

Problems of the Constitution Account in Revealing the Beginning of Human Life and Its End

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Abstract:

In Lynne Rudder Baker's Constitution Account, a human organism persisting solely or primarily by means of biological function and a person persisting with psychological functionality are fundamentally different moral entities. We are, Baker argues, essentially persons persisting via a first-person perspective, expressing psychological functionality, while our bodies constitute or enable such a first-person perspective as a consequence of the development of cerebral function. By means of hypothetical scenarios as well as real case studies, I argue that Baker's Constitution Account fails to reveal the beginning or end of human life. Baker's Constitution Account fails to show that our persistence is derived from the fetus who actually persists during gestation at the material level, without a robust first-person perspective. Further, Baker's view fails to take sufficient account of persistence of a physical human being, at the first stages of life, newborns as well, since her account presumes we are essentially persons. In contrast, I show that we are essentially organisms that persist by means of life processes, even when the cerebrum is detached from the biological body. Finally, I assert that Baker's Constitution Account lacks the persuasive power to determine when someone's existence ceases and is no longer a person, for instance, when someone is in a persistent vegetative state, even if we admit the presumption of the constitution account that we are persons that a human organism constitutes or enables.

Keywords: the Constitution Account, person, first-person perspective, brain transplant, life processes

I. Introduction

Lynne Rudder Baker argues that a human organism persisting by virtue of biological function prior to obtaining psychological function and a person beginning to persist with the acquisition of psychological function are fundamentally different entities.¹ In Baker's view, the nature of our existence abides in a person persisting by means of a first-person perspective, possessing psychological function created by the development of cerebral function when a human organism constitutes personhood.² A person constituted by a human organism appears when the brain instantiates the capacity that allows a person to think of herself as a thinker, that is, to attain self-consciousness. Although a person and a human organism are different entities,

they have the same body while they are in a constitution relation. In Baker's Constitution Account, the condition of a person is dependent upon a human organism when the organism constitutes or enables personhood.

Nevertheless, since a person and a human organism that are in a constitution relation are essentially different entities, they retain different persistence conditions. We are persons persisting with a first-person perspective created by cerebral function in a constitution relation to human organisms and cease to exist when we lose that perspective, due to the irreversible cessation of cerebral function. On the other hand, our human organisms are the beings persisting in virtue of biological functions before we begin to exist as a person. The human organism continues to persist as long as life processes are sustained, outliving the person who ceases to exist with the

irreversible loss of a first-person perspective. Nevertheless, since our persistence is preserved in a person that survives with a first-person perspective, the life of a human organism is not essential or at least is not the deciding factor in the Constitution Account.

Eric Olson challenges the Constitution Account's presumption that our nature involves instantiating personhood. Olson holds that if we were identical to future persons due to psychological continuity, then it would seem to be impossible for us to have ever been fetuses, as there are no psychological ties between us at present and our fetal state. Olson further asserts that if a person and a human organism were different entities and that we were identical to persons, we would be the beings that are essentially different from organisms. As a result, the Psychological Account fails to explain our existence.³ Contrary to Olson's critique of the existence of a fetus, Baker argues that although a person with psychological function and a fetus without that function are different entities with regard to persistence in a strict sense, the Constitution Account is plausible in explaining our existence from the stage of a fetus in a constitution relation to a human organism precisely because we persist in consequence of being constituted by the organism that was a fetus.

Further, with respect to Olson's critique that we are considered beings different from mere biological organisms, Baker asserts we are organisms, since human organisms constitute us, although we are essentially psychological beings.⁴ Olson, however, fails to bring forward a proper counterargument to Baker's contention that we are organisms persisting from the fetal stage while in a constitution relation to human organisms. In this article, I closely examine Baker's presumption that a human organism constitutes a person and the assertion that we begin to persist in virtue of a first-person perspective and cease to persist when that perspective is lost. Moreover, I rigorously analyze the notion in Baker's Constitution Account that a person is the entity that is different from a human organism. I argue that we are essentially biological organisms persisting by means of life processes, not as persons persisting in virtue of a first-person perspective independently of the

organism and that we die with the irreversible loss of life processes. Such an analysis will reveal the problems inherent in Baker's account.

