**“Protecting Persons from Animal Bites:**

**The Case for the Ontological Significance of Persons”**

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**Abstract** Eric Olson criticizes Lynne Baker’s constitution account of persons on the grounds that personhood couldn’t be ontologically significant as nothing new comes into existence with the acquisition of thought.He claims that for something coming to function as a thinker is no more ontologically significant than something coming to function as a locomotor when a motor is added to it. He levels two related charges that there’s no principled answer about when and where constitution takes place rather than an already existing object just acquiring new properties. I’ll argue that none of these objections are problems for understanding person to be a substantial kind.

**I. Introduction**

Lynne Baker believes that human persons are constituted by human organisms much like statues could be constituted by lumps of clay. Unlike animalists, constitution theorists believe the human person isn’t identical to the human animal. The person is essentially a thinking being, the animal is essentially a living entity. What I want to do here is defend Baker’s persons against some bites of animalists.[[1]](#footnote-1) I don’t think they break the skin and draw any blood. What unifies these attacks is they all support the claim that personhood couldn’t be ontologically significant. The animalist insists that mental functions characteristic of personhood can’t be grounds for “person” being a substantial kind term.[[2]](#footnote-2) My contention is that the typical animalist qualms about mental functions being substance determining are not problems for Baker’s constitution account despite the claims of some talented animalists, in particular, Eric Olson (1997: 2007, 65-71).

First, Olson insists that “person” can’t be a substance term but is instead a mere function term like “locomotor.”[[3]](#footnote-3) “Animal”, on the other hand, is a substance kind term that can provide an answer to the question “What is it (fundamentally)?” Second, there’s no principled answer about *when* constitution takes place and persons come into existence as opposed to an already existing object just acquiring new mental properties (Smith and Brogaard: 2003; Olson: 2007, 65-71). Third, Baker is also lacking is a principled account about *where* constitution occurs, i.e., whether the person is constituted by the entire body or just a part like the brain (Olson: 2007, 70-75). I respond that Baker’s account of constituted persons can respond effectively to these “animalist bites.

**II. Olson’s Account of Function and Substance Concepts**

Olson claims that “person” is not a substance term like “organism” or “animal.” Describing something as a person doesn’t tell us about its nature, the kind of substance it is fundamentally.[[4]](#footnote-4) In a section entitled “Movers and Thinkers” in his first book (1997, 31-37), Olson puts forth an argument that “person” should be understood as a functional term like “locomotor.” The strategy Olson pursues there against those who would bestow substancehood on persons in virtue of their psychological capacities involves showing how counterintuitive it would be to hold such a position about locomotors being substances in virtue of their locomotive capacities. He then suggests that the same skepticism that readers harbor towards “locomotor” being a substantial term should be extended to “person.” Olson begins by imagining a philosopher who is so impressed with the locomotive abilities of humans and other entities that she puts forth a criterion of locomotor identity.

If a ship’s engine is damaged beyond repair, she says, that ship ceases to exist, and the resulting crippled ship (if we can call a thing with no locomotive capacity a ship) is numerically different from the one that once sailed. If we attach a motor to something that was previously unable to move (a rowboat, for example), and give it (or rather its successor) locomotive powers, the original nonlocomotive object ceases to exist and is replaced by a locomotor numerically different from it - for the latter object would have a different criterion of identity from the former. And if a ship’s engine is removed and installed in a new hull, the resulting ship is identical with the original ship, for it inherits the original ship’s locomotive capacity (1997: 32-33).

A locomotor persists as long as locomotor continuity is maintained. Our philosopher considers “locomotor” to be a substance term – i.e. it is the type of answer given to the question, “What is it?” Crabs, human animals, angels, cars, motorboats, and airplanes would all be essentially locomotors. A locomotor would come into existence whenever there arose something with the capacity to move itself and it would cease to exist whenever it lost that capacity. Olson insists that even if we were informed that something were a locomotor we would still be warranted in asking, “But what kind of thing is a locomotor?” What is *it* that generates its own movement? Olson suggests the answer should be a crab or human animal or angel etc. If “locomotor” had been a substance term, then there would have been no need for the additional questions.

