LOWE’S DEFENCE OF CONSTITUTIONALISM

By ERIK T. OLSON

Constitutionalism says that qualitatively different objects can be made of the same matter at once. Critics claim that we should expect such objects to be qualitatively indistinguishable. E.J. Lowe thinks this complaint is based on the false assumption that differences in the way things are at a time must always be grounded in how things are at that time, and that we can answer it by pointing out that different kinds of coinciding objects are subject to different composition principles. I argue that he is mistaken on both counts.

Constitutionalism is the view that qualitatively different material objects can be composed of the same particles or matter at once. The atoms that make up a lump of clay can at the same time compose a clay statue. The two objects are micro-physically identical. Yet the statue is not a lump, and the lump is not a statue; and they have different persistence-conditions.

Some philosophers wonder how materially coinciding objects (things made of the same matter at once) could differ in these ways. If things made up entirely of atoms are composed of the same atoms, arranged in the same way, in identical surroundings, what could make them qualitatively different? Why is the statue-shaped lump not a statue, and the statue not a lump? What enables the lump to survive events the statue could not survive? This is especially pressing when it comes to mental properties. If clay statues coincide materially with lumps of clay, then presumably we human beings coincide materially with lumps of flesh. No constitutionalist believes that those lumps of flesh think and experience as we do. This radical difference in mental properties is not due to any microphysical difference, since there is none. What is it, then, about the lump coinciding with you that prevents it from thinking? In my ‘Material Coincidence and the Indiscernibility Problem’ I tried to articulate this worry and to show that constitutionalists cannot answer it.1

According to E.J. Lowe, the indiscernibility problem rests on the mistaken view that any difference in things’ properties at a given time must consist entirely in facts about how things are at that time: the ‘cinematographic fallacy’.2 We can see that


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this is a mistake, he says, by considering that a thing has a velocity at a moment in part by virtue of where it is at other times. Velocity is at least partly ‘rooted outside the times at which it is had’ (as Chisholm would say), or temporally extrinsic. Whether velocity is temporally extrinsic may be contentious, but other examples are not: being 40 years old, for instance.

Lowe thinks that the properties in respect of which materially coinciding objects differ are temporally extrinsic. That is why coinciding objects look the same, and why someone might doubt whether they could be qualitatively different. You cannot tell a clay statue from a statue-shaped lump of clay by examining them, no matter how carefully you look. But that is no mystery. You cannot tell a 40-year-old man from a well preserved 60-year-old or a newly created duplicate by examining them either. Yet even if they are alike in every other respect, a 40-year-old is different from a 60-year-old.

This does not yet explain why statue-shaped lumps are not statues, or why man-shaped lumps are not human beings and cannot think as human beings do. It tells us why we cannot detect the differences between materially coinciding objects. It says nothing about how those differences could exist. How does the idea that such differences are temporally extrinsic help with the indiscernibility problem?

Lowe says that even if there is now no difference between the lump and the statue that could account for their current difference in kind and persistence-conditions, we can explain those current differences in terms of differences in the way things are at other times – much as the difference between a 40-year-old and a 60-year-old is explained in terms of differences in their pasts. It is these earlier and later differences that victims of the cinematographic fallacy fail to notice.

But this is no help either. All constitutionalists agree that lumps and statues may coincide, and thus share the same microstructure, throughout their careers. Coinciding objects can differ now in their kind, persistence-conditions and mental properties without ever differing in any other way. So it is unclear how freeing ourselves of the cinematographic fallacy will turn up anything to explain the supposed qualitative differences between the statue and the lump.

Why does Lowe think that the indiscernibility problem rests on the cinematographic fallacy? Well, there are different composition principles for lumps and for statues. What it takes for particles to compose a lump is one thing; what it takes for them to compose a statue is another. This is evident because particles can compose a lump without composing a statue. Apparently the cinematographic fallacy comes in because what it takes for particles to compose a lump at t, Lowe says (p. 370), if and only if they ‘have been united over a period of time including t’, even though they may have been rearranged during that period. By contrast, particles compose a statue at t if and only if they have a statuesque spatial arrangement at t and those particles or replacements for them are arranged in that same way over a period of time including t. It takes time, so to speak, for particles to compose a lump or a statue: they cannot do it instantaneously. You get material coincidence when the same particles satisfy two or more different composition principles at once. The persistence-conditions for a kind of thing, Lowe says, follow

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from its composition principle. Since the composition principles for lumps and statues differ, lumps and statues must have different persistence-conditions, and therefore differ qualitatively.

