end Olson requires us to ignore cognitive factors where our identity is concerned, and to see it rather as a matter of the identity of organisms. The case he presents against the psychological view centres on two consequences of such a view which he claims are strikingly counter-intuitive.

⁵ Note that I am not relying on Lynn Rudder Baker's definition of constitution here. As will emerge in Section 8, I do not think that persons are ontologically on a par with humans as Rudder Baker does.

Olson argues that if the psychological view is taken seriously, then it follows that you and I were never foetuses (Olson 1997a), and that you and I are not (even contingently) animals (Olson 1995). He contends that since it is obvious both that we are animals and that we were foetuses, the psychological account of identity is to be rejected out of hand and replaced by an account which does not have these absurd consequences—such as his ‘biological view’ that the conditions for personal identity are precisely those for the identity of a human animal.

Olson explains why we cannot have been foetuses following the psychological view as follows (Olson 1997a: 95-97). What makes me the same person I was, according to the standard psychological view is the existence of psychological connections between that person then and myself now or, if no such direct connections exist any longer, of a chain made up of overlapping links formed by such connections. These connections will usually be those of memory, continuing beliefs, and so on. According to best evidence available, a five-month old foetus has no psychological experiences which could be remembered, and no mental contents which could count as a belief; its cerebrum is in no state to support anything which could even be called a capacity for conscious awareness. There is thus no possibility of any psychological relation, direct or indirect, between myself now and a five-month old foetus. This would mean that I was not that foetus.

So if the Standard View is right, nothing could be a fetus—or at any rate a fetus that cannot yet think—at one time and a person later on. No person ever was a fetus, and no fetus ever becomes a person (Van Inwagen 1997a: 96).

The matter does not just rest there either, Olson insists. He wishes to show that the ‘fetus problem’ is a major embarrassment to the psychological view. To bring this about, he points to what this view can say about what becomes of a foetus. There are two options, he says, since the foetus does not become a person: either the foetus dies when the person comes into existence, or it survives and comes to share its matter with a person numerically different from it (Van Inwagen 1997a:100). But neither of these options is acceptable. The foetuses of all other animals survive and become adults: it seems absurd to say that humans are different here. So that leaves

us with the option that I (this person) share my matter with another thing—a human animal—which is a distinct being from me altogether since it *was* the foetus I was not. This has the very strange consequence that although I am made of living organic tissue⁶, just like other animals—in fact, of exactly the same tissue as one animal—I am not an animal at all. This is what Olson calls the ‘animal problem’.

The animal problem does not end there. This is because the animal whose matter you share and from which you are indistinguishable, though distinct, is also indistinguishable from *the person* you are. Like you, it thinks it is a person, but it is not. And how then do we know that we are not making the same mistake as it does? You are, after all, no more certain that you are a person than it is. The problem is also more general than I have made out so far. It is not just a problem concerning one option of how to explain the fate of foetuses; it is a problem any psychological account must face anyway. Because if the identity conditions of a person differ from the identity conditions of a living human, then those are two distinct beings. And given a psychological account of personal identity, this difference is inevitable—the human vegetable left by removal of your cerebrum is still a living human, but it would be something numerically distinct from you. And that seems to mean that the psychological view cannot avoid the embarrassing consequences just outlined.

Olson’s response to these problems is to adopt the radically different theory mentioned above—the ‘biological view’ that I am essentially a living organism. It is this essence that sets my identity conditions, rather than being a person. That means that I remain the same as long as this biological life continues. I was thus a foetus and I am an animal: the problems facing the psychological view just do not arise here. Psychological matters are, on this view, simply irrelevant to personal identity.

SECTION 7: Olson’s Challenge Considered

Two things should be noted about Olson’s case and the view he takes it to support. One is its reliance on the principles of David Wiggins’s account of

⁶ Olson assumes agreement that we are material objects—pointing out that almost all who accept the psychological view accept this as well.

substances, and the other is the way it flies in the face of the thought-experiments that have generally been taken to offer support to a psychological account of identity. It is these two points that will shape my response.

