

Chapter 2

Human Persistence

Both the various ways of applying the concept of person and various epistemological-methodological approaches can be found in the context of the issue which has been discussed in an intense philosophical debate ever since Locke added a chapter about the identity of persons in the second edition of his *Essay Concerning Human Understanding*: the question concerning the identity of persons over time.¹ Locke's proposal provoked critical reactions associated with the names Leibniz, Butler and Reid. In the second half of the twentieth century, decisively initiated by the works of Wiggins and Williams, a widespread discussion of this issue developed within analytical philosophy. Initially, the dispute was carried out between supporters of a psychological criterion developed following Locke's memory criterion and supporters of a body criterion which was quickly further developed into a brain criterion. But soon philosophers such as Chisholm and Swinburne were participating in the debate, taking the whole discussion to be misguided because it was based on the premise that there could be an informative empirical criterion for personal identity through time. Thus a discussion thread was resuscitated that formulated anew the protests of Leibniz, Butler and Reid against Locke's proposal. In the course of this the various thought experiments to be found in the literature are used to show that every informative empirical criterion for personal identity through time is bound to lead to unacceptable consequences. Hence, two fundamentally different notions meet head-on; and even within both camps the theories exhibit in part serious differences.² However, the different proposals can be broken down into simple and

¹ Within the context of the consideration of the simple view, the parlance of the identity of a person over time should leave open the possibility that this concerns a special phenomenon which does not permit analysis according to the general pattern of the persistence of concrete, space-time existing entities.

² For the development of this discussion and the central thought experiments central to the discussion cf. Quante 1999a; for standard definitions of the various identity criteria cf. Noonan 1991, Chap. 1.

complex theories. The characteristic feature of the simple theories is the following set of assumptions:

The identity of the person over time is not reducible to empirically observable relations. Such empirical criteria have only epistemological functions. Synchronic and unity relations over time that can be observed exclusively from the first-person perspective are constitutive for the identity of the person through time. Thus the identity of the person is a simple (unanalyzable) fact and essentially tied to the first-person perspective.

(Characteristics of simple views)

In contrast, complex theories can be characterized by the following assumptions:

The identity of persons through time is analyzable and reducible in the sense that they are constituted through empirically observable continuity relations.³ The identity of a person over time is a complex application of persistence, i.e. the identity of space-time expanded entities through time, and not essentially tied to the first-person perspective.

(Properties of complex views)

The classification of one of the types of theory as simple should not be understood as though there were no further justifications in these theories on the identity of the person but should in fact emphasize that personal identity over time is, according to this type of theory, an irreducible, simple fact: Personal identity can be explicated, but cannot be analyzed without recourse to this fact. The classification of the other type of theory as complex instead of using the definition 'reductionist' as is customary in the literature is expedient, because the latter could give the impression that a complex view could necessarily challenge or 'explain away' personal identity over time. This is not the case: What is contested is merely the existence of a not further analyzable special fact, as assumed in the simple view.⁴

Complex answers would seem to be *prima facie* counterintuitive, since they contravene intuitions that arise out of first-person experience.⁵ In contrast, simple positions are convincing at first glance because they are based on first-person access to the identity of the person over time. In the debate, supporters of the complex view feel obliged to reveal and safeguard their approach through elaborate argumentation, so as to combat the semblance of implausibility. However, defenders of the simple view usually react by attempting to prove that the complex view has counterintuitive consequences. To this end they call on basic intuitions stemming from first-person experience, without actually expounding or explaining them further. The simple view appears to be adequately justified merely by proof of the

³The skeptical possibility that there is no continuity below observability is put aside in this study (cf. Nozick 1981, p. 35 on this).

⁴One option to be differentiated from the simple and complex view consists in arguing an elimination thesis. Thus, e.g. Unger concludes in his early work on the vagueness of the person designation that there is neither person nor personality (Unger 1979a,b).

⁵For this reason, within the complex camp between 'reductionist' approaches, which analyze the intuitive understanding of personal identity over time philosophically, and 'revisionary' approaches can be differentiated (cf. Nida-Rümelin 2006). The latter assume that a suitable theory of personal identity over time must, as opposed to the intuitive everyday image, be revisionary if it is to be philosophically satisfying.

contra-intuitiveness of the complex view. From this allocation of the burdens of proof and the usage of such fundamental intuitions it ensures that the basic assumptions of the simple view are seldom deployed. To remedy this deficit, the line of argumentation will be reversed in the following and it will begin with a discussion of the basic assumptions of the simple view (Sect. 2.1). This will show that these theories are not capable of analyzing personal identity through time satisfactorily. Following that, I will outline the biological approach as the complex theory I propose (Sect. 2.2).

2.1 Easy Solutions to a Complex Problem?

Taking up a formulation of Butler's, Chisholm differentiated between a strict and philosophical application of the identity concept for persons and a loose and commonplace use for other space-time expanded entities as regards identity through time.⁶ This differentiation can be called the basic idea of the simple view.

While one could speak of artifacts such as ships (Chisholm's example) or natural objects such as trees (Butler's example) as having identity through time in a loose way, and not demand that all parts of the ship or tree must be the same at two points in time, this would be a different matter in the case of persons. Besides, as Butler and Reid emphasize, any attempt to philosophically prove the identity of a person over time by specifying empirical criteria is destined to fail, because all these criteria are bound to be epistemologically weaker than the immediate evidence of the fact itself that can be found in self-consciousness. These objections, directed historically against Locke's theory, are today being directed in the same way by the representatives of simple views against complex theories.

If one understands the difference focused on by the simple view in an epistemological way, as Butler and Reid also did, then the evidence of one's own identity respectively as given in self-consciousness becomes decisive. This first-person knowledge is connected with a certainty that is in principle inaccessible through any complex analysis based on empirically observable relations. Thus, the simple view joins with the Cartesian perspective and the assumption that a basis of indisputable or perfect knowledge is revealed in self-consciousness. In this way, both the main criticism of the simple view of complex analyses and the arguments made use of therein become comprehensible.

⁶On this cf. Leibniz (1958, p. 85 ff.), Butler (1836, pp. 251–257), Reid (1983, pp. 212–218) and the reuptake in Chisholm (1969, 1970a, 1971a).

2.1.1 *The Charge of Inadequacy*

Both supporters of the simple view and supporters of the complex view concede equally that theories based on empirically observable relations cannot eliminate the logical possibility⁷ of the ontological indeterminacy of a person over time that has been illustrated frequently in various thought experiments. The ontologically underdetermined cases are those in which, according to the complex theory, there is no fact that is independent of conventions or human evaluations as far as the identity of a person over time is concerned. For one thing, the graduality of empirical relations leads to the eventuality of borderline cases: which physical or psychological changes are still compatible with the continuing existence of a person, and which are not, cannot be determined unequivocally. For another thing, the indeterminacy also occurs through the possibility of so-called fission scenarios,⁸ i.e. such cases in which at t_1 there are two candidates, B and C, who, in terms of the criteria demanded by the respective complex theory, have the same relation to a person A at t_0 .

