

Constitution View and the Ontological Uniqueness of Persons

Abstract

According to Lynne Rudder Baker's constitution view of personhood, human persons are ontologically unique beings that are constituted by human organisms. What makes human persons unique is their first-person perspective of the world; having this perspective allows human persons to stand in moral, interpretive, and ontologically productive relations to the world. But which human organisms constitute persons? On Baker's view, the answer appears to be 'all of them' – even those that lack the first-person perspective. In such a case, we seem to face the unhappy consequence: the ontological uniqueness of human persons results from their being humans. The first part of my paper (§§2-3) will formulate a challenge to Baker's formulation of the constitution of persons (as it appears in her *Metaphysics of Everyday Life*). In the second part (§§4-5), I outline a solution which is developed out of Baker's own earlier work in *Persons and Bodies*.

1. The constitution view of human persons

On Lynne Rudder Baker's constitution view, we (that is, individuals like you and I) are human persons. We are humans by virtue of being members of the species *Homo sapiens*, and persons by virtue of having a first-person perspective. The relation between the person and the organism is that of constitution: the former constitutes the latter, without the two being identical to one another [2000: 91].¹ Baker argues that persons are a primary ontological kind: a world without persons would be poorer than a world with persons. But what are persons? Baker's answer invokes the first-person perspective which, put briefly, 'is the ability to conceive of oneself as oneself, from the inside, as it were' [2007a: 69]. Having a first-person perspective amounts to more than merely being conscious; although beings with a first-person perspective are conscious, and have a variety of psychological states, the converse does not hold. The first-person perspective described here is what Baker calls *robust* first-person perspective. In contrast, there is also *rudimentary* first-person perspective which, in case of humans, develops into a

robust one. Baker characterizes the rudimentary first-person perspective as follows: 'A being has rudimentary first-person perspective iff (i) it is conscious, a sentient being, and (ii) it has a capacity to imitate, (iii) its behavior is explainable only by attribution of beliefs, desires, and intentions' [2007a: 76].

Human infants, Baker observes, have the rudimentary first-person perspective. But, as Baker acknowledges, there is also ample evidence that shows higher non-human mammals to have the rudimentary first-person perspective. What marks the difference between human infants and the nonhuman mammals, Baker submits, is the fact that whereas the rudimentary first-person perspective is the first step in the development of the robust first-person perspective for the human infants, this is not so for nonhuman animals [2007a: 76-7]. Baker claims that being a member of a kind that normally develops a robust first-person perspective *and* having a rudimentary first-person perspective are necessary and sufficient conditions for becoming a person. She continues:

This is not to say that a person will develop a robust first-person perspective: perhaps severely autistic individuals, or severely retarded individuals, have only rudimentary first-person perspectives. However, they are still persons, albeit very impaired, because they have rudimentary first-person perspectives and are of a kind – human animal – that develops a robust first-person perspective [2007a: 79].

Baker summarizes her view on the constitution of human persons with the following thesis, (HP):

x constitutes a human person at t if and only if x is a human organism
(nonderivatively) and x has a rudimentary or robust first-person perspective at t

[2007a: 79]

The thesis (HP) is a development from Baker's original statement of the view in [2000].² As it is stated, (HP) leaves wide open the logical possibility that there could be persons who lack the hallmark characteristics of personhood, namely, the robust first-person perspective. In response, Baker characterizes the robust first-person perspective as an in-hand capacity, a capacity that can be exercised at will.³ By virtue of having this capacity, an entity of one kind (human organism) constitutes an entity of different kind (human person): persons are ontologically unique, yet a part of the biological world. The ontological uniqueness of persons is further shown in the fact that persons have unique relations to the world (including both persons and non-persons): persons (and persons alone) stand in moral, interpretive, and (ontologically) productive relations to the world, and what makes this possible in the first-person perspective.⁴

2. A methodological interlude

Having outlined the constitution view of human persons, we can now turn to the challenge. According to an idiom, an exception proves the rule.⁵ This can be interpreted to mean that that an exceptional or an abnormal case can be used as a proving ground to test whether or not a general rule holds. I will employ the notion of 'general rule' loosely, to refer to the constitution view of personhood. In general, the gamut of the exceptional cases used to test philosophical theories of personhood runs from the real-life cases (e.g., dementia, Alzheimer's disease, dissociative identity disorder, and other psychopathological cases) to the – sometimes far-fetched – thought experiments (e.g., teletransportation, body-switching, bionic replacement,

fusion, and others). Here I wish to add to the list the cases of feral children: cases of children who have been subjected to extreme deprivation of normal social interaction, and who have physically survived such isolation.