2. The beginning of human life

Baker clarifies how a human organism constitutes a person with the explanation of the distinction between rudimentary and robust first-person perspectives. In Baker's account, a certain entity possesses a rudimentary first-person perspective if and only if she is a sentient being, she has a capacity to imitate, and her behavior is explainable by the attribution of a belief, a desire, and an intention. An entity attains a robust first-person perspective when possessing the capacity to recognize oneself.⁵ Baker assumes that a certain entity constitutes a person at a certain time (t) if and only if it is a human organism and it possesses either a rudimentary first-person perspective or a robust first-person perspective at t .⁶ From this assumption, Baker argues that an entity constitutes a person at birth as a result of the fact that it is a human organism that possesses a rudimentary first-person perspective at that time.

If Baker maintains that a human organism's possession of a rudimentary first-person perspective is essential for constituting a person, a nonhuman animal would constitute a person because it retains that perspective as well. However, this would be contrary to our intuition. For example, a dog has the ability of sentience as well as that of imitation. In addition, a dog has the ability to act in accordance with a desire and intention, since it can seek something that we hide and recognize the object when the dog sees the object. It appears, then, that a nonhuman animal could qualify for personhood by fulfilling the requirements for preserving a rudimentary first-person perspective (i.e., being sentient, imitative, and intentional). However, Baker asserts that a human organism constitutes a person at birth because the rudimentary first-person perspective that the organism retains is 'developmentally preliminary' to possessing a robust first-person perspective. On the other hand, a nonhuman animal does not constitute a person in that the animal cannot develop the rudimentary first-person perspective into the robust first-person perspective.⁷

In Baker's Constitution Account, a certain being preserving a rudimentary first-person perspective constitutes a person only if it is of a kind that can normally develop a robust first-person perspective. This is another assumption of Baker's Constitution Account about a property that a human organism normally possesses. By using this assumption, Baker argues that since a human organism is of a kind that can normally develop a robust first-person perspective, she constitutes a person at birth, regardless of the fact that she does not yet possess that perspective. A nonhuman organism is not of a kind that can normally develop a robust first-person perspective, in Baker's view. In consequence, Baker holds that a nonhuman organism does not constitute a person.

I argue that Baker's view of the beginning of human life is likely implausible since the view no longer would include a fetus that is primarily biological. Suppose mechanical materials replaced the newborn's entire body before she retains a robust first-person perspective. While the newborn grows, she comes to attain a robust first-person perspective. The newborn is a person when the mechanical body constitutes her. However, she was not the fetus that had a biological body since she began to exist after mechanical materials replaced the biological body entirely and function to create a robust first-person perspective. The history of her existence starts when a person appears as a result of the creation of a robust first-person perspective by means of the mechanical body. Possessing a rudimentary first-person perspective by virtue of the biological fetal body has no direct relevance to the persistence of a person since she begins to exist after the mechanical body constitutes her. This imaginary case, though, is not persuasive in revealing a persisting human because the case indicates she was not a fetus and suddenly appeared at the moment of birth.

Contrary to my critique, Baker might state that although a person begins to exist from the stage of a newborn, consisting of the mechanical body, the history of her persistence includes the stage of a fetus that is biological, albeit indirectly. The mechanical body creates a person, and so the persistence of a person is directly relevant to that body. Nevertheless, her persistence is derived indirectly from the

fetal stage because the mechanical body arises not from nothing but from a fetal body that is biological when mechanical matter replaces it. As a result, there is an indirect relevance between the person and the biological fetus. However, I assert that this type of counter-argument of my critique is unpersuasive, since human persistence must derive *directly* from the fetal stage that is biological and must be viewed as continuously seamless, without mentioning its indirect relevance to that particular stage of development. Baker's Constitution Account indicates that a person begins to persist only from the newborn stage in this scenario and her persistence does not directly derive from the fetal stage. In consequence, Baker's notion is implausible in revealing that we begin to persist directly at the fetal stage and continue to exist developmentally, seamlessly.

Further, I argue that whether or not a human organism develops a robust first-person perspective is contingent and that such an organism would be of a kind that normally does not foster that perspective. As a result, Baker's view that a human organism constitutes a person at birth is not feasible. I reveal the problems underlying her assumptions by considering the thought experiment of the case by which the majority of newborns are not able to develop a robust first-person perspective, due to the spread of an infectious disease preventing them from developing that perspective. If the majority of newborns are not able to develop a robust first-person perspective irreversibly for several generations from now on as a result of the spread of an infectious disease hampering the development of a robust first-person perspective, the entities growing from those newborns would be of a kind that normally does not develop a robust first-person perspective.

