

The Who as a Modal Category

Ownness, non-vicariousness, and the difference between someone and something

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You are walking along a road. Other people are walking on it, and you are already with them. You can pick one of them out, but only because she is already here with you: the singling-out comes from the together and not before it. And she is picked out by her own way of being. There is no step in which she is first identified and then characterised.

The road is not given like that. It is given as a way to somewhere, oriented toward the roads it meets and characterised by what it opens onto. This road rather than another is settled by where it runs. It belongs to a network, and understanding it means understanding what it is for.

Two kinds of thing are present on that road, and they are not present in the same way.

Whether that is a difference in the cases or only in how we take them is the question this article answers. It argues that the **who** is a modal category: someone is not a thing to which consciousness, personhood, or subjectivity is subsequently added, and the entire obtaining obtains as someone rather than merely as something.

This determination was developed by **Alessio Montaruli** within the **Ethical Ontology** research programme, together with the associated concepts of modal coincidence, ownness, and non-vicariousness.

Philosophy has repeatedly answered the question *who?* by supplying an answer to *what?*: substance, soul, subject, consciousness, rational animal, agent, person, organism, socially recognised bearer of rights. Each answer names something a case can have. The argument below is that the question was misheard.

The road settles nothing by itself. Description can mislead, and section 7 returns to the road and gives a case where it does. What decides the question is in sections 1 to 6, and every term used here enters after the case that gives it content.

1. Why numerical identity is not enough

Perhaps what makes someone *this someone* is that she is numerically this one and not another.

Numerical identity does the same work everywhere else. This painting is this painting and not another. This stone, this storm, this coastline, this hour. It individuates whatever it is applied to, which makes it region-neutral.

1. Numerical identity applies to persons and to non-persons alike.
2. A categorial differentia must distinguish its category from the relevant alternatives.
3. Therefore numerical identity cannot be the differentia between someone and something.

Being this one rather than another does not yet distinguish a who from a what.

Numerical identity is necessary for individuation and insufficient for categorial differentiation. Something else is being tracked when we say that someone rather than something is at issue.

One case settles it. Two infants lie in a ward. They are twins, banded on the first day because to every route available in that room, appearance, weight, the times recorded before the bands went on, they were indiscernible. And they are two. Nobody on the ward doubts it, and nothing on the ward settles it. Note also what follows for any complete description: singularity outruns every concept, complete ones included.

Now ask the same question of the bands. They are also indiscernible, same batch, same printing, same weight in the hand. **They are also two.** Something makes one band this band rather than that one, and nobody is tempted to think a person has been produced.

An answer to *which one* is not yet an answer to *someone rather than merely something*, and an account that supplies only the first has explained the bands.

The shape of the failure is worth keeping in view, because it recurs. Numerical identity distinguishes some-ones from one another and does nothing further. Any account that only ever compares persons with persons is exposed to the same failure however refined its criteria become. Section 6 says what averts it.

2. The paired case

An original painted canvas burns. Afterwards the most exact copy is made: pigment for pigment, craquelure for craquelure, indistinguishable to every eye and every instrument. The original has not been restored, and nobody believes it has. The canvas was singular, it is non-restorable, and it is permanently having-been.

The second case is built to the same standard. Someone is gone, and a substitute is prepared. Not similar to her. Matched at every point that can be listed: appearance, voice, manner, memory including what only she was in a position to remember, dispositions, temperament, narrative continuity, social embedding, so that family and colleagues receive her without friction. Every structure the major theories of personal identity have proposed is present and working.

Whatever further property you would want to name, add it. The substitute has that too. There is no inventory on which she scores lower, and no item anyone can point to as the one that is missing.

Line the two up. Both singular. Both non-restorable. Both permanently having-been. Both unrestored by a perfect copy. Matched at every listable point.

And they are not the same case.

A thing was destroyed there. Someone is gone here.

This is not a contrast between the replaceable and the irreplaceable, since neither is replaceable; nor between the unique and the common, since both are singular; nor between the loved and the unloved, since a canvas may be loved and a person unmourned.

