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IRVINE

Artifactual Personages:
human persons and how they constitute artifacts

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Philosophy

by

Megan Zane

Dissertation Committee:
Associate Professor Marcello Oreste Fiocco, Chair
Professor David W. Smith
Professor Sven Bernecker

2015

DEDICATION

To my Aunt Ruth,

Whatever a person is,
if I am a good one,
it is because of you.

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To my family and Tom Kirkpatrick, thank you for letting me know you would love me even if I failed graduate school miserably.

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ABSTRACT OF THE DISSERTATION

Artifactual Personages:
human persons and how they constitute artifacts

By

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Doctor of Philosophy in Philosophy

University of California, Irvine, 2015

Associate Professor Marcello Oreste Fiocco, Chair

Human persons seem to be unique in their capacity to purposefully affect what they are like in significant ways. This capacity can have dramatic consequences for how a person is treated and for that person's quality of life. In my dissertation, I first propose an original account of what human persons are. I then argue that just as human persons have the capacity to make artifacts out of material like wood or plastic, human persons can also make artifacts out of human persons. I then show how this capacity explains some of the most significant features of human persons by applying my account to *gender*. I conclude by briefly indicating how this account relates to broader discussions in feminist theory.

INTRODUCTION

Human persons seem to be able to affect what they are like by giving themselves and each other certain features.¹ I think that understanding this capacity is important for a number of reasons. Most importantly, I think that human persons use this capacity to give themselves and each other some of their most significant features, including their genders. Features such as gender are often taken to be natural, i. e. features that are not a result of a person aiming to create those features. However, as I will argue, some of a human person's features are the result of human persons aiming to create those very features, so there is reason to think some of the most significant features of a person are a result of how a person has been made to be rather than how that person is naturally.

What a human person is like often has a dramatic effect on that person's access to resources, interactions with others, and on that person's general quality and length of life. There are undoubtedly many ways that the immutable features a human person is born with also have a significant effect on what that person is like and that person's subsequent quality of life. However, some aspects of what a person is like are the result of a person, either that very person or others, aiming to make that person be a certain way.

¹ I use "feature" here as a general term for a way an object is or what an object is like in order to remain neutral between claims that these ways are universal properties or particular modes.

I. *Natural and Artifactual Features*

To better understand the sort of features I have in mind, consider the familiar objects of everyday life: things that occur naturally like tigers, oak trees, and rivers, and things that are human-made like pencils, computers, and paintings. All of these things are *concrete* in that they exist in time and space. They are also complex in that they have parts and features organized in different ways. Human persons are another sort of familiar concrete object that one interacts with daily. For example, a human person is typically something that drinks coffee, paints, writes with pencils, or studies tigers.

The features of these familiar everyday objects seem to fall into two distinct sorts: natural and artifactual. *Natural features* are features that are not the result of any person's actions aimed at making those very features. Examples include the striped fur of a typical tiger or the four legs of a typical giraffe. In contrast, *artifactual features* are features that are the result of at least one person's actions aimed at making those very features. The difference between natural and artifactual features is in how they come to exist. Qualitatively identical features could be either natural or artifactual depending on how they came to exist. For example, the smooth surface of a rock could be an artifactual feature that is the result of someone polishing it or it could be a natural feature that is the result of erosion.

To make this distinction clearer, compare the courses of two rivers. The course of the first river is a natural feature and is a result of a combination of gravity, the liquid consistency of water, and the terrain, among other things. In contrast, the course of the second river is a result of at least one person's actions aimed at a particular purpose. Perhaps the second river is used to irrigate farmland. Aiming towards this goal, persons

changed the terrain, perhaps by digging trenches, so that, in combination with gravity and the liquid consistency of water, the course of the river brought water to farmland. The artifactual course of the second river is a result of actions aimed at giving the river that very course. Without persons' intervention, the river would have different features and follow a different course, or it might not exist at all.

Human persons seem to be unique in that they are able to give themselves, and other things, artifactual features. There does not seem to be any other sort of familiar thing that has the capacity to give itself artifactual features. Presumably, other things like tigers do not give themselves features with certain aims in mind. Some of what a tiger does, such as sharpening its claws, may give that tiger certain features. However, claw sharpening is presumably something tigers do instinctually and without awareness. For example, it seems unlikely that some tigers might choose to not sharpen their claws in order to pursue other aims. Many features of human persons are also not the result of any person aiming to create those features. For example, the number of fingers a person is born with is a natural feature. However, it is only human persons, at least among familiar objects, that seem to give themselves features with some aim in mind.

The artifactual features of human persons are like the artifactual features of other objects in that both are the result of human persons aiming to create those very features usually to serve some further purpose. For example, a pencil is made to be a particular size in order to easily fit in a human person's hand. A human person had an interest in easily making marks and made something with features that facilitated that interest. Similarly, a human person might, for example, be bound in a corset to make that person more aesthetically pleasing. The permanent changes to that person's physiology, for example the

resulting smaller waist size, are artifactual features. They are the result of the actions of human persons, the person wearing the corset or others, aimed at making those very features. The relative sizes of pencils and corseted waists are features that do not arise naturally but are rather the result of actions performed by human persons with certain aims in mind. A person being given a single artifactual feature may seem fairly straightforward and uninteresting. However, I think a more interesting case is when several artifactual features are given to a person with the aim of making a certain sort of person. It is these sorts of cases I focus on in later chapters.

II. *Natural Objects and Artifacts*

In addition to having various features, familiar everyday objects also seem to fall into two different sorts: natural objects and artifacts. As with artifactual and natural features, one of the most significant differences between these two sorts of objects is in how they come to exist. Just as natural features are not the result of persons' actions aimed at making those very features, *natural objects* exist as the result of processes that do not include persons aiming to make an object by giving it certain features. However, being a result of such natural processes does not mean that natural objects cannot have any artifactual features. A tiger, for example, can be trained to have various behaviors or be physically altered, such as being declawed. These would be artifactual features, but the tiger itself is a natural object and not an artifact.

This is because an *artifact* is an entity² that can only exist as a result of at least one person aiming to make a certain kind of thing by giving that entity certain artifactual features. In the more familiar case of making something such as a pencil, a human person takes various things that exist naturally, such as wood and graphite, and gives them specific features, such as shape, size, and organization amongst parts, with the aim of making a specific kind of object. When a person successfully gives natural objects artifactual features, with such an aim, that person succeeds in creating an artifact. Similarly, I think that when a person is given several artifactual features with the aim of making a certain sort of person, then this results in the person making up an artifact.

In the third chapter, I argue that human persons are natural objects that can make up various artifacts that I call *artifactual personages*.³ The human person has the same sort of relation to the artifactual personage as the wood and graphite have to the pencil. Both the pencil and the artifactual personage are artifacts that are distinct from that from which they are made.⁴ Some kinds of artifactual personages are associated with certain professions, such as *soldier* or *philosopher*, and a relatively small number of human persons are made into instances of any one of these kinds of artifact. Other sorts of artifactual personages may be more common. For example, if *gender* is a kind of artifactual personage, then most human persons seem to make up instances of this kind.

² I say “entity” here instead of “object” because I want to leave open whether there are artifacts that are not concrete objects. However, my focus is on familiar everyday artifacts such as hammers or statues and these are the sort of artifacts I talk about unless otherwise stated.

³ Thanks go to M. Oreste Fiocco for the suggestion to use “personages.”

⁴ I give my reasons for distinguishing between an object and the material it is made of in the first chapter.

III. Aristotelian Notion of Kind

My distinctions between natural objects and artifacts and natural and artifactual features are partially a result of my more basic metaphysical assumptions regarding kinds. I assume that natural objects are instances of *natural kinds* and artifacts are instances of *artifactual kinds*. Unlike some,⁵ I assume an ontology developed by E. J. Lowe (2009) that includes a broadly Aristotelian notion of *kind*.⁶ According to this notion, *kind* is a basic ontological category and an object does not instantiate kinds in virtue of its features. Instead, what an object is like, as well as the potential ways it can be, is in virtue of the kinds that object instantiates. The features of an object are explained by the kinds it belongs to rather than vice versa. Thus, I assume that there are no features that make an object the kind of object it is, and that this is true of both natural and artifactual kinds.

If this seems like an implausible notion of *kind*, consider first the wide variety of features of artifacts that seem to be of the same artifactual kind.⁷ Chairs, for example, can be made out of a wide variety of material and have a wide variety of features including different, sizes, shapes, and uses.⁸ If there is no feature, or collection of features, that all and only chairs share, then they cannot instantiate the kind *chair* in virtue of their features. Additionally, empirical evidence concerning natural kinds, specifically species of organisms, strongly suggests that there are no features that make an organism a member of a species.

⁵ For example, Hilary Putnam (1973), Saul Kripke (1981), and David Armstrong (1997) all reject *kind* as a basic category in their respective ontologies.

⁶ I give my reasons for assuming this ontology in greater detail in the first chapter.

⁷ Ludwig Wittgenstein (1953) makes a similar point about games in his argument for what he calls “family resemblance.” Lowe’s broadly Aristotelian notion of *kind* is one way of explaining family resemblance.

⁸ In the third chapter, I give my reasons for thinking that the function of chairs is also not sufficient for making them instances of the same kind.

For example, there is no feature or collection of features that all and only tigers share, such as a unique genetic code, in virtue of which they are all tigers. However, instead of rejecting that there are kinds, I take this as evidence for Lowe's broadly Aristotelian alternative account of *kind*. As I elaborate in the first chapter, assuming this account of *kind*, instead of rejecting kinds altogether, allows for what I think is a better overall account of what the world is like.

IV. *Account of Personhood*

A further benefit of assuming Lowe's notion of *kind* is that it allows me to offer an account of personhood⁹ that avoids some of the problems other sorts of accounts face. An account of personhood tells one what a person is, significant aspects about what a person is like, including a person's essential features, and what changes a person can persist through. An account of personhood is the first step in giving an account of artifactual personages because many of an artifact's features are determined by the features of the material that artifact is made of. For example, a statue made out of marble has the solidity of that marble rather than the solidity of butter. Just as the statue is made out marble, artifactual personages are made out of human persons.

However, it is not obvious what human persons are. According to some accounts, human persons are distinct entities from human organisms.¹⁰ According to other accounts, human organisms can sometimes be identical to persons if those organisms have certain

⁹ I argue for my account of personhood in the second chapter.

¹⁰ For example, Lynne Rudder Baker (2000) and E. J. Lowe (1996) hold this sort of view, although significantly different versions.

features.¹¹ Depending on which sort of account of personhood a philosopher assumes, there are different possibilities for which entities make up artifactual personages. Those who claim that human persons are distinct from human organisms need to provide an account of which entity or entities make up artifactual personages, or give an account of why persons do not, or cannot, make up artifacts.

According to my account, human persons are identical to human organisms. However, my account differs from other versions of this sort because I do not think that human organisms are only sometimes persons. Instead I think that *human* is a species of the genus *person*. So on my account, all humans are persons. This means that there is only one entity, the human person, available to be the material that makes up artifactual personages.

V. *Creating Artifactual Personages*

The third chapter is dedicated first to explaining the account of familiar artifacts I assume and then to showing how human persons can be made to make up, or *constitute*,¹² artifacts. I assume that an *artifact* is an entity that can only exist as a result of at least one person aiming to make an instance of a kind by giving that entity certain artifactual features.¹³ Thus aiming to create an artifactual feature or artifact plays a large role in the account of artifacts I assume. It both distinguishes an artifactual entity from a natural one and determines the kinds an artifact instantiates. A person aims to do something when that

¹¹ Versions of this sort of view are held by, for example, Kathleen Wilkes (1988) and Eric Olson (1997).

¹² I explain the relation of constitution between an object and what that object is made of in the first chapter.

¹³ This account of artifacts is adapted from the accounts of Helena Siipi (2003) and Amie Thomasson (2007).

person acts with an intention¹⁴ to do that thing. Following others,¹⁵ I think that both individual human persons and groups of persons can intend to do something.

Human persons, like other objects, can be given artifactual features by themselves or others. For example, the shape of a person's nose after plastic surgery seems as artifactual as the shape of the nose of a statue. Both are the result of at least one person's aim to make that very shape. If all there is to creating an artifact is to give an entity artifactual features with the aim of creating an instances of a specific kind, then human persons seem to be as much a candidate to constitute artifacts as other objects.

VI. *Application to Gender*

In the fourth chapter, I apply my account of artifactual personages to the complicated case of *gender*. My view is that human persons are *gendered*, or have a gender, when they make up an artifactual personage that is an instance of a species of the artifactual kind *gender*, such as *woman*. As such, I think that *gender* does not only depend solely on persons beliefs and practices such that if those beliefs and practices changed, *gender* would correspondingly change as well. Just as knives would not change or disappear if all persons suddenly lost all beliefs about knives and the kind *knife*, genders would also not change or disappear if all persons suddenly lost all beliefs about genders and the kind *gender*.¹⁶

¹⁴ I explain what I think an intention is in the second chapter.

¹⁵ Such as Margaret Gilbert (1989), and Deborah Tollefsen (2002).

¹⁶ However, because both *knife* and *gender* are artifactual kinds, they would never have existed if persons had never existed.

Creating genders is not as straightforward as creating other familiar artifacts such as statues. Typical parents do not aim to make their children have a certain gender, because children are often assumed to have a gender naturally.¹⁷ Persons that have the mistaken assumption that *gender* is natural can still have intentions concerning what a child should be like in accordance with the gender they assume that child has. The artifactual features that result in a human person constituting such a gender might come about in this way: parents might, for example, instruct their children to behave in certain ways so that they are good girls or boys that will grow up to be good women and men. This could result in children having various artifactual features such as certain behaviors, beliefs, and even artifactual physical features. For example, parents might control the diet of their children to ensure they maintain a specific weight. If one assumes that an entity of a specific kind already exists, as might be the case with parents who assume their children are specific genders, then one might aim to improve that entity or make it an exemplar instance of its kind.

Persons can also disagree about what species of *gender* a person should constitute. Some *transgender* persons are in such situations. A transgender person, for this discussion, is a person who identifies¹⁸ with a different gender than the one that person was assigned at birth. For example, a person may be assumed to be a woman or girl and be given various artifactual features on the basis of that assumption. That person can attempt to constitute a different gender by destroying those artifactual features, if possible, and creating others. On my view, because *gender* exists independently of persons' beliefs and practices, convincing

¹⁷ I briefly discuss reasons to think *gender* is artifactual in the beginning of the fourth chapter.

¹⁸ I use "identifies" here to remain neutral between describing such persons as desiring to be a different gender and simply already being that gender. Which description is accurate depends on the case.

others that a person constitutes a specific gender may help that person constitute that gender, but it is not required. Instead success depends on that person being given the features that characterize the appropriate species of *gender*.¹⁹

Conclusion

As my discussion in the final chapter illustrates, a human person's capacity to purposefully affect what they are like has far reaching consequences for that individual's quality of life. Recognizing that human persons give themselves and each other artifactual features and as a result can constitute artifacts allows one to consider which artifactual features one wants to have and which artifacts one wants to constitute. Understanding this capacity could be useful not only in understanding in what ways human persons use this capacity, but also in changing some of the undesirable ways that they do so. For example, if persons are oppressed because they constitute specific kinds of artifact, recognizing this could be helpful in either ceasing to make such artifacts altogether or in changing the features that contribute most to the oppression of the persons that constitute them.

¹⁹ I consider these cases in greater detail, in the fourth and fifth chapters

CHAPTER 1

Metaphysical Framework

Introduction

In this chapter, I explain some of my basic metaphysical assumptions in preparation for presenting my account of personhood and a person's artifactual features. The chapter is divided into two sections. I begin in the first section by considering familiar ordinary entities, such as pet dogs, trees, and tigers. In this section, I explain my assumption that there is a relation of constitution between these entities, or objects, and the material from which they are made.

In the second section, I consider whether some of these objects belong to natural kinds and set aside artifactual objects, such as pencils, until the third chapter. In this section, I discuss my most significant assumption which is a broadly Aristotelian notion of *kind* as part of a four-category ontology. I think that one of the main benefits of such an ontology is the account it offers of the law-like ways objects are disposed to behave. I conclude the chapter, by indicating how I use these two central assumptions, the relation of constitution and an Aristotelian notion of *kind*, in subsequent chapters.