According to Wiggins, the identity (or persistence) conditions of a thing are governed by the type of thing it is essentially—as he puts it, by its ‘substance concept’. Any thing may fall under a number of concepts, but most of those will only apply at certain stages of its career—as the concept *tadpole* applies during only a part of a frog’s career. They are mere ‘phase-sortals’, but what makes something one and the same thing throughout its career will be determined by its substance concept (Wiggins 1980:24). Olson’s diagnosis as to why so many are misled into accepting the psychological view is that they take *person* to be our substance concept. Given that substance concept, my identity conditions will centre around psychological matters, with the highlighted consequences that I am not an animal and was not a foetus.

On the other hand, his biological view takes our substance concept to be *living organism* or *human organism*. The ensuing identity conditions allow that I was a foetus and am an animal. The view asserts that *person* is just a phase-sortal that applies only to part of my career: the part when psychological relations are to be observed. After all, a human with its cerebrum removed can still be a living organism—and thus *me*—even though it has no psychology.

This brings me to the second point mentioned above. Olson’s biological view is by no means as free of counterintuitive consequences as this passage might suggest, and it is time to highlight some of the costs of his view. His case turns on the costs the psychological view must pay for its truth, but his own view must itself pay the costs incurred in rejecting the case for the psychological one. As Olson acknowledges, the most powerful consideration motivating acceptance of a psychological view has been the possibility of a body-swap. Ever since Locke started the debate, thought-experiments outlining what seemed best described as a person swapping from one body into another have been taken as compelling evidence that our concept of ourselves allows that we can do this. The crucial test would be whether I survive the brain-state transfer device in another body, or even (slightly less fantastically) the transplant of my cerebrum—that is, the part of

my brain supporting my individual consciousness—into another body. As we have seen with van Inwagen, not everyone will tolerate considering these cases, but once considered they have drawn the strong response from all (or almost all—barring Unger as discussed), ‘Yes, I do’. Even Olson acknowledges that he responds intuitively in this way (Olson 1997b: 44). Nevertheless, given the biological view he proposes he must say, ‘No, I do not survive—I stay with the living but mindless body’. And I stay, not because this body has my capacity for consciousness, but merely because it is still the same living body. The other body will think it is me, love my family, have all my apparent memories, beliefs and desires, and all of these will be causally grounded in my own experiences—this all may seem crucial, but none of it is acknowledged as relevant to who I am. And consider what reaction the biological view would require to a case of looking in the mirror and seeing what appears to be someone else’s face looking out. You must say, ‘Oh look, I’m not who I thought I was!’

I do not wish to push this particular point too hard, since Olson (1997b:Chapter 3) does offer an argument to ameliorate his ignoring of the widely-held intuition that we go with our psychology, one which I do not have space to deal here⁷. There are nevertheless further counterintuitive consequences beside the ones just outlined. One is a direct analogy to his own argument against the psychological view. He claims that that view implies that I am not an animal; his view implies (although he never makes this clear) that I am not a person. On the biological view I am (strictly identical to) a human organism, and personhood is a phase I go through. But that is just it; I am a substance, and a person is not. There is not really any such thing as a person: like *adult*, *person* has no identity conditions (Olson 1997b:27), such things do not attach to phase-sortals. To say ‘I am a person’ must then be to speak metaphorically, since it cannot really be an identity claim in the way that ‘I am an animal’ is. And yet if we are faced with the choice of denying either ‘I am an animal’ (along with what Olson demands of the psychological view) or ‘I am a person’ (along with the biological view), it seems much easier to deny the latter. Even more importantly, this role the biological view casts for *person* means that the psychological view does not just provide the wrong identity conditions for persons, but that it is

⁷ Although I am quite prepared to argue that his attempt fails.

incoherent to even ask the question posed by body-swap thought-experiments, 'Is this (different human) the same person?' If the biological view is right that would be like asking, 'Is this (different human) the same adult?' To say the very least, that is deeply counterintuitive.