The second finding was never that one thing was short. **It was that everything was present, and it was not her.** That is a shortfall no inventory registers, because it is not a shortfall in the inventory. Adding one more item, however deep, misreads what kind of finding it is.

The obvious reply is that the difference lies in our attitudes rather than in the cases. Section 7 concedes that givenness can mislead and names a case where it does. Section 12 treats the reply as a genuine defeater.

3. Why consciousness is not enough

The common repair is to add a capacity: consciousness, self-awareness, rationality, agency, a first-person perspective.

Repeatability. Specify consciousness descriptively or functionally, and the same specification can in principle be instantiated elsewhere. A repeatable property cannot by itself determine *this* someone.

The duplicate test. Nothing in the paired case shows that the substitute lacks consciousness. She may be fully conscious. **She may herself be a who.** Any version of the argument requiring the duplicate to be empty inside should be rejected. Produce two perfect duplicates at once instead. Both may qualify as whos on any capacity criterion, neither is thereby the person copied, and nothing about the capacity decides between them.

Equal consciousness does not settle whose obtaining this is.

Scalarity. Consciousness varies: waking and sleeping, degrees of reflection, infancy, anaesthesia, cognitive impairment, dying. A scalar criterion generates an order of more and less, and an order makes a threshold available. The same cases then collect at the margin of every such account: newborns, sleepers, people with advanced dementia, the dying, animals, possible machines. The trouble is structural rather than moral. To say a case is *not yet fully a who* is to have identified the case whose standing is being graded. And the shape is identical across theories that disagree about everything else, which is what makes it structural rather than incidental.

Note what is not being claimed. Not that those accounts are wrong about their peripheries, nor that their maxima are badly chosen. Only that the ordering was not something they decided.

“Not yet fully a who” already presupposes the who of whom the phrase is said.

These converge on a dilemma facing any account of the form *thing plus something*:

1. If the added feature is repeatable, it does not reach this someone.
2. If it is already individuated as hers, it presupposes the ownness it was introduced to explain.

The added feature either fails to reach this someone or quietly assumes her in advance.

Something should be said about the literature this bears on, since it is not one position. Reductionism holds that identity requires no further fact beyond physical and psychological relations. Animalism identifies us with human animals and locates persistence in biological continuity. Narrative accounts give organisation and self-attestation a central role. Phenomenological accounts defend a basic first-personal dimension of selfhood.

Something is granted to each. To reductionism, that no additional substance is needed. To animalism, that embodiment and living continuity are constitutive in the finite-human region. To narrative theory, that a life is historically articulated. What is refused in each case is the inference: that who-facts are therefore exhausted by impersonal continuity relations, that the organism is a bearer to which who-status is added, that narrative carriage is the occurrence it carries.

And one difficulty runs through all of them. **Each criterion consults descriptions in which the possessive has already done the ontological work.** It is *her* body, *her* memory, *her* history that the criterion examines, and the sameness it warrants is one its own descriptions presuppose.

The account offered here is not a further persistence criterion competing with those. It asks the prior categorial question: **what is the who whose persistence is at issue?**

The first horn has been seen before. John Zizioulas objects that personhood is too often treated as a quality added to a being already there, and insists that *who* questions carry ontological weight. That objection is accepted here. Zizioulas then grounds personhood in relation and communion, and requires that particularity be caused if it is to be ontologically ultimate. The account below reaches no ground at all, and section 6 says why the demand for one reproduces what it was meant to explain.

4. The who as a modal category

The difference disclosed by the paired case is not numerical, not a repeatable capacity, and not a further ingredient.

It is not one more property possessed by the person and absent from the painting. It is a difference in how the whole case obtains.

That is what *modal* means here. The word is in use in other ways, two of which are set aside and one of which is inherited.

It does not mean **possibility and necessity**. In recent moral philosophy a *modal person* is a case that could have been, or could yet become, a person: Shelly Kagan’s modal personism, and the

debate it opened. That is alethic modality, and it yields a graded moral status. The question here is not what this case could have been but how it obtains.