Section I

Concrete Particulars and Constitution

I.A. *Concrete Particulars*

To start, *concrete particulars*, or *objects*, are the familiar things one interacts with every day. I assume that concrete particulars are *concrete* in that they exist in time and space and can change. They are complex in that they have parts and various features organized in certain ways. They are also *particular* in that they cannot be repeated in distinct instances. To make this notion clear, consider a favorite pet dog. There cannot be two instances of the very same dog. If someone loses her dog, then she will not be satisfied with a perfect replica of that dog as a replacement. She wants her particular dog back. Particulars are unique in the sense that only one entity is that particular and no other.

However, concrete particulars can be similar to one another in various ways. For example, apples, baseballs, and clown noses can all be similar in shape. They can all be round. Similarities like this lead some philosophers, including myself, to posit a different sort of entity from particulars called universals. A *universal* is something that can be repeated in instances. For example, the universal *roundness* is repeated in instances of the shape of an apple, a baseball, and a clown's nose. Though the round shapes of the apple, ball, and nose are each particular, they are similar in virtue of being instances of the same universal.¹ In this way, universals explain similarities among objects.

¹ As will become clear in the second section of this chapter, I recognize a distinction between a universal and its instances. I do not think that the universal is present in each object that is similar in virtue of it as in views such as David Armstrong's (1997). For example, I think that the universal *round* is distinct from the particular shape of a ball.

I.B. Constitution: How an Object is Related to the Material From Which it is Made

There is more to say about the similarities between objects. However, before moving to considering multiple objects, I would like to explain an important assumption I make about individual objects and the material from which they are made. I use *material* as a general term for whatever an object is made out of. An object could be made out of other objects that are complex themselves, such as the parts of a car or the organs of a tiger, or it could be made out of uniform material, such as clay.² One might think that an object, like an apple or a pencil, is identical to the material from which it is made. Though there are many different versions of this sort of view,³ they all share the conclusion that a complete account of what is in the world does not include objects in addition to the material from which they are made.

However, one reason to reject this sort of view is that objects seem to have different features from the material from which they are made. For example, a statue and the clay from which it is made have different features. A statue is destroyed if it is smashed, but the clay from which the statue is made is not. So the clay has the feature *survives-smashing* and the statue does not. One entity cannot both have the feature *survives-smashing* and not have that feature. Since the statue and the clay have different features, they are not identical. This is one reason to think that a complete account of what is in the world includes things like statues in addition to the material from which statues are made.

Another reason to reject the view that objects are identical to the material from which they are made is that doing so allows one to give what I think is a better account of

² I leave open whether or not there are metaphysical atoms that all material is ultimately made of.

³ For example, Roderick Chisholm (1973), Peter Unger (1979), and Peter Van Inwagen (1990) argue for different versions of this view.

organisms. *Organisms* seem to be a sort of thing that can grow, change, and persist over time despite a continuous exchange of material. My point does not depend on a particular definition of “organism.”⁴ I only need to assume that organisms seem to persist through changes in the material from which they are made. If organisms were identical with the material from which they are made, then they would not be able to persist through any change in that material. The same organism would not be able to grow or change because any change in material would result in a new organism. No organism would persist from one day to the next.

For example, every breath a tiger takes results in an exchange of material that makes up the tiger. However, it does not seem like each breath results in a new tiger. In fact, it seems as though organisms persist because of this continuous exchange of material rather than despite it. Once an organism ceases to exchange material, it dies and ceases to exist. When a tiger dies, it ceases to be an organism and thus also ceases to be a tiger.⁵ The exchange of material seems to be part of what it is to be an organism as opposed to being something like a rock. Thus, a better account of organisms is that they are distinct from the material from which they are made.

For these reasons, I assume that objects are distinct from the material from which they are made. However, though an object and the material from which it is made are distinct, the two are still related to one another in a way two entirely distinct objects, such as a desk and a pencil, are not. Following many, including E. J. Lowe (2009, 2013) and Lynne

⁴ My initial attempt at a definition of “organism” is a sort of concrete particular constituted by material that is organized in such a way as to perpetuate that very organization in part through regulating the continuous exchange of the material from which it is made.

⁵ Though one might say something is a “dead tiger,” my view is that this is a convenient way to refer to the material that recently constituted a tiger, but no longer does. It may resemble a tiger in some ways, such as shape or size, but it is not a tiger because tigers are organisms and corpses are not.

Rudder Baker (2000), I call the relation between objects and the material from which they are made *constitution*.⁶

I prefer a mereological account of constitution developed by Lowe.⁷ According to this account, x is materially constituted by y if and only if:

x and y coincide spatially at t and every proper part of y at t is a proper part of x at t, but not every proper part of x at t is a proper part of y at t. (2013: 131)⁸

As Lowe argues, one reason for accepting this sort of account is that it relies on a mereological principle most philosophers accept.⁹ Baker rejects what she calls traditional mereological accounts because she wishes to avoid assuming that something is identical to the sum of its parts (2000: 179-184). She prefers to define the relation in terms of primary kinds and being spatially coincident under the right circumstances. However, I do not think her objections apply to Lowe's definition. Lowe avoids equating an object with the sum of its parts by allowing that the constituted object has proper parts that the constituting material does not have.

Though I assume Lowe's definition of constitution, I also assume an aspect of the relation that Baker describes.¹⁰ This aspect is that objects and the material that constitutes

⁶ What follows concerns only the constitution of concrete particulars and not to other possible sorts of constitution.

⁷ There are other such accounts. For example, Judith Jarvis Thomson (1998) offers an alternative mereological account.

⁸ Lowe rejects this earlier version of his definition in favor of one with the added condition that "x and y do not stand in the foregoing relation with a third object z, at t" (2013: 146). However, nothing in my arguments, including my later objections to Lowe in chapter two, depends on assuming one version over the other.

⁹ Specifically, Lowe's definition relies on what is often called the principle of Weak Extensionality, which holds that distinct objects cannot have exactly the same proper parts (Lowe 2013: 131), though it rejects the principle of Weak Supplementation, which holds that objects with proper parts must have at least two such parts (Lowe 2013: 133).

¹⁰ This aspect is not only found in Baker's work, but she gives an extended account of it.

them derive features from one another so that they share some features in virtue of being constitutively related (2000: 47). For example, a statue and the clay that constitutes it share the same size, shape, and weight. The statue derives some of its features from the clay and vice versa. *Derived features* are features that an object has as a result of being constitutively related to something that has the feature independently of that relation. For example, the weight of a statue is derived from the weight of the clay that constitutes it. The clay would weigh the same amount even if it did not constitute a statue, but the statue must weigh however much the clay that constitutes it weighs.

Section II Natural Objects and Natural Kinds

II.A. *Kinds*

Both Lowe and Baker argue that objects must be constituted by material with features that are compatible with the sorts, or kinds, of objects they are. For example, granite cannot constitute a tree.¹¹ A tree is an organism that requires certain processes, such as photosynthesis, in order to persist through time. Granite is not a kind of material that can participate in that process or the exchange of material that organisms require. Thus granite cannot constitute trees, but trees must be constituted by something. This claim relies on an assumption that trees are a certain kind of thing that can be some ways and not others. Trees can, and perhaps must, be ways that are compatible with photosynthesis, and they cannot be any way that is incompatible with photosynthesis. In

¹¹ Example adapted from Lowe (1996).

other words, what it is to be a tree is to be certain ways and not others or to have certain features organized in certain ways and not others.

Though concrete particulars cannot be repeated, the organization of their features and the ways concrete particulars interact with one another are repeatable. For example, a typical tiger is warm-blooded, has orange and black striped fur, teeth, and claws, likes swimming, and eats meat. These features are organized in a particular way. A typical tiger's fur, teeth, claws, and digestive system are not jumbled together in any organization. A typical tiger's fur covers the outside of its body. Its teeth are in its mouth which is connected to the rest of the digestive system. If there are two typical tigers, they share many or all of these features and these features are organized in the same way.

Objects with many or all of the same features organized in the same way are often instances of the same kind. However, philosophers do not agree on what kinds are. Some think that kinds are universals that have instances. On this view, similar to how the shape *round*, for example, might be a universal with the particular round shapes of some objects as instances, the kind *apple* is a universal with particular apples as instances. Others are suspicious of universals in general and some argue that instead of kinds there are only groups of objects with a certain shared feature or cluster of features.

I do not consider here what might be described as *antirealist* views. In other words, I reject a view according to which what objects are like, and what kinds they belong to, is a result of something about the minds of persons such that if those minds were different, what objects are like, and what kinds they belong to, would also be different. As others have noted,¹² for such a view to be true, minds would need to be some way that gave them this

¹² Such as Crawford Elder (2004: 13) and John Searle (1998: 31-2).

capacity. Minds would need certain features, such as a certain organization of parts, that gave them this capacity to determine what objects are like and to group objects according to similarities dependent on those minds. Thus minds themselves would be similar to one another in their capacity to do this. However, minds could not give themselves this similarity because the capacity itself would be required to do so. Minds themselves would have to be this way in virtue of something other than minds. This is one reason I think that objects exist independently of minds and that what an object is like, and what kinds it belongs to, is not dependent on minds in this way. Thus, I do not consider here accounts of kinds according to which kinds are merely the result of the grouping of objects by minds because of something about those minds. Instead, I consider accounts of kinds according to which what objects are like, and what kinds they are instances of, are independent of minds and are discoverable aspects of the world.

II.B. *What Makes an Object an Instance of a Kind*

One way to consider what kinds are is to consider what makes an object an instance of a kind. Since objects with many or all of the same features organized in the same way are often instances of the same kind, it might seem plausible that objects are instances of kinds in virtue of their features. Call this view *modern essentialism*. According to modern essentialism, the features of an object make that object the kind of object it is. A kind, then, is just a group of objects that share a feature or cluster of features. Those features are the essence of objects of that kind in that they must have those features. In this chapter, I focus on natural objects to avoid complications that come with artifacts.¹³ *Natural objects* are

¹³ I consider what makes an artifact an instance of a kind in chapter three.

objects that do not exist as a result of a person's actions aimed at making that very object and are instances of *natural kinds*.

According to modern essentialism, merely sharing many of the same features is not enough to determine that two objects are of the same kind. Fool's gold has many of the same features as gold, but fool's gold is not the same kind of thing as gold. One reason to think fool's gold and gold do not belong to the same kind, given by both Saul Kripke (1981) and Hilary Putnam (1973), is that they have different internal structures. An *internal structure* is an organization of material, such as a genetic code or a molecular organization, that determines many of the features of the object it constitutes.¹⁴ For example, a tiger is constituted by material that is organized as a result of a genetic code that determines many of the features of the tiger, such as: having striped fur, good night vision, and being warm blooded. The genetic code is the reason the tiger has many of the features it does and not others. According to this view, internal structures are the features in virtue of which an object is an instance of a kind. The kind *tiger* is just the group of objects with the features that all and only tigers share as a result of their genetic code. On modern essentialist views like this, if there were something that had many or all of the external features of a typical tiger, i. e. striped fur, good night vision, etc., but had a different internal structure, it would not be a tiger because it would lack the internal structure that is essential to tigers (Kripke 1981: 120-1).

Modern essentialism is a popular account of what makes an object an instance of a kind. However, I reject this sort of account in part because it does not seem to be consistent

¹⁴ It is not necessary to assume the relation of constitution for this view. The internal structure could also be an organization of material that determines many of the features of the larger amount of material the structure is a part of without positing an object that is distinct from that material.

with the features of actual organisms.¹⁵ As many argue,¹⁶ empirical evidence strongly suggests that there is no feature, including a genetic code, that all and only organisms of the same kind share. Consider tigers. A first attempt to define the kind *tiger* in terms of features might go like this: tigers are large feline mammals with black and orange striped fur, they like swimming, have good night vision, and eat meat. However, many of these features are not shared by all tigers and it is easy to come up with counter examples. For example, there could be an albino tiger, a tiger that was unusually small, or an unusually small albino tiger. Any feature that all tigers share, such as *being-warm-blooded*, is also shared by other kinds of organisms. In addition, there is no internal structure that all and only tigers share. Sexual reproduction and genetic mutation ensure genetic diversity among organisms like tigers. Given the vast diversity in genetic codes, it is unlikely that there is any portion of genetic code that all and only tigers share. So genetic code is not obviously an internal structure that all and only organisms of the same kind share.

The diversity among organisms of the same kind, especially in sexually reproducing ones over time, suggests that there is no feature or cluster of features that those organisms, and only those organisms, all share. Thus it seems that there are no features in virtue of which an organism can be an instance of a kind. One response to this evidence is to say that if organisms have no such features, then, despite initial appearances, there are no kinds of organisms. However, I think that such a response is too quick and leaves something important about organisms unexplained. Such a response does not explain in virtue of what

¹⁵ I focus on modern essentialism's account of organisms because of its particular relevance to my project of giving an account of human persons, but the view is about kinds generally.

¹⁶ For example: John Dupré (1981 and 1986), P.E. Griffith (1999), David Hull (1986), Philip Kitcher (1999), and S. Okasha (2002).

are the features of organisms restricted in law-like ways such that there are some features it is possible for a particular organism to have and some it is not. For example, both tigers and oysters are organisms, but what they are like, and what they can be like, is different in predictable and law-like ways. For example, tigers may come in a range of shapes and sizes but they cannot make pearls or breathe underwater. In contrast, oysters can make pearls and breathe underwater but cannot be warmblooded. Rather than conclude that there are no kinds of organisms, it seems worth considering an account of kinds that can explain in virtue of what are the features of organisms restricted in these law-like ways that does not appeal to a shared feature or cluster of features.

II.C.1. *Alternative Account of Kinds: A Four-category Ontology*

I assume a four-category ontology, such as the one developed by Lowe (2009), in part because it offers an alternative account of kinds that does not appeal to features to explain what makes an object an instance of a kind. Such an ontology includes four categories of being: *kind*, *object*, *property*, and *mode*. *Categories of being* are the most general and basic sorts of entities that exist. Everything that exists falls into one of these categories.

What is distinctive about Lowe's ontology is that it includes *kind* as a second category of universal in addition to *property*. *Kind* is a category of universal, such as *apple*, that has *objects* as its instances, such as a particular apple. What it is to be a universal is to be repeated in instances or particulars. So the relationship of *instantiation* is necessary between a universal and its instances because being so related is what it is to be a universal and an instance. Thus, according to this notion of *kind*, objects do not instantiate kinds in

virtue of any feature or cluster of features. Objects do not instantiate kinds in virtue of anything. Instantiating kinds is just what it is to be an object. The kinds an object instantiates are not explained by its features. Instead, an object's features are explained by the kinds it instantiates. One can investigate the features of an object to discover the kinds it instantiates, or to discover features objects of that kind typically have, but the direction of explanation is reversed from the one assumed by modern essentialists.

The features of objects, what they are like or the ways that they are, are *modes* of *properties*. *Property* is the category of universal features and *mode* is the category of particular features. The relationship of instantiation holds between properties and modes just as it does between kinds and objects. For example, the particular shape of an apple is a mode of the universal property *roundness*. Round objects are similar in shape in virtue of having modes that instantiate the same property.

In addition, just as the relationship of instantiation is necessary between universals and particulars in virtue of what they are, there is a necessary relationship between features and the entities that have those features. This relationship is called *characterization*. Properties characterize kinds and modes characterize objects. For example, the kind *apple* is characterized by the property *roundness* and a round apple is characterized by a mode of the property *roundness*. Which properties characterize a kind restrict what instances of that kind can be like or, in other words, what modes can characterize the objects that instantiate that kind. For example, the kind *tiger* is characterized by the property *warm-blooded*. So particulars tigers cannot be characterized by modes of *cold-blooded*.