In that scenario, since those entities would be of a kind that normally preserves only a rudimentary first-person perspective, they would be a mere human organism that no longer constitutes a person. These entities that are human organisms would be the beings, which are different from us who are persons with a first-person perspective. As a result, Baker's Constitution Account is forced to conclude that we and those entities described above would be different beings, due to the influence of the

infectious disease hampering the development of a robust first-person perspective, although we and the biological beings described derive from the same species. Baker's argument lacks persuasive power in clarifying the persistence of the beings within the category of the human species. Since the entities belonging to humankind must be the same beings, whatever the circumstances, those born from that species are all organisms persisting by means of biological continuity, such as life processes, regardless of whether or not they retain a robust first-person perspective. Contrary to Baker's argument, I assert that we persist from the onset of life processes, such as metabolism, to their irreversible loss. We exist as long as we possess the power to integrate our parts in service of the end of survival.

In Baker's Constitution Account, since a newborn with a rudimentary first-person perspective normally develops a robust first-person perspective, she is already a person who is constituted by a human organism. Although a newborn does not yet possess a robust first-person perspective, she is a person in a way that we are persons because both the newborn and we are of a kind that normally retains a robust first-person perspective, either in fact or as a potential faculty. However, I argue that a newborn's potential for a rudimentary first-person perspective and its species membership are insufficient conditions to be considered a person constituted by a human organism, at birth.

Whether or not a human organism develops a robust first-person perspective is contingent upon the following factors. It is conceivable that the majority of newborns would not be able to acquire a robust first-person perspective, due to the influence of external factors such as an infectious disease that hampers the development of that perspective. Consequently, the entities developing from those newborns would normally possess only a rudimentary first-person perspective and would not constitute persons irreversibly.

In opposition to Baker's argument, I hold that an entity must not only have a rudimentary first-person perspective and be of a kind that normally develops a robust first-person perspective, but also must already acquire the robust first-person perspective in order for her to be considered a person. The brain stem and the

lower brain function of a newborn are developed at birth, while the higher brain functioning of the cerebrum is still too primitive to create a robust first-person perspective at that time. We cannot therefore regard a newborn possessing only a rudimentary first-person perspective as a person. Many neurons already exist in the cortex in the embryonic stage. However, these neurons are not yet connected, to create a robust first-person perspective. Most synaptic connections allowing for the possession of a robust first-person perspective are developed in infancy. A human being possesses a robust first-person perspective as a result of the occurrence of millions of synaptic connections formed every second in the cerebrum cortex during the exuberant period in infancy.⁸ With repeated synaptogenesis and synapse elimination during the development of the nervous system in the cerebrum in infancy, the infant retains the structural properties required for a robust first-person perspective.

In light of the above, I argue that a newborn is a human organism, not a person, upon strictly examining the existence of a newborn without the structural property required for a robust first-person perspective found in Baker's Constitution Account, assuming that a person and a human organism are different entities. Baker's Constitution Account is forced to conclude that a newborn without the structural properties required for a first-person perspective is essentially different from full-grown humans, even though both newborns and fully formed humans are members of the same species. As a result, the Constitution Account fails to acknowledge the importance of the physical persistence of infants and fully developed humans alike.

Contrary to Baker's Constitution Account, I claim that possessing a rudimentary first-person perspective or a robust first-person perspective is not an essential property in determining what we are. Acquiring a robust first-person perspective does not indicate that it allows another thinking entity that is different from a biological entity to be created. We are essentially organisms that begin to exist from the moment of conception with the maintenance of life processes such as metabolism, growing through the stages of a fetus, a newborn, and an infant. We retain a potential robust first-person perspective in the

process of biological growth. By attaining a robust first-person perspective, an organism does not constitute a new entity as ‘a person’ distinct from herself. A robust first-person perspective is merely one of several properties we obtain, in the course of development. The property essential for our existence is the preservation of life processes, not the actual possession of a robust first-person perspective. Unless we understand the preceding point, we would likely conclude some morally essential difference between an infant and a fully developed human being. This would, however, be an implausible conclusion in revealing the nature of human existence because all of us are the same or very similar entities at any circumstance, as we belong to the same species.