Nor does it mean **a mode attached to a bearer**. In E. J. Lowe's four-category ontology, modes are property-instances characterising objects, so that a person is a substantial particular and her modes are what she has. That structure is denied here. If the who were an object characterised by a mode, the mode would be listable, and if it were listable the substitute in section 2 could have been given it.

The manner is not a property added to a bearer. The way is the manner.

That last claim is not new, and its source should be named rather than left for a reader to find. **Gaetano Chiurazzi** treats modality through syncategorematic operators rather than as a property added to an already constituted thing, and reconstructs ontology from possibility and *dynamis*. The reading of existence through orientation, indexicality, possibility and the deictic articulation of space and time belongs to that line and is not claimed as original here. What this account adds is the categorial step: giving the operator *obtains as* a determining role, so that the who is marked off as a category of being by a differentia that does not come in degrees. **Darin Tenev** has independently made modality and indexicality in *Being and Time* the subject of a monograph.

Because the category is modal, there is one question to put to it. **In which way does this coincidence obtain?**

Two answers suggest themselves and neither is the one. The manner it obtains in is not hers alone: human living is said of everyone who lives humanly, and saying it of her takes nothing from anybody else. The occurrence is this one, here, dated, unrepeatable, and so is every stone and every storm on record.

The way the whole thing obtains is neither of those. It obtains **as her own**.

Two readings of *own* have to be refused, and the second is the more dangerous.

It does not mean **owned**. Not self-possession, not psychological interiority, not a property added to an otherwise neutral thing, and not an achievement, since the newborn has it entire in the first hour. **The manner is ownerless; the obtaining is own**. Those clauses have different subjects, so nothing is asserted and denied at once. A way of being is not used up by being lived here, and saying it of her takes nothing from anybody, because obtaining as this one is not a use of the manner. Nothing anywhere owns anything.

Nor does it mean **this one's**, in the merely deictic sense that picks out which occurrence is at issue. The road's way of being is deictically this road's, and the storm's is this storm's, and neither is anybody's own. An answer in that register would repeat section 1's failure in more sophisticated dress. What *own* names is the difference the paired case disclosed, and section 5 gives it its name.

The who is the modal category of the whole obtaining as someone rather than merely as something.

Modal coincidence names the inseparability of the obtaining and the someone whose obtaining it is. The two are distinguishable in analysis. They are not assembled components.

The canonical formulation is that **a who is how a regionally articulable manner obtains as this finite embodied, relational, and historical occurrence**. Two things in it are easily misheard.

The manner is **ownerless**: a way of being truly predicable across plural occurrences and not enclosed within any bearer. Human living is not hers, and saying it of her takes nothing from anyone else. Ownerless does not mean uncaused or socially unproduced. It denies proprietary enclosure and nothing more.

And *relational* is not decoration. The occurrence is articulated by a **relational-historical field**, the embodied, relational and historical articulation constitutive of it, which she did not make: inherited practices, language, roles, routes of intelligibility. (*Positive No-Ground* analyses these as **common possibility**, a broader term covering routes, offices and intelligibilities that are not themselves ways of being. The two must not be silently identified.)

The field is selected, not totalled. Which relations are constitutive is shown by the phenomenon and identified in the analysis, and the selection stays regional and revisable. A cat stands in endless relations that determine nothing of its inhabiting. And the field is identified by constitutive relevance rather than measured by quantity of biography: for a newborn, a configuration of days can be as determinately this occurrence's as a configuration of decades is for anyone else.

Neither is a component, and coincidence is not their meeting. Regional manner, relational-historical field, coincidence, deictic determination and the who are **analytic views of one occurrence**, not inputs to it.

The picture to avoid is a warehouse of types standing opposite the world's singular traffic. Inherited forms exist nowhere but in finite enactments. A greeting is an inherited form in an inherited language, and this morning's greeting is as much that form's life as the form is its type. **There are not two things present, a universal and an occurrence, negotiating**. The distinction needed is not between the common and something else, but within the one enactment: between the repeatability of the inherited form and the deictic determination of this enactment of it.