Complex theories cannot logically exclude these possibilities, and must recognize that, as regards the issues of graduality, fission and conflicting persistence criteria, the question of the identity of a person over time is, in the end, a matter of convention in borderline cases. This answer is deemed inadequate by the simple view for two reasons. For one thing, the evidence in self-consciousness, which is constitutive for the identity of a person through time, is not a matter of convention. For another, it would be unacceptable that in this way the basis of our ethical practice of attribution and evaluation of actions as expressed in praise and blame, reward and punishment, would not depend on facts but rest on conventional decisions. What is more, it would be inappropriate in a gradually waxing and waning continuum to want to pin such a grave difference from the ethical viewpoint on a conventionally fixed position.

In their criticism of the fact that complex views permit indeterminate cases while having only inadequate solutions to offer, the simple views rely on singularities of the first-person perspective that are manifested in personal memories and the anticipation of future own mental states. Together with the synchronic unity, i.e. unity of self-consciousness at the present point in time given for the present self-consciousness, this unity relation lasting across a certain time span, which is accessible in the first-person perspective, constitute the simple fact of personal identity.⁹

⁷The philosophical usefulness of thought experiments shall be conceded here for argument's sake.

⁸I am here ignoring the other case of the fusion of two persons discussed in the literature, as it does not raise any additional problems for the arguments developed in the following.

⁹This criticism presumes 'Only-X-And-Y-Principle' which implies that the answer to the question as to whether X is identical to Y may only depend on such factors that apply exclusively to X and Y. The strategy of excluding cases of duplication by definition is called the 'Ad hoc answer' by Nida-Rümelin (2006). Within the frame of the consideration of the biological approach it will, however, be shown that this answer is supported or motivated by other theoretical assumptions and is therefore not ad hoc.

2.1.2 With the ‘Weapons’ of the Simple View

In the first-person perspective, a person possesses identity through time through personal memories (past) and anticipations (future).

Memories When it comes to memories in the context of personal identity, this refers almost exclusively to personal memories, i.e. memories of having done or experienced something at an earlier point in time. For the simple view, memories are decisive in two ways: For one thing, they demonstrate in a first-person way the fact that a person existing now must already have existed at an earlier point in time. For another, this proves that the criterion suggested by Locke, whereby memories are constitutive for the identity of a person through time, is circular. If I remember flying over the Alps yesterday, or going to my hotel, then, according to the simple view, two factors are indubitably certain: first the fact that it is *my* memory and secondly, the fact that it *was* me who experienced the flight turbulence or tried everything to make myself understood at the reception. The content of my memory does not consist merely of the fact that I am conscious of it now. It also includes ‘how-it-was-to-make-this-experience’ (to-have-performed-this-action) that is present to me in first-person form. On the basis of this analysis, the memory criterion for personal identity is accused of distorting the facts. Speaking about a mental episode as *my* memory presumes that *I* am *identical* with the person who had that experience or carried out that action.

Anticipation The inadequacy of the complex view is also proven to the supporters of the simple view in that it is incompatible with the ability of a person to anticipate future mental states as her own. If, after one kind of chaotic series of events or another, the situation arises that it is not ontologically defined whether A at t_0 is identical to B at t_1 according to the complex view, then A should not be in a position to anticipate the mental state of B as his own. But precisely this seems to be possible. According to the simple view, in anticipation, a person pre-empts her own future mental state. This first-person fact does not permit either gradualization or epistemologically undecidable or ontologically undecided cases.

In its argumentation, which is essentially bound to the first-person perspective, the simple view draws on two principles, which can be called the ‘principle of criterion-free self-reference in self-consciousness’ and the ‘principle of the primacy of self-attribution’.

The Principle of Criterion-Free Self-Reference in Self-Consciousness the first-person reference in self-consciousness is taken to be characterized by the fact that its self-reference does not need identity criteria or a prior identification. Somebody referring to himself as ‘I’ has not, in a first step, identified an entity with himself by applying identity criteria, in order to then label them as himself. The much avowed

immunity to false reference is taken to be due to precisely this fact, namely that self-reference in self-consciousness has nothing to do with identification.¹⁰

The Principle of the Primacy of Self-Attribution This principle says that the first-person self-attribution being manifested in ‘my mental state’ is more fundamental than the use of identity criteria of personal identity. A mental state is not identified by me in my self-consciousness first as a state belonging to me and then called ‘my own’ by me. On the contrary, one of the irreducible factors of self-consciousness is that the ‘mineness’ (Heidegger’s *Jemeinigkeit*) of actual mental states is immediately obvious. Sure enough, a person can be mistaken as regards the type identity of a self-conscious state and, for instance, interpret a feeling of jealousy as warranted indignation (or indeed wishful thinking as a well-founded argument), but she cannot be mistaken as regards the question of whether this actual self-conscious state is her own or not. An antecedent application of identity criteria is not only unnecessary for answering this question, it is impossible.¹¹

From the viewpoint of the supporters of the simple view, memories, anticipations and the two principles just mentioned indicate both that the identity of the person over time is essentially of a first-person nature; and that it is neither gradually or ontologically indetermined, nor constituted through extrinsic factors or conventions of one kind or another. Therefore any attempt to justify this simple fact via empirically observable relations is doomed to failure. However, the question in the following will be whether this analysis of the simple view is really adequate.

2.1.3 The Problem

According to the analysis of the semantics of ‘I’ suggested by Kaplan, the actual situation of usage determines the semantic assignment of this indexical expression where it is being used and not merely mentioned.¹² The speaker cannot refer to anything other than himself in the actual situation of usage, either in modal or such intentional contexts in which a speaker attributes a propositional stance to another speaker. Expressed in a technical slogan: ‘I’ always has the greatest scope. (Castañeda 1982, p. 65) In philosophical explanations of self-consciousness, the bondage of self to the present, i.e. the nunc centricity of self-consciousness, has been hinted at many times.¹³ The unique epistemic relations in self-consciousness,

¹⁰ This feature of first-person attitudes is also accepted by many representatives of complex theories (cf. e.g. Shoemaker 1963, 1996 or Perry 1979, 1983) and will not be questioned in the following. Such an analysis has, among others, the advantage that it can do justice to the special epistemic conditions in self-consciousness without having to champion the implausible thesis that ‘I’ is not a referential expression (viz. Anscombe 1975).

¹¹ To date, the most comprehensive and clearest analysis of intuitions and principles based on the simple view was provided by Nida-Rümelin (1997, 2006).

¹² The following considerations ensue from the analysis by Kaplan (1989).

¹³ Cf. e.g. Foster (1979) and the theory developed in continuance from German Idealism by Rohs (1996, 1998, Chaps. 2 and 3).

that are frequently emphasized regarding both criteria-free self-reference and evidence of ‘my’, apply only to the self-attribution of current first-person mental states such as ‘I am in pain now’ or ‘I believe that p’. Who thinks that he believes that p, knows that he believes that p. And who thinks that he is now in pain knows that he is now thinking that.¹⁴ This can be called the ‘I-here-now’ structure of self-consciousness.