In this way, characterization determines the *persistence conditions* and *essential features* of objects. Persistence conditions specify the changes an instance of a specific kind can undergo without ceasing to be an instance of that kind.¹⁷ Essential features are ones that objects cannot exist without in virtue of the specific kinds they instantiate. These features are not limited to those that all objects necessarily have, such as the feature of being self-identical. For example, an essential feature of a tiger, or any organism, is that it be constituted by specific kinds of material (Lowe 2009: 112). A tiger, in virtue of the specific kinds it instantiates, is an object that cannot be constituted by granite. In contrast, it is essential to a piece of granite that it be constituted by granite.

II.C.2. *Natural Laws*

On this ontology, the law-like similarities between objects of the same kind are explained by *natural laws* that Lowe (2001) argues are the relationships of characterization between kinds and properties. Tigers, for example, are similar to one another because they are characterized by modes of *warm-blooded*, *four-legged*, *striped*, etc., as a result of those properties characterizing *tiger*.

Not all tigers are characterized by modes of all the properties that characterize the kind *tiger*.¹⁸ In other words, not all tigers have all the features that characterize the kind *tiger*. For example, not all tigers are four-legged. However, an organism with three legs can

¹⁷ Lowe distinguishes between *persistence conditions* and what he calls *diachronic identity conditions* to leave open the possibility that an object could persist through changes in the kinds it instantiates (1998: 183-187).

¹⁸ See Lowe's (1982a: 47) for his account of the sortal logic of these cases.

still be a tiger.¹⁹ This is because, according to Lowe, there are two ways in which an object can exemplify, or be related to, a property: *occurently* and *dispositionally*.²⁰ When an object exemplifies a property *occurently* it is characterized by a mode of that property. For example, a tiger that has four legs exemplifies the property *four-legged* *occurently*. To exemplify a property *dispositionally* is to be an instance of a kind that is characterized by that property. For example, a tiger with three legs exemplifies the property *four-legged* *dispositionally* because it is the kind of thing that typically has four legs.²¹

Importantly, this means that the properties an object exemplifies *dispositionally* are not determined by the object's environment or the modes that characterize it. The properties an object exemplifies are a result of relationships between universals, i. e. kinds and properties, rather than particulars. For example, typical samples of salt are disposed to dissolve in typical samples water because the kind *salt* is characterized by certain properties and the kind *water* is characterized by certain other properties. This has the significant consequence that a sample of salt is disposed to, or has a tendency to, dissolve in water even if it is permanently prevented from doing so. The kinds that objects instantiate, as opposed to their modes, determine their essential and possible features, including their dispositions.

¹⁹ By "typical" here I mean what is most common. One would determine what a typical tiger is like by studying tigers. See Lowe's (1987 and 1998) for discussion of his view on the role empirical investigation in metaphysics.

²⁰ Lowe does not take the relation of *exemplification* to be fundamental in the way instantiation and characterization are because it comes in these two different sorts (Lowe 2009: 10).

²¹ Lowe's definition of this distinction is that "an object O exemplifies an attribute A *dispositionally* when O instantiates some kind, K, that is characterized by A; and an object exemplifies an attribute A *occurently* when O is characterized by some mode, M, that instantiates A" (2009: 10-11).

I see this account of dispositions as one of the main benefits of Lowe's four-category ontology. Dispositions, like any property, are ways that an object can be. An object is disposed to be a certain way when that object instantiates a kind that is characterized by a certain property. By including two categories of universal, *kind* and *property*, the law-like ways objects behave, their dispositions, are explained in terms of characterization, which is a relation already accepted by anyone who accepts objects as distinct entities from either properties or modes.²² Accounts of dispositions that do not assume an ontology with two categories of universal have various strategies for explaining how objects can have a disposition when that disposition is not being manifested or can never be manifested.²³ In general, these accounts posit some additional entity in their ontologies to explain dispositions, such as a second order relation between properties²⁴ or a dispositional type of property that has a non-dispositional causal base.²⁵ One of the benefits of Lowe's ontology is that it largely avoids many of the complications that arise on these sparser ontologies. On his four-category ontology, dispositions are just the result of the relationships between categories of being.

Conclusion

In this chapter, I explained the basic metaphysical framework behind my account of personhood and the artifacts that I think persons can constitute. I have two main

²² Because characterization just is the relationship between an entity and the features of that entity.

²³ There is extended debate over what a disposition is that includes several nuanced positions that I am setting aside here.

²⁴ Thus is David Armstrong's strategy (1983 and 1997). See Bas van Fraassen (1989) for arguments against this sort of view.

²⁵ For example, Elizabeth Prior, Robert Pargetter, Frank Jackson (1982) argue for a version of this sort of view.

assumptions. First, I assume that concrete particulars are constituted by, and not identical to, the material from which they are made. A relevant consequence of this is that organisms and artifacts are distinct from the material from which they are made. Second, I assume a four-category ontology developed by Lowe that includes a notion of *kind* as a category of universal in addition to universal properties.

I assume this ontology for many reasons, but there are two main aspects of this ontology that I rely on throughout this project. First, this ontology avoids the assumption that objects instantiate kinds in virtue of their features that empirical investigation strongly suggests do not exist. Second, I prefer the account of dispositions, or the ways objects tend to behave and interact with one another, made possible by Lowe's distinction between properties exemplified dispositionally and occurrently.

In the next chapter, these two aspects allow me to suggest an account of personhood that avoids problems of alternative accounts. My account includes the mental features commonly associated with persons as characterizing the kind *person* without assuming that something is a person in virtue of having those features. I argue that human organisms are persons even when they are not occurrently characterized by certain mental features such as self-consciousness. Thus I am able to offer an account of personhood that is more inclusive of individuals with a wider variety of features, or lack of features, than other accounts.

In the third chapter, I rely on the category of *kind* again to argue that it is not the features of artifacts that determine the kinds they instantiate but rather the intention of a person to make an instance of a specific kind. In the fourth chapter, I argue that *gender* is an artifactual kind with instances constituted by human persons. My view that instances of

gender, such as men and women, do not instantiate the kinds they do in virtue of their features avoids a common problem in feminist theory concerning accounts of *gender* that either exclude individuals the account should include or conclude that *gender* is nothing more than a sort of performance.

CHAPTER 2

Account of Personhood

Introduction

In this chapter, I present my account of personhood. An *account of personhood* tells one what persons are, important aspects of what they are like, including their essential features, and what changes they can persist through. Since persons are the material that constitutes *artifactual personages*, an account of personhood also tells one something important about what these artifacts are like and some of the changes they can persist through. I focus on one sort of person, human persons, because they are the quintessential example of personhood and I wish to give an account of the artifactual personages specifically constituted by human persons. I consider what human persons are, which properties characterize the kinds *human* and *person*, and how instances of these kinds are related.

Human persons are the familiar concrete objects that do things such as farm, drive cars, and wear and manufacture clothes. Despite their familiarity, there are major disagreements on what human persons are. One such disagreement concerns whether entities that instantiate *person* do so at every moment of their existence or only temporarily. Some think that there are kinds that an entity must instantiate the entire time it exists¹ and that these kinds are the best answer to the question “What is it?”² For

¹ Not everyone assumes this about kinds. Stephen Swartz (2009), for example, argues that there is no good reason to think that there are kinds of this sort.

² This characterization is based on David Wiggins (2001: 30) notion of a *sortal* or *substance concept*.

example, a tiger is an organism and can only persist as long as it instantiates the kind *organism*. A tiger cannot exist as anything other than an organism. *Organism* is a kind that objects do not instantiate temporarily. Any object that instantiates *organism* does so the entire time it exists. The very same object cannot be an organism at one time and then a rock at another. Many philosophers assume that *person* is a kind of this sort. They assume that any entity that instantiates *person* must do so the entire time that it exists. Many with this sort of view of *person* argue that a human person is the combination of two entities, a human organism and a person that are related in some specified way.

In contrast, there are some kinds that objects instantiate only temporarily.³ What is distinctive about these kinds is that their instances are identical to the entity that temporarily instantiates them. For example, *teenager* is one such kind. A human temporarily instantiates *teenager* when that human is a certain age. In other words, a teenager just is a human of a certain age, or is identical to a human at a certain age. Some, such as Eric Olson and Kathleen Wilkes, argue that *person* is a kind like *teenager*. They argue that a human organism is a person only temporarily while that human has certain mental features. According to this sort of view, a human person is one entity, i. e. the human organism.

Thus, many accounts of human persons are attempts to explain the relationship between persons and their human organism bodies.⁴ There are three general approaches to explaining the relation between persons and bodies: 1. persons are constituted by bodies

³ This is analogous to David Wiggins' (2001: 30) notion of *phase-sortals*.

⁴ I use "body" to refer to the entity, of whatever kind, that is a candidate for being identical to a person. Here, I focus on human organisms and whether persons are identical to those organisms or related in some other way.

(the constitution view), 2. persons are distinct from bodies but related in a further specified way (dualism), and 3. persons are identical to bodies (animalism). My account is a version of animalism. However, because of the ontology I assume, my version of animalism is significantly different from other proposed versions of animalism.⁵ This is because, unlike other animalists, I think that objects do not temporarily instantiate *person*. Briefly, my account is that *human* is a species of *person*. As such, all human organisms are always persons regardless of the mental features they are characterized by.

I begin, in section I, by giving my reasons for rejecting accounts that posit persons as distinct from bodies in virtue of their mental features. Primarily, I reject evidence taken from thought-experiments that are commonly used to support the claim that persons and bodies have different features. In section II, I consider in what ways persons might be identical to bodies. I begin by presenting and rejecting Eric Olson's (1997) version of animalism because according to his account, objects only temporarily instantiate *person*. I then explain my own account of personhood, that *human* is a species of *person*, and defend it against the objection that it faces a problem with its taxonomy. In the final section, I consider some of the natural features of human persons, including their capacity to have intentions and self-consciousness, in preparation for the next chapter on artifactual features and artifacts.

⁵ Such as Eric Olson's (1997).

Section I Persons as Distinct from Bodies

I.1.A. *Psychological Accounts*

When considering persons, it is often their mental features that one cares about most. Losing a mental feature, like memory, seems to many to be more significant to persons than losing something physical such as a foot. Some take this as evidence that certain mental features, such as self-consciousness, are necessary for something to be a person. Since bodies can exist without any mental features, some take this to also be evidence that persons and bodies are distinct entities. *Psychological accounts of personhood*⁶ include both the claim that certain mental features are required for something to be a person and the claim that persons are distinct from bodies.⁷

Arguments for the claim that persons are distinct from bodies typically rely on supporting the claim that persons and bodies have different persistence conditions. Recall that *persistence conditions* that specify the changes an instance of a kind can undergo without ceasing to be an instance of that kind. If *person* cannot be temporarily instantiated by objects, this means that ceasing to be an instance of *person* destroys that entity. Analogously, it is part of the persistence conditions of organisms that they be constituted by organic material. If an organism's material were replaced with granite, this would destroy

⁶ This sort of account is similar to the one argued for by John Locke (1700), which I do not consider. I take psychological accounts to assume that a person is an entity that has features, while there is reason to think that Locke's view is that a person is some sort of collection of modes. See Lowe (1995: 114) and (1996: 22-25) for more on this interpretation of Locke.

⁷ Eric Olson also believes that something must have certain mental features in order to be a person. However, Olson denies the second claim of psychological accounts that persons are distinct from bodies.

the organism. Those with a psychological account of personhood assume that if a person lost all capacity for any mental state, this would destroy the person.

Some version of a principle of psychological continuity is often taken to be a persistence condition for persons. If this is true, then persons can only persist through changes that are compatible with psychological continuity. *Psychological continuity* is a relation between entities at different times that holds in virtue of certain mental features, such as uninterrupted self-consciousness or memories. For example, one account of psychological continuity is that if an entity at a later time has memories of being an entity at an earlier time, in the right way,⁸ then the earlier entity persists as the later entity. In contrast, bodies require no psychological continuity in order to persist. A body can exist without any mental features at all and thus without psychological continuity. If a person is destroyed when psychological continuity is lost, and the body that person is related to is not destroyed, then that person must be a distinct entity from that body. The key notion here is that an entity is destroyed by a loss of psychological continuity rather than one entity, in this case the human organism, just ceasing to instantiate *person* but continuing to persist.

Support for the psychological account often relies on thought-experiments that are supposed to elicit the intuition that persons could persist through the destruction of their bodies in virtue of their psychological continuity or other mental features. If a person could persist after the destruction of that person's body, then that person is a distinct entity from that body. Lynne Rudder Baker (2000: 106)⁹ offers one such thought-experiment as

⁸ This "right way" is predictably difficult to specify.

⁹ See also her (2001), (2003), and (2007).

support for her version of the constitution view. The *constitution view* is the general view that persons are distinct entities that are constituted by bodies. Baker describes a case where the organic parts of a body related to a person are gradually exchanged for synthetic parts. She suggests that as long as the self-consciousness¹⁰ of the person is maintained throughout the procedure, then the person will persist through the destruction or replacement of the organic body. The earlier person related to the organic body persists as the later person related to the synthetic body in virtue of the psychological continuity between them. As long as the self-consciousness is uninterrupted, Baker thinks that a person could be constituted by a human organism at one time and at a different time be constituted by a different kind of body (2003: 37).

I.1.B. *General Objection to Psychological Accounts*¹¹

Many of the thought-experiments philosophers use to argue for their psychological accounts rely on the assumption, and sometimes explicit request, that readers consider how such cases would affect their own persistence.¹² Readers are invited to consider the case happening to them and where they think they would be when the case is over. Intuitions about such cases are supposed to tell one not only the persistence conditions of persons but also what features are essential to persons at any one time. For example, readers' intuitions that they would persist as the synthetic person in Baker's thought-experiment are supposed to be evidence that uninterrupted self-consciousness is necessary

¹⁰ She uses the phrase "first person perspective."

¹¹ I do not suggest that these reasons are conclusive against psychological accounts. I present them as my reasons for considering an alternative account of personhood.

¹² For example, Bernard Williams (1970) describes a case in which persons are asked to consider which body they would rather have tortured under various future conditions.

for persons to persist and that being related to a specific kind of body is not. I think that these cases are too far removed from ordinary circumstances to provide good evidence about the persistence conditions of persons. Since arguments for psychological accounts of personhood typically depend on these thought-experiments, I take reasons to reject these thought-experiments to be reasons to reject the accounts that rely on them.

These thought-experiments are too different from ordinary circumstances to be useful. As Kathleen Wilkes (1988: 1-48) argues, there is good reason to think that many of the thought-experiments offered in support of psychological accounts are too far removed from familiar ordinary circumstances to tell one anything at all. She claims that thought-experiments work best when all but one of the features of circumstances remain constant. That is, just as in a scientific experiment, only the feature under consideration should be changed in the thought-experiment to ensure that the resulting intuitions are about that feature. However, thought-experiments presented in favor of psychological accounts are often dramatically different from familiar ordinary circumstances.

For example, Baker's case requires a dramatic change in scientific capabilities and understanding since we do not currently have the capacity or understanding required to exchange all of an organism's organic parts for synthetic ones. Baker needs to consider such cases in order to elicit the intuition that persons persist in virtue of their self-consciousness. Baker relies on this intuition as evidence that persons can persist through being related to different bodies and thus that persons are not identical to bodies. In ordinary circumstances, such cases do not occur. In order to consider her case, and those like it, one must accept a different set of background assumptions than one has in ordinary circumstances. However, it is impossible to specify what these alternative background

assumptions are because the case assumes an understanding of things that are not yet understood. Thus, the intuitions that these thought-experiments elicit may be a result of the changes in the background assumptions rather than being evidence of the persistence conditions of familiar ordinary persons.

One reason to suspect that these intuitions are not evidence of the persistence conditions of persons is that typical thought-experiments about persons rely on the assumption that persons' self interest reveals which person in a thought-experiment they would be identical to. In one thought-experiment,¹³ readers are asked to consider which person they would choose to receive a monetary reward or torture at the end of a procedure that appears to somehow, depending on the description, switch the mental features of two persons. Which person one chooses to give the money to is assumed to be the person one anticipates being identical to, because typical self-interested persons would not choose to torture themselves. The problem with this assumption is that, as Derek Parfit (1971) and Eric Olson (1997) argue, which person readers would care about most¹⁴ is not necessarily the same person they would be identical to.¹⁵

The things people care about most, for example, their memories, projects, relationships, and personalities, seem to be or rely on mental features. So it is not surprising that people care most about the person at the end of a thought-experiment who would have the most psychologically in common with them. For example, the synthetic person in Baker's case would share all or many of the mental features of the original organic person.