What this forecloses is the reading in which ownness is what remains once the relational and the historical are subtracted. Nothing is subtracted. Ownness is how the manner obtains here, in this field. And the manner is not diminished by obtaining here: a way of being is not used up by being lived. It stays entire, and the obtaining is still hers.

The assembly picture comes in three costumes, and the sequence is the same in each: independently complete terms first, connection second. A **bearer** stands ready and the manner comes to qualify it, as a coat comes to a peg. A **common nature** is contracted to the individual by an added individuating difference. A **configuration** stands ready and the one arrives to occupy it, as a tenant a furnished room. The old dispute between the bearer's party and the relations' party was fought entirely inside that sequence, each side right against the other's construction and both sharing it. **The sequence itself is the error**. What fails in all three tellings is not the connector chosen but the assumption that there were completed terms awaiting connection.

A further guard belongs with this. The manner is not personified. It does not descend, seek, select, or contract itself into occurrences. **Manners obtain, and only occurrences occur.**

This can be tested rather than stipulated. Take a life and remove a role from it. Then a habit, a skill, a language, a practice, a relation. Keep going. The person does not emerge at the end as a bare residue standing behind the manners now stripped away. What has been dismantled is the life. The bearer was never an independently isolable part of it, and no procedure recovers one.

Modal coincidence is not the composition of a bearer and its modes. It is the whole obtaining as this someone.

The refusal should be heard in the right key. There is no bearer beneath the coincidence and no constituent within it, and not because a search was made and came back empty. **There was no assembly for either to be part of.** A bearer is what parts are parts of, a constituent is what a whole is composed from, and where nothing is composed neither term has an application.

5. Ownness

The differentia can now be named.

Ownness names the categorial difference disclosed when every transferable description, role, function, capacity, and causal condition can be reproduced or reassigned, while the resulting case still does not become that someone.

The trial defines it, not a synonym. Ownness is not ownership, possession, self-possession, privacy, uniqueness, numerical identity, qualitative distinctiveness, consciousness, an individual essence, a hidden property, or haecceity understood as an added individuator.

Ownness belongs constitutively to the whole coincidence.

The formulation stays adverbial. Ownness is not a component the person carries and the canvas lacks. A component would be listable, and the substitute could have been given it.

One neighbour is close enough to need its own treatment. Heidegger's *Jemeinigkeit* discloses that the being of Dasein is in each case mine, and that datum is accepted here in full: who-being is non-interchangeably one's own. But he binds mineness to *Existenz* by design, to having-to-be, to being at issue for oneself, to the pair authenticity and inauthenticity. **What is contested is the binding, not an oversight.** Ownness is avowal-independent, exercise-independent, prior to reflective self-relation, and not restricted to beings with that structure. The newborn is own before anything can be at issue for her. The dreamless sleeper's ownness does not flicker. A non-human living who may lack *Existenz* altogether.

Mineness is the human-existential intensification of ownness: ownness as it obtains where a who can additionally be at issue for herself. Ownness precedes mineness as an existential accomplishment. Datum accepted, existential machinery refused as a condition, regional reach widened, and the newborn, the sleeper and the cat are where the contest is decided.

Naming both neighbours invites an objection sharp enough to be stated in its own words. **Ownness is mineness minus the first-person requirement, and haecceity minus the constituent. You have subtracted from two doctrines, and subtraction is not a contribution.**

What is right in it should be conceded first. Both denials are real. There is no individuating entity and nothing in the occurrence that makes it this one, and there is no requirement that a who be a being for whom its own being is at issue, since the cat is a who and the newborn is a who and neither is one.

But the two are not independent, and neither is a subtraction. **Both follow from one positive claim: that the coincidence is not assembled.** Where nothing is composed there is no constituent to contract, and no completed structure to index. One claim, two consequences.