If these views about semantics and the nature of consciousness are taken as a basis, then both the analysis of personal memory and that of anticipation suggested by the simple view run into a dilemma. According to the findings just illustrated, a *memory* is an actual first-person mental state in which a person remembers having done or experienced something at an earlier point in time. But if in the sentence ‘I remember eating an ice cream yesterday’ the ‘I’, firstly, always has the widest scope, and if, secondly, the ‘I-here-now’ structure of self-consciousness is taken into consideration, then the sentence must be analyzed as follows: I (here-now) utter that I (here-now) remember that I (here-now) ate an ice cream yesterday. Thus, there is no direct reference to an ‘I’ of yesterday, but rather, I attribute to myself here and now the property of having eaten an ice cream yesterday. From within the first-person perspective there can be no guarantee that *this* self-attribution pertains. The semantic finding of the direct reference of ‘I’ is indeed consistent with the simple view’s ontological assumption that there is an identical entity at the two points in time, but it does not provide any additional support for this thesis. Taking the truth of this self-attribution as guaranteed would amount to stretching the area in which the unique epistemic relations of self-consciousness apply in exactly one case beyond the area of actual first-person episodes. Since this precisely concerns the controversial case of identity of a person over time, such a procedure (cf. Bermúdez 2012 as an example) would only be ad hoc.¹⁵ Moreover, this procedure is open to two more objections. *Firstly*, an analysis of memory restricted to the first-person perspective does not get along with the fact that memories have to be caused in a suitable way. As every déjà vu experience shows, some perceptions ‘feel’ like memories. So as to differentiate these phenomena from real memories, one must posit a suitable cause as a further condition. However, this cannot be grasped in the first-person perspective. If the proponent of the simple view makes a case for how it was to have had this experience or carried out that action was being experienced in the memory thereof, this raises the *second* objection: type and token are being confused. Because mental episodes are concrete, dateable entities, the actual memory of how it was to have eaten an ice cream yesterday cannot be a repetition of this past

¹⁴ This is consistent with the person in question neither believing p nor really being in pain, even if it admittedly always involves a certain amount of effort to construct plausible examples for that kind of situation.

¹⁵ Evans (1991, p. 213 ff., cf. especially note 19) also reaches this conclusion. Hamilton’s criticism (1995, p. 343 f.) of these considerations misses its target because, firstly, it interprets ‘remember’ as a successful verb, and secondly, on this basis concludes that there is therefore a logical guarantee for identity over time. Evans does not have to argue that in the case of a correct usage of ‘remember’ identity over time is present (as Hamilton assumes). The moot point is what comprises this identity.

event (independently of whether ‘I’ refers to actual or past self).¹⁶ The knowledge of what it is like to carry out such actions or to be the subject of such experiences is absorbed into the content of the current memory. The past, concrete (token) experience is not present in the current situation.

Therefore in the case of remembering there is no indisputable first-person reference to the respective ‘former self’ and her past self-conscious mental episodes. This impression can only arise if the special features of ‘I’ and the nunc-centric constitution of self-consciousness are disregarded and a type-token-confusion has occurred. This illusion is facilitated through the fact that in the real world the additional conditions (according to the complex view) necessary to qualify a current mental episode as a memory are normally given. These truth conditions for memories, which can be defined in a complex view, cannot be analyzed in the simple view.

In the case of *anticipation*, the simple view is ultimately no better off either. For one thing, the representative of the simple view cannot analyze anticipations such that a current, present self is referring to herself or himself at a future point in time. Such imputed synchronism of a present and a future self cannot be asserted consistently within a framework of the modal time definitions, essential for self-consciousness, of ‘past’, ‘present’ and ‘future’, and the ‘temporal becoming’ essential to these definitions (cf. Quante 2017a). Thus, the ‘weapon’ of anticipation can only serve as an illustration of the intuition that the ‘mineness’ (Heidegger’s *Jemeinigkeit*) of the self-consciousness is in each case indubitably evident and does not apply any identity criteria. This is where the principle of the primacy of self-attribution comes into play. Bearing in mind the results we have arrived at so far, anticipation of a moment in the future must be understood as a current mental episode in which a self attributes to itself the property of being the subject of a certain mental episode in the future, in a first-person way. It is therefore necessary to differentiate two principles here: the principle of the primacy of *actual* self-attribution and the principle of the primacy of *diachronic* self-attribution. In view of the above considerations, the latter cannot be sustained: for one reason, because there can be no presence of a future self, and for another, because it is based on a type-token-confusion.¹⁷ The anticipation of a future mental episode is a different individual from the mental episode which will be experienced by a self in the future (independently of whether I will be this self or not).

The plausibility of the principle of the primacy of self-attribution stems solely from the epistemic features of the present self-consciousness and cannot be extended

¹⁶Two alternatives are conceivable: For one thing, one can comprehend mental events as abstract entities that are not space-time datable individual things. For another, one can try to conceive them as universals that are numerically identically instantiated in various space-time places. In his dispute with Davidson’s event conception, Chisholm seems to have in mind this (cf. Davidson 1982 and Chisholm 1970b, 1971b, 1985). Maybe a systematic motif of Chisholm can be accounted for in the above presented context, since he supports the simple view.

¹⁷The problem of the principle of the primacy of actual self-attribution will not be further expounded in the following. A consideration of this principle leads to the issue of whether the synchronic unity of self can be analyzed purely internally from the first-person perspective, or only with recourse to external factors.

to include diachronic conditions. Thus, the attempt by the simple view to underpin philosophically the *prima facie* existing counter-intuitivity of the fact that complex views must permit ontologically indetermined cases of personal identity over time, ultimately fails. Complex views of personal identity over time can allow both the principle of criterion-free self-reference and the principle of present self-attribution, because these concessions only pertain to the synchronic unity of the person.¹⁸

The simple view reacts to this result with two objections: Its defenders raise the charge that the restriction of the principles of criterion-free self-attribution and the primacy of self-attribution to the synchronic unity of person is a disallowed abstraction. And they claim that the data of first-person phenomenology show that in self-consciousness we do indeed experience a temporally extended self. Both objections have a case. The restriction of the present unity of person in self-consciousness to one point in time is an abstraction, since in reality this experience is always temporally extended. In phenomena such as listening to a melody or reading a philosophical text, the unity of self is present in a first-person way over a temporal interval. Moreover, the self that is missed by Hume and therewith the synchronic unity of the I in the awareness of being able to experience two different mental conditions simultaneously, is likewise ascertainable in the first person (see e.g. Chisholm 1994, p. 198, Foster 1979, p. 172 ff., Swinburne 1986, p. 155). To be sure, it is notoriously controversial which ontological conclusions should be drawn from these phenomenal experience data: does one have to assume as the basis for this (both) simultaneous and successive unity in self-consciousness, or can one ‘construct’ this self philosophically out of momentary atomic self-conscious episodes? However, a proponent of the complex view can make a concession to the simple view at this point as regards the question of the identity of a person over time, by taking the special first-person form of reality of this identity over time as given. For in the end nothing is achieved thereby, as far as the question of the identity of the person over time is concerned.

