The Girl and Gorilla: A Response to Lynne Rudder Baker's Personhood Criterion

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1. INTRODUCTION

Lynne Baker argues the ability to have a first-person perspective is a metaphysical attribute that is essential for persons. Many nonhuman animals (hereafter 'animals') have a first-person perspective, but they do not qualify as persons under Baker's view. Surprisingly, she classifies the severely mentally disabled as persons, despite strong evidence that many animals' cognitive capacities, including the nature of their first-person perspectives, far surpass the mental abilities of the severely mentally disabled. In light of this evidence, Baker must justify her criterion that extends personhood status to the severely mentally disabled but not to animals with sophisticated mental functioning. The justification she provides is grounded in metaphysics; however, it ultimately results in a number of unusual and seemingly incorrect metaphysical implications. With the use of a thought experiment I hope to show that Baker's personhood criterion fails.

2. THE PROBLEM

2.1 First-Person Perspective

Baker places considerable value on a being's ability to have a first-person perspective (FPP). Many beings have conscious experiences and a point of view, so many beings have FPP. Baker believes there is something inherently different

between fully functioning humans' FPP and animals' FPP. This difference can be articulated by two levels of FPP, robust and rudimentary. Most humans are self-aware. They have a point of view, and they have the capacity for self-reflection. Many animals, very young children, and the severely mentally disabled do not have this level of awareness or introspection. Baker argues that their perspectives are egocentric. The world revolves around them and no one else. All of their thoughts "belong to the same individual, so to speak, by default" (61). They cannot identify themselves as themselves, so their FPPs are at the rudimentary level. For Baker, a being has rudimentary FPP if it is conscious or sentient, capable of imitation, and capable of behaving in ways that are explainable via beliefs, desires, and intentions ("When Does a Person Begin?" 30).

In order to have robust FPP, according to Baker, a being must be able to identify itself as itself. For example, the phrase "I wonder when I will eat" utilizes the pronoun 'I' in two different senses: "the first occurrence of 'I'... directs attention to the person... without recourse to any name, description, or other third-person referential device to identify who is being thought about" (*Persons and Bodies* 65). The second use of 'I' indicates that the being is aware of herself as herself. In saying this sentence, an individual not only *makes* a first-person reference, but she also *attributes* a first-person reference to herself (65). We can compare this to the speech of a trained bird, Max. Max might state, "Max is hungry now" or, "Max is tired." Baker argues that the third-person reference does not adequately translate into a first-person reference. "Max is hungry now" has a different meaning from "I am hungry now." The 'I' in the latter sentence entails a more sophisticated level of self-awareness. Although this linguistic ability is the strongest indication of robust FPP, it is merely epistemic evidence and is not a necessary condition for robust FPP. For these reasons, Baker believes other beings could also have robust FPP such as alien persons, robot persons (uploading cases), or god persons (Zeus from Greek mythology).

2.2 A Simple View: First-Person Perspective Only

As I see it, robust FPP is the most important aspect of Baker's view. Now consider Koko, a gorilla who appears to be quite intelligent. She communicates with her caregivers through the use of sign language. Not only does she utilize the language she has been taught, but she creates novel words when new circumstances arise (*Koko: A Talking Gorilla*).

Koko's linguistic abilities are often viewed with skepticism. Many likely believe she is merely a product of intense classical conditioning. Her means of communication do not provide enough evidence to support the claim that animals are able to use language. Although many concede she is intelligent, according to Baker, Koko would not qualify as a being with robust FPP.

Now consider Karen, a young woman suffering from severe autism. She requires constant care and supervision for the entirety of her life. She suffers from

the typical symptoms of her disease: she lacks linguistic abilities, has minimal mental functioning, and often responds with violent behavioral outbursts when encountering a number of social circumstances (Szalavitz). Her parents and doctors attempt to teach her sign language, without success.