The conjunction also fails on its own terms, and cannot be repaired by adjustment, because its halves are given in different registers. Haecceity answers *which one*, and the question here is *someone rather than merely something*. Scotus's answer is **constituent**, something in the thing that makes it this. Heidegger's is **relational-to-itself**, the being of this being being at issue for it. Conjoin a constituent with a self-relation and what you obtain is a numerically distinct self-relating thing, which is a good description of a Dasein and not a doctrine of who-hood. **You obtain a thing with an inside, and none of the cases here is about insides.** The cat is not a who because of what is in it, and the infant is not a who because of what she does with herself.

And a differentia that grounds nothing cannot be the constituent Scotus requires. It is not a weakened haecceity, not the same office filled more modestly, but a different kind of item, or rather not an item at all. **There is no common measure on which this account has less of what he had.**

6. Non-vicariousness

Ownness becomes visible where substitution is attempted.

A substitution trial is not a thought experiment about duplicates. Another person takes the role, performs the task, occupies the office, reproduces the description, is accepted by the institution, carries the records, continues the function. The substitution may succeed completely at every transferable level. The ward runs. The work is done. Nothing fails.

And the substitute does not become the person replaced.

Another may replace someone in a role, function, office, description, representation, or causal sequence, but cannot obtain that someone's obtaining in their place.

This is why the substitution genuinely succeeds and still leaves something. What travels is the transmissible form of a taking-up: the role, the procedure, the office, the pattern that can be handed on. **Everyday replaceability is the transmissible form of finite taking-ups that are not interchangeable as having been these taking-ups.** The form is what a substitute receives. Having been this taking-up is not a further part of the form that was accidentally left out of the handover.

This is **non-vicariousness**, the character through which ownness differentiates.

It has two faces. Turned toward the manner, it refuses that the coincidence recur: **non-repeatability**. Turned toward the mode, it refuses that anyone stand in this place:

non-replaceability. One character, and the trials disclosed both faces before either was named.

The entailment runs one way only. **Ownness entails non-substitutability of the whole obtaining. Non-substitutability does not entail ownness.** The burned canvas is the standing reminder: nothing restores it either, and it is no one.

It is not the trivial observation that one life is numerically not another. It is the failure of a specific relation, and at least four are commonly run together: **semantic**, understood by way of another case; **explanatory**, accounted for through another; **causal**, would not exist without another; and **vicarious**, one case holding another's standing on its behalf. The claim concerns the fourth alone. My parents are causally responsible for my existing. They do not hold my standing as someone. A cause brings about; a proxy stands in place of.

The term is also relational, which section 7 turns on. **Non-vicariousness requires the possibility of another.** Plurality is not a later addition to an originally isolated subject.

The differentia carries plurality twice, in opposite directions, and the two are read off formulations at different levels. **Inwardly**, toward other whos: a refusal of substitution is empty without a possible substitute, and a possible substitute is another who. **Outwardly**, toward other ways of being: a differentia is stated against a contrast class, and this one's is what obtains in another way. A refusal wants a substitute and a differentia wants a contrast class, and the two wants are not the same want.

A guard belongs here, before the obvious misreading. Plurality is not what marks the category. An obtaining as plural as you like, with nothing own about it, is a rich something and not a who. **Plurality is a condition of the statement and never the character stated.**

The following extends the received position and is marked as an extension. In the encounter the two singularisations are given together and not in sequence. Meeting someone you meet **someone** rather than something and **some-one** rather than another at once, and nobody registers *person* and then determines *which*. The claim is that one character performs both, and that what analysis separates into two levels is not separate in what is given.

The outward direction is what makes the character categorial, and without it the account fails in a specific way. Compared only with other some-ones, non-vicariousness would appear as a principle of distinctness operating among persons: a distinction-category of some-ones, which is section 1's failure again in a more sophisticated form. **What allows non-vicariousness to appear as a way of being rather than as a distinction among some-ones is the contrast with ways of being not determined by it.**

A palm is not bothered by not having to be someone else. That is a positive determination and not a mere absence, and it is disclosed by the contrast without being constituted by it. The palm's way of being does not depend on ours; what depends on the contrast is that either shows up as a *way of being* at all.

