CONSTITUTION AND THE NECESSITY OF IDENTITY

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I. *Introduction*

It might happen that the statue and the constituent lump of clay come into existence at the exact same time. Gibbard (1975) imagines that the artist makes "a clay statue of the infant Goliath in two pieces, one the part above the waist and the other the part below the waist," and once the two halves are finished, the artist sticks them together, "thereby bringing into existence simultaneously a new piece of clay and a new statue" (p. 191). Also imagine that a day later, dissatisfied with his work, the artist destroys the statue by smashing it to bits, simultaneously bringing an end to the piece of clay. The complete spatio-temporal coincidence tempts us to say that in such a case, the statue (call it *Statue*) is identical with the lump of clay (call it *Clay*).

   This case is clearly atypical. In the typical case, Gibbard (1975, p. 190) notes, the lump of clay exists prior to being molded into a statue. In that case, the statue is obviously not identical with the lump of clay. It seems there is no reason to deny that the situation with Statue and Clay could have been more like the typical case, and if it could have, then

   (1) it is possible that Statue ≠ Clay.

Suppose we also believe, given the complete spatio-temporal coincidence Gibbard describes, that as a matter of fact

   (2) Statue = Clay.

Then we are forced to reject the *necessity of identity* — the view that

   NI: for any x and any y, if x is identical with y, then x is necessarily identical with y.

That is why Gibbard, wishing to accept (2) along with (1), endorses *contingent identity*.

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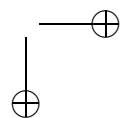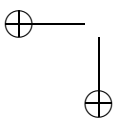
Yablo (1987) takes a different approach. Not wanting to deny NI, Yablo explains how essentialists (with their commitment to NI) can reject the identity claim, i.e., premise (2) above, and still acknowledge an *identity-like* connection between the statue and its constituent — a connection more intimate than "either's relations to the common run of *other* things" (p. 295). While Yablo and Gibbard disagree on whether NI is true, both seem to think the real choice to make is between NI and (2). Here I argue that this is not the case. It is shown below that there is no tension between NI and (2) since there is no good reason for the proponent of NI to accept (1). The conclusion is that NI is no threat to an object's being identical with its constituent (in the case of complete spatio-temporal coincidence), or equivalently, that identity of this sort is no threat to NI.

II. *What NI Does Not Entail*

Why suppose (1) is true? The reason is that Clay could have existed prior to being molded into a statue, and would have done so in the typical case. It also seems possible for Clay to survive the loss of its statuesque form; suppose, for example, the lump of clay were gradually eased into a formless mass rather than being instantaneously destroyed. It seems, then, that

(3) it is possible for Clay to exist without being a statue.

When it comes to Statue, however, being a statue seems essential. As Gibbard notes, a clay statue "lasts, then, as long as the piece of clay lasts and keeps that shape" (1975, p. 190), which means

(4) it is not possible for Statue to exist without being a statue.

If (3) and (4) are both true, then there is a genuine conflict between NI and identity claim (2). (3) and (4) entail (1), the claim that possibly Statue $\neq$ Clay, and if (1) is true, then either NI is false or (2) is false. So the question is: should we accept both (3) and (4)?

Thesis (3) is quite compelling. Again, suppose the situation were more like the typical case. Suppose the lump of clay were present before the creation of the statue. We would not suppose that when the statue emerges, the old lump of clay is replaced by a new one (Clay itself), or that when the clay is later returned to a formless mass, yet a third lump of clay (distinct from Clay and the original lump) appears on the scene. It seems more plausible to say

that Clay was present all along, and therefore does not need to be a statue in order to exist.[1]

