

## Resisting the Remnant-Person Problem

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Every answer to the question of personal ontology—which asks, “what kind of thing are we”—has its share of problems. Some philosophers have endorsed the following answer:

*Animalism:* human beings are animals.<sup>1</sup>

Although several worries have been raised against animalism, the focus here will be on a recent objection: the remnant-person problem. This problem seems to pose a formidable challenge against animalism since the worry involved appears to be a strict implication of the animalist view, thereby providing a compelling reason to reject animalism altogether.<sup>2</sup>

After presenting the remnant-person problem, I will lay out several recent responses and show why they are either problematic or come with certain theoretical commitments that I reject. I then present my own response to the problem. In brief, I hope to show that animalists need not take on additional theoretical commitments in order to respond to the worry. Rather, some of the key assumptions of the remnant-person problem can be rejected by animalists, and thus the threat of the remnant-person problem should be substantively mitigated so as not to be considered as a serious worry for animalists.

### *1 The Remnant-Person Problem*

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<sup>1</sup> Well-known proponents of animalism include van Inwagen (1990), Olson (1997), and Snowdon (2014). Some animalists treat the relation designated by ‘are’ as identity (Bailey 2015), however, Olson (2015a) argues that adding the claim of numerical identity yields a less perspicuous characterization of animalism.

<sup>2</sup> Notable presentations of this objection are found in Olson (2015b), (2016), Parfit (2012), and Johnston (2007), (2016).

Suppose that a group of physicians surgically remove your cerebrum and place it in a vat of nutrient fluids, and they connect it to whatever complex machinery that is required to keep it functioning. It seems that your cerebrum might still support various mental states—at least, all of the stories involving brains-in-a-vat suppose that it can (and so we will not be questioning that assumption). Given that it is a subject of thoughts (or of first-personal thoughts, or has a first-person perspective), the cerebrum satisfies the conditions of being a person. We can regard the detached cerebrum as a ‘remnant-person,’ where a remnant-person is to be understood as follows:

x is a remnant-person at time t if and only if (i) x is a wholly organic person at t, (ii) x is not an organism (or constituted by an organism) at t, and (iii) x’s condition is a result of cutting away a large portion of sustaining tissues at some time prior to t.<sup>3</sup>

It would be a mistake to conflate the remnant-person problem with the worry that you would survive as a remnant-person after the procedure of removing the cerebrum from your body (that would merely be the Lockean objection posed by cases of cerebrum transplants). Rather, the problem arises from the animalist’s claim that you are not identical to the remnant-person. Here is how Olson describes it:

The trouble comes when we ask where the remnant person could have come from, if he or she could not be you. Surely he did not exist before the operation.

Otherwise there would have been two people within your skin—the organism, who became an empty-headed vegetable, and the remnant person, who became a

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<sup>3</sup> This follows closely to Olson (2015b): 5 typescript. Given (ii), this definition would rule out Madden’s view since the remnant-person would count as an organism. However, I stick with Olson’s definition given Olson’s influence in this discussion, though noting that Madden’s account would require a different definition than the one provided. Thanks to an anonymous reviewer for pointing this out.

naked brain; and that is absurd. It looks as if animalists must say that the operation brings the remnant person into being. But that looks absurd (Olson 2015b, 5 typescript).

The problem, then, is that animalism implies that a new person, viz. the remnant-person, is brought into being by the separation from the rest of the animal. But this conflicts with the following putatively plausible principle:

*Creation*      A new person cannot be brought into being by merely cutting away sustaining tissues.

Moreover, if the physicians were to re-attach the cerebrum back into the original organism, animalists seem required to claim that the remnant-person would cease to exist and that you would regain your mental states and capacities. But that too goes against a related principle:

*Destruction*    A person cannot be destroyed by surrounding the person with sustaining tissues.

Both *Creation* and *Destruction* appear to be true. At least, those who raise this problem against animalism aver that “[y]ou can’t bring a person into being simply by removing tissue from something” (Johnston 2007: 47), or that “[i]t is hard to see how we could create a new conscious being merely by disconnecting my cerebrum from the rest of my body” (Parfit 2012: 13). Even Olson, one of the main proponents of animalism, agrees that “animalists should accept the creation and destruction principles, and deny that a brain transplant would create and then destroy a remnant person” (Olson 2015b: 7 typescript).

To make this more perspicuous, we can lay out the remnant-person problem as the following argument:

- (1) If *Animalism*, then  $\sim$ *Creation*.
- (2) *Creation*.
- (3) So,  $\sim$ *Animalism*.

And we could run the argument by replacing ‘*Creation*’ with ‘*Destruction*’ and wind up with the same anti-animalist conclusion.