We can evaluate Koko's and Karen's metaphysical and individual status by examining their FPP alone. The first chart illustrates the simple view, one that ignores everything about a being except for her level of FPP.

	Metaphysical Category	Individual Status
Normal Adult Human	Robust FPP	Person
Koko	Rudimentary FPP	Nonperson
Karen	Rudimentary FPP	Nonperson

Under the simple view, a being is a person just in case she has robust FPP, and a being is not a person just in case she lacks robust FPP. One might argue Koko should be ranked above Karen because she has more mental sophistication than Karen. Ignoring this objection, this view at least concedes that both should be considered nonpersons as both lack robust FPP.

The next chart illustrates the categorization endorsed by Baker, what I consider to be the complex view.

	Metaphysical Category	Individual Status
Normal Adult Human	Robust FPP	Person
Koko	Rudimentary FPP	Nonperson
Karen	Rudimentary FPP	Person

If Baker's view were simple, there would be a direct link between robust FPP and personhood. Karen's categorization defies this direct link, as she is granted personhood status despite lacking the metaphysical attribute of robust FPP.

Both the simple and complex view could entail normative claims about the treatment of individuals. This is perhaps one reason why current ethical practices in the United States categorize humans and nonhumans in this way. At research facilities it is not unusual to use nonhuman primates in experimental laboratories with permission from an internal review board. For example, one such experiment compared social behaviors of adult rhesus macaque monkeys after exposing them to complete isolation as an infant (Harlow et al. 90-97). Treating severely autistic individuals in this manner is likely to be considered morally atrocious. The complex view also appears to be a common sense view. If you were to ask individuals without any philosophical training how these three beings should be classified, most would likely utilize the complex view.

However, some philosophers, like Peter Singer, argue that granting Karen more moral consideration than Koko is an act of speciesism. Speciesists claim that

beings that are members of the species *Homo sapien* are more inherently valuable simply in virtue of this association. A speciesist would claim that the interests of Karen outweigh the interests of Koko because Karen has biological membership in the human species, and Koko does not. It does not matter that Koko has more sophisticated mental abilities than Karen; the fact that Karen is a human and Koko is merely an animal is all that is important.

Singer argues there is no justification for this difference in classification. He compares acts of speciesism with acts of racism or sexism (*Singer Animal* Liberation). Racism and sexism are almost universally found to be unjustified forms of discrimination. Instead of focusing on arbitrary physical characteristics of an individual (skin color, for example), moral consideration should be determined by a being's sentience: whether or not she experiences pleasure and pain. Operating under utilitarianism principles, Singer would argue that granting Karen more moral consideration than Koko simply because Koko is a gorilla would be a form of unjustifiable discrimination.

There are, however, other ways to maintain the complex view that are more persuasive. The justification could appeal either to moral or metaphysical values. Moral arguments might consider pragmatic justifications for granting Karen personhood status and not Koko. We need some sort of decision making process in order to determine how to treat the beings on Earth. This decision process should have the goal of minimizing mistakes of moral judgment ("Moral Status, Speciesism, and Human Equality" Scoccia). Using a moral heuristic (like the property of being a human) to make decisions is concrete, simple, and minimizes the possibility of error. If we made decisions based on mental properties (like Koko's cognitive abilities), then the risk of error increases. The idea is that "it is easier to play fast and loose with the person/nonperson distinction than the human/nonhuman distinction" (Scoccia).

Suppose Americans adopted a policy of classifying people like Karen as nonpersons. We could then imagine sexists or radical xenophobes arguing that women or ethnic minorities lack the cognitive sophistication of white males, with the potential result of women and ethnic minorities unjustifiably losing their personhood status. This could lead to morally reprehensible acts against these groups of humans. In order to avoid this slippery slope, we should classify all humans as persons and all nonhumans as nonpersons.