The problem posed for the simple view ensues from the fact that the identity of a human person over time always includes phases without self-conscious first-person episodes. For instance, it quite obviously belongs to our understanding of personal identity over time that after waking up from a coma, no new person begins to exist, but rather, the person who already existed before the coma has regained consciousness (above all when she continues to be in command of her memories and faculties). This difficulty in satisfactorily integrating any interruptions in the

¹⁸In view of the question of personal identity over time that is of interest here, this concession, is – as we shall see shortly – *possible*, but it is not necessary. For one thing, it should be remembered that ontological conclusions, in the sense that a person is a *res cogitans* set apart from her body, cannot inevitably be drawn from the admission of epistemic particularities. On the other hand, the admission of the epistemic particularities in self-consciousness is not tied to the admission that the Cartesian perspective is suitable for the analysis of these phenomena. Furthermore, in respect of personality disorders, there is good reason to doubt the exclusivity of the first-person perspective in determining the synchronic unity of a person (and with it the principle of the primacy of actual self-attribution); cf. Gunnarsson (2010), Clarke (2013) and the papers in Hughes et al. (2006) for a detailed discussion.

current self-conscious stream of consciousness during the existence of a person with the instruments of the simple view dooms the whole project to failure. To be sure, the decisive assumption for the simple view, that there is a strictly identical I before and after the break in the stream of consciousness, is not logically precluded. However, this possibility cannot, as will now be seen, be justified plausibly with the instruments of the simple view, without betraying the assumption that the first-person perspective is essential to the identity of a person over time.

2.1.4 *Easy Alternatives?*

Most supporters of the simple view have seen the problem that arises from the interruption in the current stream of first-person experience and suggested solutions which can be reconstructed as diverse strategies.

The *first strategy* consists in extending the principle of the primacy of self-attribution, contrary to the above criticism, to such cases which go beyond a current unbroken stream of self-conscious events (cf. Bermúdez 2012). Thus, Madell (1981, p. 135) presumes that the special feature of self-attribution, which declares a mental episode to be ‘mine’, is infallible and unanalyzable and also applies to diachronic cases such as that of memory or anticipation, in which interruptions in the stream of self-consciousness are bridged. Lund (1994, p. 191) also follows this extension of the principle of the primacy of self-attribution, albeit limited to the case of memories, and pronounces diachronic self-attribution to be sheer infallible. Although, considering the consequences entailed in other solution strategies, there are good reasons for this view, bearing the above formulated objections in mind, it is not convincing.

The *second strategy* was adopted by Leibniz in his *New Essays on Human Understanding* (Book II, Chap. 27). He postulated ‘imperceptible perceptions’ which constitute an unbroken stream analog to those of self-consciousness which however, remains below the person’s first-person experience. This conception being an integral part of Leibnizian metaphysics, does not, however, suffice to constitute the identity of the person which, according to Leibniz, consists of discernible self-consciousness. Since he, in contrast to other supporters of the simple view, saw that his foundation of a strict identity that is not reducible to empirical relations is insufficient for the identity of a person across time, he feels compelled to fall back on the goodness of God. It is doubtful whether this alliance of ‘metaphysics and morals’ can convince systematically.

The *third strategy* consists in conceiving the relation of person and self-consciousness according to the model of thing and property or substance and expression. Phases of interruption in the stream of self-conscious mental episodes do not pose danger for the identity, because self-consciousness is interpreted as the activity of a basal soul substance that outlasts these ‘gaps’ as an inactive substance. Swinburne (1986, Chap. 8–10), who proposed this conception, ultimately ties the strict identity of the person not to self-consciousness as the expressions of the soul,

but to the substance which instigates these actions. Apart from the fact that within the mental all problems that arise for concrete objects with the thing-property conception recur, and irrespective of the burden of proof of such a theory, two objections can be formulated. The first attests that the philosophical model of thing and property is inadequate for the analysis of self-consciousness (cf. Quante 2017a, b). This extensively discussed – above all in German Idealism – and well-founded thesis is also taken up by Madell (1981, w.134), when he accuses such a conception as that of Swinburne of ultimately still wanting to treat the person as an ‘object’. The second objection is that in this way the identity of the person is no longer tied to first-person experience and that therewith an indispensable feature of the simple view is being relinquished.¹⁹

The *fourth strategy* uses transcendental-philosophical arguments. An attempt is made to demarcate the strict identity of a person over time as a condition of the possibility of actions (Rohs 1996, Chap. 10). In first instance, the following general objection can be raised against the transcendental justificatory strategy: It cannot be proven that the condition in question is necessary for the presumed fact that has been taken for granted; it is mostly just a sufficient condition. Secondly, for our context the special objection can be articulated that the epistemic particularities conceded within a currently interrupted stream of self-conscious episodes are sufficient for actions (cf. Quante 1997a).²⁰ What is more, the transcendental-philosophical strategy also has to concede that the strict identity of a person over time cannot invariably be based on the first-person data accessible, since transcendental conditions are not normally a constituent part of the first-person perspective.

The *fifth strategy*, which was taken up by Foster (1979), bridges the gaps in first-person experience by linking up with laws of nature that specify the persistence conditions of the respective entity with which the person correlates or through which she is constituted. In the case of human persons, these are those nomological

¹⁹ Although Chisholm (1986, p. 73 ff.) also takes up this strategy, he leaves open whether the indivisible substrate of personal identity should be conceived as monad or material sub particle. Clearly, he is primarily concerned with the indivisibility of this substrate, which should make the strict identity possible, rather than with a substance-dualistic answer to the problem.

²⁰ In Rohs (1996, Chap. 10 and 1997, p. 236 ff.), two further transcendental-philosophical arguments are to be found. First, the strict identity should be a necessary proviso for our practice of ascribing and evaluating actions. It is, however, debatable whether such a reconstruction really is suitable for our ethical practice. And second, the strict identity of a ‘standing and staying self’ should be a necessary proviso for experiences (in the Kantian sense) and communication (Rohs 1988a). The claim of self-conscious achievements drawn on diachronic and intersubjective invariance does not just stem from a very strong conception of experience and communication, which one does not have to share. For the question of the identity of a person that interests us here, its consequences are much too strong, since the recourse to a transcendental I raises the question of how the empirical many and the transcendental I relate to each other (cf. Cassam, 1997). Analog to Chisholm’s conception of mental events as universals/abstract entities, we find here, root of the attractiveness to take self-consciousness as a universal. Such an answer is patently insufficient for an analysis of personal identity; cf. Nagel’s conception of the objective self (1986, Chap. 4) and the considerations in this regard in Zuboff (1978, 1990) or Sprigge (1988).

conditions which constitute human persistence. The linking up of the person's identity of over time with the respective nomological regularities can be explained better with the aid of the relation of supervenience which is generally understood as a non-reductive dependency relation between two independent areas of entities. The chief motivation of this strategy is to avoid having to postulate constituting facts for the identity of a person which are neither empirically nor from the first-person perspective ascertainable. Here, supporters of the simple view run into into a dilemma: Lund (1994, p. 183 f.) rejects the supervenience theory because this way personal identity will ultimately be bound to empirical relations, while conceding that a person's identity is in principle a non-discernible fact. Inversely, Foster ties the conditions of personal identity over time to empirically observable relations which are also made use of in the framework of the complex view. With this the simple view is relinquished as an adequate answer to the analysis of the identity of human persons over time and it is accepted that persons' identity over time is constituted through other relations. Even if a person does not explicitly refer to these criteria in the first-person perspective, the persistence of the human person nevertheless consists in those (empirical) relations whose existence is required in the condition of supervenience. The theoretical framework of the simple view has thus been abandoned.²¹ The identity of persons over time is tied to the identity conditions for the entity with which she 'correlates' or through which she is constituted, while the validity of the theory is restricted to the area of nomological possibilities.