Now the main animalist responses thus far have been to deny (1).<sup>4</sup> In what follows, I will examine some of these responses and argue that they are either problematic or come with too much theoretical baggage that not every animalist might find acceptable. In the final section, I argue instead against (2). Although some animalists have questioned (2), it will become clear that no direct challenge has been made against it. In what follows, I hope to mitigate the remnant-person problem by showing that there have been no good reasons to accept *Creation* or *Destruction*. Some may suggest that we should adopt these principles because they are intuitive or self-evident. In response, I conclude with some views and cases that should make us wary of regarding these principles as obviously true. At the very least enough doubt and suspicion can be brought against them to significantly weaken the remnant-person problem.

## *2 Extant Animalist Replies*

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<sup>4</sup> Olson (2016) claims that there is no adequate solution for the animalist, but he argues that the remnant-person problem is problematic for rival views such as the Constitution View.

Given that the remnant-person problem is a relative newcomer as an objection to animalism, there are not that many replies to it. Quite broadly, the responses have been to deny (1) by either claiming that (a) there is no remnant-person because there is no detached (or even undetached) cerebrum, (b) there is no remnant-person because there is no person there *simpliciter*, (c) there is a remnant-person that is not an organism, but the human person is identical to it, or (d) there is a remnant-person that is an organism, and the human person is identical to it. We will examine each of these replies in turn.

### 2.1 *Eliminativism*

One way to deny premise (1) is to claim that there are no remnant-persons because there are no (detached) cerebra. Some animalists claim that there are no cerebra because of their commitment to a sparse ontology that follows from the following answer to the Special Composition Question (which asks for the conditions under which a plurality of objects compose some further object):

Organicism: the xs compose some y iff the activities of the xs constitute a life (van Inwagen 1990).

Accordingly, the only objects that exist are organisms and material simples. As such, there are no cerebra since they are neither organisms nor simples (these animalists also argue that there are no undetached cerebra as well).<sup>5</sup> By denying the existence of cerebra, this eliminativist response does not violate *Creation* (or *Destruction*) because there is no remnant-person created by the removal of sustaining tissues (or none destroyed by the attachment of sustaining tissues). Although there are concerns of

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<sup>5</sup> Another reason for denying the existence of the proper parts of organisms comes from the rejection of the Doctrine of Arbitrary Undetached parts, cf. van Inwagen (1981) and Olson (1995).

whether a plurality of particles can produce thoughts (Olson 2015), the best response for the eliminativist seems to be holding that there would be no thoughts at all (van Inwagen 1990).

Now the theoretical cost of such a response should be quite obvious: that there are no proper parts of organisms other than material simples—that is, no brains, no hearts, and no hands! The rejection of ordinary objects such as the proper parts of organisms (which some argue entails the denial of the existence of natural objects and artifacts such as planets and statues) seems too high a price to pay to salvage animalism. To be fair, some animalists may claim that the eliminativist answer is not so much a response to the remnant-person problem as a metaphysical framework, one that must be espoused due to the acceptance of Organicism as the best answer to the SCQ or because of the argument from causal redundancy (Merricks, 2001). However, it is worth noting that there are animalist positions that do not require accepting a sparse ontology; these versions are compatible with the existence of the proper parts of organisms, baseballs, planets, and even arbitrary sums.<sup>6</sup> And it seems preferable to hold to a theory of personal ontology that is not committed to any particular theory of composition—otherwise, any criticism or refutation of the latter is a criticism or refutation of the former. If the eliminativist approach to the remnant-person problem is the only viable response, then the problem can once again be shown as raising the mereological stakes. As we will see, that will not be necessary.

## *2.2 Boethian Personhood*

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<sup>6</sup> cf. Bailey (2014), Madden (2016b), (2015), and Yang (2015).

Another response to the remnant-person problem is to deny that there is a person after removing sustaining tissues from a cerebrum. The only version of this response (as far as I'm aware) arises from Patrick Toner's (2014) brand of hylomorphic animalism. As we'll later see, Toner's full response includes a denial of *Creation* and *Destruction*, but his primary response is to deny (1) by rejecting what he calls the 'Personhood Intuition,' which is merely the influential definition of a person according to Locke. That is, he rejects the intuition that if something has the capacity for first-personal, self-reflective thoughts, then it is a person. The primary reason he denies that the detached cerebrum is a person is his commitment to the traditional, Boethian definition of a person:

x is a person =<sub>df</sub> x is an individual substance of a rational nature.