It is beyond the scope of this paper to address ethical defenses of the complex view. It is mentioned here as a contrast to Baker's argument. Although Baker's endorsement of the complex view may entail a number of normative claims, she never presents an ethical defense of her view. Instead, she argues that there are inherent metaphysical differences between a being like Koko and a being like Karen that ultimately entail the complex view. In order to explain this argument, it is necessary to examine some of the details of Baker's conception of constitution.

3. BAKER'S SOLUTION

3.1 Baker's Conception of Constitution: Persons and Bodies

Baker argues that "a human person is constituted by a human body" (*Persons and Bodies* 3). In order to explain this constitutional relationship, imagine an individual named 'Sam'. Constitutional relationships involve more than one object, and in this case the two objects are *Sam* and *Body*. *Sam* is a person, and *Body* is a human organism. *Sam* is constituted by *Body*. Here are Baker's conditions for constitution:

> If x constitutes y at t, then x and y are spatially coincident at t, but not identical... x and y have different persistence conditions, determined by their primary kinds... [and] an F constitutes a G only in certain circumstances—different circumstances for different primary kinds ("Precis of Persons and Bodies" 593).

For x to be spatially coincident with y is to say that x and y share the same spatial location at the same time. Constitution claims are not identity claims. Baker employ's Saul Kripke's modal definition to illustrate the nature of strict identity: "Where [F] is any property at all, including a property involving modal operators, and if *x* and *y* are the same object and *x* has a certain property F, then *y* has to have the same property F" (*Persons and Bodies* 31; 95). *Sam* has properties that *Body* lacks, and vice versa. Although *Sam* and *Body* also share many of the same properties, Baker argues that each has different modal properties and thus cannot be identical.

The primary kind of something is what it is most fundamentally, an essential property. Essential properties are properties such that if the object did not have the property, the object would not exist. *Sam's* primary kind is a person, and *Body's* primary kind is a human animal. It is essential for *Body* to be a human animal, and *Sam* could not exist without having the property of being a person. The primary kind property of an object determines the persistence conditions of the object. Being a person determines how *Sam* persists through time, and being a human animal determines how *Body* persists through time.

Baker argues that the different persistent conditions of each kind allow for the possibility of body transfers. Suppose *Sam* experiences a tragic accident in which *Body* ends up paralyzed. There is innovative medical technology that allows *Sam* to replace his human *Body* with a silicon body. The process involves slowly replacing *Body's* carbon makeup with silicon. First, *Body* will enter the new machine and its legs will be replaced with silicon. The next procedure replaces *Body's* torso with silicon. Each time *Body* enters the machine, part of the human body is destroyed and immediately replaced with silicon. Baker would argue that after the complete replacement, so long as *Sam's* FPP remained intact, *Sam* would be considered the same person after the procedure. In this case, *Sam* continues to

exist, and *Body* ceases to exist. Baker endorses this possibility and argues her constitution view handles body transfer cases better than other materialistic conceptions of personhood (*Persons and Bodies* 141-145).

To explain the last condition, suppose F and G are different primary kinds. Let F be 'a human animal' and G be 'a person'. In order for F to constitute G, there must necessarily be G-favorable circumstances. Only in certain circumstances can a human organism constitute a person. Baker provides the G-favorable circumstances for this relation:

The person-favorable circumstances are the intrinsic and environmental conditions conductive to development and maintenance of a first-person perspective, where the intrinsic conditions include structural properties required to support a first-person perspective (*Persons and Bodies* 96).

Homo sapiens, aliens, robots, and gods can all fulfill these requirements. Although she has been accused of being a dualist (Olson 429), Baker insists that her constitution view is materialistic, which means a being's FPP is not something immaterial like a soul. The structural properties necessary for a human body to constitute a FPP must relate to the brain in some way or another. The relationship is not fully known or understood, but Baker claims this is a problem neuroscientists must tackle, not philosophers. It will suffice to say that a properly functioning normal human brain is capable of supporting a robust FPP. Only when a human organism is in person-favorable circumstances can it constitute a person ("Precis of Persons and Bodies" 564).