This is also why section 2 pairs a person with a canvas rather than with another person. A comparison between persons could not have produced a category.

None of this makes a who autonomous or self-produced. Every finite life is constituted through a common world it did not make: language, practices, relations, histories, institutions,

embodiment, the lives of others. What constitutes a life cannot obtain that life in its place.

Constitution without absolution.

The demand for a further ground fails for the same reason. What makes this someone this someone? The candidates point back to her: her body, but whose body; her history, but whose history; her consciousness, but whose consciousness; her essence, but what makes it hers; her haecceity, which renames the task of individuation without performing it.

The bill is not refused because the answer is hidden. The demand for an additional ground reproduces the singularity it was meant to explain.

Three questions run together in ordinary life and have to be held apart, because the adult case occupies all three positions at once and the tradition, reading the adult, fused them.

Which one is this is the who-question, and it is the one this article answers.

Toward whom is something owed, or for whose sake is a relation organised is the claimant-and-beneficiary position.

Where does attribution of this answer become non-forwardable is the locus. The grammar here is strict: parties answer, and locus names where attribution is localised. A locus is not a someone and performs no act. It does not live, avow, decide, refuse, remember, repair, or answer.

The three come apart in an ordinary afternoon. A company can function as a locus without any who having been disclosed, since institutional locus-hood is established by indexed attribution and organised capacity to answer rather than inferred from agency, consciousness, or who-hood. And a newborn under care holds the other two apart: **she may be the one toward whom care and explanation are owed without being the one at whom the answer terminates.** The one for whose sake an answer is due and the one whose answer is due may be different whos.

That case does more than exempt an infant from answering. **Her standing in the scene is not derived from any answering she performs or could perform.** Who-hood determines neither locus-function nor which position a who occupies in a given relation, because those are indexed to the deed, the duty, and the standing in force, not read off the ontology of whoever occupies them.

The newborn and the cat then divide the work exactly. **The newborn defeats answerability as a constitutive condition within the human region; the cat prevents that defeat from being confined to human membership and to future adult capacity.**

7. Why this becomes visible from being-with

Return now to the road. The access condition described there belongs to the doctrine rather than serving as a preface to it.

How things are given

She was singled out from the together and by her own way of being, and nothing lay under the way she was given. The road was given as what it is for. Those are two of at least four.

Made things are given through what they are for. The road, and a deckchair given as leaning and getting a tan. Understanding them means understanding how they are meant to operate, which is why artefacts require interpretation and articulation.

Natural things are given undisturbed. The moon, a tree. They require no such interpretation. They are simply there, referring to nothing beyond themselves, and they do not care. (The rose that blooms without why is Angelus Silesius, though the *without why* is Eckhart's.)

A cat crosses the road, and she is there with you too, in her own different way. Lingered nearby, and often invisible. What is described is her way of being with, not a relation of ours toward her: the with does not lapse when the attention does. Feline living is a tried region of this account rather than an analogy stretched from the human case, and the trial begins from independently disclosed sentient and affectively valenced living. It rests neither on household affection nor on the fact that a cat cannot be replaced.

These are not four labels laid over one uniform act of pointing. **The deictic is one form filled by many manners.** *This one* reaches out spatially, orientatively, practically, and what fills it differs by region. What fills the pointing at the road is a network. What fills it walking beside her is nothing of the kind.

Every region is reached by its own route, so being-with is not privileged access granted to the who. It is what the who's route happens to be, as involvement is the road's.

These other ways of being are not scenery set around the argument. Section 6 needed the outward contrast for the character to appear as categorial at all, and the road, the deckchair, the tree and the moon are what supply it.

That the deictic is fulfilled differently by region does not make the fulfilment constitutive. Which road this is, and who she is, are settled independently of anyone's reaching. Determination, the regional route, and the demonstrative that rides on it are three things and not one.