From such a definition, one of the conditions for personhood is substantiality. However, Toner asserts that the cerebrum is not a substance. Contrary to the previous response that relies on a sparse ontology, Toner can maintain the existence of cerebra—however, he denies that they count as substances (in some robust sense that goes further than treating 'substance' as a synonym for 'object' or 'thing').<sup>7</sup> What does come into existence after the removal of the cerebrum from the rest of the organism is a plurality of substances (viz., cells or the fundamental particles of physics) that collectively instantiate an accidental form—and that accidental unity is what we label as the 'cerebrum.' The cerebrum, for Toner, is not a substance since he denies that it instantiates any substantial kind (and he does not regard *cerebrum* as a genuine kind).

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<sup>7</sup> In fact, it is common for proponents of an Aristotelian or Thomistic framework to distinguish between substances and accidental unities—both of which would count as objects in the contemporary sense.

I must admit that I find this move quite odd. Toner's denial of (1) involves merely the rejection of the notion of 'person' employed by most parties in the dispute and instead maintains a definition of being a person that precludes a thinking cerebrum from counting as one. But Toner never denies that the cerebrum can think—and if it can think, then we can devise similar principles that do not employ the notion of 'person':

*Creation\**: A new thinking-thing cannot be brought into being by merely cutting away sustaining tissues.

*Destruction\**: A thinking-thing cannot be destroyed by surrounding the thinking-thing with sustaining tissues.

But *Creation\** and *Destruction\** seem as plausible as the original principles, and their denials also seem to follow from a commitment to animalism, even to its hylomorphic variant.<sup>8</sup>

Additionally, if Toner is willing to grant that a detached cerebrum—though not a person—can be a subject of thoughts, then such a commitment moves a cerebrum closer to being a substance candidate than those objects that lack such a capacity. Under Toner's (2008) account of substance, the possession of irreducible causal powers is a necessary condition for substantiality (though he is open as to what other conditions are required to make up a sufficient condition), and following Merricks (2001), thinking (or the capacity for thought) is regarded as an irreducible causal power. However, other proponents of a Thomistic account of substance suggest that the possession of irreducible or emergent causal powers is necessary and sufficient for marking something off as a

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<sup>8</sup> Toner does reject *Creation* and *Destruction* (and so presumably would also reject *Creation\** and *Destruction\**), and we will turn to his discussion of that in the next section.

substance.<sup>9</sup> So it is not obvious why cerebra are ruled out as substances, especially since they have the capacity to think (or at least that assumption has not been contested).

Toner does state that it is because he does not regard cerebrum-hood as a genuine substantial kind. But what marks off one kind of thing as being substantial as opposed to another cannot be, for Toner, the fact that instances of the former possess irreducible causal powers. At the very least, more needs to be said as to why cerebra fail to satisfy the substance criterion of personhood.

Finally, the theoretical cost of this response seems quite high. First, it requires adopting a Boethian account of personhood, which depends on a contentious view of substances. Moreover, it requires denying the Lockean definition (Toner's so-called 'Personhood Intuition'), which has become somewhat standard for many philosophers (including animalists) in the debate.

### 2.3 *Accidental Animalism*

The next two responses to the remnant-person problem deny (1) by maintaining the continued existence of the original person—i.e., you survive as a cerebrum. Consider one way of developing this. The Thinking Animal Argument, perhaps the “master” argument for animalism, concludes that human beings such as you and I are animals, but it does not include the claim that we are *essentially* animals. It is open for animalists to claim that although we are animals, we are not animals essentially (and hence, *being an animal* is not a substance-sortal but a phase-sortal). That is, even though we are identical to something that is now an animal, it is possible that later we will be identical to

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<sup>9</sup> This at least seems to be the view of Stump (2006a) and perhaps Rea (2011).

something that is not (at that time) an animal. We can label this view as ‘accidental animalism.’

The upshot of accidental animalism is that it agrees with Johnston and Parfit that you can survive as a detached cerebrum, but it denies that you were either always a cerebrum (or an “embodied part”) or that you were constituted by an animal and now constituted by a cerebrum. Rather, the thing that was once an animal is, after the procedure, now a cerebrum.<sup>10</sup>

Olson, however, has provided two serious worries for accidental animalism. First, accidental animalists must claim that the cerebrum-less organism that remains after the removal of the cerebrum is not the original organism. But on the supposition that the rest of the brain (cerebellum, brain stem) remains intact, it is difficult to claim that the thing that is undergoing various biological activities (such as the continued functioning of the cardiovascular system, respiratory system, etc.) is not the original organism. Secondly, if it is a new animal, then we have a violation of other creation (and destruction) principles for organisms:

*Creation\*\**: An organism cannot be brought into being by removing an organ from something (i.e., by “cutting away what would otherwise have been one of its organs” [Olson 2016: 9 typescript]).

*Destruction\*\**: An organism cannot be destroyed by supplying it with an organ (that it was missing).

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<sup>10</sup> Moreover, accidental animalism results in concord with the Lockean Transplant Intuition, thereby resolving two worries against animalism.