3.2 Derivative and Nonderivative Properties

Theories of constitution may have odd implications regarding the sharing of properties. Although there are properties that *Sam* has that *Body* lacks, and vice versa, there are also a wide range of properties that both objects share. In order to understand the nature of sharing properties, Baker claims objects can have properties derivatively.

> The basic idea of having a property derivatively is this: *x* has H at *t* derivatively if and only if *x*'s having H at *t* depends wholly on *x*'s being constitutionally related to something that has H at *t* independently of its being constitutionally related to *x* (*Persons and Bodies* 47).

Sam has the property of being a human animal derivatively. *Sam* has this property in virtue of being constituted by *Body*; having this property depends on *Sam's* constitutional relationship with *Body.* As mentioned above, if *Body's* organic parts were slowly replaced by silicon, *Sam* would continue to exist (if such a replacement could sustain *Sam's* FPP). He would now lack the property of being a human animal, and he would gain the derivative property of being a silicon body.

Baker believes "there is a two-way derivation of properties: If *x* constitutes *y* at *t*, then *x* derives some properties from *y* at *t*, and *y* derives some properties from *x* at *t*" (*Persons and Bodies* 48). So, there are also properties *Body* has derivatively, such as the property of being a person. Body would not have this property if it were not for its constitutional relationship with *Sam*. *Body* borrows this property in virtue of constituting *Sam*. If *Body* ceased to constitute *Sam*, it would lose the property of being a person (unless it came to constitute some person other than *Sam*).

Suppose *Body* experiences a massive stroke. Doctors determine *Body* is brain dead; *Body* no longer is capable of supporting a FPP; *Body* no longer has the structural properties required to support a FPP. Because having a FPP is an essential property of *Sam,* once *Body* experiences brain death, *Sam* no longer exists (Baker "Metaphysics of Resurrection" 3). *Body* cannot have the property of being a person on its own; it has this property in virtue of constituting *Sam*. So in this case, *Body* loses the property of being a person.

If an object has a primary kind property that does not depend on its constitutional relationship with another object, then the property is considered nonderivative: "For any primary-kind property, *being an F*, if any *x* is an F at all, then either *x* is an F essentially or *x* has the property of being an F derivatively" (Baker *Persons and Bodies* 56). *Sam's* primary kind property is being a person; being a person is *Sam's* essential property. This property does not depend on *Sam's* constitutional relationship, so it is nonderivative. Conversely, being a human animal is a nonderivative property of *Body*. *Body* has this property independently from its constitutional relationship with *Sam*.

Baker's necessary and sufficient conditions for something to constitute a human person are: "*x* constitutes a human person at *t* if and only if *x* is a human organism at time *t* and *x* has a rudimentary or robust first-person perspective at time *t*" ("When Does a Person Begin?" 34). This definition is human-specific, but we can replace the 'human person' in the beginning of the definition with 'alien person' or 'god person' so long as the first part of the conjunction is altered appropriately. The first part of the conjunction has to do with the favorable circumstances necessary for personhood (discussed above). The second part of the conjunction illustrates how a FPP is a sufficient condition for human personhood, be it rudimentary or robust. Rudimentary FPP is sufficient for personhood only if the first part of the conjunction has already been fulfilled.

Baker claims children's rudimentary FPP is a "developmental preliminary" ("When Does a Person Begin?" 33) that eventually leads to robust FPP. A child, although beginning his life with rudimentary FPP only, typically develops into a being that has robust FPP, in virtue of being constituted by a body of a *Homo sapien*. So, children are beings that have the potential for robust FPP.