Someone unnoticed

Someone is walking behind you and you have not seen them. They overtake, and now you do.

Nothing was noticed as a thing and then assigned a place in the network of the road. **There was no thing there that became someone.** She was there, as someone, the whole time, and what changed was you.

The startle, if you are startled, is not evidence against this and neither is indifference. Being unbothered by a stranger's appearance is a way of standing among others, not an absence of the relation. Expectation and unconcern are both positions within being-with, which is why *I was not relating to them at all* is not available as a description of the moment before.

The ordering shows most clearly where the capacity is missing. A newborn is constituted by being with others long before it can single anyone out, and for a long time. **The with-structure is therefore not assembled out of acts of singling-out**, since it is intact where no such act is possible.

The strongest rival, granted

A powerful account already occupies this ground and should be built with its own materials before it is answered.

It says that all showing happens within disclosed and articulated intelligibility, the space of sense in which anything can appear as something at all. Nothing is encountered bare and then classified: the woman on the stairs is encountered as the woman, on the stairs, in the morning, from the first. Deixis itself uses inherited instruments, since *this*, *she*, the name and the vocative are available to any competent speaker rather than privately invented, and there is no private route to anyone. So the opening in which someone is this one must be the work of common intelligibility operating at its finest grain.

Every one of those grants is made here without reservation. The common is no classification laid over independently constituted individuals, and no singular occurrence generates its own light.

The reply is narrow, and it is the only thing denied. A complete articulation of a context may fix whom a greeting addresses, and it does so by already standing in determinate relations to this occurrence. **Neither a reusable form nor a complete articulation of its context constitutes the addressee's being this one.** Context explains how the address reaches. It does not generate the being-this of what it reaches.

The moon, and why the error is available

Some phenomena invite the categorial mistake, and those who make it are not being careless.

The moon can seem to be with us. It is public and shared by everyone. It gives time. It arrives and leaves.

Each resemblance breaks at a different point. What is shared in being-with is a **world**, and the other is a co-constituter of it; the moon is an item in the world that everyone can see. It supplies a **measure** of time, months and tides, without having a time of its own; nothing is going on for it. And its leaving is periodic and costs nothing. **The moon returns.** The canvas burns and does not return, and something is lost, and it is not someone. She is gone, and something is lost, and it is someone.

The differentia is therefore not being given on one's own account, since the moon is given that way too. Removing the reference to something beyond yields no one. What is at issue is being given from the together and singled out by the way of obtaining.

What this licenses, and what it does not

It licenses that the with-structure is prior to singling-out, and that people and cats are singled out by manner rather than by inspection. **It does not license the categorial difference itself, and must not be asked to.** The moon shows that givenness can mislead, which is why the argument runs through the trials of sections 1 to 6 and not through this description.

The trial also survives the concession. **The substitute is received without friction.** Everyone's being-with is answered, nobody's encounter fails, and she is still not her. The strongest objection to the paired case is that our attitudes produce the difference. The substitution trial is the case in which the attitudes are fully satisfied and the difference remains.

Why other routes deliver something else

Non-vicariousness is relational: the failure of one case to hold another's standing. **A failure of that kind cannot be set up where there is only one.** From an isolated starting point, whether Cartesian, transcendental, or first-personal, one can ask about persistence, duplicates, and capacities. What is unavailable is the trial in which another actually takes the place, succeeds at everything transferable, and does not thereby become the one replaced. There is nobody there to attempt it.

The with-structure is also reciprocal. Singling someone out in company brings the exposure of speaking in public: you feel the others, they are together, and you are in the together too, so they can single you out as well. That reciprocity is a feature of the field rather than an attitude toward anyone in it, and it has no counterpart elsewhere. The road does not single you out; there is no speaking in public with respect to roads.

Reciprocity is the paradigm and not the requirement. A newborn, a sleeping person, a dementing person, or a cat need not thematise you in return, and nothing about their standing depends on whether they do. What the reciprocity shows concerns the enquirer's position, not a condition on being a who.