As Olson points out, “Accidental animalism avoids the objection that remnant people would have absurd persistence conditions by proposing that organisms have them” (2015b: 8 typescript). Given these concerns, accidental animalism is not well-motivated as a response to the remnant-person problem.<sup>11,12</sup>

#### *2.4 Cerebrum as Animal*

The last response to be considered is by Rory Madden (2016a), who argues that the human person would survive as the cerebrum, but so would the animal—the pre-operation animal with the undetached cerebrum would be identical to the post-operation, detached cerebrum. Why have so many failed to regard the detached cerebrum as an animal? Madden suggests that animalists have isolated attention on select biological capacities, those that are associated with what van Inwagen (and Locke) call a “life” (a well-individuated, homeostatic event)—in particular, those very processes and activities that are central to the so-called “biological approach” to personal identity. However, Madden claims that there are a whole host of characteristic activities of human animals that are disregarded when focusing merely on biological continuity, activities such as:

Breathing, sleeping, snoring, pointing, listening, walking, running, jumping, tool-using, gossiping, planning, remembering, fantasizing, excreting, eating, mating, drooling, seeking shelter, filling ‘humanoid’ spatial receptacles, growing, ageing, fighting infection, ailing, dying, mourning, hunting, relaxing, visually attending,

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<sup>11</sup> Olson (2016) raises another problem for accidental animalism, claiming that it is committed to having an organism be outlived by its own biological life.

<sup>12</sup> While I do not find the theoretical cost of accidental animalism as worrisome as those who, like Olson, claim that we are animals essentially, I am inclined to accept the claim that we are animals essentially provided that we understand essences along the Thomistic lines explained in footnote 14.

problem-solving, blocking light, resisting penetration, sweating, painting, singing, story-telling, fidgeting, digesting,... (Madden 2016a: 6).

Many of these will involve what we might consider as being a part of the psychological approach to persistence, but Madden insists that our sensorimotor capacities (which involve some psychological states) are in fact a biological mode of self-regulation—it is a way for the animal to maintain itself.

Now Madden endorses the following, fairly plausible, schematic principle of persistence (ibid.: 4):

- (P) A continuant of fundamental kind K persists if and only if a sufficient number of capacities for K-characteristic activity are continuously preserved along a dominant path.

It seems that a removed cerebrum that can still function so as to have thoughts and conscious states will also exhibit a high enough number of human-animal-characteristic activities such that, by (P), we should claim that the animal persists as the cerebrum. That is, the cerebrum will be able to carry out more of the activities listed above than the cerebrum-less organism lying dormant on the operating table.<sup>13</sup> The possession of the preponderance of mass cannot by itself determine the dominant path in the preservation of characteristic capacities and activities—what capacities and activities are manifest must also be taken into account.

Unlike accidental animalism, Madden's view can maintain that we are animals essentially (though his view seems to be also compatible with accidental animalism).

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<sup>13</sup> No doubt that this claim is contentious and some may argue that the cerebrum does not exhibit more human-animal-characteristic activities than the cerebrum-less organism lying on the operating table, especially since the latter will still be capable of breathing, growing, ageing, digesting, fighting infection, etc. I thank an anonymous reviewer for raising this point.

Additionally, his view does not require the denial of *Creation\*\** or *Destruction\*\** because the case involving the remnant-person can be construed as a case of asymmetrical fission. Since the closest continuer is the cerebrum, the animal survives as the cerebrum and not the cerebrum-less organism (though such a view seems to be open to the possibility of a symmetrical fission case, such that the animal would not survive and two new animals would emerge—which may yield some problematic results). Finally, even though psychological states will be a part of a sufficient condition for the persistence of human persons, it is still contrasted with the psychological, neo-Lockean approach insofar as psychological continuity is not a necessary condition. Thus, Madden’s account can insist with standard animalism that we were once fetuses and that we can survive in a persistent vegetative state.<sup>14</sup>

Although this response seems initially promising, it too has some costs. One attractive feature of a biological approach to personal identity is that it takes our persistence conditions to be similar to all animals, human and non-human alike. However, the lengthy list of the human-animal-characteristic activities provided by Madden includes many capacities and activities that would not be shared with most types of animals. Of course there are different levels of animal types with differing capacities and activities, and human animals seem to be fairly high on the list (perhaps just above chimpanzees and dolphins). But many of these non-human animals will not survive as their brains since their brains will not exhibit a sufficient number of (non-human) animal activities. The advantage of other accounts of animal persistence, such as van Inwagen or Olson’s biological approach or even Merricks’ anti-criterialist approach, is that such

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<sup>14</sup> For another version of animalism that is also “psychologically serious” (i.e., that it takes psychological states/capacities as a condition for persistence), though in a significantly different way, see Sharpe (2015).

criteria will hold for all animals at any level. Thus, it seems to be a price to pay that we are animals and yet not like all the other animals—at least with respect to our persistence conditions. For there will be distinct persistence conditions for cells, trees, kittens, whales, and humans, and hence such a view adds to the ideological complexity by giving up on a unified theory of persistence for all organisms.