Further, being qualified as a member of the human species does not require the presence of a robust first-person perspective or even its potential for such a perspective. The real problem in Baker’s Constitution Account arises possibly from the conception that entities would be persons and go out of existence with the irreversible loss of the first-person perspective, because they change into other entities, mere ‘human organisms’, although still biologically members of the same species. We are, however, organisms persisting by virtue of life processes, and there are no other essential qualifications that would change their moral value or demand their expulsion as members of the human species.

3. A person, a brain transplant scenario, and a bionic body

In Baker’s argument, a person can possess the structural property for a first-person perspective non-derivatively without possessing the constitution relation to a human organism persisting through life processes, while she is constituted by a bionic entity. Baker asserts that a person as thinking entity differentiates that person from mere organism, even allowing for the possibility that such a person can exist or at least be morally qualified independently of a biological entity.⁹ A bionic body is the mechanical body in which large parts or an entire part in the organismal body are replaced by the artificial parts. In Baker’s Constitution Account, since a person is constituted by a bionic body when the cerebrum is placed in that body and functions to

create a first-person perspective, the essence of our existence resides in a thinking entity that is distinct from a biological entity.

I argue that Baker’s view about our existence is unconvincing in that our first-person perspective and possession of certain psychological function are never independent of their material or biological form. It is implausible to acknowledge that the essence of our existence resides in a person who possesses a first-person perspective non-derivatively and is another entity essentially different from a being persisting through life processes, as described in Baker’s Constitution Account. Regardless of whether or not the cerebrum is placed in either an organismic or bionic body, the organ responsible for a robust first-person perspective relies upon life processes that an organism retains. As a result, Baker’s account is unpersuasive in the assumption that a person is an entity that exists independently of a biological entity and is significantly and essentially different from an organism.

A biological part must remain in an entity at all times, in order for a first-person perspective and psychological functionality to take place; such a perspective and functionality are not derived from an extraterrestrial being or an artificial intelligence. First and foremost, we are organisms; that is, we are essentially organisms persisting by virtue of life processes at all times and acquire a first-person perspective on the basis of life processes. There is not another entity labeled ‘a person’ with first-person perspective and psychological functionality that appears as essentially different from such an organism. This immediately preceding assertion is true regardless of whether the cerebrum is located in an organismal body, is detached from that body, or is placed in a bionic body.

When the cerebrum functions in the organismal body, including the brain stem, life processes preserved by the organism consisting of the cerebrum and that body create a first-person perspective. The organism possesses a first-person perspective non-derivatively because that perspective is produced through life processes such as metabolism and circulation of the cerebrum and the organismal body, not merely through the cerebrum. It is implausible to consider that a psychological entity different from an organism exists by possessing a

first-person perspective produced by the cerebrum non-derivatively, while a biological entity constitutes such a person in accordance with Baker's Constitution Account. Contrary to Baker's view, we as organisms preserve a first-person perspective non-derivatively with the development of the cerebrum in the process of biological growth, while persisting with life processes.

In a transplant scenario where the cerebrum is detached from the body, Baker considers us to be constituted by that organ. Since we persist in the cerebrum without the organic body in the transplant scenario, we are persons that are essentially different from the organisms. However, I argue that Baker's notion of our existence in the transplant scenario lacks feasibility since we are not simply dependent upon the cerebrum for our existence. We persist in the cerebrum that is preserved in organ preservation solution and other medical means in the transplant case.¹⁰ In fact, if the cerebrum is merely removed from the body and is left without any medical measures, it deteriorates and necrotizes. In order to allow the condition of tissues and cells in the cerebrum and the capacity of cerebral function to be retained, a physician puts the organ in a suitable environment created by drugs and other medical means. Since the cerebrum is located within a matrix of medical measures, enabling it to persist, we cannot conclude that we are solely constituted by that organ. Contrary to Baker's notion, the matrix of medical measures allows the cerebrum to preserve metabolic activity in the tissues and cells and enables the cerebrum to retain its functionality. Thus, the notion that we are persons persisting with psychological functionality in a constitution relation to the cerebrum in the transplant case is indeed weak. We persist in the system of medical measures substituting for the function of an organic body and allowing the cerebrum to preserve metabolic activity and to retain the capacity of its function.¹¹ Nothing is factually or morally wrong with the fact that we are, first and foremost, biological entities persisting in that system.