Some humans never reach this level (like the severely autistic). For Baker, a being with a rudimentary FPP is a person "only if it is of a kind that normally

develops robust [FPP]" ("When Does a Person Begin?" 33). Animals are members of a kind that normally develop robust FPP as no member of any animal species, according to Baker, has ever developed a robust FPP. The idea is that Karen has membership with an ontological kind that normally develops robust FPP. Even though Karen never develops robust FPP, she can still be classified as a person. Conversely, Koko is of an ontological kind that normally never develops robust FPP, as gorillas normally develop rudimentary FPP only. So, Baker believes classifying severely mentally disabled humans as persons and classifying animals with highly sophisticated mental processes, but not robust FPP, as nonpersons is metaphysically justified. Her justification for the complex view is grounded in her idea of constitution. According to Baker, it is not merely an appeal to speciesism nor does it appeal to any sort of ethical justification.

Baker's idea of constitution does not apply to persons and bodies only. It is a plausible relationship between many different kinds of objects in this world. Driver's licenses are constituted by pieces of plastic, money is constituted by pieces of paper, flags are constituted by pieces of cloth, etc. Her idea of constitution seems to explain the complex identity relations many objects have, without error. She does not merely endorse this idea in order to explain the complicated relation between persons and bodies. Yet, when this constitutional view is applied to severely cognitively disabled human beings, her personhood criterion becomes problematic. The issues arise primarily because of her derivative and nonderivative property distinction.

4. Objection to Baker's Solution

Here is my argument:

1. If Baker's personhood criterion is correct, Karen is either a person derivatively or nonderivatively
2. Karen is not a person derivatively.
3. Karen is not a person nonderivatively.
4. Therefore, Baker's personhood criterion is not correct.

I have already established premise (1) above. All primary kind properties of a being must either be nonderivative or derivative properties; that is, they must either be an essential property of the being or a borrowed property obtained as a result of its constitutional relationship with some other object.

Premise (2): Karen is not a person derivatively. Personhood must be an essential property. If personhood is not an essential property, Baker's view could not handle body transfer cases as well as she claims it does. Recall the discussion of *Sam* and *Body* during the silicon replacement. *Sam* does not lose the property of being a person after *Body* is replaced by silicon. The reason *Sam* does not lose this property is because *Sam's* personhood property is nonderivative. This case would

be problematic if it were derivative, that is, if *Sam* borrowed the property from his constitutional relationship with *Body*. If *Sam* borrowed the property of being a person from *Body*, as soon as the constitutional relationship is destroyed, *Sam* would lose the property of being a person. *Sam* would have to regain the property from the silicon body. But if this were the case, then the silicon body would have to be a person nonderiviately. This means that the silicon body would be a person before gaining *Sam's* FPP. If the silicon body does not have rudimentary or robust FPP, then it would be unacceptable to consider the silicon body as a person under Baker's view. So it would be impossible for *Sam* to regain personhood as a derivative property from the silicon body.

Premise (3): Karen is not a person nonderivatively. On Baker's view, Karen's personhood depends entirely on other beings of her kind. If she were not constituted by a human body (or any other kind that normally develops robust FPP), then she would not be considered a person. Her property of being a person appears to be entirely relational, but not relational in terms of her own constitutional relationship with her body. (Recall that the property cannot be borrowed from the human organism that currently constitutes Karen.)

Karen is of a kind whose members normally develop robust FPP, whereas Koko is not. Yet, neither are essential properties of the two beings as illustrated by Baker's endorsement of the possibility of body transfers. (Other structures could constitute Karen, such as silicon.) There is no necessary relation between Karen and human beings with robust FPP, and the same can be said about Koko; her relational status with her kind is conditional. We can imagine different circumstances in which Karen is not relationally associated with beings that normally develop robust FPP, and possible worlds in which Koko is associated with beings that do normally develop robust FPP. I will present these unusual circumstances with the hope of illustrating how Baker's criterion goes astray.

4.1 The Girl and Gorilla Thought Experiment

Suppose the demon, Mephistopheles, wants to cleanse the Earth of rational humans. In order to do so, he creates a chemical radiation. The radiation is intended to reverse the effects of neurogenesis. Humans experience a high frequency of neurogenesis in the womb but the process continues well into adulthood. Evidence suggests that neurogenesis has a positive effect on learning and memory (Mandal "What is Neurogenesis?").