As far as counterintuitive consequences go, then, it is not at all clear that the biological view is any better off than the psychological view. If anything, the psychological view appears to fit better with our conceptual scheme. But perhaps this is because we are not taking our metaphysics seriously enough. That brings us back to the first point I raised in this section, the grounding of the biological view in Wiggins's metaphysics. Even if the psychological view wins on the intuitive level, the battle at the deeper metaphysical level can still be decisive, and decisive the other way.

On this deeper level things do look bad for the psychological view. If we cling to the view that I am essentially a person, and that *person* is the concept which determines my identity conditions, then we are taking *person* as our substance-concept. That may sound fine, and most proponents of a psychological view may be happy to accept this. But Olson contends that *person* is simply unsuitable as a substance concept—it is the wrong sort of concept to play that crucial role. A substance-concept in the Wiggins system (and this point is rooted in the history of discussion of substances going back to Aristotle) cannot be dependent on some more fundamental concept. *Person* seems to break this rule—for all the features which are definitive of persons (the having of intentional states of sophisticated kinds, and so on) are features we have in virtue of being humans. Wiggins outlines the task of a substance concept as being, not to answer questions like 'what does this thing do?' or 'how much does it weigh?', but rather ones like, '*what is it* that is doing such-and-such?' (Wiggins 1980:15). *Person* does not answer this sort of question, as Olson points out:

To say that something is a person is to tell us what it can do, but not to say what it is. To say that something is a person is to say that it can think in a certain way ... but it doesn't tell us *what* it is that can think in that way (Olson 1997b:32).

With this case behind him, Olson is in a position to stand up to the problem posed by our intuitions about ourselves. The metaphysical case

wins, he argues, and we must accept that my concern for the individual with my distinctive psychology is a mere practical concern. It is only in this practical sense that I am the same person as the human who inherits my psychology in a cerebrum transplant: that individual is not numerically identical with me—he is not *really* me.

Before we accept defeat for the psychological view, however, we must be prepared to concede all that has been claimed about the deeper metaphysics here. Some of it I have already conceded. In Section 4 I responded to van Inwagen's challenge by claiming that *person* could be functionally defined, and that is precisely what Olson has contended is the case. All the same, I wish to argue that we can tell a story other than Olson's which fits better with the case made by our intuitions, and goes some way towards lessening the costs which Olson has claimed adherence to the psychological view incurs.

Section 8: Persons Located

Here is that story. I am essentially a person. *Person* is not a substance concept, though⁸. While the concept *person* is what fixes my identity conditions, a person is not a substance in Wiggins's terms. Olson is correct that *person* does not answer the questions that substance concepts must, and the distinctive properties of persons are properties they have in virtue of being something else, in a way that substances do not. But while *person* is not a substance concept in this sense it is also not a phase-sortal, the only other option that Wiggins offers us and which Olson takes it to be. The person in the body that inherits my cerebrum and psychology is the same person that was in my old body. Those two humans are distinct substances, and phase-sortals only apply in the career of one substance. We need to add a third sort of concept to the system—and *person* is one of those. Olson sees only substances as being genuine sortal concepts in the sense of having identity conditions attached to them, but simply because *person* is a functional concept (unlike *human* or *frog*) that does not mean it is not a sortal concept as well. What the psychological view offers is precisely an

⁸ Nor does it fit all the requirements for being a 'primary kind' concept—Lynn Rudder Baker's (2000) substitute for substance concepts.

account of what it is that all and only persons have in common, and of what it means to be a person over time⁹. *Person* is not a concept unique in being functional and sortal—numbers are also functional and sortal—although it is unusual in being a ‘continuant’ concept as well, which number concepts are not. But there is no reason, at least we certainly have not met one in this discussion, why it cannot be such a concept; persons are unusually interesting things, and that is the role our conceptual scheme grants them. The ‘I’ that Olson and van Inwagen attempt to locate in the theory of human organisms (to use Frank Jackson’s picture of metaphysics) is not the ‘I’ which attaches to our folk concept of a person or to that of ourselves.