¹³ Again by Bernard Williams (1970).

¹⁴ Derek Parfit (1971) makes a distinction between persistence and survival. He claims that what one cares about is survival rather than persistence.

¹⁵ Eric Olson (1997: 44) makes a similar criticism when he argues that intuitions like these are based on practical considerations and are not evidence of numerical identity.

So it may seem to readers that if they were in the place of the organic person, they should anticipate being robots in the future because it is robots that will continue their projects and robots who will remember being the organic persons that the readers are now.

Psychological accounts that rely on intuitions like these seem to more plausibly be accounts of what makes a person care about persons at other times in certain ways.

I.2.A. *Alternative Psychological Account: Dualism*

However, some psychological accounts of personhood avoid these thought-experiments such as, for example, the dualist account developed by E. J. Lowe.¹⁶ *Dualism* is the general view that persons and organisms are two different sorts of entities that are related in some distinctive way.¹⁷ Lowe's dualist account of personhood is that persons are simple in that they have no parts (1996: 39), and essentially have the capacity¹⁸ for certain mental features.¹⁹ He argues that there is a relation of *embodiment* between persons and bodies that is unique and distinct from all other relations including constitution and identity (Lowe 2009: 125).

Lowe's account of personhood does not rely on thought experiments with dramatically different background assumptions, because Lowe has a different approach to giving an account of personhood. Like others who argue for a psychological account, Lowe

¹⁶ See his (1996), (2001a), (2008), and (2009).

¹⁷ This sort of view is commonly associated with René Descartes (1641). Lowe offers one contemporary version of this sort of view. Richard Swinburne (1984), for example, argues for another. Here, I focus only on Lowe's view because I assume much of his ontology.

¹⁸ For example, Lowe claims that persons must have the capacity for perception not that persons must always be perceiving (1996:43).

¹⁹ Lowe is careful to point out that this does not mean, in contrast to Descartes's view, that persons cannot have physical features. Lowe only claims that physical features are not essential to persons (1996: 35). This is why Lowe does not consider his dualism to be Cartesian (2008: 95).

thinks that *person* cannot be temporarily instantiated. However, he does not think that one discovers the persistence conditions of entities, by considering thought-experiments with dramatically different background assumptions. This is because Lowe thinks that an entity's persistence conditions are in virtue of natural laws, the relationships between kinds and properties. According to Lowe, one discovers these natural laws through empirical investigation.²⁰

I have different reasons for rejecting Lowe's account of personhood. Lowe argues for his dualist view by instead considering what he thinks must be the case in order for persons to have the mental features that they do. Since Lowe and I agree that bodies do not constitute persons, I focus on his argument for why they are not identical. Lowe considers the strongest argument for his claim that persons and bodies are distinct to be what he calls the *unity argument* (2008: 96):

(1) I am the subject of all and only my own mental states.

(2) Neither my body as a whole nor any part of it could be the subject of all and only my own mental states.

(3) Conclusion: I am not identical with my body nor with any part of it.

Premise one, as he notes, seems to be self evident. So it is the second premise that is contentious. His argument for premise two is as follows. Consider my body as a whole, B, and the object that is my body as a whole minus a finger tip, the part O. Lowe takes O and B to be distinct objects.²¹ The material difference of a finger tip between B and O is irrelevant to the question of whether either is the subject of many of my mental states. Since my finger

²⁰ See Lowe's (1987) for his discussion on how one discovers natural laws through empirical investigation.

²¹ As Lowe notes, not everyone agrees with this. Peter van Inwagen (1981), for example, argues that entities such as O do not exist.

tip is not necessary for many of my mental states, B and O are both equally good candidates to be the subject of those states.²² So either both of these objects are the subject of my mental states or neither are. They cannot both be the subject of my mental states because they are distinct objects, and only one object can be the subject of all of my mental states. Thus, neither object is the subject of my mental states. Something else must be the subject of my mental states, which is me. So I am not identical to my body. Persons and bodies are distinct entities.

I.2.B. *Rejection of Lowe's Dualist Account*

I reject this argument because I think that B and O are not equally good candidates to be the subject of my mental states. I think that B and O instantiate different kinds and that the kind B instantiates makes it more suitable to be the subject of my mental states than O.

Lowe's argument is that neither my body as a whole, B, nor any part of it, O, could be the subject of all and only my own mental states. It is significant what sort of part O is because this determines whether O is a suitable candidate to be the subject of mental states. In later work, Lowe draws a useful distinction between material parts and anatomical parts. *Material parts* are the lumps or portions of material that constitute objects (Lowe 2013:132). According to Lowe, x is an *anatomical part* of y if and only if:

²² Lowe applies this same argument to the brain and its parts. My brain as a whole, that is my brain with every part, including every neuron, is as good a candidate to be the subject of many of my mental states as my brain minus a part, such as a single neuron.

- (1) x is a proper part of y at t,
- (2) x is a materially constituted object of a kind K suitable to the kind of object that y is
- (3) an exact but unattached duplicate of x would not be an object of the same kind as y. (Lowe 2013: 141-2)

Lowe gives the example of a cat, Tibbles, and its tail. The tail is an anatomical part because:

(1) it is a proper part of Tibbles, (2) it is an instance of the kind *cat's tail*, and since cats typically have tails this makes the tail an instance of a suitable kind,²³ and (3) an unattached duplicate of the tail would not be an instance of the kind *cat*. According to Lowe, X is unattached if its persistence as the kind of object it is does not depend on being connected to other kinds of objects (2013: 145).²⁴

The tail is analogous to the tip of my finger in the previous argument.²⁵ My whole body, B, is analogous to Tibbles. My whole body minus the tip of my finger, the part O, is analogous to Tibbles minus his tail, or what Lowe names “Tib.” Tib is not an anatomical part of Tibbles. Tib fails the third condition of Lowe’s definition because an unattached duplicate of Tib would be a cat. If Tib is a part of Tibbles at all, it is a material part. Tib is a part of the material that constitutes Tibbles. As such, Tib is the organic material of a cat, but is not itself a cat. However, a duplicate of Tib, that is an entity that was qualitatively identical to

²³ In other words, *cat* is a kind that is characterized by a property such as *has-tail*.

²⁴ Lowe does not indicate what it is to be connected to something. This is likely because what it is to be attached, or connected, depends on the kinds of objects involved. For example, an organic part can be attached to other organic parts, as in the case of a cat’s tail, and an organic part can also be attached to mechanical life support systems. However, an organic part could not be attached to something like a rock.

²⁵ Lowe considers the tip of a nose to be an anatomical part (2013: 140), so it seems plausible that he would also accept the tip of a finger as an anatomical part.

Tib, would be a cat.²⁶ Analogously, O, if it is a part of B at all, is a material part. If O is a material part, then it is a portion of the material that constitutes B.

Lowe might be right that the material difference of a finger tip between B and O is irrelevant to the question of which is the better candidate to be the subject of my mental states. However, there are other differences between B and O. I think the most significant one is that B and O instantiate different kinds. B is an organism and O, if it exists, is a portion of the organic material that constitutes that organism. Objects have different features than the material that constitutes them. I think that the features of organisms make them better candidates to be the subjects of mental states than organic material. One reason is that organisms persist longer than the portions of material that constitute them. This makes organisms better candidates for any mental states that occur over time. Another reason is that organic material that exists without constituting an organism is usually assumed to not be the subject of mental states. Whereas it seems natural to attribute mental states to many kinds of organisms, one would not usually think that a portion of organic material had mental features unless it constituted an organism of sufficient complexity. For example, after an organism dies, the material that once constituted it is not typically thought to have mental states.²⁷ For these reasons I think it most plausible that a human organism is the subject of all and only my mental states and that that organism is me.

²⁶ The duplicate is qualitatively identical in every way except in its relation to a tail. Tib is attached to a tail and the duplicate is not. A duplicate of Tib that was attached to a tail would be a duplicate of Tibbles.

²⁷ Duplicates of material parts, such as Tib or O, would be organisms and not portions of organic material. So duplicates of some material parts might be good candidates to be the subjects of mental states, but the material parts themselves are not.

I consider Lowe's account here, because I assume much of his ontology and I think that his approach to giving an account of personhood is more promising than the typical approach taken by those who argue for other versions of the psychological account. These other accounts usually rely on thought-experiments which are dramatically different from ordinary circumstances. I think this makes the intuitions they elicit poor evidence for the persistence conditions of persons. However, I disagree with Lowe that human organisms are not good candidates to be the subjects of the mental states of persons. In the next section, I consider accounts of personhood that take seriously the notion that human organisms have the capacity for mental features and according to which persons are identical to human organisms.

Section II Persons as Identical to Bodies

II.1.A. *Animalism*

This brings me to the third approach to explaining the relation between persons and bodies according to which persons are identical to bodies. This sort of view is often called *animalism* because it is the view that human persons are animals. Animalism is appealing for several reasons. First, as Eric Olson (1997: 95) suggests, human persons *prima facie* seem to be human organisms. Human organisms appear to do all the things that human persons do such as read, give speeches, or watch television. Second, animalism avoids positing a new relation, such as Lowe's embodiment, to explain the relation between persons and bodies. It also avoids positing something that many find implausible, namely that persons are immaterial entities.

Olson (1997, 2008) argues for perhaps the most discussed version of contemporary animalism. He thinks that *person* is only temporarily instantiated by human organisms.²⁸ He considers *person* to be analogous to concepts like *infant* or *philosopher* (1997: 25, 29).²⁹ Here, a *concept* is a way of categorizing or grouping entities according to some criteria. For example, a human organism is a *philosopher* when it has certain capacities such as the ability to teach a course in Philosophy or publish a paper in a certain journal. Many assume that a philosopher is not a distinct entity from the human organism that has these capacities.³⁰ If the human organism loses these capacities, it ceases to be a philosopher but continues to exist. Olson argues that, analogously, a human organism instantiates *person* when it has the capacity to think in a certain way, i. e. with self-consciousness (1997: 32, 35). So human persons are identical to human organisms, but those organisms are not always persons because there are times when they do not have the mental capacities of persons. For example, a human organism in a vegetative state is not a person according to Olson. On his view, *person* is just a convenient way of categorizing human organisms on the basis of certain capacities.

To make his point clear, he compares *person* to the category *locomotor*. According to Olson, if an object is a locomotor, this tells one something about what it can do but not what that something is. Likewise, Olson thinks that, given psychological criteria for persons, one can still ask “What is it? What does those things?” In contrast, Olson claims that “a human organism” is the paradigm answer to such questions (1997: 36). An entity being a human

²⁸ Kathleen Wilkes (1988) also has a version of this view.

²⁹ Following David Wiggins (1980), Olson calls these categories *phase sortals*.

³⁰ In chapter three, I argue that entities like philosophers are artifacts that are distinct from the human persons that constitute them.

organism is not the result of concepts. The same entity cannot be a human organism at one time and a different kind of thing at a different time. If an entity ceases to be a human organism, it ceases to exist, and is replaced by a different kind of entity, such as a corpse.

In contrast, something's being a locomotor is the result of it being convenient or useful for persons to group objects with the same capacity together. If an object loses the capacity for locomotion, it ceases to be a locomotor, but it is not replaced by a new kind of object. For example, a paralyzed tiger is still a tiger. Similarly, if a human organism loses the capacity for self-consciousness, it ceases to be a person, but it is not replaced by a new kind of object. Olson's view is that that *person* is just a concept used to categorize and refer to animals that have certain capacities and is not a natural kind. On his view, if it were no longer useful or convenient to categorize animals on the basis of their mental capacities, the concept *person* would cease to exist and no animal would be a person.

II.1.B. *Rejection of Olson's Account*

My account differs from Olson's in that I do not think that *person* is a concept like Olson does. I think that if an entity instantiates *person*, then it does so the entire time it exists. One reason I disagree with Olson is that I think that the capacities of an object are a result of the kinds that object instantiates while Olson suggests that an object's capacities have little to no relation to what kinds an object instantiates. This may be true of some capacities, especially considered in isolation from the other features of the object, but is not true of all capacities. If an object's capacities had nothing to do with what kinds it instantiated then it is unclear what sort of information about an object would be sufficient

to figure out what kinds it instantiated.³¹ It is true that if I know something is a locomotor, I do not know the most specific kind that object instantiates. A locomotor could be a tiger, a car, a human, or a jellyfish. However, if I know other capacities that object has, I can begin to narrow down what kind it is. For example, if I also know that the object can only survive underwater or can move at over eighty miles per hour, I have a better idea of what kind of object it is.

Some capacities are also more informative than others. For example, photosynthesis is something oak trees can do that also seems to be related to the kinds an oak tree instantiates. If an object can photosynthesize, then it is some kind of organism. At least one way it stays alive is through converting light into something that organism can use to maintain itself. It also must have various features that allow it to photosynthesize such as being constituted in part by something like chlorophyll. Oak trees are not always photosynthesizing, for example they cannot photosynthesize at night, but it is still in virtue of the kinds they instantiate that they can. Indeed, it seems essential to oak trees that they have this capacity.

Kinds determine a large part of what their instances are like. This means that most kinds are characterized by multiple features. A capacity for locomotion might be one feature of an object, but most objects, especially ordinary familiar ones, are not only characterized by a mode of a single property. The kind *person* is not analogous to categories like *locomotor*, as Olson claims, because *person* is characterized by multiple features and *locomotor* is only characterized by the capacity of *locomotion*. Persons, in addition to typically being self-conscious, can also, for example, be rational and capable of forming

³¹ This does not mean that an object instantiates kinds in virtue of its capacities, only that an object's capacities are good evidence for what kinds it instantiates.

intentions, and have various tendencies or preferences. Thus *person* is more similar to other natural kinds characterized by multiple properties, such as *human* and *organism*, whose instances do not instantiate them temporarily, than to categories such as *locomotor*.

Other concepts Olson compares *person* to, such as *philosopher*, are also characterized by multiple properties. However, *person* is still importantly different from this concept for a different reason. Concepts such as *philosopher* categorize artifactual entities. The kind *philosopher* is characterized by features that human persons must purposefully train themselves to have. In contrast, the features that characterize *person* are had by typical persons without any purposeful intervention from other persons.³² Thus it does not seem to me that being a person is analogous to being something like a philosopher. Instead, I think *person* is a natural kind that is not temporarily instantiated. The concept *person* is useful, just as the concept *human organism* is useful, and for the same reason. They both categorize together objects that are naturally of the same kind.

II.2.A. *My Account of Personhood*

Though I disagree with Olson on whether *person* is temporarily instantiated, I also disagree with those with a psychological account of personhood, because I think that persons are identical to their bodies. My account of personhood is an attempt to combine what is appealing about psychological accounts with what is appealing about animalism. My view is that *person* is a genus that has *human*, and potentially other kinds, as a species. As a result, human organisms are always persons. *Person* is characterized by a number of

³² If it is the case that persons require interaction with other persons to fully develop, as I suspect, I do not think that the persons involved need to have in mind giving each other the specific mental features that characterize *person* such as *self-consciousness* or *rationality*. Thus these features are not given purposefully.

mental capacities and as a result of instantiating person, human organisms are disposed to have these mental features.

One might think that a human organism's capacity for certain mental features can be permanently removed without destroying the organism. As discussed in the first section, when these features have been so removed, many philosophers argue that there is no longer a person related to that organism. If this is true, then not all human organisms are persons.

I think it is significant that persons need only have the capacity, or the disposition, to have certain mental features. There are common cases where human organisms lack certain mental features but are still considered persons. For example, when human organisms are deeply asleep or under anesthesia, they are still considered persons despite lacking many of the mental features of persons, such as self-consciousness, at the time. One might say that human organisms in these cases are still disposed to have mental features because they are able to eventually wake up. The important question is whether human organisms that lack mental features in more extreme cases, such as those in permanent vegetative states, are also persons. In these cases, it seems to me that such an organism is still the kind of thing that is disposed to have mental features.