Should we also accept (4)? Baker claims that according to (4), "being a statue is a property that a statue cannot lose without going out of existence — just as being a three-sided figure is a property that a triangle cannot lose without going out of existence" (1997, pp. 601–602). Putting it that way makes (4) highly compelling, for our attention is drawn to the obvious truth that an object can no more remain a statue with the loss of statuesque form than an object can remain triangular without three sides. What we are wondering, however, is whether the object that now happens to be a statue might continue to exist without being a statue — just as we might wonder whether an object that is currently triangular might remain the same object with a change in shape. What shall we say about this? Can the object we call "Statue" continue to exist without being a statue? Well, suppose we reject NI. Then we would consider claims of the form 'x is necessarily F' as true or false only relative to a sortal (e..g., x is necessarily an animal relative to the sortal 'homo sapiens' but not relative to the sortal 'person'). In that case, the connotation of the name 'Statue' would compel us to accept (4). Suppose, on the other hand, we accept NI. In that case, we would think that whether Statue could exist without being a state does not depend on the descriptive content of the name 'Statue.' So with NI (a thesis Baker herself accepts), it seems we are under no pressure to say that the object must remain a statue in order to exist.

Of course, Statue is a statue. So given NI,

(5) there is a statue with which Statue is necessarily identical.

One might, for this reason, be tempted to think that NI entails (4). However, (4) and (5) are importantly different claims. The same thing can have different properties at different times, which means it is possible for an object to be identical with something that exemplifies some property F at one time and identical with something lacking F at another time. It seems it might also happen that *something* is *necessarily* identical with an F at one time and *necessarily* identical with a non-F at some other time — i.e.,

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[1] Della Rocca (1996) defends the claim that the clay is necessarily a statue in way analogous to how Kripke (1971, 1980) shows that heat is essentially molecular motion despite the apparent contingency. If we needed to explain away the apparent contingency of Clay's being a statue, then Della Rocca's Kripkean line would be very appealing; however, it is much more tempting simply to accept the apparent contingency of Clay's being a statue as more than just apparent.

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$$(6) \ (\exists x)(\exists y)(\exists z)(\exists t)(\exists t^*)[(Fy \text{ at } t \ \& \ (\Box x = y \text{ at } t)) \ \& \\ (\sim Fz \text{ at } t^* \ \& \ (\Box x = z \text{ at } t^*))].$$

What makes (6) possible is simply that the item with which x is identical
(that item being y, which is identical with z) might continue to exist after
losing or gaining the property of being F.

The scenario described in (6) is one way to be *necessarily identical with
something that is only accidentally F* —

$$(7) \ (\exists x)(\exists y)[(Fy \ \& \ \Box x = y) \ \& \ \Diamond \sim Fy].$$

(7) could be true, however, even if (6) were false. Suppose x happens to be F
throughout its career. It is clearly consistent with NI that this is only a contin-
gent fact, and if it were contingent, then (7) would be true even though (6) is
false. The possibility of (7)'s being true, the possibility of being necessarily
identical with something that is only accidentally F, is what underlies the dis-
tinction between being *necessarily identical with an F* and being *necessarily
F*. And this distinction is what allows that Statue is necessarily identical with
a statue, as (5) claims, even if Statue is not necessarily a statue, contrary to
(4). While it is true, then, that NI entails (5), it does not commit us to (4).[2]

Is there any reason other than NI for accepting (4)? Baker (1997) tries to
provide one. She argues that if (4) were false, not only could Goliath exist
without being a statue, "but also, presumably, all the other artworks that do
exist could exist without being artworks." So if (4) is false, then "there is
another possible world that contains every individual that actually exists, but
not a single artwork" (p. 620). This is a consequence Baker finds unaccept-
able. It's unacceptable, however, only if we imagine that the individuals in
this counterfactual situation have the same properties they have in the actual
world. It would be highly implausible to think that an item could play the
cultural, representational and expressive roles definitive of artworks without
itself being an artwork. But our artworks do not play these roles in the possi-
ble world Baker has us imagine. While that world contains all the items that
actually exist, some of those items (the actual artworks) are very different,
different enough that Baker's imaginary world ends up differing drastically,
at least with respect to artworks, from the actual world. Given that the ac-
tual artworks are radically different in this other possible world, it is not so

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[2] The difference between (4) and (5) corresponds to Rea's (1995, p. 527) distinction be-
tween the *essentialist assumption* that "if the *p*s compose an F, then they compose an object
that is essentially such that it bears a certain relation R to its parts" and the *necessity as-
sumption* that "if *a* is identical with *b* then *a* is necessarily identical with *b*." (5) is clearly
an instance of the necessity assumption, and to see that (4) is an instance of the essentialist
assumption, let F = statue and R = having parts arranged statue-wise.

surprising that this other world contains all the same objects but not a single artwork. It seems we need a better reason to accept (4) than what Baker offers. Although, even if a better reason could be found,[3] it is unlikely to be a reason that NI compels us to accept.