Now, contemporary philosophers have paid virtually no attention to the cases of feral children. Part of this can be accounted for the fact that many (though not all) cases of alleged feral children have been nothing but legends and hoaxes. The more prevalent explanation (by which the stories of wild children have been explained away) is a reductive one: the feral children are regarded as undiagnosed or unrecognized cases of some psychopathology or other; counterfactually, had the diagnosticians of these children been availed with DSM-IV-TR, the label 'feral child' might have been put to rest.

Despite that the prevalent explanation accounts for *most* cases of alleged feral children, it is *not an exhaustive explanation*. To illustrate this, we can turn to the case of Danielle (or Dani) from Plant City, Florida, who was kept in isolation by her mother. As a result, she became a feral child. As with the earlier cases of feral children, we have to rely on reports to get the story of Dani. Her narrative – or, that part of it we can reasonably expect to get – can be found in a newspaper article:

Her name, her mother had said, was Danielle. She was almost 7 years old.

She weighed 46 pounds. She was malnourished and anemic. In the pediatric intensive care unit they tried to feed the girl, but she couldn't chew or swallow solid food. So they put her on an IV and let her drink from a bottle. [...] Her caseworker determined that she had never been to school, never seen a doctor. She didn't know how to hold a doll, didn't understand peek-a-boo. 'Due to the severe neglect,' a doctor would write, 'the child will be disabled for the rest of her

life.' Hunched in an oversized crib, Danielle curled in on herself like a potato bug, then writhed angrily, kicking and thrashing. To calm herself, she batted at her toes and sucked her fists. 'Like an infant,' one doctor wrote. She wouldn't make eye contact. She didn't react to heat or cold — or pain. The insertion of an IV needle elicited no reaction. She never cried. With a nurse holding her hands, she could stand and walk sideways on her toes, like a crab. She couldn't talk, didn't know how to nod yes or no. Once in a while she grunted. She couldn't tell anyone what had happened, what was wrong, what hurt [DeGregory 2008: pt.1, para 3].

At first blush, Dani's case bears resemblance to that of Genie from 30 years ago, or to that of Victor (the wild boy of Aveyron) from 200 years ago, or to the numerous other reported instances of feral children. And as with the earlier cases, the temptation to explain Dani's condition as a result of some cognitive impairment, or developmental pathology, is palpable.

But unlike in the other cases, this alternative explanation falters when it comes to Dani:

Dr. Kathleen Armstrong, director of pediatric psychology at the University of South Florida medical school, was the first psychologist to examine Danielle. *She said medical tests, brain scans, and vision, hearing and genetics checks found nothing wrong with the child. She wasn't deaf, wasn't autistic, had no physical ailments such as cerebral palsy or muscular dystrophy.* The doctors and social workers had no way of knowing all that had happened to Danielle. But the scene at the house, along with Danielle's almost comatose condition, led them to believe she had never been cared for beyond basic sustenance. Hard as it was to imagine, they doubted she had ever been taken out in the sun, sung to sleep, even hugged or held. She was fragile and beautiful, but whatever makes a person human [*sic.*]

seemed somehow missing. Armstrong called the girl's condition 'environmental autism.' *Danielle had been deprived of interaction for so long, the doctor believed, that she had withdrawn into herself.* [...] The authorities had discovered the rarest and most pitiable of creatures: a feral child [DeGregory 2008: Pt. 1, para. 3].⁶

In brief, Dani's symptoms satisfy the diagnostic criteria for autistic disorder outlined in DSM-IV-TR in that she shows "qualitative impairment in social interaction," "qualitative impairment in communication," and "restricted repetitive and stereotyped patterns of behavior, interests, and activities" [2000: §299.00]. However, the differential diagnosis that the doctors settled on was not autism. Instead, the term used by the doctor attending to Dani was environmental autism – a condition not recognized in the DSM (or its functional equivalent, ICD-10).⁷