In the ontology I assume, the dispositions of objects are determined by the relationship between properties and kinds. What it is for an object to have a disposition is for it to instantiate a kind that is characterized by certain properties. A result of this account of dispositions is that an object may be permanently prevented from manifesting a disposition without losing that disposition. For example, a portion of salt can be permanently prevented from dissolving in water. However, as instances of the kind *salt*,

these portions of salt still have the disposition to dissolve in water. Similarly, I think that a human organism can be prevented from manifesting a disposition for certain mental features and still be a person because the organism is an instance of a kind that is characterized by those features.

To make this point clearer, contrast the case of a human organism in a permanent vegetative state with something that could not have any mental features. For example, presumably a watermelon is a kind of thing that could not possibly have mental features. There are no circumstances under which a watermelon could have mental features. However, a human organism is a kind of thing that can have mental features. Even when particular human organisms do not have mental features, such as when they are in a permanent vegetative state, they are still the kind of thing that is disposed to have these mental features. If those dispositions are essential, as they seem to be for persons, then those dispositions cannot be removed without destroying the object that has them.

Thus, I do not think that even severe cases, such as severe brain damage or removal of the brain entirely, result in a human organism that is not a person. In the case of brain damage, if the brain stem is still able to regulate functions of the other organs, then the human organism is alive and still a person. If the brain stem³³ is damaged to the point where it cannot regulate organ function, then the tissue that constituted the organism no

³³ Olson (1997: 44-46, 140-42) argues that the brainstem is an essential part of human organisms such that if it is removed or severely damaged, the human organism ceases to exist. My account differs from Olson's in that, unlike him (1997: 132-3) I do not think that a human organism's detached head, if kept alive somehow, is a human organism.

longer does so because the organism has died. For the same reason, I do not think that a human organism can persist through the removal of its entire brain.³⁴

II.2.B. *Some Benefits of My Account*

My account of personhood has many of the benefits of what makes many psychological accounts appealing but avoids their problems. Psychological accounts are appealing to many because they explain the apparent significance of certain mental features and they rely on the common assumption that objects do not temporarily instantiate *person*. Like psychological accounts, mine also assumes that objects do not temporarily instantiate *person*. My account also explains the apparent significance of mental features for persons. They are the features that characterize the kind *person*. On the four-category ontology I assume, the features that characterize person determine what persons can be like including their persistence conditions.

My account also has the added benefit of explaining why human organisms that lack mental features still deserve moral considerations reserved for persons.³⁵ Any cases about human organisms are also about persons regardless of their mental features. Cases that include, for example, coma patients, extreme dementia, brain damage, and young infants, though very different, are all cases of persons according to my account. According to other accounts, these cases are not necessarily about persons and so require further explanation.

³⁴ Some, such as Derek Parfit (2012) argue that a human person is the thinking part, i. e. the brain, of a human organism such that if that part persisted without the organism, for example in a sophisticated vat, that person that was once a part of a human organism would persist in the vat. I think that the fact that the brain must be the thinking part of an entity reveals that brains are not the right kind of thing to be a person.

³⁵ Thanks go to M. Oreste Fiocco for making this point clear to me.

II.2.C. A Potential Problem with Taxonomy

Some might see a problem with my account that *person* is a natural kind with *human*, and possibly others, as a species. My account violates the assumption that natural kinds do not cross classify. In other words, a species, such as human, cannot be an instance of two more general genera, unless one of them is subordinate to the other.³⁶ For example, a tiger is an instance of the kinds *mammal* and *vertebrate*, and *mammal* is subordinate to *vertebrate* because all mammals are vertebrates but not all vertebrates are mammals.

The potential problem is that, according to my account, human persons are organisms that are instances of both *mammal* and *person* and neither *mammal* nor *person* is subordinate to the other. There are mammals that are not persons and there could be persons that are not mammals. Lowe sees this as a serious problem because, according to him, the kinds an object instantiates determine the natural laws their instances obey (Lowe 2001b: 12). Remember that, for Lowe, natural laws are the relationships between the universals kinds and properties. Thus, the kinds an object instantiates largely determine what that object is like and how that object behaves. If *person* cross classifies with several different species, then it seems as though it does not sufficiently contribute to what its instances are like to be considered a natural kind. For example, if there were both human and lizard persons, then their features would be determined by the kinds *human* and *lizard* respectively. These persons would have different, perhaps incompatible, features, and

³⁶ In other words, if kind A is subordinate to both of two more general kinds B and C, then either B is subordinate to C, or C is subordinate to B. Kind X is subordinate to kind Y if all the instances of X are necessarily instances of Y. This articulation of the problem is taken from Eric Olson (2006).

behave differently according to different natural laws, such that it would not be plausible to say they were instances of the same kind.³⁷

My solution is to reject this assumption about taxonomy as it applies to *person*. I think this solution is viable for two reasons. First, persons seem like a unique sort of thing in what they are like, specifically their self-consciousness, so it is reasonable to think that they are an exception in other ways. Other accounts make *person* an exception in other ways but for similar reasons. Baker (2003), for example, posits persons as a new kind of thing on the basis of their self-consciousness and Lowe posits a unique relation of embodiment between persons and their bodies also on the basis of the mental features of persons. My view has the same cost as these psychological accounts, i. e. taking persons to be an exception in some way on the basis of their mental features, but, as I explain above, offers benefits that they do not. So this solution at least does not put my account at a disadvantage against the psychological accounts.

The second reason I think it is viable to reject this assumption about taxonomy as it applies to *person* is that *person* is characterized by mental and not physical features. I think this convention best applies to kinds that are characterized by physical features. For example, the reason neither *mammal* nor *reptile* is subordinate to the other is because some of their essential features are incompatible. *Mammal* is characterized by the feature *being-warm-blooded*, and *reptile* is characterized by the feature *being-cold-blooded*. Similar to how one object cannot be both red all over and blue all over at the same time, an object cannot be both warm and cold blooded at the same time. Thus there could not be an object that instantiated both *mammal* and *reptile*, and neither kind can be subordinate to the

³⁷ This is also one reason Lowe gives for why persons cannot be constituted by their bodies (Lowe 1996:35), and (2009)).

other. In contrast, the features that characterize *person* are mental and it seems likely that mental features can characterize many different kinds. For example, it seems likely that both birds and mammals can have mental states of some sort, such as pain.

There is nothing about *self-consciousness* that makes it incompatible with, for example, *being-warm-blooded* or *being-cold-blooded*. So there is no obvious reason why *reptile* and *mammal* could not have self-conscious instances. However, this does not mean that *person* could have any kind as a species. As I discussed, a watermelon is not a kind of object that could have mental states. The kind *watermelon* is characterized by other properties that do seem incompatible with having mental features. For example, watermelons have nothing like a nervous system, which empirical investigation suggests is part necessary for mental states. Evidence like this strongly suggests that *watermelon* is not characterized by the same properties *person* and *human* are. In next and final section, I give a brief account of what I think these properties are.

Section III Natural Features of Human Organisms and Human Persons

In this final section, I give my rough account of the features that characterize *human* and *person*. Though human persons typically have significant artifactual features, they are natural objects. This is because they are not the result of some non-divine person aiming to make a human person by giving it certain features. Human persons can be accidentally created. Artifacts can only be created by having an appropriate aim in mind.³⁸ Adult human persons can, of course, aim to have a child. However, they can fulfill this aim without aiming

³⁸ A more detailed account of artifacts is given in the next chapter.

to give that child particular features. For example, parents do not give their children features, such as number of fingers, in the way they would when creating a doll.³⁹ Instead, the features human infants are born with are the result of the natural kinds they instantiate.⁴⁰ These features include essential features, perhaps such as *being-warm-blooded*, but also inessential features such as a particular nose shape. Though the shape of a human nose can be artifactual as the result of surgery, the shape of the nose a human person is born with is a natural feature.

Natural features like these, both essential and inessential, restrict what artifactual features can be given to a particular human person and thus what artifactual personages that person can constitute. The essential features of human persons restrict what artifactual features can be given to them in general. For example, no human person can be constituted by granite. The kind *human* restricts the kinds of material individual human organisms can be constituted by. So artifactual personages constituted by human persons also cannot be constituted by granite. The inessential natural features may further restrict the artifactual personages a human person can constitute. For example, physical strength varies widely between individual human persons and restricts the artifactual personages each human person can constitute. For example, a person with very little physical strength may not be able to be a firefighter.

³⁹ Even in atypical cases of reproduction, such as in vitro fertilization or surrogacy, creating a human person relies on natural processes. These processes can be initiated by persons with certain aims in mind, but they do not depend on these aims to be successful.

⁴⁰ There could be cases in which a human organism is born with some features that are neither natural nor artifactual. For example, if a child were born with birth defects as the result of the parents being exposed to an artifactual chemical these defects may be neither artifactual in my sense nor natural. I discuss such features in chapter three.

III.1. *Physical Features of Human Organisms*⁴¹

The majority of philosophers agree that to be human is to be a certain sort of organism. Assuming a four-category ontology,⁴² I think that human organisms are natural objects that instantiate the kind *human*. As organisms, they are essentially constituted by organic material such as flesh, bones, blood, organs, and hormones. Typical human organisms have senses of sight, touch, taste, sound, and smell and are bipedal. They also have various talents, preferences, and tendencies. It is outside of their control which of these features human persons are born with, however many of these features may be changed later. For example, humans cannot control which organs they are born with, but later they may have surgery to remove an organ.

III.2. *Mental Features of Human Persons*

Though there is disagreement on which mental features characterize persons and how best to account for them, it seems relatively uncontroversial that human persons typically have certain capacities. They can consider themselves and their features, as someone might do when, for example, choosing a hairstyle. Human persons can also make plans, as someone might do when deciding to go to class. Moreover, they can cooperate with others, as builders do when constructing a house.

I think that human persons can do these things because they have certain mental features. The kind *person* is characterized by certain properties in virtue of which

⁴¹ This section is not meant to be an exhaustive list of the physical features of human organisms. Instead, my aim is to provide examples of what sort of features I have in mind. In general, these are the features that a biologist might be concerned with in studying human organisms.

⁴² As explained in the first chapter.

particular persons are disposed to have these sorts of mental states. Here, I give a rough account of what I think these features are. I focus specifically on intentions, because the notion of intention plays a large role in later chapters, and self-consciousness, because many accounts of personhood take this mental feature to be necessary for something to be a person.

To begin, a typical person is conscious.⁴³ As Ned Block (2002) argues, there are a number of different phenomena that are often conflated under the same concept of *consciousness*. Block offers a useful distinction between what he calls *phenomenal consciousness* and *access consciousness*. Phenomenal consciousness is experiential. A state is phenomenally conscious if there is something it is like⁴⁴ to be in that state (Block 2002: 206). The paradigm phenomenally conscious states are sensations, such as pain (Block 2002: 209).⁴⁵ In contrast, the paradigm access conscious states are what are often called “propositional attitudes” that are states such as thoughts, beliefs, and desires. Access conscious states are so named because they are in some sense accessible to the entity that has them in that the entity can report having the states and use them in deliberation.

Block argues that these different sorts of consciousness may often be conflated because they usually occur together. For example, there is something that it is like to desire to eat a cupcake. Block offers a detailed account of the ways phenomenal and access consciousness differ from one another and interact, the details of which are not important here. What is important here is the observation that one feature of at least some conscious

⁴³ Following those such as Franz Brentano (1874), Edmund Husserl (1900), and John Searle (1998), I take consciousness and its being about something, its intentionality, to be irreducible.

⁴⁴ Following Thomas Nagel (1974).

⁴⁵ Phenomenal consciousness is most important in my fourth chapter concerning the phenomenology of that results from constituting a gender.

entities, including persons, is that they can be access consciousness. A person can have mental states that are about other entities in the world and that can be used in that person's deliberation.

I think that intentions are one such mental state. I assume that intentions are distinct from beliefs and desires because it seems as though one can have beliefs and desires without intentions and vice versa. One can desire something without intending to fulfill that desire and one can believe that one is doing something or will do something without intending to do so. For example, I can desire to eat a cupcake and not intend to eat it. I can also believe that I will eat a cupcake, perhaps because I know myself to be unable to resist cupcakes, or believe I am eating a cupcake without intending to do so. Though intentions may require beliefs and desires, they are a distinct sort of mental state because they have a unique relation to a person's actions. Intentions are the mental states a person must have in order act purposefully or with some aim in mind. In later chapters, I use the notion of intentions primarily to distinguish between features persons create purposefully, or with the aim of making those very features, from features persons create accidentally or with no aim in mind.⁴⁶ I wish to capture the difference between what is happening in situations where people carefully make footprints in clay in order to frame them and situations where people make footprints as they walk somewhere that happens to be muddy.

I think that intentions require some sort of *self-consciousness*. For example, my intention to eat a cupcake is about a cupcake, but it is also about me.⁴⁷ A typical person is

⁴⁶ I say more about this in the next chapter as part of the account of artifacts and artifactual features I assume.

⁴⁷ E. J. Lowe (1996: 149) says something similar about what he calls "acts of will."

also self-conscious.⁴⁸ Self-conscious persons can have mental states about their own mental states and mental states about being a thing that has mental states. For example, a typical dog can have the mental state of feeling hungry. A typical person can also have the mental state of feeling hungry, but that person can also have mental states about feeling hungry that the dog presumably cannot have. A typical person can be surprised at feeling hungry or think that it is too early to feel hungry. A dog only feels hungry without any mental states about feeling hungry or about being the thing that is hungry. A typical human person is both conscious and is conscious of being so.

Conclusion

In this chapter, I considered accounts of personhood that tell one what persons are and what they are like. Such an account is necessary for my larger project of explaining how human persons give themselves and each other artifactual features that make them constitute a special sort of artifact. This chapter focused on the material these artifacts are made of, i. e. human persons. What this material is and what it is like determines many of the possible features of these artifacts.

According to psychological accounts of personhood, persons are distinct entities from bodies in virtue of certain mental features. Different versions of psychological accounts explain the relation between these entities in different ways resulting in different accounts of what persons are and can be like. For example, according to Baker, persons are constituted by bodies and can persist through changes in the kinds of bodies that constitute them. However, I reject psychological accounts in part because they rely on

⁴⁸ I leave open whether self-consciousness is some form of phenomenal or access consciousness or some other sort of consciousness.

thought-experiments that are too far removed from ordinary circumstances to provide good evidence.

Instead, I prefer accounts of personhood according to which persons are identical to bodies. This sort of account relies on ordinary familiar experience of human persons rather than extraordinary thought-experiments. However, I reject the version of animalism argued for by Olson. According to Olson, an object's capacities have little to do with what that object is. The concept *person* is the result of it being useful to categorize together entities with the same mental capacities, but this does not tell one what kind of thing has these capacities. In contrast, I think that an object's capacities are a significant aspect of what it is and that the capacities of persons indicate that *person* is a natural kind.

To reiterate, my account of personhood is that human persons are identical to human organisms, that they instantiate the kinds *human* and *person*, and that *human* is a species of *person*. All human organisms are also persons, they instantiate the kind *person*, and as such they all essentially have the disposition for the mental features of persons, including *self-consciousness* and the capacity to have *intentions*. This account, as a version of animalism, avoids the problems of many psychological accounts, while still maintaining that objects do not instantiate *person* temporarily. It also provides the basis for my account of human persons' artifactual features. In the next chapter, I consider the ways human persons give themselves and each other artifactual features, in addition to their natural features, and make themselves constitute artifacts.

CHAPTER 3

Artifacts and Artifactual Personages

Introduction

In the previous chapter, I gave my reasons for thinking that human persons are identical to human organisms. These organisms are born with various mental and physical natural features. Within restrictions given by these features, human persons can also affect what they are like in significant ways. One way they do this is by giving themselves and each other a variety of artifactual features. As I explained in the introductory chapter, *artifactual features* are features of an entity that are the result of at least one person's actions that are aimed at creating those very features. In this chapter, I argue that sometimes giving human persons artifactual features results in them constituting an artifact that I call an *artifactual personage*.¹ Artifactual personages are artifacts that an individual² person can come to constitute later in life, such as a soldier or a philosopher, but also artifacts that persons are often assumed to constitute from birth such as a girl.