Further, I argue that when the cerebrum is placed in the bionic body comprised of artificial parts replacing several organic organs, while also retaining a first-person perspective, we are

not liberated from beings persisting by means of biological function. Suppose that the cerebrum is located in the bionic body with the artificial parts replacing the heart and lungs that are critical in preserving life. In Baker's Constitution Account, a person would exist independently of an organism because the bionic body constitutes her in that scenario. We would be psychological entities or 'persons' persisting by means of the preservation of a first-person perspective, distinguished from organisms, since we would be constituted by the bionic bodies without the organismal bodies persisting in virtue of life processes in accordance with the argument of the Constitution Account.¹²

Baker holds that the person does not extend beyond the body while the cerebrum is located in a partly bionic body and creates a first-person perspective. In Baker's Constitution Account, the integrated body of a human organism and bionic parts persists at a sub-personal level, while we as persons are agents persisting at a personal level. We have the integrated bionic bodies that allow our cerebra to create first-person perspectives, but our existence persisting by means of those perspectives themselves is not extended to the integrated bionic bodies that are not organic and are the sub-personal part. We are persons persisting in the cerebrum that is the personal part in a constitution relation to the integrated bionic bodies.¹³

Contrary to Baker's argument, I hold that we are not independent of beings persisting in virtue of life processes when the cerebrum functions to create a first-person perspective in the case that it is located in the bionic body comprised of the artificial organs replacing the heart and lungs. Even after vital organs such as the heart and lungs are replaced by mechanical parts, the body that continues to retain metabolism and circulation is an organism. Since we are constantly organisms with life processes in that scenario, it is not feasible to consider that we are persons persisting by means of a first-person perspective at a personal level that the integrated bionic body persisting at a sub-personal level constitutes. As organisms, we retain a first-person perspective non-derivatively when the cerebrum functions in its location in the bionic body.

By comparison, the patient connected to

the cardiopulmonary machine and preserving life processes is the organism, even though she does not have functioning in the heart and lungs. The cardiopulmonary machine retains metabolism and circulation in the patient, instead of her nonfunctional heart and lungs during the surgery.¹⁴ This process allows her to persist. The early fetus is the organism as well, when retaining metabolism and circulation through the placenta, even though she has not yet obtained the heart and lungs. These cases indicate that the heart and lungs are not the organs indispensable for preserving the life of an organism. Similarly, I argue that the body whose heart and lungs are replaced with the artificial organs is the organism, while retaining metabolism and circulation by virtue of the interrelation among the organs and tissues as well as the artificial organs. The bodily state of the organism is preserved after losing the heart and lungs if the replaced mechanical organs function to maintain life processes with other organs and tissues. As a result, when the cerebrum is placed in the body comprising the mechanical heart and lungs and functions to produce the first-person perspective, we are not independent of the organisms, and we preserve that perspective on the basis of life processes. It is implausible to think that a psychological entity, that is, 'a person', is constituted by the mechanical body and persists differently from a biological entity, as described in the Constitution Account.

4. The end of human life

In Baker's Constitution Account, there are two entities, a person and a human organism. A person persists through a first-person perspective. A human organism persists by means of biological continuity. A person ceases to exist when a first-person perspective is irreversibly lost. A human organism survives while she preserves biological continuity after a person no longer exists. A human organism dies when she irreversibly loses biological continuity such as life processes. Since we are persons, we cease to exist and die when we lose a first-person perspective due to the irreversible cessation of cerebral function in the Constitution Account. I argue that Baker's notion of our death is implausible. Baker's assumptions that we are

persons and that there are two entities, 'a person' and 'a human organism' that have the same body in a constitutive relation are not likely in the first place. There is no entity 'a person' that persists differently from an organism. We are first and foremost organisms persisting by means of life processes. I contend that there are not two deaths of a person and a human organism, but only the death of an organism. It is implausible to consider that we are persons persisting in virtue of a first-person perspective and die when that perspective is lost.