Since Olson expects readers to recoil from the idea that “locomotor” could be a substance sortal, he challenges them to explain how “person” differs. He argues that “person” is a functional kind term like “locomotor” and thus it can’t be the answer to the question “What kind of substance is it?” He insists that to say that something is a person tells us that it has the capacity or disposition to think in a certain way, but doesn’t inform us what it is that thinks in such a way.

Olson claims that if “person” is not a substance term then the psychological approach to personal identity cannot be true, at least if persons are considered substances and psychological views require Lockean self-consciousness or psychological continuity. There is a minority tradition that interprets Locke as understanding persons to be modes rather than substances. On that construal, the psychological approach to identity can be correct but without persons being substantial rivals to animals. However, the position of any substantial psychological approach, one version of which is Baker’s constitution account, is that we are essentially thinking beings, not living beings. I will argue that an advocate of a psychological approach like Baker’s should not be worried by the lessons that Olson draws from locomotors about persons and substances. [[5]](#footnote-5)

**III. Constitution, Function, and Substantial Change**

The motor in Olson’s story is not playing a role analogous to what the cerebrum does in the constitution approach. Adding a motor to something that couldn’t previously move is said by Olson to destroy that entity. But on a constitution view, adding a cerebrum to a creature without one doesn’t destroy that previously mindless creature but enables it to now think in virtue of constituting a person. So, one minor reason why advocates of the constitution approach need not be bothered by the absurdity Olson describes is because the development of a thought producing cerebrum creates persons without eliminating bodies, while acquiring locomotion destroys and replaces the previous non-locomoting entity. If “locomotor” was a substance term then in a constitution framework it would create a new entity and leave the previously floating, non-locomoting, constituting entity intact. That is less preposterous than the view that Olson proposes which eliminates the boat. The view that Olson offers is like the position that the development of a mind and the onset of personhood destroys the animal and replaces it with a person. So, where there was an animal there would now be a person and no animal present. Alternatively, the previous animal is destroyed and new animal has taken its place, one that is identical to the person. Few people have that view.[[6]](#footnote-6) So while the position Olson envisions is compatible with a locomotor coming to be constituted by a floating, non-locomotor, he doesn’t offer that. [[7]](#footnote-7) Nor should a defender of the psychological approach to personal identity find that move plausible for reasons to be given below.

Nevertheless, we are still owed a story about why some functional terms are tied to a thing’s nature and persistence conditions and others not. To see why a change in function could be a change in substantial kind - the replacement of one substance by another - consider the differences between Olson’s locomotor and automobiles. Isn’t “automobile” a substance term? If any artifacts can be substances in virtue of their functional properties, then automobiles would seem to qualify. I don’t know what would be a better answer to someone pointing at an automobile and asking the question “What is it?” than “It is an automobile – an artifact that moves itself.” And automobiles are self-moving entities which make them seem a lot like locomotors except for their being limited to propelling themselves across the land rather than through the sea or skies. This suggests “locomotor” may be a genus term instead of a species term like “boat,” “train,” and “automobile.” Trying to embarrass advocates of persons as substances by claiming that it is akin to saying that locomotor is a substance kind that include crabs, motorboats, and airplanes would be like trying to embarrass animalists by claiming that entropy resistor is a substance kind that includes, bacteria. dogs, humans, artifacts, and various systems. Since *entropy resistor* is a genus rather than substance kind, it doesn’t follow that animal is not a substantial kind, despite being a kind of entropy resister.

Imagine the following alternative history of the automobile. One hundred years ago people were using large sheds on cylindrical rubber mounts to store farm equipment. They didn’t call them “automobiles,” nor were they. They were structures shaped like the bodies of our present-day cars and vans. Suppose some engineers started to add engines to these structures and started to use them to drive around rather than store farm equipment. Is it that odd to believe that they have created a new substance? So even if readers wanted to resist any suggestion of one artifact (a rowboat) coming to constitute another (a locomotor), they are less likely to be upset by the prospect of substantial change in which the automobile is a new substance that *replaces* the older engineless shed. Now what is the difference between this story of automobiles and the locomotor replacing the rowboat? Do readers have a strong intuition that we should speak of storage sheds persisting and acquiring a new property rather than going through substantial change, especially if the entities became used primarily for driving and no longer the storage of equipment?[[8]](#footnote-8) If not, then perhaps they should adjust their stance towards the rowboat and the locomotor, and consider as less problematic the beliefs of the locomotor-fascinated philosopher that Olson imagines. Or more plausibly, they might want to construe the locomotor as the genus and boat and auto as species.