One might wonder whether the inference from NI to the non-identity of Statue and Clay even requires (4). Perhaps we can bypass that premise altogether. Recall that NI entails

(5) there is a statue with which Statue is necessarily identical.

Suppose it were also true that

(8) there is no statue with which Clay is necessarily identical.

If NI were false, then we could not apply Leibniz' Law (the indiscernibility of identicals) to conclude that Statue $\neq$ Clay, for the context would then be intensional. But on the assumption that NI is true, it does follow that Statue $\neq$ Clay, and it follows whether or not thesis (4) is true. So perhaps NI does provide a reason to conclude non-identity and a reason that is independent of (4), independent of whether Statue can exist without being a statue.

NI would provide this independent reason — if only it supported (8). Thesis (7), however, clearly reveals that it does not. Given (7), Clay might be necessarily identical with something that is only accidentally a statue, $(\exists x)[(Sx \, \& \, \Box c = x) \, \& \, \Diamond \sim Sx]$, which shows that being *necessarily identical with a statue* is distinct from being *necessarily a statue*. So the fact that

(3) it is possible for Clay to exist without being a statue

is no reason to deny that Clay is necessarily identical with a statue — i.e., no reason to agree with (8) that $\sim(\exists x)(Sx \, \& \, \Box c = x)$.

It seems, then, that NI is no threat to the idea that constitution is identity or, equivalently, that constitution as identity is no threat to NI.

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[3] And this is doubtful. Baker claims that "the object (y) that is constituted by something (x) but that constitutes nothing else is ontologically more significant than the thing (x) that constitutes it." (2000, p. 33). So, according to Baker, "*David* has greater ontological significance than does Piece" (p. 33). If it were true that the statue has greater ontological significance, then perhaps we would have a good reason to accept (4). However, it does not seem terribly plausible to think it does. In terms of Baker's own analysis of the constitution relation, the constituent matter's being in the right set of circumstances of "being presented as a three-dimensional figure in an artworld, given a title, and put on display (or whatever is required by the correct theory of art for something to be a statue)" (2000, p. 43) guarantees the presence of a statue. So being a statue is *supervenient* on being a piece of clay or marble in those circumstances, which suggests that the constituent matter (in those circumstances) is ontologically prior.

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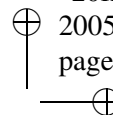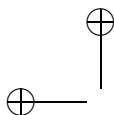
III. *Pain and its Constituent*

The results of section II apply to another popular argument for the non-identity of an item and what constitutes it. Kripke (1971, 1980) appeals to NI to show that the *property* of being in pain is not a neurological property, and also that no *instance* of pain (no particular pain occurrence) is identical with any instance of a neurological property.[4] Take any instance, q, of pain or any other qualitative mental property, and the brain state, b, that constitutes q.[5] It seems that

(9) it is possible for brain state b to exist without being qualitative.

As Kripke notes, "we can imagine the brain state existing though there is no pain at all. It is only a scientific fact that whenever we are in a certain brain state we have a pain" (1971, p. 161). Suppose it is also true that

(10) it is not possible for qualitative state q to exist without being qualitative.

Then

(11) possibly, $q \neq b$,

and given NI,

(12) $q \neq b$.

Regarding (10), Kripke asks, "Can any case of essence be more obvious than the fact that *being a pain* is a necessary property of each pain?" (1980, p. 146). But is it so obvious? Without NI, claims of the form 'x is necessarily F' are true or false only relative to a sortal. So if we were to reject NI, then the descriptive content of the labels 'pain' and 'qualitative state q' would lead us to agree with Kripke about pain and thereby accept (10).[6]

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[4] Others have mentioned Kripke's argument in the context of the statue — e.g., Yablo (1987, pp. 313–314) and Della Rocca (1996, p. 200). And in the context of his argument regarding pain, Kripke notes that the same line of reasoning applies to the statue and its constituent material (1971, p. 164).