To sum up, we can say that the prospects for the simple view are poor, given that the identity of a person overlaps with phases of interruption in the current stream of self-conscious mental episodes.: The different ways in which proponents of the simple view handle the problem of 'gaps in self-consciousness', and the respectively articulated criticism of the alternative solution strategies argue for the assumption that the complex view is the more promising way of analyzing the identity of the person over time. Thus – as the discussion in this section suggests – the complex answer to the question of the identity of a person over time should fulfill the following *conditions of adequacy*:

1. It should as far as possible be compatible with the intuitions that are called up by the simple view (above all, the independence of the existence of personal identity from social norms or linguistic conventions).
2. It should capture the stability and regularity of the existence of these relations, in order to put across why the fulfillment of the truth conditions are normally assumed implicitly in the daily practice of diachronic self-attributions of first-person mental episodes, so that these truth conditions are not themselves made a subject of discussion.²²

²¹ Foster (1979) emphasizes that this analysis applies to human persons and is just as compatible with the assumption of a non-bodily existing self as with the continuing existence of a human person as a purely spiritual entity after death. However, the biological approach suggested in the next section also accepts the logical possibility of this.

²² Our everyday conception of the identity of persons over time thus has a 'default-and-challenge' structure; in contentious cases we are obliged to have recourse to the facts based on our first-person experience. It is these causal enabling conditions which constitute human persistence and can be compassed through the biological approach.

3. It should be able to explain the phenomenon of conflicting intuitions regarding thought experiments and the impression given of the undecidability of the question in these contexts.
4. It should tie up with plausible assumptions as regards the general problem of identity over time, and not have to devise postulates that are only valid for the specific case.
5. It should also be able to capture the intuitions relevant to (biomedical) ethics in respect of the beginning and end of existence.
6. It should be able to explain the confusion in the face of real ‘puzzle cases’ (irreversible coma, brain transplants, etc.).
7. It should be able to explain (as fully as possible) the intuitive equation of human being and person.
8. It should be free of the weaknesses of the simple view.

(conditions of adequacy)

2.2 Human Persistence: A Complex View

The basic idea of the complex view is that the identity of persons over time is constituted through empirically observable relations, so that the truth of statements about the identity of persons over time depends on whether these relations hold. According to the complex view, such an analysis is possible without having to refer to the fact of the identity of a person over time as unique, and it is not essentially tied to the first-person perspective.

Certain changes are incorporated in the transition to the complex view as opposed to the approach of the simple view, most notably a change in the methodological-epistemological approach: The complex view replaces the Cartesian with the observer perspective.²³ The connection to the observer perspective requires the integration of a causal element, since this perspective is marked out by causal or functional explanatory access. Such a causal element can be found in most variants of complex theories and is also implied by the fifth problem-solving strategy of the simple view. If one shares the widely accepted assumption that causal relations are connected with laws, it is reasonable to assume that there is a dependency on causal relations. This element of the complex theory, whose main features will be outlined further in due course, explains the intuitions that the relations constitutive for the identity of the person are empirically observable, stable facts that are not constituted through conventions or norms. The connection with causal laws limits the validity

²³ This perspective rather than the participant one proves suitable to define the existence of the identity of a person over time as a purely descriptively compassable one, independent of norms, assessments and linguistic conventions. In contrast, in the participant perspective not only does the first-person perspective play an important role, but it is also signalized by the constitutive function of evaluative elements such as expectation of meaning, presupposition of rationality and norms (see Chap. 5).

of the theory to situations possible under causal laws; this limitation of the scope of validity explains to a large extent why both our basal intuitions and our central concepts get confused in the context of such thought experiments as leave the area of what is possible under causal laws.

Persistence Since the identity of a person over time is, according to the complex view, a case of persistence that does not differ in principle from all others, the cumbersome reference to the identity of a person over time will be replaced by the term ‘persistence’ in this section. In general, two models of analyzing the persistence of space-time existing entities can be differentiated: ‘endurance’ and ‘perdurance’ (Lewis 1986; p. 202 ff., Loux 1998, Chap. 6). The central thesis of *endurance* states that concrete individual things exist wholly at every moment of their existence and wander, as it were, as a whole through time. In contrast, space-time extended entities should, according to the basic assumption of *perdurance*, be understood as four-dimensional entities that consist of temporal parts. At every moment only the respective present time slice exists, not the whole object. The suggested variant of a complex theory that follows is committed to the ontology of temporal parts.

2.2.1 Causality: First Group of Presuppositions

Since causality plays a central role in the complex theory suggested below, let me enumerate briefly the premises on which my argumentation is based.²⁴ As regards causality, the central conception for the observer perspective, three levels should be discerned: the level of singular causal explanations, the level of causal relations and the level of causal laws. In *causal explanations* an event is named as the cause of another event, whereby reference is made to both the causing and caused events by way of qualification. Causal explanations exhibit an evaluative dimension in two ways. On the one hand, picking out an event from a complex network of causally necessary conditions as *the* cause is based on pragmatic reasons relative to interests and on prior knowledge. On the other hand, the explanatory power of such statements is based partly on the way the events in question are described. This verbalizes the reference to both our background theoretical assumptions and our interest-led relevance criteria. The explanatory power of these statements is based on the two events referred to actually being linked in the alleged correlation of cause and effect. Such *causal relations* exist independently of explanatory interests and evaluations. They can be understood purely descriptively and independently of

²⁴The comments following are not a justification of these theses. As regards causality, what applies to philosophical theses in general, applies in particular here: none of them is undisputable. The outline sketched in following does not, in my opinion, stake a claim on anything that does not enjoy wide acceptance and is moreover neutral towards some debatable issues (e.g. event ontology, reduction or particular forms of causation such as mental or agent causation).

background theoretical assumptions or interest-led qualifications.²⁵ A purely space-time succession of events does not suffice for a causal relation to exist between them. But rather, the causal relation in question is required to be an instantiation of a *causal law*. Therefore, the events standing in causal relation must be available for description as being types of events linked by a causal law. Causal laws also have to be facts that are to be found independently of evaluations and interests. It is consistent with the consolidation of the explanatory power of causal explanations and the constitution of causal relations that the causal laws in question contain *ceteris paribus* conditions. This means that not every instantiation of a type of event referred to as cause in the law also automatically entails an instantiation of the type of event referred to in the law as effect: Causal laws can have exceptions, whereby the *ceteris paribus* conditions point out that these exceptions can be explained causally by factors not taken into account in the law. Hereby, it remains open whether these further factors can be embraced in the same theoretical framework in which the law is formulated, or whether maybe a reallocation to a different theory (e.g. from biology or chemistry to physics) is required.