What does all this mean? It means presumably that *person* is not a fundamental metaphysical concept (at least in the Wiggins system). It is a concept that applies only to certain human beings in virtue of the features they have—the psychological features referred to above. The problems raised by Olson can now be dealt with. ‘I’ is an honorary title, only appropriately used by persons and its proper use follows the identity conditions that the concept *person* dictates (viz. psychological continuity). So while I *am* an animal, this is not in any essential sense, but rather in the sense that I am constituted by an animal as discussed in Section 5 (and in the sense that I could come to be constituted by another animal or even a non-animal, should my psychology end up there). There is no problem of my ‘sharing my matter with another thing—a human animal’ as contended by Olson, because there are not two substances there. Persons are higher-order things, and in that sense are not independent of the things that constitute them—just as beliefs are not independent of their first-order realizing states (see Kim 1997:200), even though their identity conditions differ. When my cerebrum is removed and transplanted into another body I will go with it; the living animal left behind will not be a person at all, and it would be inappropriate to use ‘I’ to refer to it, even if the operation were to fail.

As far as the foetus problem goes, I was not a foetus. That is, the title ‘I’ is not appropriate to foetuses—it applies only to persons. But following my story that does not mean the foetus died when I came into

⁹ Olson simply asserts that no identity conditions can be provided for persons, ignoring the strong claims of the psychological view to meet our commonsense view on this point.

existence, nor that the foetus continues to live alongside me, for 'I' does not name a substance (or at least not directly). Of course, I may still use 'I' to refer to the foetus from which my substantial animal developed, and everyone will know what I mean. But this is not to commit me to being essentially an animal—it is really just a metaphorical extension from the strict usage, just as in fiction I may refer to the dead body that remains after my death as 'me': Olson would do that too, even though his theory also implies that the dead body is not me. It is in this same sense that Unger's moron is me¹⁰.

Does it matter that we are not substances in the sense that Olson assumes we must be if we are real things? The debate since Aristotle has seen substances as the things of major importance, but is totally unclear that we lose anything by not falling into that category. We belong to a genuine sort, having identity conditions, and we are continuants—in those ways we have some of the most important features of substances. True, we exist in virtue of the existence of more basic things, but there is nothing terrible about that.

This account makes room for some matters of importance that are left out on Olson's account. For while *person* is no longer to be seen as a fundamental metaphysical concept, it remains a fundamental moral concept. Olson does gesture at our 'practical considerations' which mirror a psychological view of personal identity, but his account of real identity has to play these down. He seems prepared to brazen this out, but there is an enormous amount at stake here. The whole impetus of the debate around personal identity in which Olson locates his theory¹¹ is provided by the moral consequences and significance of personal identity. When Locke calls personal identity a 'forensic concept' this is part of what he means—it is of

¹⁰ A sense that Unger (1990:133n14) explicitly acknowledges: 'And what of our everyday talk of people? Not only do we often say of a person recently dead that he no longer exists, but, in other moods, we say that he is in the funeral parlor. Whatever the linguistic analysis of these utterances, the former sort of discourse is, by far, the better expression of our more serious, and our more accurate, thought about ourselves'.

¹¹ His book is subtitled 'Personal Identity without Psychology', and he calls his theory the biological view of *personal identity* (Olson 1997a: 106).

interest and importance because of its role in law and morality. Outside of that context, the concept really has no place. Olson's account attempts to remove it from that context, but that removes all the point from the debate. Following my account, we can keep that point, and face the consequences Olson outlines without embarrassment.

Philosophy
School of Human and Social Studies
University of Natal, Pietermaritzburg

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