An appeal to talk of proper function can help us see why there plausibly arise new substances when some things like sheds acquire new functions and become automobiles which are kinds of locomotors and why others such as a type of (motorless) boat don’t undergo substantial change when locomotion is instantiated. There is a long tradition of distinguishing effects from proper functions of Xs by accounting for why an X came into existence and is maintained in existence (Wright, 1973).[[9]](#footnote-9) My hunch, rather than well researched thesis about our intellectual history, is that everything was once seen as a divine artifact created and then sustained in existence by God in order to serve some function, but then in a secularized West substitutes for divine creation and sustaining were sought for natural objects. So to take a well-worn example, the proper function of our hearts is explained by the hearts of our ancestors pumping blood enabling them to live long enough to reproduce and pass on that trait to their descendents. And each heart keeps itself and its possessor in existence by performing its blood pumping function. I want to emphasize that *maintaining* something presently in existence is important for ascriptions of proper function and we shouldn’t just look to what brought some structure into existence. This is needed for us to account for adaptations or spandrels that have come to have functions (Gould and Vrba’s 1982 “exaptations”) that they weren’t earlier selected for which now maintains them in existence. It is also needed to account for the proper function of the organs of the first organism (or perhaps multiple independently arising organisms) on the planet which didn’t descend from any earlier organism and may not have been able to reproduce and leave descendants whose later functioning could perhaps determine what counts as the proper functioning of these first organisms. I contend such early organisms were unhealthy before they expired because their organs stopped doing what had sustained them earlier in their lives. Likewise for artifacts, the original function for which some things were made is not the entire story because we need to look at what they have been maintained in existence to do or at least what functions maintained them as “existing” in the social world rather than be ignored or forgotten even if physically intact. We need to appeal to a history of maintenance of a function if we want to explain how so-called “found objects” can come into existence with proper functions that don’t account for their matter earlier being formed to serve such functions in the original substance with that matter; moreover, such maintenance can keep entities from becoming found objects that undergo substantial change without undergoing physical change.[[10]](#footnote-10)

Such appeals to proper function can help us understand why something new came into existence when Olson’s boat was initially constructed from assorted planks and why it wasn’t replaced and went out of existence when a motor was added. Likewise, it will help explain our intuitions that the shed has been replaced by the automobile. The shed and automobile have very different functions and the components of the shed are no longer maintained in a way that makes that structure function as a shed. Safety, speed, climate, and comfort features will be an issue with the automobile that weren’t concerns when the same mostly metal “container” constituted the shed. For instance, holes that allow in cold breezes or which will widen due to vibrations produced by high speeds and bumpy roads need to be patched in the automobile but not in the shed. Pieces of the auto’s interior will be cleaned, sanded and softened for they now are occupied by people rather than inanimate farm equipment and so on. The boat, on the other hand, is still maintained as a boat when a motor is added and the oars removed or rarely used. The boat’s proper function of transportation across water, the reason the planks were initially assembled, has not changed when the engine is added, it is just performed or powered differently. It is not essentially a *row*boat. A rough analogy is modifying a computer so it no longer runs on battery power but on a solar cell or current from a wall outlet. That isn’t a substantial change for there hasn’t been a change in its proper function, just a new way for it to perform or power its proper (computing) function.[[11]](#footnote-11)

Much of the story in the above passages is also true for organisms that ontogenetically develop into locomotors. They didn’t initially come into existence as locomotors**,** even though the later locomotion helps sustain them in existence.[[12]](#footnote-12) Locomotion is a proper function of some of their parts. Those parts and their functions are new but the organisms do not then undergo substantial change, for there is a hierarchy of functions: the ultimate ends determining organism functions are contributions to the goals of survival and reproduction. Also notice that the maintenance of the organism remains considerably unchanged with the onset (or later loss) of locomotion in an animal’s development, since the body still engages in the same metabolic and homeostatic functions. So enabling locomotion is a proper function of parts of the organism that serve higher functions, much like the other parts and organ systems, and thus locomotion doesn’t determine the kind of thing the organism is even though it determines the function and nature of some of the parts and plays a role in sustaining the organism in existence. The organism’s persistence conditions do not include locomotion but the integration constitutive of life.