Here is what Mephistopheles believes will happen once he releases the radiation on Earth: All human beings with robust FPP will die. Because the brains of humans with robust FPP have experienced the most neurogenesis, they will be the population most negatively affected. The neurons in their brains will die, with effects similar to a massive stroke. It will happen almost immediately after Mephistopheles releases the radiation.

Because Mephistopheles is not the most competent of demons, here is what actually occurs once the radiation is released on Earth: The radiation contaminates Earth's atmosphere for billions of years. The only humans left have rudimentary FPP only, and when they begin to reproduce, their progeny never develop robust FPP. Generation after generation of humans with rudimentary FPP populate the Earth, but the radiation precludes any further neural development and evolutionary progress.

The radiation also has unusual side effects for nonhuman beings with rudimentary FPP, especially gorillas. Instead of destroying the neurons in their brains, the vast majority of gorillas begin to experience an increase of neurogenesis. The gorilla population on Earth immediately begin to demonstrate further cognitive developments: They develop robust FPP. The ubiquitous radiation does not inhibit the gorillas' cognitive development, and generation after generation of gorillas behave and communicate in a highly sophisticated manner. Unfortunately, Koko does not experience a positive result from the radiation; her mental development does not increase in the same manner as other gorillas.

This thought experiment, albeit somewhat fantastical, illustrates an important point. Karen cannot be considered a person anymore, and Koko must now be considered a person. After the radiation, humans become a kind whose members never develop robust FPP. As a result, Karen no longer fulfills Baker's personhood criterion: she is not of a kind that normally develops robust FPP. Conversely, Koko is now of a kind that normally develops robust FPP. Her current relationship with other gorillas is analogous with Karen's relationship with humans before the radiation. Koko now fulfills Baker's personhood criterion: She has rudimentary FPP and she is of a kind that normally develops robust FPP. So, both Koko's and Karen's personhood statuses change, despite nothing about Koko or Karen inherently changing.

Inherent changes that could possibly change Koko's and Karen's personhood statuses would be changes to each individual's FPP. If, for example, Karen was in accident and pronounced brain dead, then something about her has inherently changed; she would have lost her FPP. In this case, it would be acceptable to claim that Karen is no longer a person. Another example would be if Koko began to demonstrate robust FPP, such as in the case of James Rachels' intelligent chimpanzee who can read, write, and wants to go to college ("Darwin, Species, and Morality" 108). If her mental abilities improved substantially, and she could identify herself as herself, then Baker would classify Koko as a person. There is no metaphysical problem with this change of personhood status, because something inherent about Koko, her FPP, changed.

Karen was considered a person and Koko was considered a nonperson before the radiation was released because of their relation to other human beings and gorillas, not because of some intrinsic (nonderivative) property. If personhood status is a nonderivative property as Baker claims, it cannot be lost or gained in

such a manner. The fact that Koko can become a person if enough gorillas demonstrate robust FPP and Karen can lose personhood status if enough humans lose robust FPP entails that their personhood statuses are not nonderivative. Thus, premise (3) of my argument is true: Karen is not a person nonderivatively.

4.2 Possible Objection

Baker could deny that Koko is of a kind that normally develops robust FPP. She might argue that there is an ontological difference between Koko and the other gorillas. The gorilla population is an entirely new and different ontological kind of which Koko is not a member. Consider superhero characters like Peter Parker/Spiderman. Once Peter is bitten by the spider and gains superhuman abilities, perhaps he is no longer a human being. He becomes a member of a new ontological kind, a kind with capacities that far surpass the human race. Koko's relation to the other gorillas is analogous to a normal human's relation to Spiderman. If this is the case, then Koko is not a part of the new ontological kind. As noted, Baker's view allows the possibility for other beings to be classified as persons (like Zeus and aliens), so it is not a problem for Baker to consider the gorillas as persons. If Baker is correct and the gorillas are of a different kind from Koko, it is consistent to claim that the gorillas are persons and Koko is not.