This conception of causality shows two features that are relevant to the following considerations: For one thing, it facilitates a differentiation of causal explanations and causal relations so as to retain the evaluative aspects of our explanation practice without evaluatively ‘infecting’ the ontological level of persistence itself. With this, it is possible to comply with the intuition that the existence and non-existence of persons cannot be a matter of valuations and conventions. For another thing, the liberal conception of causal laws avoids the implausible corollary that only in physics can there be genuine causal explanations. The above model acknowledges that biology, for instance, possesses independent explanatory relevance. Since this conception is to apply to causality only as far as it occurs in the framework of the natural sciences oriented on the observer perspective, it remains neutral with regard to aspects of causality not embraced by this perspective (e.g. agent causality, mental causation) as regards both their existence and the nature of their law.

2.2.2 *Sortal Dependence: Second Group of Presuppositions*

Preliminary Remark A sortal predicate *F*, if applied to an object *X*, tells us what kind of entity this object is (standardly stated as *F*(*X*) as “*X* is a cherry”). If *X* is a persisting entity which can undergo changes, we have to distinguish two cases: In case A the change is such that *F* no longer applies to *X* (“*X* is no bachelor anymore.”) without *X* ceasing to exist. In case B the loss of *X* being *F* necessarily results in *X* ceasing to exist (“*X* is no human organism anymore.”)

Sortal predicates allowing for A-cases are called phase sortals, since they can apply to *X* at certain periods of *X*’s persistence and not at other periods of *X*’s persistence. Sortal predicates allowing for B-cases are called constitutive sortals, since

²⁵ Regarding the debate about an extensional (Davidson 1982) or intensional conception of events (Kim 1993, Chap. 3, Rheinwald 1994) these considerations remain neutral, at least for those theories in which the identity of events does not depend on evaluations.

they have to apply to all periods of X's persistence (a loss would amount to X ceasing to exist).

If one asks where this difference between constitutive and phase sortals stems from a plausible answer (taken as a premise in this study) is that constitutive sortals deliver criteria for persistence (in case X is a persisting object) or identity (in case X is an abstract object).²⁶

1. *Sortal dependence*: If one asks whether an entity a at one point in time is identical with entity b at another, or if one wants to know what counts as one entity, then neither the definition of numerical identity nor the principle of indiscernibility of the identical can be of any help.²⁷ The former already assumes that a and b are individuals, while the latter provides no answer to the question as to what comprises the persistence of an entity. If questions of identification and individuation are to be answered, then the field of the logics of identity must be abandoned. This is often carried out – as it will be in the following – through recourse to sortal concepts. My basic assumption here is that a statement 'a is the same as b' depends on sortal concepts. However, two rival approaches must be distinguished here: the thesis of sortal relativity and the thesis of sortal dependence.

The conception of *sortal relative* identity, which goes back chiefly to Geach (1980), can be characterized by three assumptions (Rapp 1995, p. 158 ff. and 388 ff.):

- (a) The statement 'a is the same as b' is incomplete and must be supplemented by sortal concept F if it is to be meaningful.
- (b) 'a is the same as b' cannot be resolved into 'a is F & b is F & a is the same as b'.
- (c) It is possible that a and b are the same relative to a sortal F and not the same relative to a sortal G.

In contrast, the conception of *sortal dependent* identity, which goes back chiefly to Wiggins (1980), contains the following assumptions²⁸:

- (d) The statement 'a is the same as b' refers to a sortal concept F, on which our practice of individuation and identification is implicitly or explicitly based. The statement is not meaningless, but elliptical.
- (e) Not all predicates that apply to a and b denote sortals that are equally fundamental to our practice of individuation and identification. One can distinguish

²⁶I leave open here whether these criteria are delivered via the meaning of F or via its (hidden) reference to persistence relations. Furthermore, constitutive sortals are taken to deliver criteria to count tokens of X, i.e. to distinguish exemplars of a species.

²⁷The following portrayal owes a lot to the study by Rapp (1995). But in contrast to Rapp's considerations, which are oriented on linguistic pragmatism, I take a realist conception as a basis, at least as far as human beings are concerned.

²⁸This characterization corresponds to the conception based on the following and does not entirely align with either the conception of Wiggins or that of Rapp.

between constitutive and non-constitutive sortals: 'a is the same as b' refers to a constitutive sortal F, on which the truth of the statement depends. A constitutive sortal is not only one which is assigned to the entity in question at every moment of its existence, but rather, at the same time one which, firstly, provides the necessary persistence conditions and secondly, whose acquisition or loss means the beginning or end of the existence of the entity in question.

- (f) It is not possible to have two constitutive sortals F and G that apply equally to a and b and yield conflicting conditions of individuation or identification.

It is important to distinguish clearly between these two conceptions, because the pertinent criticism of the implausible consequences of the thesis of sortal relativity is usually looked upon as also being adequate to rebut the conception of sortal dependence I make use of. But as (e.) and (f.) show, the latter conception downright excludes sortal relativity. Admittedly, it thereby takes up burdens of proof which will be specified shortly.

2. *The necessity of origin*: A further premise that will be employed in the following states that the concrete event of its genesis necessarily belongs to the identity of a persisting entity. This means that a can only be the same F as b when a and b are generated by the same event (Forbes 1985, Chap. 6 and Kripke 1981). With this, a purely quantitative criterion of the specific essence of an individual is presumed, which will mainly become relevant in the context of the beginning of life (cf. Chap. 3).
3. *Natural kind terms*: Independently of one another, Kripke (1981) and Putnam (1979) proposed for terms that denote natural kinds the thesis that their meaning should be defined externally. This means that e.g. the concept 'tiger' depends in its semantic content on how tigers are really conceived. So, what is meant by 'tiger' depends on what we discover regarding this species. If, for example, we discover during the course of the progress of our knowledge, that dolphins are not fishes, but mammals living in water, then we have not had a different concept of dolphins in the past, or yet systematically mistaken the reference to dolphins, but rather, in using the sortal concept 'dolphin', we have been referring the whole time quasi indexically to real dolphins.²⁹
4. *Natural kinds*: Whereas Putnam and Kripke only suggest an externalist theory for natural kind terms, without answering the question of what natural kinds are, the theory of persistence portrayed in the following enters into additional burdens of proof by drawing on a realist position of natural kinds, at least for highly developed animals. Even if there is no consensus in biology, or rather in the philosophy of biology as to how species should be precisely individuated and which precise ontological status they possess, nevertheless, a far-reaching realism can be detected as regards higher developed animals.³⁰ In the following it is assumed as a premise that in biology, specific laws are discovered which describe

²⁹ The externalist analysis of concepts for natural kinds does not imply the stronger thesis that the reference alone establishes the meaning.