Assuming that Dani's diagnosticians were accurate, she exhibits signs of autism, but has none of the correlating physiological or genetic aberrations. Dani's early years are blocked from the investigators' purview, making a more precise diagnosis impossible. In her case, the likely explanation is – as Dr. Armstrong stated – that the extreme deprivation she endured resulted in her condition. That is, she is a feral child, whose condition is not a result of a psychopathology. Unlike some of the comparable cases, it seems unlikely that her condition could be explained away as a hoax.⁸

3. A problem for the constitution view

Although Baker does not explicitly discuss feral children, we can still extrapolate her take on them from above. According to Baker's constitution view, a feral child (like Dani) is a person, by virtue of having a rudimentary first-person perspective; however, a feral child is a

very much an impaired person, on the account of lacking the robust first-person perspective. But this answer stretches the concept 'person' beyond usefulness: if Dani lacks most of the person-making features, why consider her a person to begin with? This approach can no doubt be justified on ethical grounds: we ought to treat Dani (and other feral children) as persons; we ought not to treat them differently because of their different abilities.

Although from the description above, it is questionable whether Dani has even a rudimentary first-person perspective, the fact that her condition has subsequently improved suggests that she does have such a perspective. Despite of this, she still falls short of having a robust first-person perspective; at least, none of the typical indicators of the robust perspective are discernible in her. All the same, Baker herself notes that "because such a being [a severely autistic child] is of a kind (human animal) that at its stage of development normally does satisfy these conditions, *we should treat it as if it had a rudimentary first-person perspective*" [2007a: 76]. But when it comes to metaphysical personhood, we cannot maintain the same position, on the pain of losing the ontological significance of personhood. Following Baker would lead us to the conclusion that the ontological uniqueness of human persons is due to their membership in a kind that normally develops the characteristic robust first-person perspective. That is, if we were to follow Baker's revised formulation of the constitution view of persons, it appears that – to borrow an expression from Wittgenstein – 'person' becomes a concept on holiday, one that performs no real work [1953: §38]. Here the term 'person' would be an ascriptive term attributed on the grounds of generalization; it would not accurately describe Dani. Although Dani is a member of the human species, and she suffers from no known psychopathology, it is questionable to claim she is a person in the ontological sense. Here Baker seems to place undue

emphasis on the normal cases; as a result, the abnormal cases become anomalous ones, which in turn are explained away by an overly generous application of the theory.

4. A solution

The result that a feral child is a person follows from Baker's revised formulation of the constitution view of persons. But if we turn to the earlier formulation, we find a different answer. In *Persons and Bodies* (2000), Baker held the following thesis (T1): "for any object x and time t, x is (nonderivatively) a person [iff] x (nonderivatively) has a first-person perspective or the capacity for one" [2000: 105]. As Baker herself has admitted, this formulation was one of the weak points; she acknowledges the criticism, and how it appears to leave her view open to a slippery slope:

Once we introduce of a preliminary, we have no reason to stop with rudimentary first-person perspectives. If we consider a being with a rudimentary first-person perspective that is preliminary to a robust first-person perspective to be a person, why not also consider a being at a preliminary stage that is preliminary to a rudimentary first-person perspective to be a person, and so on? [2005: 34]

To stop this regress, we would need to show why having the rudimentary first-person is significant as a capacity for having a robust first-person perspective; at the same time, we would have to show why just having a capacity for the rudimentary first-person perspective is not similarly significant. Baker's answer to stop the regress argument is to establish the rudimentary first-person perspective (when had by a being whose kind normally develops the robust perspective) as a threshold condition; (HP) has that a being with a rudimentary first-person perspective (who belongs to a kind whose members *normally* develop the robust perspective)

counts as a person, but those who belong to a different kind, do not. But, as I argue above, this seems to place the threshold too low.⁹