Another worry for Madden's view is that many of the human-animal capacities and activities that he cites can be realized by an artificial, non-biological entity. For example, consider the so-called Replacement Argument (Baker 2000, Lowe 2010), which claims that we can survive a bit-by-bit replacement of our organic proper parts with inorganic, artificial parts. In such a scenario, eventually all of our original parts will be replaced by inorganic parts, and yet it is claimed that we would survive the process. Thus, they claim that we are not identical with the organic body. However, Madden's view should maintain that the animal would survive since a sufficient number of characteristic activities of human animals would be manifest in the inorganic, artificial object—and hence, such an object would be an animal (for Madden). Now it is one thing to claim that the cerebrum, which is organic, is identical to the original animal. But it is quite another to claim that a wholly inorganic object can count as an animal. Under Madden's view, then, animals are not necessarily organic—which yields a view that requires accepting a contentious claim that not all animalists may be willing to accept.

Given both the worries and theoretical costs of each of these responses, I suggest that animalists should look for another way to respond to the remnant-person problem.<sup>15</sup>

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<sup>15</sup> There is one more way of denying (1) that I can think of but which has not yet been advanced. In short, it would be to adopt a Thomistic version of essentialism, as laid out by Jeff Brower (2014). Consider a typical view of essentialism:

(E) If x is essentially F, then x is non-contingently F.

Fortunately, I believe that there is another way, one that does not require any modification or the acceptance of additional assumptions to the minimal animalist thesis.

### *3 Back to Creation (and Destruction)*

In this section, I will argue that animalists have no reason for accepting premise (2) of the remnant-person problem. Now both Toner and Madden have argued against these two principles, however their objections miss the mark. After briefly explaining why their objections fail, I show that *Creation* and *Destruction* are contentious principles that have been neither adequately defended nor clarified by proponents of the remnant-person problem. Regarding the justification for such principles, one could either provide some argument on their behalf or claim that they are self-evident or intuitive. I will argue that the only extant reason offered in defense of *Creation* and *Destruction* is not only weak but has also been rejected by non-animalists. I then go on to show that there are reasons not to regard these principles as self-evident. Finally, I argue that these principles are not clear and that their plausibility may hinge upon their ambiguity. Given that these principles are neither well-supported, self-evident, nor clearly stated, there is no good reason for animalists (or anyone else) to accept them.

#### *3.1 Toner and Madden on Denying Creation/Destruction*

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Brower claims that (E) would be rejected by Aquinas in favor of the following:

(TE) If x is essentially F, and F-ness is x's primary nature, then x is non-contingently disposed to be F.

Now (TE) permits that something that is essentially an animal can be, temporarily, a non-animal—provided that it is disposed to being an animal (the example here would be the substantial form, viz. the soul of a human person).

I suspect that this can be brought to service in denying (1), such that the animal can essentially be an animal while not existing as an animal for a time (and it seems plausible that a cerebrum might be construed as being “disposed to being an animal”). However, this view also comes with its own theoretical cost, viz. the acceptance of (TE) and the rejection of the widely held (E).

Although Toner's primary target was premise (1) by denying that the cerebrum is a person, he has also argued against *Creation* and *Destruction*. Elsewhere, Toner (2008) has argued for the *no-substantial-parts* principle such that a substance cannot have substances as proper parts (i.e., for all x and y, if x is a substance, then it is not possible for y to be a proper part of x and for y to be a substance). Some of his reasons for accepting the no-substantial parts thesis is due to its utility in resolving various puzzles concerning material objects such as the problem of material constitution (Rea 1995), the Overdetermination Argument (Merricks 2001), and the Vagueness Argument for mereological universalism (Sider 2002).<sup>16</sup> From this principle, a human animal does not literally possess a brain (rather, it virtually has a brain insofar as there is a spatial part where the powers of a brain are manifest, though strictly speaking it is the substance as a whole, viz. the animal, that has the property of being *brain-ed*, so to speak).

From this account, any spatial part removed from a material substance will undergo a substantial change, and hence will involve a distinct object (or distinct objects). As Aristotle famously claimed, a severed hand is only a hand homonymously; it is not actually a hand. Similarly, a detached cerebrum is only a cerebrum homonymously. Either it is a distinct substance or it is an object that is composed of many substances (and Toner prefers the latter since he does not regard detached cerebra as substances). According to Toner, acceptance of the no-substantial-parts thesis provides us with reason to deny *Creation* since new substances can be created by removing a certain spatial part from another substance.