Baker presumes that a human organism constitutes a person at birth. Baker argues that a rudimentary first-person perspective of a human being is developmentally preliminary to a robust first-person perspective. Baker holds that when a human organism retains a rudimentary first-person perspective at birth, she already constitutes a person since that perspective would normally develop into a robust first-person perspective. However, I showed earlier that the rudimentary first-person perspective that we possess at birth would not develop into a robust first-person perspective if the infectious disease hampering the development of a robust first-person perspective would prevail. If the infectious disease would continue for several generations of humans that possess a rudimentary first-person perspective, it would become normal for humankind to fail to develop a robust first-person perspective. I assert that whether we acquire a robust first-person perspective is contingent because we would not have it as a result of external factors such as the infectious disease hindering the development of that perspective. Obtaining a robust first-person perspective is not the factor that is essential for determining what we are. Retaining life processes is substantial for determining the nature of our existence. We are essentially organisms persisting with life processes, not persons persisting in virtue of a first-person perspective.

Further, Baker presumes that we could retain a first-person perspective independently of organisms when bionic bodies constitute us. While the cerebrum is placed in a bionic body, Baker argues that a first-person perspective is created and we persist in the state of personhood, with the preservation of that perspective. In consequence, Baker asserts that we are

essentially persons, not organisms, because we can persist by means of a first-person perspective without a biological body. In the previous section, I noted that we would never be independent of organisms when we retain a first-person perspective while the cerebrum is located in a bionic body. When the cerebrum is located in a bionic body comprised of an artificial heart and lungs, the body is still an organism because it retains metabolism and circulation resulting from the interrelation among organs and tissues. In the case that the cerebrum is connected to the bionic body, we are not separated from organisms.

Although I argue that we are organisms and there is no other entity persisting independently of an organism that denotes our existence, Baker would refute my critique in accordance with the argument of the Constitution Account by insisting that there are two entities, 'a person' and 'a human organism' and that we are persons. I contend that Baker's Constitution Account would still not be feasible in determining the death of a person, even if Baker's presumption that a person and a human organism coexist in a constitutive relation were true. Suppose that when a patient is in a persistent vegetative state (PVS), the patient is considered merely present to preserve life processes and void of all sensation. In Baker's Constitution Account, the patient ceases to exist because of the loss of a first-person perspective, although her organism persists. We do not have to be concerned with the life of a PVS patient because she is not considered to be a person, in Baker's notion. However, I argue that although a PVS patient is unable to acknowledge sensation, the absence of noticeable acknowledgement does not necessarily indicate that the patient has entirely lost psychological functionality and is no longer a person. In fact, there are cases that show a PVS patient still retains cognitive function.

Adrian Owen's experiment confirmed those cases.¹⁵ Owen examined whether PVS patients irreversibly lost all the cognitive function, by using positron emission tomography (PET). PET identifies the condition of a component in a patient's body, including the brain, with measurements of circulation and metabolism by imaging a radioactive ray emitted from a patient's body that is injected by a physician with a radioactive labeled drug. Owen investigated whether PVS patients had any response, such

as the change of circulation and metabolism in their brains, when they were given certain assignments by infusing $H_2^{15}O$ PET (H_2O labeled with the enzyme 15) into their veins. Owen allowed a patient to see the pictures of herself, her family, and friends on a computer screen and examined any response in the visual cortex of her cerebrum. Owen enabled two other patients to listen to recorded words such as frequently used terms, concrete terms, and abstract terms that were divided into two pronunciations and were relatively easy to understand. Owen investigated whether the patients would have a response in the auditory cortex.

In the result of the experiment with PET, the visual test showed that metabolism increased in the region of the right fusiform gyrus in the patient's cerebrum. The fusiform gyrus is the gyrus in the temporal lobe. The temporal lobe is a part of the cerebrum and fosters language, memory, and auditory ability. The function of the fusiform gyrus is relevant to handling color information, the recognition of an object, the recognition of numbers, and discernment of categories. The auditory test signified that cerebrum blood flow increased in the superior temporal gyrus, including the auditory cortex. The superior temporal gyrus is also the gyrus in the temporal lobe and is the region in handling spoken language. This experiment proved there were PVS patients who retained cognitive function.