Though artifacts are sometimes used as an analogy to talk about persons,³ this analogy is rarely taken literally.⁴ In this chapter, I attempt to make plausible the claim that

¹ Thanks go to M. Oreste Fiocco for suggesting this term.

² I say an "individual person" to exclude cases in which multiple persons might be thought to constitute one artifact. For example, two persons positioned to function as a table. I leave open whether such cases are cases of artifacts, but they are not what I currently have in mind.

³ For example, E. J. Lowe (1996: 50-51) explicitly uses the example of a statue and the clay it is made out of as an analogy for what a person is like in social contexts.

⁴ One exception is Sally Haslanger when she explicitly says that human beings are, in some unspecified sense, a special kind of artifact (2012: 88).

persons can literally constitute artifacts. This chapter is divided into two sections. The first section is about familiar artifacts, such as chairs or statues. I explain what I think such artifacts are and how they are different from natural objects. Roughly, I think that artifacts exist as a result of at least one person's aims and natural objects do not. In the second section, I explain why I think that human persons can constitute artifacts. First, there are familiar examples of artifactual features given to persons, by themselves or others. Second, if creating an artifact is a matter of giving an entity artifactual features with certain aims, then those features can be given to human persons and those persons can constitute artifacts.

Section I Familiar Everyday Artifacts

I.1. *What Artifacts Are*

Familiar everyday concrete artifacts are objects such as statues, chairs, and computers.⁵ Artifacts are a distinct sort of entity from natural objects in virtue of how they come to exist.⁶ Roughly, artifacts exist as a result of persons' needs and interests while natural objects do not. A natural object comes to exist independently of a person aiming to give it certain features. For example, tigers exist without a person giving features to organic

⁵ There may be other sorts of artifacts that are not concrete. For example, a language is probably an artifact. I choose to focus on concrete artifacts at this point because I think that they provide the most straightforward examples.

⁶ E. J. Lowe (2009: 5) suggests another way to distinguish between natural kinds and artifactual kinds that is, I believe, consistent with the account I assume and is potentially useful for understanding the distinction. His suggestion is that the instances of natural kinds are the subjects of natural laws such as the one expressed by "Water dissolves salt." Artifacts are, of course, *subject to* natural laws. However, artifacts are not the *subject of* natural laws. For example, there is no law that is expressed by "Boats float on water." Something being a boat is not what determines that it will float on water.

material with the aim of creating a tiger. In contrast, an *artifact*⁷ is an entity that can only exist as a result of at least one person aiming to create an instance of a kind⁸ by successfully giving that entity certain artifactual features. For example, a wooden chair exists as a result of at least one person giving pieces of wood features such as shape, color, and organization among those pieces with the aim of creating a chair that has those very features.⁹

I define “artifact” in this way partly in order to distinguish artifacts from both entities that have artifactual features but are not artifacts as well as other sorts of entities that exist as a result of creating artifacts. First, only artifacts exist as a result of being given artifactual features. Other sorts of entities can be given artifactual features, but they do not exist as a result of being given those features. For example, a person can purposefully train a tiger to perform a certain behavior. That behavior would be an artifactual feature of the tiger, but the tiger does not exist as a result of being so trained.¹⁰ Second, as others have pointed out,¹¹ creating an artifact by giving it artifactual features often results in various byproducts, such as the wood shavings that result from someone carving wood to create a chair.¹² The wood shavings exist as a result of a person giving something artifactual

⁷ This definition is adapted from part of Helena Siipi’s account of artifacts (2003: 413). However, I reject the part of her definition that includes a requirement that the features given to the artifact must lead it to have a new function, because, for reason I give shortly, I do not think that all artifacts must have a function.

⁸ In the last part of this section, I give my reasons for thinking that creating an artifact requires an intention to create an instance of a kind, rather than, for example, an intention to create something that serves a certain function.

⁹ Siipi also suggests that persons are able to create artifacts by giving features to the material that they intend to make those artifacts out of (2003: 418).

¹⁰ However, if several features were given to a tiger with the intention of creating an instance of a certain kind, such as *circus-tiger*, then that tiger could be made to constitute an artifact.

¹¹ Such as Risto Hilpinen (1993: 2).

¹² If byproducts such as wood shavings seem like they might be artifacts because features like their size and shape are the result of the actions of a person, consider something like the wood dust that results from someone sanding a wooden artifact.

features. However, that something is the chair that the person aims to create and not the wood shavings. The chair is an artifact, and the wood shavings are not.

Byproducts like wood shavings are plausibly neither artifacts nor natural objects. They are different from natural objects in that they only exist as the result of at least one person's actions aimed at creating an artifact. However, they are also different from artifacts in that they do not have artifactual features. The features they have as a result of someone's actions are not features that someone aimed to create. One might want to say that these features are neither natural nor artifactual but are instead "non-artifactual" as Siipi does (2003: 420). Siipi argues for additional distinctions between the artifactual and the non-artifactual and between the natural and the unnatural. She thinks that recognizing these distinctions allows one to better describe cases considered in debates over ethical issues concerning human persons' impact on the environment.¹³ For example, some of the features of an accidentally polluted forest are neither natural nor artifactual. In such cases, Siipi argues that it is important to recognize the difference between actions that have the accidental consequences of giving the environment features and actions that are performed with the aim to create such features.

As this discussion shows, my distinction between the artifactual and the natural is not exhaustive, though it is mutually exclusive. A feature or object cannot be both artifactual and natural, but it may be neither. However, a natural object may have artifactual features and vice versa. The key distinction between objects that I wish to highlight here is between those objects that exist as a result of persons' aiming to create them and those that do not.

¹³ See her (2008) for a detailed discussion of these possible further distinctions.

I.2.A. What it is to Aim to Create Artifacts and Artifactual Features

Artifacts and artifactual features both exist as a result of at least one person's actions aimed at creating them. As I discussed in the previous chapter, persons are a kind of entity that are disposed to have certain mental features including intentions. Individual persons can aim to create something artifactual by successfully performing actions with the intention to create an artifact or feature. Intentions are a type of access conscious mental state which means that persons with intentions can report having them and can use them in deliberation.

I.2.B. Groups Creating Artifacts

A significant feature of human persons is that they live together in various sorts of groups such as teams, families, and clubs. By a *group* of persons I have in mind something with at least two persons¹⁴ as members who are given features and organized, or related to one another, in such a way that they constitute something new.¹⁵ Similar to how material can be given features and organized in ways to create a new object, individual persons can organize themselves and give themselves features that result in a new kind of entity. Not all collections of persons are like this. For example, if five persons happen to stand next to each other, they do not create a new entity.

I think that some sorts of groups are distinct entities from their members because the features of the group are not identical to the features of the members. For example, a team can be competitive even if none of the individual members of that team are

¹⁴ Thus a married couple or parents could be a group in my sense.

¹⁵ These groups may be natural or artifactual.

competitive alone. Each player may not perform well except as a part of a particular group. Groups of persons can also persist through changes in their members. For example, a baseball team can persist through removing and adding team members including the exchange of members with other teams. Groups also seem to come in different kinds. For example, baseball teams and marching bands are different kinds of groups. Their parts, or members, have different features as a result of being members of those groups and are organized in different ways in that they perform different actions and are positioned at different locations in relation to each other during a game or performance.

Often, groups of persons can accomplish things that persons are not able to do individually. For example, an individual person cannot construct a skyscraper but a construction crew can. As this example shows, one thing groups of persons can do is create artifacts. If artifacts exist as a result of intentions, and groups can create artifacts, groups must have intentions in some way. However, it is controversial what the intentions of groups are and how groups have intentions.

Some¹⁶ argue that claims about group intentions are actually claims that the majority of members of these groups have the appropriate mental states. On this sort of view, what it is for a group to intend something is just for a majority of its members to have the appropriate intentions, perhaps combined with meeting some version of a condition that the members be aware of each other's intentions. In many cases, such as in the above skyscraper example, a group can only accomplish the intended task if at least some of its members each has an intention to help build a skyscraper.

¹⁶ Such as Michael Bratman (1999).

Others, most notably Margaret Gilbert (1999 and elsewhere), argue that group intentions are a distinct sort of intention from those of individual persons. Many philosophers reject this view because intentions are typically assumed to be features of individuals with minds. If group intentions are distinct from the intentions of individuals, then it is unclear what entity they are features of. However, Gilbert and Daniel Pilchman (2014) argue that given that groups are different sorts of entities from individual persons, there is no reason that the features of groups should be just like the features of individuals. I prefer this account of group intention, though I do not argue for it here as nothing I say relies on a particular account of group intention.

For my purposes, intentions of both individual persons and groups are dispositions. Persons are disposed to have intentions and when a person has a particular intention that person behaves in certain ways. Groups, because they are constituted by persons,¹⁷ are also disposed to have intentions, and when a group has a particular intention that group behaves in certain ways.¹⁸ Though both groups and persons are disposed to have intentions, these dispositions can be different. For example, there is no reason to think that groups have experience. So there is no reason to think that there is something it is like for a group to have an intention that the group experiences, even though there is something it is like for a person to have an intention and be a member of that group.

¹⁷ I leave open whether or not the dispositions of groups are distinct from the dispositions of its members.

¹⁸ Deborah Tollefsen (2015) also argues that the mental states of groups, such as their beliefs, are some sort of disposition. However, Tollefsen and I assume different accounts of dispositions. Tollefsen, following Lynne Baker (1995: 54-63), assumes an account of dispositions that is in terms of counterfactuals.

I.3. *What Determines the Artifactual Kinds an Artifact Instantiates*

As with organisms, artifacts of the same kind often have significantly different features. For example, there are bean bag chairs, chairs shaped like hands, chairs hanging from the ceiling, dining chairs, etc. The only feature that all and only chairs have in common is that they are the result of intentions to create instances of the artifactual kind *chair*.

Artifactual kinds are kinds that exist as a result of persons creating artifacts. Typically, when persons create artifacts they are either trying to replicate an instance of an artifactual kind that already exists, or they are trying to invent a new artifactual kind that others could replicate. For example, if I am creating a chair, I am in part trying to create the same kind of entity that one sits on in the dining room or in the cafeteria. The function of a factory is plausibly to create many instances of the same kind of entity, something with the exactly similar features organized in the same way.

A common view¹⁹ is that artifacts have similar features and are instances of the same kind because they serve, or are intended to serve, the same function. For example, according to this sort of view, what makes two artifacts both be knives is that the function of both is to cut something. There are many different notions of “function.” The notion of “function” often assumed in this sort of view has to do with what the artifact can be used to do, such as cutting things in the case of a knife or providing aesthetic value in the case of a painting. For example, Daniel Dennet claims that it is how an artifact is used by persons that determines its function (1990: 186). It may be that for some kinds of artifacts, especially more simple ones, some sort of function in this sense is an essential feature.²⁰

¹⁹ For example, Ruth Garrett Milikan (1999) and Daniel C. Dennet (1990) argue for versions of this view.

²⁰ Thanks go to Casey Hall for this point.

However, there are reasons to think that this sort of account is not adequate for all artifacts.²¹ First, artifacts can be broken or poorly made so that they do not function and yet still seem to be artifacts. A computer may be broken in various ways so that it does not serve any function. However, such an object still seems to clearly be an artifact of a certain kind. It exists as a result of at least one person aiming to create something by giving it certain features. So actually being able to serve a function does not seem necessary for something to be an instance of an artifactual kind.

Second, it is possible to create an artifact with the aim that it never be used. A knife could be made for display only, but it is still plausibly a knife. Such an artifact could be indistinguishable from a typical knife. There are also pieces of art that seem to have no intended function. For example, a practice painting seems to be an artifact that has no actual or intended function once the painting is finished. However, practice paintings are plausibly still artifacts.²²

There is another way in which an artifact may have a function. Since an artifact is made by at least one person that aims to make it, that person likely has a reason for making that specific kind of artifact. If the person is successful, then the artifact will satisfy that reason. For example, if I want to practice painting, then successfully creating a practice

²¹ The reasons I provide here are adapted from those Paul Bloom (1995: 2-6) gives. Bloom makes a compelling case that our concepts of artifacts do not always include a notion of function. I am not concerned with concepts here, but I assume that one can make ontological claims about artifacts that are analogous to Bloom's claims about concepts. For example, he says that our artifact concepts can be about broken artifacts and I think that objects are still artifacts even if they are broken. Amie Thomasson (2003: 594) makes a similar assumption in her adaptation of Bloom's claims.

²² One might think that a practice painting is a byproduct of a person's actions and not an artifact, as wood chips are byproducts of carving a statue. One could paint just for the experience of painting, as one could whittle without intending to create anything. That sort of case could result in a byproduct that looked like a painting or statue, but was not an artifact. However, there are cases of creating a practice painting that do seem to require an intention and thus result in artifacts. For example, in order to practice painting apples, one needs an intention to paint apples. In this case, the resulting painting is an artifact, however, it has no obvious function.

painting will satisfy my desire. One might say that the practice painting's function is to satisfy that desire, or to provide an opportunity for practice. According to this notion of function, an artifact's function might be to satisfy its creator's aims. Since an artifact exists as the result of at least one person's aims, then every artifact might have such a function. However if this is the case, then it is not how an artifact is used that determines the kinds it instantiates but rather the aims of the person that creates that artifact.

Some, such as Amie Thomasson (2003 and 2007: 59), argue that an artifact instantiates an artifactual kind in virtue of at least one person intending to make an instance of that kind. This intention must be paired with a largely successful attempt to give the artifact many of the features that are associated with the intended kind. These features might include ones related to use but could also include features of other sorts such as aesthetic or historical features. No particular combination of these features must be successfully given to the object in order for it to instantiate a kind. Instead, what determines the kind an artifact instantiates is that its artifactual features come about as a result of at least one person's intention to create an instance of a certain kind.²³ So objects can be broken or not intended for use and still be artifacts.

Interestingly, as Thomasson notes (2007: 63), a consequence of this account of artifacts is that a typical person who successfully creates an artifact cannot be mistaken about which kinds that artifact instantiates. Recall that persons are a kind of thing that are disposed to have access conscious mental states and that intentions are one such mental

²³ This does not mean that artifacts depend on these intentions in order to persist. Once an artifact exists, it does not depend on any intentions for its persistence. Thus, unlike some, such as David Oderberg (2007: 167), I do not think that if all persons ceased to exist, artifacts would also cease to exist.

state.²⁴ This means that intentions are a mental state of persons that are accessible to those persons, i. e. persons can report having intentions and use them in deliberation. Persons are aware of what their intentions are about and of what the world would need to be like in order for their intentions to be successful. For example, if my intention is to create a hammer, then my intention is successful if I actually create a hammer. If I am successful, then I cannot be mistaken about what kind of artifact I created, because being aware of the kind of artifact I was creating was required in order to create it.

However, this does not mean that persons are infallible about everything having to do with artifacts and their creation. There could still be persons who are mistaken about whether their aims to create an artifact are successful. One could be mistaken about which artifactual features one successfully gave to an object. For example, one may think one has sharpened the blade of a knife when really one has dulled it. One could also be mistaken about the features that characterize a specific kind. For example, someone could aim to carve a computer out of wood.²⁵ Such a person could be mistaken about the properties that characterize the kind *computer* or *wood*.

Though persons can be mistaken in these ways, their ability to create artifacts of specific kinds as a result of their intentions tells one something important about one way human persons can affect what they are like. If persons cannot be mistaken about the kinds of artifacts they successfully create, then they also cannot be mistaken about the kinds of artifactual personages they create.²⁶ At least in the straightforward cases considered in this

²⁴ I discuss this in chapter two.

²⁵ Thanks go to M. Oreste Fiocco for this example.

²⁶ I think this is true for the straightforward cases I consider in this chapter. In the next, I will consider more complex cases in which this may not be true.

chapter, when persons successfully make someone into a soldier, they typically are not mistaken about what sort of person they have made.