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<sup>16</sup> The acceptance of the no-substantial-parts thesis also falls out from Toner's commitment to Thomistic hylomorphism, which includes the *unicity thesis* concerning substantial forms.

Next, consider Madden's reason for denying *Creation*. As we have seen, Madden rejects (1) of the remnant-person problem, but he has elsewhere argued that (2) is false. He claims that new entities can be created even by removing them from sustaining tissues. Here is his alleged counter-example:

Suppose that a bush is blossoming. There are petals unfurling on just one stem of the bush. We then engage in the process of 'plant cutting'. This is a horticultural technique of propagating plants by asexual means. Rather than growing a new plant from seed, one creates a new plant by cutting off a small amount of the parent plant. Suitably hydrated and nourished this thing will grow roots and come to flourish in the normal kind of way. It is a genetic clone of the parent plant but it is a new plant nonetheless (Madden 2016b, 205).

This "real-life" example is supposed to deny *Creation* because it provides an actual case of a new entity coming into existence by cutting it off from another object (and whatever is actual is possible).

The problem with these two objections to *Creation* by Toner and Madden should be fairly clear: they make no claim about bringing a new *person* or a new *thinking subject* into existence—rather, they only show that it is possible to bring into existence some new object or substance by cutting it away from another object. The principle that Madden and Toner are targeting is one that many would also reject. For example, consider a (symmetrical or asymmetrical) fission case of a worm, where either two new worms are created (from a symmetrical case) or a new worm (in an asymmetrical case) comes into existence with the old worm continuing as before (perhaps surviving as the larger one). Such an example, though not perfectly clear regarding the persistence

conditions of worms, does not strike us as highly counterintuitive regarding the creation of a new organism. So it seems that their objections to *Creation* (and *Destruction*) miss the mark. For one could agree that we can bring a new substance or a new plant into existence while denying that we can bring into existence a new person or a new thinking subject by cutting it away from sustaining tissues. Hence, Toner and Madden's critique of a more generalized principle does not address the real concern laid out by proponents of the remnant-person problem.<sup>17</sup>

### 3.2 *Resisting Creation and Destruction*

In this final section, I want to reject these two principles by arguing (i) that the only reason offered in their favor is weak and unmotivated, (ii) that such principles are not self-evident, and (iii) that their lack of clarity renders them even more implausible. And in the following discussion, I will restrict attention to *Creation*, though it should be clear how to take the following criticisms as ways of rejecting *Destruction* as well.

#### 3.2.1 *Justification for Creation?*

First, why should we think it impossible to create a new person by detaching a cerebrum from the rest of the organism? Proponents of the remnant-person problem do not offer any extensive reasons; there is no substantive argument for it, despite the fact that it plays a key role in the anti-animalist argument.

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<sup>17</sup> It may be argued that anti-animalists would only regard *Creation* as obvious insofar as they accept something like the general principle against creating a new substance, and hence a criticism of the general principle may be a criticism against *Creation* (thanks to Stephan Blatti for pointing this out). I suppose it depends on what a specific anti-animalist would actually say, though I take it that those who have the worm-fission intuitions can reject the general principle while accepting *Creation*.

Now Johnston does briefly mention some reason in favor of it: “But how could removing a sustaining torso bring this about? The presence of a person seems not to depend on this sort of *extrinsic* matter [italics mine]” (Johnston 2007, 47). Since the cerebrum is unaffected by the process of detachment, then it has not undergone any intrinsic changes—and yet, the animalist claims that the cerebrum has gone from an unthinking thing to a thinking person. So Johnston appears to hold the following as justification for *Creation*:

(\*) A new person cannot be brought into being by mere extrinsic changes. But (\*) should be regarded as false, not only by animalists but even by psychological continuity theorists who accept a “no-branching” condition. For if we have a case of symmetrical fission of a human person (say, the left hemisphere and the right hemisphere of the brain are transplanted into distinct bodies, and both emerge and are psychologically continuous with the original person), then given the violation of the unique successor clause, neither successor is identical to the original. However, had only a single successor survived (say, the individual with the left hemisphere survives but the individual with the right hemisphere never becomes conscious), then the original person would have survived (according to non-branching psychological continuity theorists). However, there is no intrinsic difference between the branch that involves the left hemisphere in both cases, and yet in one case the original person does not survive—and so results in a new person—and in the other the original person does survive. So (\*) appears to be violated by non-branching psychological continuity theorists since a new

person (in the first case) is created even though the only factors are extrinsic to the sequence of events on that branch.<sup>18</sup>

To be clear, I am not claiming that the remnant-person problem depends on (\*). But as far as I can tell, (\*) has been the only reason offered for why we should accept *Creation* (other than its purported intuitiveness). And given the implausibility of (\*), I leave it as a challenge for those who advance the remnant-person problem to provide justification for *Creation* if not (\*).