When patients are diagnosed as being in a PVS, they lose the ability to respond to certain stimulation externally. Nevertheless, some of these patients would still respond to the stimulation at a cellular level in a certain region of the brain. If those patients still preserved the capacity to respond to the stimulation at a cellular level, it is difficult to verify that they have lost all consciousness, the ability to imitate, and the ability to respond to the changing situation. This is because it is conceivable that they would retain those abilities internally although they are not able to manifest them externally. The patients in Owen's experiment had inward cognitive function while their response was exhibited in the change of metabolic and circulatory activity. As a result, PVS patients would have a rudimentary first-person perspective, and they would be persons in Baker's Constitution Account when

we examine their cognitive function at a cellular level.

A PVS does not indicate the death of a person even if we presume that there are two entities, a person and a human organism, and there are two deaths corresponding to those distinct entities. This can be derived from the idea that a PVS patient would be a person with the capacity of cognitive function even though she cannot express her will explicitly. While a PVS patient retains neurons in the cerebrum and brain stem function, it is uncertain that she is no longer a person because there is the likelihood that those neurons would function to create a cognitive function with metabolism and circulation. It is plausible to determine the death of a person when the function of the entire brain such as the activity of neurons, metabolism, and circulation irreversibly ceases, not merely when cerebral function stops. The mere cessation of cerebral function does not determine the complete loss of a first-person perspective when we examine the aforementioned experiment in which PVS patients preserve cognitive function, even if Baker's assumption that we are essentially persons were true.

In the end, Baker's Constitution Account presumes that there are two distinct entities, 'a person and a human organism'; we are essentially persons, according to this account. However, the Constitution Account has the problem in revealing the essence of our existence. Although the Constitution Account would determine our death at the moment that the existence of a person disappears, I argue that the determination of death in accordance with the psychological theory would not be feasible. This infeasibility of determining death arises because the psychological account accompanies the problem of clarifying what we essentially are and does not clarify the fundamental core or necessary essence of our existence. Recognizing humans as essentially organisms is the sole solution to preventing the problem of revealing the core or necessary essence of our existence. We are primarily organisms persisting by virtue of life processes. Retaining the psychological property such as a first-person perspective is not essential to our existence.

Endnotes

- 1 I wrote this article by developing the arguments of "A Conceptual Analysis of What It Is to Be a Human Being using Lynne Rudder Baker's Constitution Account" (Japanese), *The Journal of Philosophy and Ethics in Health Care and Medicine*, 2016, Vol. 34, 22-31.
- 2 Lynne Rudder Baker, "What Am I?," *Philosophy and Phenomenological Research*, vol.59, no. 1, 1999, 158; Baker, *Persons and Bodies*, 5-6.
- 3 Eric Olson, "Was I Ever a Fetus?," *Philosophy and Phenomenological Research*, vol. 57, no. 1, 1997, 95-96.
- 4 Lynne Rudder Baker, *Persons and Bodies: A Constitution View*, Cambridge University Press, 2000, 115-117.
- 5 Lynne Rudder Baker, "When Do Persons Begin and End?" Distinguished Faculty Lecture at University of Massachusetts Amherst on December 5, 2005, 4-5. <http://people.umass.edu/lrb/files/bak05whebM.pdf>.
- 6 *Ibid.*, 10.
- 7 *Ibid.*, 9.
- 8 Joan Stiles and Terry L Jernigan, "The Basics of Development," *Neuropsychology Review* 20 (4), 2010, 327-348.
- 9 Baker, *Persons and Bodies*, 113.
- 10 Oliver de Rougemont, Kuno Lehmann, and Pierre-Alain Clavien, "Preconditioning, Organ Preservation, and Postconditioning to Prevent Ischemia-Reperfusion Injury to the Liver," *Live Transplantation* 15, 2009, 1175.
- 11 My view of the persistence of a human being in a transplant scenario is similar to Alva Noe's. Noe argues that we are not persons persisting in the cerebrum, but are organisms persisting in a vat where the organ is attached in a transplant scenario while the vat functions to retain metabolism and to remove waste products in the organ. Refer to Alva Noe, *Out of Our Heads: Why You Are Not Your Brain, and Other Lessons from the Biology of Consciousness*, 2009, 12-13.
- 12 Baker, *Persons and Bodies*, 106.
- 13 Lynne Rudder Baker, "Persons and the Extended-Mind Thesis," *Zygon: Journal of Religion and Science*, vol. 44, no.3, 2009, 653.
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