³⁰ Since the following is concerned only with the persistence of the human individual, this suffices. A general theory of biological species is not necessary for my purposes.

the organization, functions and normal development of biologically normal members of this species.³¹ These laws are causal laws which can be devised from the observer perspective in as far as they refer to processes of evolving, growing, aging and dying. This concerns causal laws specific to species, which express the conditions of fulfillment for the persistence of members of this species. These regularities, which are referred to via specific sortal concepts used in biology,³² are the nomological correlations that are not dependent on evaluations and conventions and which are necessary as a basis of a complex theory of persistence. The realism about natural kinds is justified additionally, since this way it becomes understandable why specific sortal concepts are more fundamental than others in our practice of identification and individuation. This is because in one case detectable regularities guide this practice implicitly and not in another. Furthermore, it can in this way be appreciated why there can be no conflicting identity criteria. Since causal laws are not in competition with one other, at most the case can occur that there are general and specific laws, e.g. those for mammals and those for human beings.³³ In this case, the laws pertinent to the species provide the persistence criteria respectively.³⁴ The thesis that our practice of individuation and identification presupposes e.g. the validity of current regularities for human beings, moreover explains why the diverse thought experiments which have been constructed in the discussion about the identity of the person, evoke conflicting intuitions: these scenarios transcend the area of application of our persistence criteria. In addition, this thesis makes it understandable why there is a tendency in the context of theoretical considerations to use the terms 'human being' and 'person' coextensively: it is the former term which guides our identity statements when we talk about human persons. In so doing, the concept of the human being is used in a purely biological sense (i.e. biology as a science). The general parlance about persistence has to be rendered more precise by indicating the respective sortal concept from which the identity criteria in question may be won. For this reason, the following is concerned with the persistence of the human individual; in my conception, there is no persistence of the person.³⁵

³¹ In isolated cases any occurring aberrations or deviations can concur with these laws due to the *ceteris paribus* clauses.

³² This recourse to biology is not meant as a contention that the everyday use of this sortal concept and everyday statements on the persistence of members of this species function basically in a different way. For one thing, the regularities included in this way can in part also be grasped socially, and for another thing, there is resort to the factum of linguistic division of labor (Putnam 1979). But there are also areas (e.g. in embryology) which are for the most part inaccessible to the social approach.

³³ This formulation presumes that causal laws are facts. If, instead, causal laws are understood as propositions, then the thesis reads that two true causal laws cannot contradict one another.

³⁴ In contrast to Rapp's suggested connection to the pragmatics of our identity statements my suggestion enters into a higher metaphysical hypothec. In my view this is justified above all by the fact that it allows to explain the non-conventionality of the persistence of members of certain biological species. But it has to be noted here that therewith the analysis of persistence suggested in the following is restricted to higher species and is bound to actual biological laws.

³⁵ The thesis that the persistence conditions for human embryos must be coined on the basis of the concept of the human being is also defended by Ayers (1993, Chap. 22–25), Olson (1997),

2.2.3 *The Biological Approach*

The precondition to analyze persistence via empirically observable relations of causal space-time continuity on which causal laws are based, leads as regards the human individual to the theory that here the concept of the human being – understood purely biologically – rather than the concept of person must be taken up. A *demanding* concept of person, which can only be applied to an entity when it possesses certain properties and capacities to an adequate degree (Dennett 1981, Chap. 14), does not possess the attributes required for an analysis of persistence. Obviously, evaluations and norms play a role in the characterization of an entity as a person, so that the independence required is lacking. Because of this evaluative character of personhood it can also not be expected that the concept of person denotes a natural kind through which the special causal laws required by the analysis of persistence may be gained. For one thing, this follows from the possibility that quite heterogeneous kinds of entities can be persons, so that possibly even conflicting causal laws may be relevant for the amount of entities defined as persons, or, in the case of artificial persons, no pertinent laws exist. For another, the evaluative character of the concept of person leads to the causal links ascertainable on the observer perspective showing an under-determinateness as regards the personhood of an entity, since the evaluative aspects cannot be captured. Furthermore, a demanding concept of person can only apply as a phase sortal, i.e. a sortal concept which can apply to an entity at certain periods of the existence over time and not apply at others: It is obviously not the case that an interim comatose human being, who no longer fulfills the conditions of the demanding concept of person, stops existing, or that a new entity starts to exist after reconvalescence. The demanding concept of person can therefore not be understood as a constitutive sortal that determines the conditions for the persistence of entities of this kind. For, to recall, a constitutive sortal records those properties and capacities of an entity, whose acquisition and loss accompany the beginning and end of the existence of this entity.

If the demanding concept of person located in the participant perspective and including our perception of personhood and personality is unsuitable for an analysis of persistence, then maybe an undemanding concept of person could still be defined which – free of evaluations and norms – is used exclusively in the observer perspective (recall the distinctions introduced above in 1.3). If one, for example, understands by person merely an entity to which both psychological and physical properties can be attributed without going further into detail about the exact nature of these psychological properties and capacities, the concept of person is, however, no longer being used in the accepted sense.³⁶ If one is looking for the persistence of the *person*, then such an undemanding concept of person is *prima facie* an advantage, since

Snowdon (1990, 1991) and Wiggins (1976, 1980, Chap. 6). It is important to note that the above thesis does not imply, first, that only human beings can be persons, and second, contrary to Wiggins, that it is intended as an analysis of the identity of *persons* over time.

³⁶This point has been made by Harry G. Frankfurt against Peter F. Strawson's conception of the person developed in "Individuals" (Strawson 1959, Chap. 3); cf. Frankfurt (1988, Chap. 1).

it is the most likely to facilitate the fulfillment of the conditions required of a complex theory. So the main issue is whether it is the psychological properties, the physical properties, or both classes together which determine the persistence of a person. But in this discussion it is conspicuous that the different theories swing between a demanding and an undemanding concept of person. This shows up above all in the properties and capacities that are taken into account in the analysis and, in the end, which conditions are acknowledged as being sufficient for persistence. The following dilemma ensues from abiding by the concept of person within the context of the analysis of persistence: the more sophisticated the underlying concept of person is, the more problematic it becomes, on the one hand, to build up a persistence analysis oriented solely on the observer perspective that does not underdetermine the phenomenon. On the other hand, an analysis oriented solely on the observer perspective is all the more successful, the less demanding the underlying concept of person is. However, it is not clear what an entity thus analyzed in respect of persistence conditions, has to do with personhood.

The way out of the dilemma described in the following entails dispensing with the concept of person for the analysis of persistence and instead calls on that sortal concept which denotes the natural kind of the respective entity. In the case of human individuals this is the biological concept of 'human being'.³⁷ With this, the persistence conditions for human individuals are determined by the biological regularities relevant to members of the human species.³⁸ So it is not the body of a person in the sense of an aggregate of material, which enters into the conditions of persistence, but the causal continuity of an *organized* body whose material parts can be replaced without endangering the persistence of the organism. Even the brain, which plays a prominent role in the context of the debate about the identity of the person over time, is not merely a collection of specific atoms or cells, but a functionally specific organ that is individuated not by its constitutive material parts but through its organized state, which refers to the human organism as a whole.