So we shouldn’t be tempted to say the onset of locomotion in an organism is a case of emergence of a new substance that replaces an older one, the non-locomoting organism. Nor is there any reason to think that with locomotion we have the emergence of a locomotor constituted by the organism. Likewise, we shouldn’t think the addition of a motor replaces a boat that was there earlier without a motor. The boat’s function is to travel across the water and the functions of the boat’s parts are determined by their contribution to that ultimate function. The boat can do it under sail, with steam engine, oil engines, electric engines, oars, etc.

There’s a long tradition in the substance literature that stresses the independent existence of substances from certain other objects. Though not part of her formal definition of constitution, Baker wrote “If x constitutes y at T, it is possible that y exist at T but x not exist at T” (2007: 35). She gives as an example a flag that is constituted by a different piece of cloth before and after a battle as cloth parts are torn off. I don’t have a rigorous account of this independence condition but will still claim that a reason to think the organism did not come to constitute a locomotor is that it isn’t possible for that locomotor to exist without the organism. The detached legs of an organism aren’t themselves locomotors. Detached legs aren’t engaged in locomotion. However, it is possible for the organism to exist without locomotion. Likewise, the boat doesn’t constitute a locomotor. The locomotor doesn’t exist without the boat. A detached motor isn’t a locomotor.[[13]](#footnote-13) Nor does a boat go out of existence when a locomotor emerges with the addition of a motor.

In the famous personal identity thought experiments, persons can exist independently of their animal bodies. Unlike locomotors, persons can be construed as the emergence of a new entity with goals distinct from the animal. The parts of the animal function properly when oriented towards the goals of survival and reproduction (Boorse, 2002). While the cerebrum can be understood as contributing to those goals, it also can be interpreted as having ends independent of the survival and reproduction of the animal. The cerebrum can serve the person’s goals which may involve choosing to sacrifice her life for strangers or not to reproduce (Baker: 2000, 12-20).

**IV. When Does Constitution Occur?**

When does constitution occur? Baker protests that she can’t be expected to have a theory of everything! And she does offer some rules of thumb for distinguishing substance changes from non-identity altering property changes. Baker argues that when a constituted entity comes into existence, “whole classes of causal powers” come into the world. Her critics might respond that if constituted things emerge just when considerable new causal powers come along, why isn’t becoming conscious and capable of responding to pain and pleasure a case of constitution? Or why isn’t learning engineering which enables one to exercise many other powers an instance in which a new substance comes into existence? Likewise for puberty and the physical powers that it bestows upon an adolescent such as being able to conceive a new life and do many things not possible before. Or consider an individual whose genes mutate and the result is that be becomes infected with a disease that will kill all his sexual partners. Finally, imagine a person learning to compose music and lyrics in a way that moves people to tears (to use an analogy to Baker’s case of a stone coming to constitute a monument and evoking such emotions.) I would imagine that most constitution theorists don’t want the causal powers test to imply that the above individuals have come to constitute new entities in such situations, though I think much can be said for the onset of *mere* consciousness as a good candidate for a level of constitution intermediate between bodies and self-conscious persons.

I think that the basis for the modal intuitions of separation often appealed to in thought experiments where persons are separated from organisms are needed to account for when constitution has occurred and when it hasn’t and an already existing object has just acquired a new property like thinking about Vienna. Olson claims that the only principled approach for constitution theory is to accept a new entity is constituted with every new property. “The generous view implies that you thereby come to constitute a being different yourself that thinks about Vienna essentially (*you* don’t think about Vienna essentially)” (2007: 69). There is, after all, a long tradition that understands substances as independent of other things – though spelling out that independence is notoriously difficult.[[14]](#footnote-14) Aristotle said “some things can exists apart and some cannot, and it is the former that are substances” (2:1691). Descartes wrote “The notion of a substance is just this – that i**t** can exist all by itself, that is without the aid of any other substance” (2:114). The Oxford English dictionary offers “*Substance,* a being that subsists by itself, a separate or distant thing.” The onset of causal powers doesn’t seem a sufficient test for whether constitution has taken place. Since the existence of new causal powers appears to be just a necessary indication of the emergence of something new in the universe, it can be given support from my appeal to an independent existence requirement.