### 3.2.2 *Self-evident Principle?*

Given the lack of justification, it may be the case that the proponent of the remnant-person problem intended to advance *Creation* on the grounds that such a principle is intuitive or self-evident. But such a move would only be effective to those who regard it as obvious, and an animalist can simply deny the principle and thereby maintain that it is not in fact self-evident. But such a response will not carry the discussion very far. Instead, I will present a few philosophical positions that are independent of the defense of animalism but which involve the denial of *Creation*, thereby showing that such a principle is neither intuitive nor self-evident to many philosophers who are not concerned with animalism. The fact that such views imply the rejection of these principles not only yields plausible denial to claim that such principles

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<sup>18</sup> Of course there have been criticisms raised against such an approach, one in particular is the violation of the “only x and y principle,” which states that whether  $x = y$  should only depend on facts concerning x and y. And there are other worries too: which successor (in the case of successful symmetrical fission) has ownership claim to the original person’s property? Which successor is married to the original person’s spouse? Now non-branching psychological theorists have responded to these worries. But what I hope is clear is the fact that animalists who reject the remnant-person problem by denying *Creation* or (\*) are not in any worse position than non-branching psychological continuity theorists. Moreover, the remnant-person problem loses some of its appeal given that (\*) appears to conflict with non-animalist theories of personal persistence.

are self-evident or obvious, but it also demonstrates that the animalist denial of *Creation* isn't ad hoc. Although detailed explication of each view could be given, I will briefly lay out enough of the positions required to show how such views involve denying *Creation*:

*Connected Fetus*: Some bioethicists argue that as long as a fetus is connected (i.e., symbiotically attached) to a woman's body, then it is not a person. For example, Anja Karnein argues that a necessary condition for personhood is that it "must not inevitably rely for its continued existence on life support of a kind that can always be denied" (2012, 23), where the kind of dependence is a "particular kind of structural dependence on one specific and irreplaceable person" (ibid., 25). Since a fetus is dependent on the mother in just this way (whereas a newborn is arguably not so dependent<sup>19</sup>), then it fails to satisfy this condition and so does not count as a person. Once the umbilical cord holding the two together is cut such that the infant is no longer attached to the mother, then it qualifies as a person (provided that the other conditions for personhood are met). Even though the fetus prior to separation is capable of conscious thought and there is no intrinsic change from the pre-separation to post-separation of the umbilical cord, this view maintains that a new person emerges at surgical separation and hence would also deny *Creation*.<sup>19</sup>

*Corruptionist Hylomorphism*: Some philosophers accept the broadly Aristotelian-Thomistic view that we are compounds of a substantial form, viz. the soul, and

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<sup>19</sup> Of course, one drawback to this view is that it involves a robust conception of personhood that not everyone will accept and so falls into a similar worry that was raised against the response to the remnant person problem that relies upon Boethius' account of persons

(primary) matter. Given that Aquinas believed (i) that human persons are not identical to their souls and (ii) that intellective souls can outlast their bodies, it follows (under a certain interpretation) that human persons cease to exist at death even though their soul may continue to exist (and religiously inclined Thomists typically believe that human persons will come back into existence when the soul re-informs matter). This is a version of hylomorphism sometimes labeled as ‘corruptionism’ since it accepts the claim that we cease to exist at death, which is the separation of the substantial form and matter<sup>20</sup> (in contrast with “survivalist” views<sup>21</sup>). The pre-mortem, matter-informing soul survives as the post-mortem, matter-less soul, yet it becomes a person at death—or at least, it becomes the subject of thoughts and other mental states once the human person ceases to exist. Arguably, no intrinsic change has taken place for the soul. Moreover, we might regard this as a limiting case of “cutting away” sustaining tissues (where the sustaining tissues is the entire body), yet we have a new person or thinking subject according to such a metaphysics of human persons.<sup>22</sup>

To be clear, I do not take these last considerations as counterexamples or means of refuting *Creation* (and by association *Destruction*), nor am I committing myself to those positions (otherwise, there would be theoretical costs in rejecting *Creation*, which I tried to avoid in section 2). Rather, I offer these examples to show that there are some philosophical positions independent of the present issue that involve denying *Creation*.

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<sup>20</sup> Proponents of corruptionist hylomorphism include Pasnau (2002) and Toner (2011).

<sup>21</sup> Some proponents of hylomorphism claim that human persons do survive with their separated soul without being identical to it, cf. Stump (2006b) and Eberl (2009).