Section II Human Persons Constituting Artifacts

II.1. *Artifactual Features of Human Persons*

Since the most common examples of artifacts are of objects like chairs or statues, it may seem implausible that human persons could be in any way like the material that constitutes these familiar artifacts. Human persons are far more complex than the clay that constitutes a statue, they have more parts, and have significantly different features and capacities. Their capacity for consciousness may seem especially unsuitable to also being material that constitutes an artifact. Due to these sorts of considerations, human persons may not immediately seem like the kind of entity that can constitute an artifact.

To see how human persons might constitute artifacts, consider some of the artifactual features that a human person can be given by themselves or others. Some of these features are physical, such as: piercings, tattoos, the size of bound feet, or the results of plastic surgery. Other artifactual features that can be given to human persons are mental. For example, a person can be given certain beliefs, such as beliefs required to perform a particular job. While human persons have some tendencies and preferences naturally, these can also be altered, removed, or additional ones can be given. For example, acquired tastes, such as a liking for beer, can be intentionally developed. A tendency to wake up in the afternoon can be intentionally replaced with a tendency to wake at dawn.

II.2. *Creating Artifactual Personages*

Remember that creating an artifact is a matter of at least one person giving an entity artifactual features according to the properties that characterize the artifactual kind the entity is intended to instantiate. If this is all there is to creating an artifact, then there is no reason to think that humans cannot constitute artifacts. Human persons, like other objects, can be made to constitute artifacts by giving them features with the intention to create an instance of an artifactual kind. Just as familiar artifacts can be created by one person in isolation or by groups of persons, artifactual personages can be created by individual persons or groups of persons. The simplest case of creating an artifactual personage is likely of a person in isolation giving themselves artifactual features with the aim of making themselves constitute an instance of an artifactual kind. For example, one might practice spear throwing to give oneself the required strength, coordination, and experience, to be a spear fisher. This case is highly similar to a person in isolation creating another kind of artifact, such as a spear. In both cases, a person gives an entity artifactual features with the intent of creating a specific kind of artifact. The key difference is that in the case of creating an artifactual personage, the entity being given artifactual features is identical to the person giving the features.

The artifactual personages that persons can make themselves constitute in isolation are not the ones I am currently interested in. I am interested in artifactual personages that are constituted by persons that live with other persons and are often created by groups of persons. These cases are both more common, since human persons typically live in groups, and more complicated, since there are multiple persons and groups involved. It also seems

as though some kinds of artifactual personages can only exist as a result of groups of persons aiming to create them.

For example, *soldier* is an example of a kind of artifactual personage that is created by groups of persons. Training someone to be a soldier is a matter of giving that person certain mental and physical features. *Soldier* might be characterized by properties such as: *strong*, *brave*, and *obedient*. Not only does training a person to be a soldier typically involve multiple persons, a soldier must be related in specific ways to other persons and groups. For example, soldiers obey commands from superior officers, and they are members of armies. Persons in isolation could give themselves many of the features that characterize *soldier*. One could make oneself strong, brave, and ready to obey an order if one ever came. However, one could not make oneself into a soldier in isolation because certain required relations would be missing.

Conclusion

This chapter introduced the account of artifacts I assume as part of my account of artifactual personages. Ordinary familiar artifacts, such as chairs, are the result of at least one person giving artifactual features to an entity with the aim of creating an instance of a specific artifactual kind. I discussed what it is for an individual person and a group to aim or intend to create something in terms of dispositions. I also gave my reasons for thinking that these intentions determine the artifactual kind an artifact instantiates. One important consequence of this account, is that a person who successfully creates an artifact cannot be mistaken about what kind of artifact it is.

This chapter focused on cases of creating both familiar ordinary artifacts and straightforward cases of creating artifactual personages. I think that these cases are straightforward because they involve either persons giving themselves artifactual features in isolation, as they would to create any familiar artifact, or persons explicitly cooperating to create a certain sort of artifact, such as a soldier. In these cases, the intentions involved do not conflict with one another, everyone agrees to create a soldier, nor are they based on mistaken assumptions. In the straightforward case, all persons involved in creating a soldier, for example, correctly take themselves to be making a person who did not begin as a soldier into a soldier. In the next chapter, I apply my account of artifactual personages to the more complicated case of creating *gender*. In most cases of creating instances of *gender*, the intentions involved are often based on the mistaken assumption human persons are born with a gender. I also consider cases in which persons disagree on which gender a person should constitute and have conflicting intentions.

CHAPTER 4

Applications to Gender

Introduction

In this chapter, I begin to apply my account of artifactual personages to *gender*. I consider two ways in which creating instances of *gender* is more complicated than the more straightforward cases I consider in the third chapter. While there are undoubtedly many more ways in which *gender* is a complicated case, my aim is not to consider every possible complication in order to give a complete account of gender. Instead, my aim is only to begin such an account and show how my account of artifactual personages applies to more complicated cases such as *gender*.

In the first section, I describe two general approaches to giving accounts of *gender*. In the second section, I explain my own account of *gender* as a kind of artifactual personage. Finally, in the third section, I explain how my account addresses two ways in which creating instances of *gender* deviates from the straightforward cases I considered in the third chapter. First, I consider that a person's gender is most commonly a result of intentions based on the mistaken assumption that *gender* is natural. Second, I consider cases in which intentions to make an individual constitute a gender conflict. These sorts of cases can occur when creating other kinds of artifacts, and I think that considering how other artifacts are created can illuminate what happens in cases of creating genders. However, I focus on *gender* here, because a person's gender is considered by many to be one of the most

significant features of that person and, as I discuss in the concluding chapter, *gender* has broad and important social consequences.

Section I What is Gender?

I.1. *Sex versus Gender*

Feminist theorists and philosophers have been debating what gender is for a while. Linda Alcoff (2006: 133-176) provides a good summary of two major positions in the debate. Alcoff presents both positions as reactions to Gayle Rubin's (1975) distinction between *sex* and *gender*. Roughly, a person's sex is determined by the biological reproductive features that person has, including that person's reproductive organs and secondary sex characteristics, such as breasts or facial hair, and the chromosomes these result from. Rubin assumes that human persons naturally come in at least two types, male and female.¹

She argues that the differences between humans of different sexes are not sufficient to explain the variety of social differences between them such as their behavior and treatment of others.² For example, differences in reproductive organs or chromosomes do not seem sufficient to explain why female persons are on average paid less in the United States than male persons. Sex differences are also insufficient to explain the variety of

¹ I use "male" and "female" when referring to a person's sex, in Rubin's sense, and "man" and "woman," or "boy" and "girl," when referring to a person's gender.

² This argument has been subsequently supported by various empirical investigations. Anne Fausto-Sterling (1992 and 2000b) provides a broad summary of common attempts to explain social differences between men and women in terms of differences between males and females. She argues, for example, that science has been unable to prove that differences, in features such as the chromosomes, hormones, or brains, of males and females explain differences in behaviors such as aggression or adeptness at math.

differences between the behavior and treatment of males and females in different times and locations. If differences in sex did largely explain, for example, how male humans treat female humans, then one would expect this treatment to be generally the same whenever and where ever there were humans of both sexes. However, how male humans treat female humans is vastly different at different times and places.

For this reason, Rubin suggests a distinction between a person's sex and that person's gender. Rubin's notion of gender is sometimes described as the social significance given to sex. The point of Rubin's distinction is that it seems as though human persons come with certain natural biological features that are associated with a variety of complex behaviors and beliefs that are not explicable only in terms of those natural features. She argues that, instead, these behaviors and beliefs are explicable as something human persons are doing. As a result of this argument, when giving an account of gender many theorists now begin with the assumption that gender is something artifactual. Though something being artifactual means different things to different theorists, most agree that it is in some way dependent on the practices and beliefs of human persons.

I also draw a distinction between a person's natural and artifactual features and think that *gender* is artifactual. However, unlike Rubin, I do not think that a person's sex is necessarily natural. There is related debate over whether *sex* is natural or artifactual.³ To keep my discussion as clear as possible, I am largely setting this debate aside in order to

³ See Alcoff (2006: 155) and Fausto-Sterling (2000b) for further discussion of this debate.

focus on gender. I think that a person's reproductive organs and secondary sexual characteristics, can be either natural or artifactual.⁴

I.2. *Two Approaches to Gender: Antirealism and Realism*

In response to Rubin's distinction between a person's sex and that person's gender, there are two general approaches to giving an account of gender. The first approach is antirealist in that those who take this sort of approach argue that one's gender, and perhaps one's sex, does not exist independently of the beliefs and behavior of human persons such that if the beliefs and behavior were to change, one's gender would also change or potentially disappear entirely.⁵

Perhaps the best known version of this view comes from Judith Butler (1990). Her view is often interpreted as the view that one's gender is a performance that can only take place in contexts in which persons associate certain behavior with certain genders. According to this view, *gender* is analogous to an actor performing a role in a play. An actor requires certain beliefs, among other things, in order to perform in a play. For example, that the actor has been given a specific role in the play, beliefs about what a play is, and what it is to act. If that actor suddenly lost all beliefs required to perform in a play in the middle of performing, that actor could not perform and the performance would simultaneously cease to exist. Analogously, according to this view, if every persons' beliefs about *gender* suddenly

⁴ A person's chromosomes alone are not sufficient to determine a person's sex since the sex chromosomes XX and XY, are not the only combinations possible and are not always expressed in the same ways by the same sex organs or secondary sex characteristics (Fausto-Sterling: 2000a and 2000b).

⁵ For example, Judith Butler (1990 and 1993) and Monique Wittig (1982 and 1993) have versions of this view.

disappeared, then no behavior would be a performance of a gender and *gender* would simultaneously cease to exist.

Others reject this sort of view because they think that *gender* is more than a context dependent performance and that if every persons' beliefs about *gender* suddenly disappeared, *gender* would not simultaneously disappear.⁶ One reason to think that *gender* is like this is that a person's gender affects more than a person's beliefs and behavior. *Gender* has some clear physical consequences.⁷ For example, the smaller waist size a woman has as a result of wearing a corset will not change if the beliefs and practices of human persons change.⁸

There is also reason to think that *gender* has phenomenological consequences that persist independently of persons having certain beliefs. As Iris Young (2005: 27-45) argues, a person's gender can affect how that person experiences and uses that person's body.⁹ Young gives the example of throwing a ball. Due to the different expectations and treatment of girls and boys, how a girl is taught to throw a ball, if anyone teaches her at all, is often different from how a boy is taught to throw a ball. As a result, a girl's experience of throwing a ball is likely to be different from a boy's experience of the same behavior in otherwise similar circumstances. Another example from Young is the different ways men and women take up space. As children, girls are often discouraged from taking up more

⁶ However, *gender* may disappear over time as a result of the loss of beliefs about *gender*.

⁷ See Alcoff (2006) for her discussion on the importance of a person's body in relation to that person's gender and other social identities such as race.

⁸ On my view, the woman's waist size is a physical artifactual feature that was created with the aim of creating an instance of the kind *woman*. Artifactual entities only exist as a result of a person aiming to create that very entity, but once created artifactual entities do not require human aims or beliefs to persist.

⁹ See also Simone de Beauvoir's (1949).

space than necessary whereas boys are not. This results in adult women positioning their bodies in ways that take up less space, e. g. crossing their legs and arms when seated, whereas adult men commonly position themselves in ways that take up much more space than necessary, e. g. spreading their legs widely when seated.

Young's point is not just that men and women behave differently, but that these differences in behavior are accompanied by differences in how persons experience that behavior and their bodies more generally. Young describes in detail phenomenological differences between persons of different genders that are not just the result of a person's beliefs about gender. One may have no beliefs about gender and still have the sorts of experiences Young describes. For example, if every person suddenly lost all beliefs about *gender*, some persons would continue to experience their bodies as something that should take up less space. This is because such experiences are the result of habituation¹⁰ and become a part of how persons experience everything.

Due to considerations like these, other theorists¹¹ take a *realist* approach to giving an account of gender and argue that while the beliefs and behaviors of persons play a significant role in creating *gender*, *gender* exists independently of them. Just as knives would not change or disappear if all persons suddenly lost all beliefs about knives and the kind *knife*, genders would also not change or disappear if all persons suddenly lost all beliefs about genders and the kind *gender*. However, like any artifactual kind, both *knife* and *gender* would not exist if there had never been persons and they would eventually cease to exist if persons ceased to create new instances of them.

¹⁰ I have in mind here Maurice Merleau-Ponty's (1945) notion of the habitual body which is the default position bodies assume when performing routine tasks.

¹¹ Such as Alcoff (2006) and Charlotte Witt (2011).

Section II

Gender as a Kind of Artifactual Personage

II.1. *My View*

My view is a version of the realist approach. I think that a person's gender is an artifactual personage that that person constitutes. *Gender* is a genus of artifactual personage that has various species such as, but not exclusive to, *man* and *woman*. These species themselves have species. For example, *woman* has the species *cisgender*¹² and *transgender*.¹³ The basic picture is the same as for other artifacts. Just as human persons can be made to constitute instances of *soldier*, they can be made to constitute instances of *woman*. Women exist as a result of intentions to create an instance of the kind *woman*. However, just as with other artifacts, what a particular instance of an artifactual kind is like is heavily influenced by the particular circumstances in which that artifact is created.

II.1.A. *An Essential Feature of Gender*¹⁴

I think that since persons are made to constitute genders on the basis of their assumed sex, an essential feature of *gender* is that its instances must be constituted by a kind of body that reproduces sexually. Just as trees cannot be constituted by granite,

¹² The prefix "cis" refers to a person whose assigned gender at birth, an assignment typically based on the infant's genitalia, matches the gender that person identifies as. The corresponding prefix "trans" refers to a person whose assigned gender at birth does not match the gender that person identifies as.

¹³ It may even be reasonable to include further species that are specific to a time and place. For example, in the United States the kind *cisgender-woman* was characterized by different properties in the 1950's than in the 2000's.

¹⁴ I do not suggest that this is the only essential feature of *gender*. In the next chapter, I consider other possible essential features, but I do not attempt to give an exhaustive list.

genders cannot be constituted by non-sexually reproducing bodies. A mountain or an amoeba cannot constitute a gender.

This does not mean that an individual must be capable of reproducing in order to have a gender. It is only essential that an individual be an instance of a kind with instances that typically sexually reproduce. Much like natural laws can have exceptions, the properties that characterize species of *gender* can have exceptions. For example, instances of *woman* are typically constituted by persons with female features, but they need not be. A person with typical female physical features can constitute a man if that person is given, by themselves or others, artifactual features that characterize *woman* with the aim of creating a woman. However, a person's sex, or collection of features involved in sexual reproduction, restricts the genders that person can constitute. For example, a person born with typical female features, if that person is subjected to the typical assignment of gender on the basis of sex, cannot constitute a transgender woman.¹⁵ This is because it is essential to the species *transgender* that its instances constitute a different gender from the one they were assigned at birth.

II.1.B. *Role of Natural Features*

When I say that I think *gender* is an artifactual kind, I do not mean that all features associated with *gender* are always artifactual. As with artifacts and natural objects, a feature is artifactual or natural in virtue of how it comes to exist. Thus while a baritone voice might be natural feature for one person, for example, it might be an artifactual feature of another. The features of a person, either natural or artifactual, restrict which artifactual features that

¹⁵ However, such a person could constitute a transgender man.

person can be given and thus which artifactual personages that person can constitute, including genders. For example, a person might have extremely strong natural preferences to constitute a specific species of *gender*, or physical features that preclude certain surgeries or treatments, that prevent successfully giving that person many of the artifactual features of another gender. A person could also have artifactual features of a gender that are difficult to remove. For example, certain artifactual mannerisms or habits could be difficult to change or remove. If too many of a person's artifactual features are like this, it will be extremely difficult for that person to constitute a different gender. So it is possible to make a person unable to constitute certain genders later in life and some persons may be unable to constitute some genders as a result of those person's natural features.