So one useful test for constitution is whether the alleged constituted object can exist separated from the particular entity previously constituting it. If its properties are dependent upon an entity that it can’t be disentangled from, then there isn’t constitution and we have evidence that an already existing entity just acquired new properties. For example, one can’t separate the composer or engineer from the person. There is no transplant of just the composer or engineer leaving the person behind, nor is there a blow that extinguishes the person while the composer or engineer is preserved. Nor can we conceive of the human animal undergoing puberty being separated from the pubescent adolescent. Likewise, the elderly human animal suffering from the infirmities of old age cannot separated from the decrepit geriatric patient. But the river can continue to exist separated from the (present) aggregate of H2O molecules constituting it. And the vandalized statue losing a hand can thus be constituted by a different lump. And we can imagine the self-conscious person with a first person perspective removed from the animal in the brain transplant thought experiments. So if there is any constitution in the world, contrary to what we animalists think, the separation condition can perhaps be refined into a criterion or at least provides a necessary condition for when constitution occurs and can thus make distinctions that Baker’s causal powers test did not.

**V. Where Does Constitution Occur?**

Olson asks not just when but also where does constitution occur. Although Baker rejects Clark and Chalmers’s extended mind theory, accepting it would not undermine her constitution theory. Likewise, if people were just brain-size. The reason to hold either view is that the components of thinkers are thought to extend beyond the body in one case, but under the skin in the other. All constitution theorists are essentially committed to is that we are thinking beings and so Baker could help herself to whatever is the best account of the material basis of thought. If the brain, which exists before thought emerges and after it is lost, directly contributes to thought, then the person could be brain size rather than the size of the entire organism. The person doesn’t have to be constituted by the whole organism any more than the face of the statue has to be constituted by the whole lump constituting the statue. Just as part of the lump constituting a statue can constitute the statue’s face, so a part of the animal can constitute the person.

 However, few readers will find cerebrum-size persons any more attractive than immaterial persons that avoid Olson’s worries about structure. But I suppose if Noë (2009) and Merleau-Ponty (2012) are correct that thought is enacted by the activity of the organism rather than something that happens in a part of the organism, then it easier to claim that the entire animal rather than a part constitutes the person. And Olson himself has argued that there is no principled way to say that it is just parts of the animal such as the neurons that *directly produce* thought (2007: 91-3). He thinks little sense can be made of the idea of directly involved in the production of thought that can distinguish brain parts from other parts. He points out that not even all of the parts of a neuron is involving with firing messages but some with stability and waste removal etc. So if we can’t distinguish which parts of the neuron are involved in thought production, it won’t be promising to try to distinguish part of the brain’s direct production of thought from the support of the circulatory and pulmonary systems.

Baker can just help herself to Olson’s results. If a principled case can’t be made for any part of the organism being the non-derivative thinkers, that entity which strictly thinks, then Baker can accept that the organism constitutes the person. She will avoid identifying persons and organisms because of the brain transplant thought experiments and the possibility of inorganic part replacement. I offered her a principled account of substances as independent existences. So I don’t think Olson’s animalism has an advantage here.

**VI. Conclusion**

 So if animalism has an advantage over constitution theory, it isn’t due to animals or organisms being better candidates for substances than persons. Being told something is an organism is no more informative than being told that something is a person. Nor will we have any better idea of when something came into existence and with what spatial dimensions if it is essentially alive than essentially a thinker.