The central psychical functions of the human being relevant in most of the complex theories can be integrated into the biological approach: either directly, when they can be captured from within the observer perspective, or indirectly via their biological bases of realization. However, in contrast to many other complex theories, in the biological approach psychical functions are not necessary conditions for human persistence. Objections can be raised against such approaches that support a biological approach. According to these alternative complex theories, psychological properties and capacities are not sufficient, but nevertheless necessary for the persistence of a human person. Even if it is possible, within the framework of such theo-

³⁷ I have explained the reasons why the other variants of the complex view do not represent a satisfactory alternative to the biological approach in Quante (2001a).

³⁸ For the portrayal of the general strategy it can remain open here whether 'human being' denotes a natural kind, or whether the laws that can be formulated within the framework of the basis of biology are relevant for other animals (e.g. apes), too. There is no need for a definition of the persistence of the human being as opposed to all other forms of life. Whether 'human being' defines a natural kind, or how the natural kind that includes the human being is to be precisely defined, is a question to be decided empirically.

ries, to bridge interruptions in the stream of psychological events by dispositions, two grave problems still remain. If one takes the case of a human being lying in an irreversible coma from a specific point in time and, due to the destruction of the brain areas needed for psychological states and episodes, leading only a vegetative life, then, according to the complex theory, the individual in this life period cannot be the same individual that existed before the onset of the coma. This case can be seen as a special one at the end of life, on which one cannot build a theory, or because of which one should not give up an otherwise plausible theory. But the second difficulty is present in every human individual: According to such a theory, the phase in the development of a human life in which the basis for psychological states and events have not yet been developed, do not belong to the individual's later existence. Both consequences are extremely counterintuitive. If, in contrast, one accepts the assumption that the persistence conditions in question stem from the biological concept of the human being, then both the early stages in the development of the human embryo and the irreversible phases of merely vegetative life can be understood as phases in the existence of a persisting human individual.³⁹

In contrast to other complex theories which use the concept of person, the biological approach also has the advantage of not being dependent on a naturalistic conception of the propositional attitudes that are central for personhood and personality (memories, intentions, etc.). On the contrary, in the framework of this conception it suffices to make available the necessary basis for these mental episodes within the framework of a description of biological functions oriented on the observer perspective. Since this is not aimed at reconstructing a demanding concept of person via biological concepts, it is sufficient if the biological enabling conditions which are necessary so that human individuals can be persons, are captured. Personhood and personality cannot themselves be understood within the framework of a naturalistic conception, but belong to the participant perspective. Since, in compliance with the overall conception of the biological approach suggested here, no persistence conditions can be determined at this level, this area can be completely omitted in questions of human persistence.⁴⁰ Inversely, the factual constitution of the biological organism plays a central role as a basis for realization of personhood and personality. One needs only to think of how the growing up, aging, being ill or dying specific to humans characterizes our concepts of personhood and personality.

The starting point of the biological approach is the human organism as a self-integrating unit. As long as one does not additionally subscribe to the naturalistic thesis that the only phenomena and entities that really exist are those which can be

³⁹The *prima facie* counterintuitive consequence that the biological approach involves is that a corpse is a different entity from the human being it once was (cf. Chap. 4; Rosenberg arrives at the same conclusion, 1983, p. 27 f.).

⁴⁰The exclusive connection to the observer perspective does not allow analyzing the organized body as 'my body', i.e. the body a person attributes to herself. This would admit the first-person perspective back into the analysis, so that Hamilton's criticism could bite (1995, p. 346).

fully grasped within the framework of the observer perspective, no reductive or even eliminative consequences arise from the complex analysis suggested here.⁴¹

2.2.4 Conclusion

All in all, the biological approach suggested here fulfills the adequacy conditions formulated at the end of the first section: The bond with the biological regularities ensures the independence of persistence from social norms or linguistic conventions, explains the stability and regularity of the existence of these relations and, with this, also why, in the daily practice of diachronic self-attributions of first-person mental episodes, the truth conditions for persistence can normally be assumed as given and why these truth conditions do not themselves have to be discussed. At the same time, it becomes understandable why we intuitively tend to equate 'human being' and 'person' in issues of personal identity. Furthermore, the bond with factually valid laws explains in general why the thought experiments dealt with in the literature evoke conflicting intuitions and the impression of undecidability: the concepts with which we answer questions of persistence are utterly unsuitable for dealing with these cases, and the concept of person itself, which is drawn on in these contexts, does not facilitate any clear cut answers.⁴² Furthermore, the omission of the suggested fixation on psychological states and episodes from the concept of person also makes it possible to embrace everyday intuitions as regards the beginning of life, death or coma states. All in all, the biological approach can be formulated completely in the observer perspective and can manage without special postulates which would have to be set up exclusively for the analysis of the identity of persons over time. The burdens of proof of the biological approach are considerable, though fewer than those of the simple view or the alternative complex theories. Above all, a realist conception of natural kinds is needed, which is backed by biol-

⁴¹ Cf. Quante (2000a); the declination of a naturalistic conception of propositional attitudes thus is not committed to taking (and sticking to) the Cartesian perspective. On the contrary, the simple views can be accused of masking the evaluative and 'hermeneutic' aspect of personhood and personality just as much as the naturalistic complex theories do, by adapting the first-person perspective to the observer perspective. In the face of this, it is suggested here that personhood and personality be assigned to the participant perspective that contains the first-person states as an integral part. Connected with this is the thesis that self-consciousness also always contains evaluative and volitional aspects (Tugendhat 1979). Chisholm (1970a, p. 36 f.) agrees in one sense, in that he makes a case for a 'loose' rather than a strict application of the concept of identity for personhood and personality. With this, expressed in the terms of my approach, he sums up the difference between an analysis oriented on the observer perspective and one on the participant perspective. But what comprises personal identity when personhood and personality are excluded, remains hazy.

⁴² The extrinsic conditions criticized by the simple view (such as the exclusion of doubling) are not an ad hoc solution, but result from the relevant biological laws containing *ceteris-paribus* conditions. Neither the manipulation nor the presence of constraints that hinder the normal development of a human organism are directly embraced by this approach.

ogy or, rather, the philosophy of biology, at least in regard to human beings. In an adequate formulation of the biological approach, use will also be made of categories which go beyond the framework of biology itself: first and foremost, the concepts ‘organism’ and ‘integration’ or, rather, the integrative achievement (cf. Chaps. 3 and 4). At the same time, the scope of the biological approach is limited. This not only has the already described welcome consequence of banning undecidable thought experiments to the realm of ‘science fantasy’ for good reason, but also the effect that the persistence conditions are limited to the normal determining factors of the specific relevant laws for each natural kind. So, within the framework of this theory, nothing can be said about artificial persons and about the personal identity of God or angels. Even in regards to human beings, it emerges that technical interventions such as e.g. the transplantation of brain tissue (or parts of the brain) as well as the artificial replacement of specific organic functions of the brain, possibly exceed the normal application area of this theory. Whether this is the case and, if applicable, what consequences are to be drawn from such results, must be revealed by the discussion of the issues in question in the following two chapters.

Personal Identity as a Principle of Biomedical Ethics

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