<sup>22</sup> van Dyke (2015) suggests that this is a problem, which she labels the “two-persons problem” for Aquinas. However, it is only a problem if one accepts *Creation* (or some analogue principle).

On that basis, we should not regard *Creation* as an intuitive or self-evident principle. We can conclude, then, that since *Creation* is neither well defended nor self-evident, then we have no reason to accept such a principle.

While I did not offer counterexamples to *Creation*, it should be clear that if one were willing to take on additional theoretical commitments, such a corruptionist version ofhylomorphism, then one could offer direct counterexamples. But the aim of this paper was to provide a way of responding to the remnant-person problem without taking on theoretical costs, which would then allow animalists of any stripe to adopt such a response to the problem.

Moreover, the burden of proof typically rests on the one advancing a particular argument, and so in this case, the burden of proof rests on those advancing the remnant-person problem understood as the argument in (1) – (3). Now premise (2), which is *Creation*, makes a strong modal claim regarding the impossibility of a certain state of affairs. The sense of impossibility here appears to be metaphysical, and hence the relevant kind of impossibility here should involve a contradiction. However, there is no obvious contradiction in supposing that a new person can be brought into existence by cutting away sustaining tissues, and the burden is on the proponent of the remnant-person problem to show that there is a contradiction. Perhaps some might think that it is impossible not in virtue of containing a contradiction but because it is absurd in some sense. But again, the relevant kind of absurdity that yields an impossible state of affairs would need to be clarified or shown, and I have argued that no such case has been made. If this is right, then the animalist need not provide a direct counterexample to *Creation* (though if she does provide one by acquiring certain theoretical costs, then so much the

worse for the remnant-person problem!). If no compelling reason is given for accepting the impossibility claim in *Creation*, then it is rationally permissible for animalists to deny or at least suspend judgment with respect to *Creation*. But then the remnant-person problem poses no threat to the animalist since she has no reason for accepting one of its key premises.

### 3.2.3 *Clear Principle?*

Not only does *Creation* lack adequate justification, it also lacks adequate perspicuity. This becomes evident in the fact that even Johnston admits that cutting away some tissue might yield the capacity for thought:

You can't bring a person into being simply by removing tissue from something...unless that tissue was functioning to suppress mental life or the capacity for mental life. A developing fetus might have a massive tumor in its developing brain, which suppresses its mental life, and perhaps even its capacity for mental life. Given that, we can understand how removing the tumor could allow a person in Locke's sense to be present for a time (Johnston 2007, 47).

By allowing the removal of *some* tissue to bring about the capacity for mental life, it is hard to see what reasons there might be to accept *Creation*. But then it is not clear why Johnston allows for this exception. There is, therefore, a lack of clarity on how even to understand *Creation*, especially if one of its main proponents allows for certain exceptions.

Furthermore, there is a lack of clarity in the claim in *Creation of merely* cutting away sustaining tissues.<sup>23</sup> If the procedure involved merely the elimination or removal of sustaining materials, then there may be some measure of plausibility to that principle since it is hard to imagine how a new person could come into being with a cerebrum simply lying there on the operating table. But then it would be hard to see how there could be a person there at all—whether new or original. However, that is not the scenario that is offered. In order for a person to be brought into existence, the cerebrum must also be placed in a vat of nutrient fluids and connected to complex machinery. But this scenario, which is the one offered by proponents of the remnant-person problem, does not involve the *elimination* of sustaining material but rather involves a *replacement* of sustaining tissues with sustaining fluids and technological machinery. Even if *Creation* is rendered plausible when interpreted as the elimination of sustaining materials, its plausibility is greatly diminished if we consider the case as involving the replacement or transfer of one sustaining material to another sustaining material of a different type. Hence, the intuition supporting *Creation* may be trading upon its ambiguity, and so the lack of clarity renders the principle much less plausible, especially when we consider the actual scenario offered by proponents of the remnant-person problem.

#### *4 Conclusion*

I believe that animalists would benefit by seeking an ecumenical answer to the remnant-person problem, one that an animalist of any stripe can endorse; and I have attempted to provide such an answer by opting to reject premise (2) instead of (1) of the

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<sup>23</sup> Many thanks to Stephan Blatti for this point and for pushing me to expand on this concern against *Creation*.

remnant-person problem. The response I offer does not have any of the theoretical costs associated with the extant responses. This is not to claim that there are no reasons for paying such costs (and in fact, I am sympathetic with paying some of them), but I think that it is not necessary to do so with respect to the remnant-person problem. Every animalist should therefore agree that the remnant-person problem is no problem at all.<sup>24</sup>

### **Conflict of Interest Statement**

On behalf of all authors, the corresponding author states that there is no conflict of interest.

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