To my mind, there is a better alternative for resisting the regress argument, which is to place the threshold condition higher. To see this, we turn to an objection raised by William Hasker [2004]. Hasker argues that the person-favorable circumstances in Baker [2000] are left unarticulated; when the entailments from Baker's definition for a first-person perspective are followed through, they lead to significant problems. On Hasker's interpretation, the requirement that human beings must have a first-person perspective before they can be persons is too stringent [2004: 28]. Hasker alludes to Baker's notion of person-favorable circumstances, and claims these to be a source of difficulties:

[O]n these definitions, no person exists before birth, and seriously premature infants would not be persons because they have not reached the required stage of brain development. [...] *But the most serious problems arise concerning the 'environmental conditions,' namely, 'those in which the infant naturally develops various senses of 'self,' as described by developmental psychologists.'*

Undoubtedly, these conditions include, as an essential part, nurturing by, and interaction with, those who are already persons. Suppose, then, that a newborn infant is abandoned by its mother but is enabled to survive through being cared for by non-human animals. On Baker's definition, no person exists in such a case, even though its actual stage of development early on is identical with that of infant persons who are being raised in the normal fashion [2004: 28-29].

To my mind, Hasker is correct in pointing out that the 'person-favorable circumstances' need to be spelled out in greater detail than Baker [2000] does. Although Baker has never directly

responded to Hasker's concerns, her formulation on the thesis (HP) can be viewed as such a response.¹⁰ But articulating the person-favorable circumstances according to (HP) still leaves Baker's view open to the objection from the case of feral children.

Now, I agree with Hasker that the person-favorable conditions need to be articulated more clearly than Baker [2000] does. Moreover, the foregoing serves to show that they need to include the presence of other persons; these conditions need to include the environmental factors, which cannot be internalized *sub rosa* in the way that Baker [2007a] does. Although this maneuver is unproblematic in the ordinary cases, we see that it falters once we turn to the extraordinary. As a result, a newborn human infant, if abandoned, would not achieve personhood in isolation (as corroborated by the cases of feral children). However, this does not entail that the environmental factors needs to be there constantly. Once an individual has achieved the first-person perspective in the robust sense (and, thus, self-consciousness), this remains self-sustaining.¹¹ This does not lessen the ontological uniqueness of human persons; it merely shifts the threshold further.

5. A final worry

Even after this issue is settled, further problems remain. It seems that the presence of other persons as part of the person-favorable circumstances renders the view is viciously circular: there would have to be persons before there could be persons. The air of paradox aside, there is an answer to this objection; the model may be circular, but it is not viciously so. A similar objection is considered – and defused – by David Braddon-Mitchell and Kristie Miller [2004] who defend conventionalism about personhood.¹² This would be one requisite addition to Baker's constitution view. However, fleshing this out would take us far beyond the scope of

this paper; here I am content with just setting up a sign-post. Once we get past the initial objection, we can readily see the model at work in everyday life. Just consider the ubiquitous practice of child-rearing. Newborn infants lack language skills and social skills at birth (even if they have the appropriate brain structures to develop the robust first-person perspective); the infants develop the robust first-person perspective only after time – typically in concert with language. So we could view this as evidence for the claim that having reflective consciousness (or the robust first-person perspective, which is characteristic of personhood) is dependent on environmental factors. The cases such as Dani’s serve as tragic reminder of what happens when those factors are absent. Clearly, more would have to be said on this point, but that has to wait for another occasion.¹³ [2974 words]

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Notes:

¹ Although the constitution view is sometimes referred to as the standard view, it is by no means uncontroversial. However, my goal here is not to respond to all and sundry criticisms raised against the constitution view. If I may be so bold, I am assuming the constitution view as the starting point.

² Baker [2000] stated the constitution view of persons in terms of capacities, which lead to an objection raised against the view (e.g., by DeGrazia [2005: 38-41]). (HP) may solve this problem, but it gives rise to a further problem, discussed below (in §4).

³ According to Baker, an in-hand capacity is a first-order capacity. She distinguishes this from a remote capacity, or a capacity to develop a capacity (a second-order capacity). The following example illustrates this: "A hammer has an in-hand capacity at t for driving nails whether or not to it is actually driving nails Unassembled hammer parts (a wooden handle and a metal head) have only a remote capacity at t for driving nails" [2007a: 80].