4.3 Response

There are two different ways to approach this objection. The first is an empirical claim. The gorillas should not be considered a new ontological kind just because Koko does not experience neurogenesis. Koko's lack of mental improvement is a result of unfortunate circumstances, she is unlucky. In this situation, Koko experiences bad constitutive of her circumstances are a result of her biological makeup (Nagel "Moral Luck" 27). For example, when a child is born with a severe mental disability, he does not become a member of an entirely new ontological kind. His biological body is simply flawed in that it is incapable of sustaining a sophisticated mental life. Koko's circumstances are analogous to a boy born with a defective body. Koko's faulty brain is the reason she cannot mentally improve, and this should not change her membership of an ontological kind. If Baker claims Koko is of a different ontological kind from the rest of the gorillas, Baker would have to claim all severely mentally disabled humans are of different ontological kinds from the rest of *Homo sapiens*. Clearly, Baker does not make such a claim.

There are other examples that illustrate this point. Some vaccines and medications successfully help the majority of humans, although they can fail to help a minority of the population. Baker would be forced to say that in such cases, the humans that successfully react to such vaccines and medications are of a different ontological kind than the subset of the population that do not react favorably to such treatment.

Regardless, I think I can settle this dispute if we take the thought experiment one step further. Suppose after the humans with robust FPP die, Mephistopheles peers into the future and becomes aware of the unexpected, long term consequences of the radiation. He decides to clear the original radiation from Earth's atmosphere. Using research he collected from the gorilla population, Mephistopheles alters the original radiation so that it produces neurogenesis in human brains. After making the changes, he releases the new radiation on Earth. In the same way that the original radiation produced successful neurogenesis for most of the gorilla population, the new radiation now produces neurogenesis for the human population. Most of the human population soon begin to demonstrate robust FPP. Unfortunately, Karen does not experience the positive effects of the new radiation. Again, the reason Karen does not experience any positive effects is simply due to bad luck.

Suppose Baker wants to maintain the objection that Koko is of a different ontological kind from the gorillas with robust FPP. In order to remain consistent, Baker would be forced to say that Karen is of a different kind than the rest of the human population because Karen's situation is now analogous with Koko's. To support this idea further, consider Spiderman once more. Suppose in the comics, the human population unanimously decides they all want to be like Peter Parker, that is, every single person wants superpowers. The venom of the spider is created into a serum, and it is administered to all human beings. It is successful for the majority of the population, but a few individuals do not experience any sort of effect.

If Baker wants to maintain her original objection, she would be forced to say that in Spiderman's world, the human beings that do not gain superpowers are of a different kind from the humans who experienced a successful reaction to the superhero serum, despite the fact that all humans received the serum. But this conception of ontological kinds seems incorrect. All the human beings received the superhero serum, it is just a fortuitous fact that it did not work on a small subset of the population. From my perspective, it appears that the ones who do not experience a positive effect are simply unlucky. Similarly, it is a hapless detail that the radiation does not work for Koko and Karen. In both cases, the beings that do not experience change are constituted by defective bodies, but that should not undermine their relational status with beings that were not constituted by such malfunctioning physical bodies. It is incorrect to claim that ontological membership of a kind has something to do with luck, which is exactly what Baker must argue. So, the objection that Koko is not of the same ontological kind as the rest of the gorilla population does not refute my position.

4.4 Metaphysical Implications

The metaphysical peculiarity that is illustrated by this thought experiment is the change of property in each being, despite no change in the beings themselves. This

can be referred to as a 'Cambridge Change', which "includes changes in the relational predicates of a thing" (Mortensen "Change and Inconsistency."). For example, suppose a woman qualifies for a worldwide beauty contest. After performing, judges decide she has earned second place. While the crowning is taking place, the first place winner experiences a heart attack and dies. The judges decide to grant the second place winner first place. Before the heart attack, the woman has the property of being the second most beautiful woman in the world. After her competitor dies, she becomes the most beautiful woman in the world, although nothing essential about her has changed. She did not suddenly become more beautiful in the matter of minutes it took for the first place competitor to die. The change of property depends on the nature of her relation to external beings; it is not an essential property.