In addition, some features often associated with *gender* are neither natural nor artifactual but instead are a sort of byproduct of various practices aimed at something else. For example, a specific person's tendency to avoid interrupting others may not be artifactual because it was not the result of any person aiming to give that feature to that person. However, it may also not be a natural feature because it is not a tendency that person was born with. Such a tendency may be a result of negative reactions that person received as a result of interrupting others in the past. These negative reactions may be a result of the artifactual personages that person already constitutes. For example, if a woman interrupts others, she typically encounters stronger negative responses more often than encountered by men who behave similarly.

Section III Complications

As the previous section suggests, the creation of a person's gender is complex and whether an individual's features are artifactual, natural, or something else, depends largely on how those features were created. In this section, I consider two ways in which the creation of gender is more complicated than the straightforward cases presented in the third chapter. These were cases, such as creating a soldier,¹⁶ in which every person involved aims to create the same sort of person, including the person being made to constitute the artifactual personage, and each of these persons have the correct assumption that the person is not already that sort of person. Creating instances of *gender* is more complicated because many of the persons creating its instances have the mistaken assumption that the instances they create already exist. Individual persons intentions to constitute a specific gender can also conflict with others' intentions regarding that person's gender.

III.1. *Intentions Based on a Mistaken Assumption*

First, many, perhaps most, adults have the mistaken assumption that human infants are naturally born with a gender. Infants are typically described as having a gender, sometimes even before they are born, on the basis of their assumed sex. Parents often announce that they are "having a boy" or "having a girl." So it is unlikely that these parents aim to make their children constitute a specific gender. Instead it seems that many, if not most, parents assume that their children are born with a gender.

¹⁶ There could be more complicated cases of creating a soldier. For example, if the person being made into a soldier were drafted and resisted being trained.

According to my account, an artifact is an entity that exists as a result of at least one person aiming to make an instance of a kind by giving that entity certain artifactual features. In the third chapter, I discussed how one consequence of this account is that a person cannot be mistaken about the kinds of artifacts that person successfully creates. However, it seems that when creating instances of *gender*, persons are mistaken about the kind of entity they create in that they assume that they are raising children that naturally already have a gender. So it seems likely that in many cases adults do not have an intention to create anything.

In a straightforward case, when a person begins to create an artifact, that person begins with natural material that does not seem to have any artifactual features, such as a tree. In this sort of case, a person cannot accidentally create an artifact because that person has only raw natural material with very different features from the artifact that person aims to create. For example, a tree has very different, though not entirely different, features from a wooden table. However, not all natural material is like this. Some natural material may seem to have artifactual features. For example, say a person finds a stone that erosion has shaped to look vaguely like a statue of a fish. All of the features of the stone are natural. However, some of the features, such as its shape, may lead a person to assume that the stone is a statue and that the statue's original shape had been distorted by erosion. Such a person could then give the stone artifactual features, not with the intention to create an artifact, but rather with the intention to restore or improve an already existing artifact.

I think that something similar happens in many cases when adult humans assume that an infant human is born with a gender. An infant is born with various natural features, just as the stone has various natural features, and adults may see some of those features as

indicating the kinds that infant instantiates, just as the natural features of the stone indicate the kinds it instantiates. In both cases, the persons are mistaken about some of the kinds they assume the stone or infant instantiate.

These two cases are not perfectly analogous because in the stone case the person mistakenly assumes that the stone has artifactual features that make it constitute a statue and in the infant case the adults do not think *gender* is artifactual. However, I do not think it matters that persons do not assume that *gender* is artifactual. What matters is that persons often assume that an infant is an instance of a specific kind whether or not those persons realize that kind is artifactual. What is crucial for creating an artifact is not that one aims specifically to create an artifact, but rather that one aims to make an entity be certain ways in accordance with a specific kind, whether one takes that entity to already exist or not. A person that has the mistaken assumption that *gender* is natural can still have intentions to make a child how that person assumes the child should be on the basis of the gender that person assumes the child has.

III.2. *Conflicting Intentions*

In a straightforward case of making an artifactual personage, all of the persons involved in the creation of the artifact aim to make the same kind of artifact. For example, when training a person to be a soldier, that person aims to become a soldier and the persons who train that person aim to create a soldier. However, persons do not always agree on which artifactual personages a specific person should constitute. An example of such a case is when a person aims to be a different gender from the one that person was assigned at birth on the basis of that person's assumed sex. There are a variety of aims such

transgender persons can have and ways they can give themselves artifactual features.¹⁷ For example, one can change one's voice, mannerisms, dress and makeup, and undergo surgery and hormone treatments.

In some of these cases, other persons may intentionally obstruct the person from constituting another gender by preventing that person from creating certain features through violence. For example, if persons are routinely assaulted for practicing the mannerisms that characterize *woman*, as transgender women often are, this limits the opportunities individuals have to give themselves these mannerisms.

If one has an antirealist account of *gender*, then one may think that the only way a person can be a gender that differs from the one assigned is if a sufficient number of other people are convinced that that person is that different gender. On such a view, a transgender person who does not successfully pass, that is a person that does not successfully convince others that that person is a specific gender, is not the gender that person claims to be. If all there is to being a certain gender is one's relations to others, how they treat and think of you, then one cannot change one's gender independently of others.

However, as I discussed in chapter three, I think that persons can direct their capacity to create artifacts onto themselves. So an individual person is capable of making themselves constitute a gender.¹⁸ However, typically persons are made to constitute genders as children, when they are least able to resist being given artifactual features. So typically a person's gender is created at least partially by others. However, I think that a single person,

¹⁷ My understanding of these cases comes primarily from Julia Serano's (2007) which, as she notes, represents just one person's experience.

¹⁸ It might be that persons can only invent *gender* in the company of others and some species of gender may require relations to other species, just as *soldier* requires other kinds such as *military*. I consider this briefly in the concluding chapter.

especially as an adult, is often in the best position to change many of that person's own features, and thus to change which species of *gender* that person constitutes.

On my view, convincing others that a person constitutes a specific gender may help that person constitute that gender, but it is not required. Convincing others may help a person constitute a gender because then those persons can contribute to the artifactual features of that person with the aim of making that person constitute a better instance of that *gender* in the same way that others contribute to the gender a child constitutes.

Conclusion

In this chapter, I applied my account of artifactual personages to *gender*. I sided with those that take a realist approach to giving an account of *gender* because of the resilience of the artifactual features of gender including the physical and phenomenological features. These features are resilient in that they persist if beliefs about *gender* change or disappear. In this way, being made to constitute a gender often has a dramatic and potentially permanent effects on what a person is like including the minutia of how that person behaves, how that person uses their body and the size and shape of that body.

I also considered two ways in which creating instances of *gender* can deviate from the more straightforward cases I considered in chapter three. These were cases in which the intentions involved in creating artifacts were not based on mistaken assumptions and did not conflict with one another. In the next and final chapter, I consider some of the further effects of gender, what it is used for, how gender can be changed, and why one might want to.

CHAPTER 5

Conclusion

Introduction

I began my project with a distinction between artifactual and natural features and objects. Something is artifactual if it comes about in a specific way, that is, if it is the result of at least one person's intention to create that very entity. I discussed in the third chapter, how this distinction is not exhaustive. As this discussion revealed, there are a multitude of ways human persons affect the things around them, including themselves and each other. My project primarily focused on the artifacts human persons aim to create. In this final chapter, I only begin to touch on the implications my view has for giving a complete account of *gender*. I briefly review my project and then begin a discussion of its relevance to larger issues about how *gender* is used and how it can be changed.

Section I Review

I.1. *Persons*

My account of artifactual personages relies on certain assumptions about what a person is. In the second chapter, I offered my account of personhood as an alternative to psychological accounts, including Baker's and Lowe's, and Olson's version of animalism. Though I disagree with Lowe's account of personhood, I think that Lowe's four-category ontology offers a better method for giving an account of personhood than those assumed in other accounts. According to Lowe, which properties characterize a kind is largely

something to discover through empirical investigation. Thus extraordinary thought experiments are not required to discover the essential features, persistence conditions, and dispositions of persons. My view is that human persons are identical to human organisms because *human* is a species of *person*. Since mental features characterize the kind *person* all human persons are disposed to have the mental features of persons. Some of these mental features, specifically intentions, are part of what give human persons that capacity to create artifacts.

1.2. *Artifacts*

In the third chapter, I explained that I assume an artifact is an entity that exists as a result of at least one person intending to create an instance of a kind by giving that entity certain artifactual features. As such, the kinds an artifact instantiates are determined by the intentions of the person or persons that create that artifact. I argued that if all creating an artifact involves is giving something artifactual features with the aim of creating a specific kind of entity, then human persons can literally make artifacts out of themselves. For example, practicing a set of skills, undergoing surgeries, creating certain beliefs, are all ways in which a person can be given artifactual features with the aim that that person constitute a specific kind of person or artifactual personage.

In the fourth chapter, I applied my account of artifactual personages to the artifactual kind *gender*. I considered two ways in which creating instances of *gender* can be complicated and some of the features that characterize *gender*. I applied my account to *gender* because of the special significance it has for what most persons are like and their

quality of life. For the remainder of this chapter, I focus on the broader social context of *gender* as it relates to feminist theory and activism.

Section II Feminist Theory and Activism

II.1. *Why an Account of Gender is Important*

A person's gender is a significant feature of that person in several ways. First, as Charlotte Witt notes (2011), many people think that what they are like is largely due to their gender such that if their gender were different they would be unrecognizable or perhaps a different person entirely.¹ This suggests that how these people think of themselves is heavily influenced by their gender.

This may be the result of the second way in which *gender* is significant. A person's gender heavily influences how that person is treated by others. Many interactions between persons differ depending on the assumed genders of the persons involved. There are a myriad of subtle ways a person's behavior can be adjusted according to the assumed gender of the surrounding persons. To see this, consider the discomfort commonly felt when a person's gender is unknown. One explanation for this discomfort is that one is unaware of how to behave towards such a person which suggests that a person's gender determines what behavior towards them is considered appropriate.

Many of the subtle adjustments one makes toward persons of different genders usually go unnoticed. There is empirical evidence that a person's gender can negatively affect how others evaluate and perceive that person in ways that those evaluating are

¹ I think this second claim is mistaken.

unaware of. This phenomenon, often called *implicit bias*,² is a result of common assumptions, or stereotypes, about persons with a certain gender.³ For example, one stereotype about women is that they perform badly at math. A woman applying to a job that requires high level math skills may be evaluated as a worse candidate because they perceive her as less competent at math as a result of their implicit bias.

In addition, some persons face far more explicit negative treatment on the basis of their genders. Persons can be ostracized, refused jobs and housing, and are often physically harmed or killed because of their genders. Under the threat of such violence, persons can be coerced into behaving certain ways, wearing certain clothing, and even using certain restrooms.

Persons are also organized according to their assumed gender. This organization contributes to the dramatic effect gender can have on an individual's quality of life. Many things are organized according to gender such as toys, clothing, sports, and public restrooms. Labor assignments within a family is commonly divided by gender. Governments record its citizens assumed genders and require that information on most government documents. This means that persons who do not have genders recognized on these documents face additional obstacles to receiving, or cannot access at all, the benefits of things such as marriage certificates, medical care, insurance, and passports. In this way, persons use *gender* to determine who has access to what resources in both seemingly inconsequential and clearly significant ways.

² See Jennifer Saul (2013) for her discussion of implicit bias in academic Philosophy.

³ These phenomena also apply to stereotypes about other features, such as a person's race.

II.2. *Essential Features of Gender: Continued*

In chapter four, I discussed that an essential feature of *gender* is that its instances be constituted by bodies that can sexually reproduce. Others argue that *gender* has additional essential features. Many have noticed that *gender* is used to organize persons in the ways described above. As I discussed in chapter three, how an artifact is used is often taken to be what makes it the kind of artifact it is. Thus many take the fact that *gender* is used to organize persons as an essential feature of that kind. Some argue that because *gender* is used to organize persons in a specifically hierarchical way, those hierarchical relations are essential to *gender*.⁴ If being in a subservient hierarchical position to *man* is essential to *woman*, as some argue, then instances of those kinds must be hierarchically related. If this is the case, then removing the hierarchical relations among persons of different genders would actually destroy those genders. On this view, a society without hierarchy on the basis of gender, would also be a society without *gender*.

Though I cannot argue for it here, I do not think that *gender* is essentially hierarchical in this way. It may be true that these hierarchical relations are essential to the specific species of *gender* that have been invented so far. However, I see no reason why *gender* could not have other species that were not like this. One potential way to change the negative effects of *gender* may be to invent new species that do not require hierarchies.

II.3. *Non-essential Features of Gender*

Like other artifactual kinds, the properties that characterize species of *gender* change over time and differ between locations. For example, the features that characterize

⁴ For example, Haslanger's view (2012) is that a woman is someone who holds a subservient position on the basis of that person's assumed sex.

the artifactual kind *toilet* have changed significantly over time and differ in different places. Similarly, species of *gender* are characterized by different properties in different places and at different times. So any full account of the properties that characterize species of *gender* need to be specific to the time and place of the kind's instances which requires empirical investigation. It will also include an account of how other features of a person, such as race, ethnicity, sexuality, and class affect, or intersect,⁵ the genders they constitute.

II.4. *Changing Gender*

My account indicates a clear way to affect *gender* in order to avoid its unwanted consequences. If *gender* is an artifactual kind, as I argue, then it can be treated like other artifactual kinds. If instances of a more familiar artifactual kind had unwanted effects, it would be obvious that persons could change that kind or cease to create instances of it altogether. For example, if one discovers that a certain kind of pesticide causes birth defects in birds, one can either change what that pesticide is like so that it no longer causes such birth defects, or one can cease to create that kind of pesticide altogether. In the same way, if the instances of some species of *gender* have harmful or otherwise undesirable effects, persons can change what instances of that species are like or cease to make instances of that species altogether.

However, if persons remain unaware that *gender* is an artifactual kind, or continue to mistakenly believe that it natural, then it will not occur to them that they can change *gender* or how. My account offers a strategy to change *gender*. Just as with any other artifactual

⁵ See Kimberlé Crenshaw's (1989) for more discussion and analysis of the ways these features intersect.

kind, persons can change *gender* by aiming to make instances of *gender* that have different features.

II.5. *Dilemma in Feminist Theory*

I end this chapter by briefly indicating how my account of *gender* relates to a debate in feminist theory. I cannot here explicate the nuances of this debate. Instead, I describe a dilemma in feminist theory that affects a wide variety of other discussions and indicate how my account avoids this dilemma.

As many have argued, feminist theorists have faced a dilemma when giving accounts of *gender* in general and of *woman* specifically.⁶ Some accounts of *woman* have involved specifying some feature or collection of features in virtue of which a person is a woman. However, this approach excludes certain women. Just as there is no feature that all and only tigers share, there is no feature that all and only women share. For example, one might claim that it is something like having a uterus or a caring demeanor, or some combination of such features, in virtue of which a person is a woman. Such an account excludes, for example, transgender persons, persons who have had hysterectomies, and cruel persons, all of whom can be women. Some of these persons are the very ones feminist theorists and activists are most concerned with assisting as they are the most marginalized and vulnerable in society. Feminists need an account of *woman* that allows them to perform activist work on women's behalf. For example, one cannot argue that a law unjustly affects women specifically because they are women, if one cannot specify what a woman is.

⁶ See Sally Haslanger's (2012: 228) and Linda Alcoff's (1988) for two other ways of characterizing this dilemma.

The dilemma these theorists face is that on one hand, giving a criteria for who is a woman excludes many of the very people feminists are trying to assist, while on the other hand, having too general criteria, or no criteria at all, also hinders many important feminist projects. My account of *gender* as a kind of artifactual personage avoids this dilemma.⁷ A person is a woman in virtue of being given artifactual features with the intention to create or improve an instance of the kind *woman*. There is no other feature or cluster of features that all and only women must share. On my account, every person that has been successfully given features with the intention of creating a woman, or of improving a woman, is a woman. Though I cannot argue for it here, I think that this account is flexible enough to include a vast variety of cases while still giving an account that activists can use for work on women's behalf.

⁷ Other accounts avoid this dilemma in various ways. To my knowledge, no other account avoids it in the way mine does.

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