[5] Here we are talking about state-*tokens*, not state-types — i.e., *instances* of properties rather than the properties themselves.

[6] Here we are following Kripke in ignoring the possibility of non-conscious, and therefore non-qualitative pain.
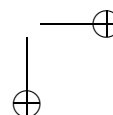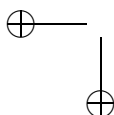
However, assuming NI is true, what we are wondering is whether the mental state itself (independently of its being described as qualitative) can exist without being qualitative, and it is not at all clear why it cannot. NI does entail that q is necessarily identical with something that is a qualitative state, i.e., $(\exists x)[Qx \ \& \ \Box q = x)]$, but this is perfectly compatible with q's being qualitative only accidentally — $(\exists x)(\Box x = q \ \& \ \Diamond \sim Qx)$. It seems, then, that advocates of NI need not accept (10). And if so, then they should not feel compelled to accept (11) and conclude the non-identity of q and b.

As before, I am relying on thesis (7), which allows that an item x is necessarily identical with something that is only accidentally F — i.e., $(\exists x)(\exists y)$ $[(Fy \ \& \ \Box x = y) \ \& \ \Diamond \sim Fy]$. Thesis (7) underlies the distinction between being necessarily identical with an F and being necessarily F, which makes it possible that NI is true without q's being necessarily qualitative. However, one might worry that while (7) applies where 'F' is the predicate, 'is a statue,' it does not apply when 'F' is a *rigid predicate* like 'pain.' Let us address this potential objection before concluding.

IV. *Rigid Predicates*

Following Soames (2002), let us call a predicate 'F' *essentialist* if and only if any individual that exemplifies F could never fail to exemplify F. As Soames puts it, "a predicate is essentialist iff for all possible worlds w and objects o," if the predicate applies to o with respect to w, then it "applies to o in all worlds in which o exists" (p. 251).

Soames notes that there is some textual support for thinking Kripke viewed rigid predicates as essentialist, not least of which is Kripke's claim that "if something is a pain it is essentially so" (1980, p. 148). Suppose, then, that rigid predicates are to be defined as essentialist. Suppose that

> (13) 'F' is a rigid predicate $=_{df}$ for any possible world w and object o, if 'F' applies to o with respect to w, then 'F' applies to o in all worlds in which o exists.

Also suppose that 'pain' is a rigid predicate, as Kripke believes. Then (7) is not true where 'F' is 'pain'; so it cannot be used in that case to block the inference from NI to non-identity.[7]

In light of this concern, we might simply restrict (7) to cases of *non-rigid* predication. Perhaps we could then use (7) to block the inference to non-identity at least in the case of the statue, for it is arguable that 'statue' is

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[7] This concern was raised by one of the anonymous referees for *Logique et Analyse*.

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not a rigid predicate. Unlike natural kinds, there is no specific inner struc-
ture essential to being a statue. Being a statue is a matter of playing the
right functional/aesthetic role, a role that might be played by many different
parcels of stuff. So at least one reason to view a predicate as rigid — namely,
that it denotes a natural kind — does not apply in the case of statues; and
for statues, at least, it is doubtful that there is any other reason to suspect a
rigid predicate. It seems, then, that restricting (7) to rigid predicates would
still help us avoid inferring non-identity where statues are concerned, and no
doubt, in many other cases as well.

It is not clear, however, that we even need to restrict (7) to rigid predicates,
for it is arguable that we should not define rigid predicates as essentialist. It is
a substantive issue whether an object that was once comprised of gold might
exist, as the *same* object, without its golden constitution, and this question
is no less substantive on the assumption that 'gold' is a rigid predicate. It is
arguable that our terms for the various species of organism are also rigid, but
it should not automatically follow from this that an organism must remain
a lion, a giraffe, or a human animal (whichever it might be) to continue to
exist. It is a matter of controversy, for example, whether any one of us could
survive the replacement of our organic parts with inorganic bits, thereby
ceasing to be an animal. This is a significant question regarding our essential
properties, a question that should not be settled, at least not fully settled, by
a definition of rigid predication.[8]

As a definition of rigid predicates, I suggest we replace (13) with

(14) 'F' is a rigid predicate $=_{df}$ there is some predicate 'G' such that
$(\forall x)(Fx \leftrightarrow Gx)$ is a necessary truth that is not known a priori.