Baker argues that personhood must be an intrinsic, essential, primary kind, nonderivative property. A nonderivative property cannot be susceptible to Cambridge Changes. During the thought experiment, Karen and Koko both experience a Cambridge Change: They lose and gain the property of being persons as different circumstances arise for most members of their ontological kinds. The changes were not a result of some intrinsic change of their being.

Suppose Baker argues that although Karen is a person in virtue of her kind, it is still a nonderivative property. If this is the case, then the property of being a person can be both relational and essential. This extreme view entails a radical consequence when applied to the thought experiment. If personhood can be both relational and essential, it seems that the essential property would have to depend on external factors (on the relationship with other beings of the kind). If this were the case for Karen, then as soon as humans ceased normally developing robust FPP, Karen the person would simply die. Because the essential property depends on the relation, as soon as the relational ties are cut, the essential property would be lost. Essential properties are necessary properties, so when Karen loses her personhood, it becomes impossible for Karen to exist. Thus, if personhood is both relational and essential, then Karen would cease to exist as soon as Mephistopheles releases the original radiation. The outcome arising from personhood being both relational and essential has such extreme metaphysical implications that I do not believe Baker would endorse such a view.

Another metaphysical peculiarity entailed by Baker's view involves other kinds of objects. Recall that many different objects have constitutional relationships. Under Baker's constitutional view, books can be one of these objects. Books can be constituted by words on pieces of paper, by words on electronic tablets, and we can even imagine a book written in the sand of a beach (in the latter case the book would be constituted by the beach). Suppose books could also gain the property of being books in virtue of their relation to their kind.

Here is how a book is created: rectangular pieces of paper are produced and words are printed onto the pieces of paper. Suppose a printer is set to print copies

of the book, *Huckleberry Finn*. The first two copies of the book are printed correctly, but then the printer malfunctions. The first five pages of the book are printed, but every page after is double printed. The words are distorted and illegible. Suppose someone argued that even though the book is illegible, the impairments that resulted from the faulty printing process should not eliminate these pieces of paper as constituting the book *Huckleberry Finn*. The individual argues that the pieces of paper are of the ontological kind that normally develop into the book *Huckleberry Finn.* This membership allows the pieces of paper with illegible printing to be classified as *Huckleberry Finn.*

I think most, Baker included, would not find this argument convincing and would not classify the defective pieces of paper as the book *Huckleberry Finn*. They do not constitute the book because they lack essential properties necessary for something to be considered *Huckleberry Finn*. If defects during the creation of books allow for rejecting these particular pieces of paper into the ontological kind *Huckleberry Finn*, then the same qualifications should hold for persons and bodies. The constitutional relationship between persons and bodies should be consistent with the rest of Baker's constitutional view. If Karen is classified as a person but the defective pieces of paper are not classified as *Huckleberry Finn*, then such a distinction is inconsistent with Baker's constitutional view.

5. Conclusion

There are ethical justifications that would allow one not to classify the defective pieces of paper as *Huckleberry Finn* but maintain that Karen should be classified as a person. As mentioned above, the complex and simple views arguably entail a number of normative claims. I wonder if Baker has moral intuitions about human beings that favor the complex view. Perhaps she is arguing from a reflective equilibrium, which can be philosophically justified, but Baker does not specifically argue that ethics might be influencing her personhood criterion. I am merely speculating about Baker's justification process, and there might be a number of ways she would respond to these claims. However, in light of the girl and gorilla thought experiment Baker must reconsider her criterion that classifies the severely mentally disabled as persons while excluding animals with superior cognitive functioning.

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