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1. For what it is worth, I’m not a constitution theorist. My aim here is to defend Baker’s constitution approach here against certain criticisms levelled by notable animalists, not claim that constitution the correct view, all things considered. [↑](#footnote-ref-1)
2. A substance term will pick out an entity in virtue of its nature or essence. To claim that “person” is a substance term means that personhood is fundamental to persons. Their nature is to have the psychological features constitutive of personhood. [↑](#footnote-ref-2)
3. Functional terms indicate what things do, not what their nature is. [↑](#footnote-ref-3)
4. This is not to say that persons aren’t substances, just that they aren’t substances in virtue of their personhood. That is, they don’t have the psychological traits characteristic of personhood essentially. [↑](#footnote-ref-4)
5. Peter Nichols (2010) claims that Olson’s arguments against locomotors show both too little and too much. Many artifacts that most readers would consider to be covered by substance sortals like “computer” or “automobile” would not be according to Olson’s criteria since they are functional concepts. Most damning of all is that the persistence conditions of animals actually possess some function-dependent features that Olson finds quite suspect and ontologically insignificant when they appear in locomotors. Olson’s paradigmatic substance kind – animal is an example of a functional kind! Its essence is to be described in functional terms (e.g. metabolism) just like the essence of person. [↑](#footnote-ref-5)
6. It is not Baker’s position. She writes that the “informal idea of material constitution of primary kinds is this: Where being an F (lump) and being G (say a statue) are distinct primary kinds properties, it is possible that an F exists without there being any spatially coincident G. However, if an F is in G-favorable circumstances, then there is a new entity, a G, that is spatially coincident with the F but not identical to it.” (2000: 42) The F survives come to constitute the G. So only when an F that is a lump ceases to instantiate lumpish properties, does it cease it cease to be the same lump**.** [↑](#footnote-ref-6)
7. To render the constituted locomotor akin to the constituted person, the proper analogy would involve one motor being replaced by another motor, just as one cerebrum can be replaced by another. If one motor was destroyed and replaced by another, then a ship that was a locomotor would go out of existence and be replaced by a new one, just as when one cerebrum is destroyed and a new cerebrum is inserted where it was, one person replaces another. Admittedly, this proper analogy does not offer much intuitive support for the psychological approach to personal identity for motors don’t seem essential to ships. But since cerebra do seem essential for (human) persons, we need to explain why the acquisition of some new functions like thought are plausibly substantial change while other new functions like movement are not. [↑](#footnote-ref-7)
8. Substantial change occurs when one substance ceases to exist. We are interested here in cases of substantial change where one substance ceases to exist and a new substance replaces it. [↑](#footnote-ref-8)
9. Functions of parts are best thought of as contributions to a goal (Boorse). So my nose serves the function of holding up my glasses thus enabling me to see distant objects. Keeping my glasses near my eyes is an effect of my nose. But it is not the *proper function* of my nose. The proper function will (partly) explain why my nose exists and why it has the structure it does. It exists because its proper function is to facilitate my breathing. It is because noses enabled my ancestors to breathe that they survived long enough to reproduce and pass on the genes for noses. The functions of whole artifacts is to serve the end of the user. My glasses function to help me see. We will argue in the main text that the function of a boat is water transport. The function of the old or new parts of the boat, like a motor, is to contribute to that already existing goal. [↑](#footnote-ref-9)
10. Baker writes of ‘relative stability’ of a function in explaining why we don’t have substantial change of a dog tag into a key when the former is used just once to jimmy a lock. (2002-376) See also Boorse (2002) on vagueness of function ascriptions. The squirrel’s caught tail that keeps it from being run over is not its function. Nor is the function of the bible to stop bullets though it may do so on rare occasion. [↑](#footnote-ref-10)
11. I conjecture that rowboats could be essentially rowboats if they had been primarily designed as floating exercise machines. Then the permanent loss of it being able to mount oars and their replacement with a motor might even lead to their abandonment. [↑](#footnote-ref-11)
12. When I write that they didn’t come into existence as locomotors, I mean that in their first days they existed after being conceived, they lacked legs and wings. Moreover, they would not go out of existence later with the loss of such locomotive capacities. [↑](#footnote-ref-12)
13. So motors added to boats aren’t cases of substantial change. Locomotors don’t meet the independence criterion for substances. Thelocomotor can’t be separated from the boat (or car) as motors are not themselves locomotors; detached and functional (i.e., thinking) brains or cerebra, on the other hand, are themselves persons. [↑](#footnote-ref-13)
14. See Rosenkrantz and Hoffman (1997: 190). They also provide a summary of the existence condition in earlier theorists. [↑](#footnote-ref-14)