⁴ These relations are further detailed in Baker [2007b: 29-35].

⁵ On the etymological interpretation of the idiom, we can discern the implicit general rule from observing an explicit exception to the rule. For instance, if I announce in class, on an exam day, that the students need not sign in on that day, this allows the general rule – that students need to do so on every other (non-exam) day – to be figured out.

⁶ Emphasis added.

⁷ DSM-IV-TR identifies five distinct pervasive developmental disorders (PDD): autism, Asperger syndrome, Rett syndrome, childhood disruptive disorder, and PDD-Not Otherwise Specified. The proposed revision, DSM-V, would remove these categories, and replace them with Autism Spectrum Disorder (ASD). Dani would satisfy the diagnostic criteria for ASD as well. According to the draft revision, “Because autism is defined by a common set of behaviors, it is best represented as a single diagnostic category that is adapted to the individual’s clinical presentation by inclusion of clinical specifiers (e.g., severity, verbal abilities and others) and associated features (e.g., known genetic disorders, epilepsy, intellectual disability and others.) A single spectrum disorder is a better reflection of the state of knowledge about pathology and clinical presentation; previously, the criteria were equivalent to trying to ‘cleave meatloaf at the joints’” [American Psychiatric Association 2010].

⁸ As for the accuracy of Dani’s diagnosis, it is by no means an uncontroversial one; one author challenges the contention that the lack of social factors could cause the onset of autism: “Now that the biological nature of autism is well documented ... suggesting that social factors ... without known neurological aberration (or other biological and genetic causes) can result in autism (even with modifiers such as *institutional*) seems a relic of psychogenic theories of the causes and origins of autism. It is a scientific fact that no known psychological factors in a child’s development have been shown to cause autism, and autism spectrum disorders are certainly not caused by bad parenting or rearing in an institution” [Gindis 2008: 123]. To counter this claim, we may ask: how is Dani’s case to be interpreted? Assuming Dr. Armstrong’s diagnosis to be correct, in that Dani suffers from ‘no known neurological aberration’ yet she exhibits profound autism spectrum disorders. Her case, it seems, is an anomaly. It may be unfair to talk about ‘bad parenting’ in Dani’s case; nonexistent parenting may be more accurate. If this is so, it raises the following, unanswered question: what results would follow from subjecting an otherwise healthy human being to extreme deprivation?

⁹ Moreover, Baker’s claim that the robust first-person perspective is an in-hand capacity seems to be on tenuous ground in a case such as Dani’s. Her case seems to indicate that the robust perspective is a remote capacity after all.

¹⁰ At least, not to my knowledge. Baker does discuss (and reject) Hasker’s *emergent dualism* [2007a: 176-7], but nowhere in that discussion does she respond to the objection discussed here.

¹¹ At least, to an extent. The question that emerges here is: if a person gets isolated from all other persons, would they retain their personhood, and if so, for how long? Cases of such isolation (whether undertaken voluntarily or involuntarily) provide another venue of investigation – to be taken up elsewhere. Furthermore, when it comes to favorable circumstances, consider the following case of artifact constitution: we can separate those artifact-favorable conditions needed for the artifact to come into being from those needed for the artifact to persist; the former are more demanding than the latter [Baker 2007a: 53]. A similar claim could be made about the constitution of persons: a human being who hasn't yet reached the level of personhood is more dependent on the presence of other persons than one who already has achieved personhood.

¹² Consider, for instance, the following: "If persons exist only if the relevant conventions exist, and if persons construct conventions, then how did the first persons ever manage to spring into existence? [...] It is certainly true that some conventions can only come into existence given that persons already exist. [...] Not all conventions are like that, however. No doubt some organisms that exhibit these person-directed practices are proto-persons [...] [who] are in part constituted by proto-conventions. Various changes [...] lead to conditions where proto-conventions gradually take the form of fully-fledged conventions, and thus proto-persons become persons" [Braddon-Mitchell & Miller, 2004: 466-467].

¹³ Clearly, more would need to be said in response to this objection, but the space here does not allow me to pursue this further. On the matter of language-development, John Searle's [2007] model of language-acquisition provides a fertile starting place.