But this does not entail any qualitative difference between lumps and statues, let alone explain one. No persistence-conditions follow from the composition principles Lowe states. Suppose some atoms are united over a period of time including the present. By Lowe's principle, those atoms now compose a lump. It does not follow, as Lowe seems to think, that the lump they compose persists if and only if those atoms remain united. For all his principle says, a lump may be unable to survive any rearrangement of its particles, or be composed of different atoms at different times. Similar remarks go for his composition principle for statues. The fact that two kinds are associated with different composition conditions does not imply that things of the one kind must differ in any way from things of the other, or that nothing could belong to both kinds.

Other cases make this clear. The composition principle for students is different from the one for human beings: particles can compose a human being without composing a student. It hardly follows that students must have different persistence-conditions from human beings, or that nothing could be both. For any properties $F$ and $G$ such that something can have $F$ without having $G$, what it takes for things to compose something with $F$ (the composition principle for $Fs$) will differ from what it takes for things to compose something with $G$ (the composition principle for $Gs$). It does not follow that things with $F$ must be qualitatively different from things with $G$, or that $F$ and $G$ are incompatible.

So the claim that some particles satisfy two different composition principles at once - the one for lumps and the one for statues, say - entails that those particles compose a lump and that they compose a statue. But it does not entail that the lump is any more different from the statue than a student is from the human being coinciding with him.

This is not merely a technical problem. If composition principles are to play anything like the role Lowe has in mind for them, they must be fundamentally different from the ones he states. They will have to look something like this: particles compose a lump if and only if they are arranged lumpwise (let this abbreviate Lowe's condition stated earlier), and they compose that lump because, and only because, they are arranged lumpwise. Particles compose a statue if and only if they are arranged statuewise, and they compose that statue because and only because they are arranged statuewise. We might call these de re composition principles, in contrast with the original de dicto principles.

The de re principles really do entail that lumps and statues differ qualitatively. Suppose some particles are arranged both lumpwise and statuewise. The principles imply not only that those particles compose a lump and a statue, but that the lump exists because the particles are arranged lumpwise and not because they are arranged statuewise, while the statue exists because the particles are arranged statuewise and not because they are arranged lumpwise. Since being arranged lumpwise is not the same as being arranged statuewise, that is a qualitative difference between the statue and the lump.

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But this does not explain how coinciding objects can differ qualitatively. It presupposes that they do. It begins with the assumption that one of the coinciding objects, $L$, exists because the particles are arranged lumpwise, and another, $S$, exists because they are arranged statuewise. This qualitative difference is then invoked to explain their further differences. (Presumably the difference in the \textit{de re} composition principles for human beings and for lumps of flesh is supposed to explain their psychological difference.) Even if this is a good explanation, though, it does nothing to solve the indiscernibility problem. The problem was how $L$ and $S$ could differ in \textit{any} qualitative way. $L$'s particles are arranged statuewise as well as lumpwise. Why does the latter rather than the former account for its existence? The difference in what it takes for $L$ and $S$ to exist is no less mysterious than the difference in their kind or persistence-conditions. The account merely explains one apparent mystery in terms of another.

Nor has this anything to do with the cinematographic fallacy. If there were no mystery in the claim that $L$ and $S$ obey different and incompatible \textit{de re} composition principles, and if this could explain their other differences, the indiscernibility problem would be solved. That would be so whether or not any of those properties were temporally extrinsic.

I cannot see how the indiscernibility problem rests on the cinematographic fallacy, or how avoiding the fallacy helps to explain how materially coinciding objects can differ qualitatively.\textsuperscript{3}

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\textsuperscript{3} I thank E.J. Lowe for many discussions of this topic.