Given that 'Water is H_2O,' 'Gold is Au,' and 'Tigers are felines' are nec-
essary and a posteriori, (14) gives the correct result that 'water,' 'gold' and
'tiger' are rigid predicates. At the same time, (14) prevents 'serial killer'
and 'graveyard' from being rigid, since any necessary truths of the form
'$(\forall x)(Fx \leftrightarrow Gx)$' that can be expressed with 'serial killer' and 'graveyard'
(e.g., 'Serial killers are those who kill in regular succession' or 'It's a grave-
yard if and only if it's a cemetery') are a priori.[9]

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[8] Moreover, as a potential problem for (13), Soames notes that "the two-place predicate,
'hotter than' [where 'heat' is viewed as rigid in Kripkean fashion] may apply to a pair of
objects in one world without applying to that pair in every world in which the objects exist"
(2002, p. 259).

[9] (14) seems to me a natural alternative to the definitions Soames proves faulty in 2002,
pp. 259–262.

Whether (14) is an adequate definition is certainly open to debate. The crucial point here, however, is: while it may be that many rigid predicates are essentialist, it is far from clear that they all are, and so at the very least, they should not be *defined* as essentialist. Thus, the mere fact that a predicate is rigid is no reason to deny that (7) can be used in that case to block the inference from NI to non-identity (or from identity to the denial of NI).

V. *Conclusion*

To generalize the results above, suppose that x is F, y constitutes x, and

(15) it is possible that x ≠ y.

If it is also true that

(16) x = y,

then it follows that NI is false. So given (15), NI clearly conflicts with identity claim (16).

There is a serious conflict here only if there is reason to think (15) is true. One possible reason is that

(17) it is possible for y to exist without being F

together with the belief that

(18) it is not possible for x to exist without being F.

But it was shown here that this is not a good reason, for despite the plausibility of (17), we should not feel compelled to accept (18). At least, nothing about NI compels us to do so, for it might be that x is necessarily identical with something that is only accidentally F — thesis (7) — which shows that being necessarily identical with an F does not entail being necessarily F. So while it is true that NI entails

(19) x is necessarily identical with an F,

NI does not commit us to (18). [Indeed, *rejecting* NI is what would attract us to the instances of (18) discussed above — i.e., (4) it is impossible for Statue to exist without being a statue, and (10) it is impossible for qualitative state q to exist without being qualitative. For if we were to reject NI, then we would accept modal ascriptions as true or false only relative to a sortal, in

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which case, the connotation of 'Statue' and 'qualitative state' would tempt us to accept (4) and (10).]

Perhaps there are good reasons to accept some instances of (18). In those special cases, NI along with the corresponding instance of (17) would compel us to conclude non-identity (even with complete spatio-temporal coincidence).[10] But without some additional reason of this sort, NI is no threat to constitution as identity. As shown here, NI is certainly no general license to infer non-identity. Despite NI, we need not agree with Baker that regarding "planets, kidneys, persons, landscape paintings, carburetors, cathedrals ... [e]ach of them is constituted by another thing ... with which it is not identical" (1997, p. 621).

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[10] For example, one might argue with Baker (2000) that each of us is fundamentally a *person*, that none of us could exist without being a person. If we accept this, then from the fact that the constituent animal is not essentially a person, we are led to believe that the person is not identical with the constituent animal. Or suppose we are essentially *animals*. Then assuming the constituent physical object is not essentially an animal, we are led to believe that the animal is not identical with the constituent physical object.

Yablo, S. (1987). "Identity, Essence, and Indiscernibility," *Journal of Philos-ophy*, 84, 293–314.