A position that surveys persons from outside is never itself among the singled-out-able. The reciprocity is not merely unnoticed from there. It is structurally absent, and with it the evidence that the enquirer belongs to the category under examination rather than describing it.

Distinguish then what operates from what appears. A character constitutive of the who **cannot fail to operate**, whether or not anyone notices. It **appears to any thinker who genuinely encounters the phenomenon**, and Zizioulas, Kagan, and Lowe each encountered something real. But it **appears as the differentia of a category of being only where it is reached ontologically**, from a route on which the other is already present. A theological route delivers personhood as communion. A moral-status route delivers a graded modal personhood. A formal-categorial route beginning from the object delivers modes as instances of attributes characterising a bearer. The register is fixed by the route, not by the acuity of the one taking it.

The history explains how the structure became visible. It does not make the structure true. The history belongs to discovery, not to proof.

Two opposite errors are barred by that sentence, and both are easy. One denies the debts and presents the account as historically unconditioned. The other reduces its validity to those debts and makes the history a horizon it could never leave. **The tradition is the historical condition under which this ontology became discoverable, not the ontological condition of what it discovers.** It would not exist historically without that inheritance, and it could stand ontologically without it.

8. Why this is a category

To call the who a category is not to recommend a vocabulary for discussing persons. It is to say that the difference between someone and something cannot be derived from a region-neutral identity relation plus a repeatable property.

An objection stands in the way and should be met before any grounds are listed. Heidegger's decisive achievement was to refuse the treatment of the who through categories fit for things present at hand, and a reader may hear any categorial determination as the thingification he barred. **But the alternatives are not exhausted by objectual categorial determination on one side and non-objectual but formally underdetermined disclosure on the other.** A non-objectual categorial determination is available wherever the formation rules themselves prohibit bearerhood and thingification, which is what the refusals in sections 4 and 5 supply. The category does not place the who into an inventory of things. It states a status whose grammar excludes the inferences that made categoriality look inseparable from objectification.

The category has a distinct **question**, *who?*, unanswerable by any completed answer to *what?* A distinct **regional contrast**: someone rather than merely something. A distinct **differentia**, ownness, and a distinct **differentiating character**, non-vicariousness. A distinct **substitution failure**, since no complete replacement becomes the someone replaced. A **non-scalar structure**. A distinct range of **categorial errors**: reducing the who to substance, property, capacity, consciousness, role, function, or recognition. And a distinct **consequence for ontology**, since the category can neither be ordered toward a primary who nor become the primary category of all being.

The non-scalarity is the item most often misheard.

No one can be more or less a who.

This does not say that all whos have equal capacities, agency, legal competence, memory, power, responsibility, or social recognition. Those vary enormously and the variation is real. What does not vary by degree is whohood itself. Developmental, cognitive, biological and juridical differences do not measure categorial standing. Nothing further is denied.

A second invariance runs alongside it, of a different kind. Where an answer becomes non-forwardable is always relative to this deed, this duty, this undertaking. Who-hood is not. A retired doctor remains the same who while answering for a prescription she wrote, not answering for her old practice's systemic review, and answering for other undertakings entirely. **Her position varies across answers without her who-hood varying with it.**

The distinction to hold is between what thickens and what does not. **Deictic determinacy does not wait for singular style.** A life's articulation thickens across decades: the way of listening, the timing, the trust of a town. What does not thicken, because it does not come in quantities, is the being-this of the occurrence articulated. The doctor at the height of her formed practice is not more fully the one she is than the infant she was.

A related discipline governs the programme's thresholds. *Positive No-Ground* distinguishes exposure, encounter, recognition, addressability, responsiveness, attribution and answerability, and holds that **earlier terms are not defective versions of later ones.** A sequence of thresholds is not a scale, and a case that stops at an earlier threshold is not a partial instance of a later one.

9. What follows for ontology

Being has been said in many ways since Aristotle, and any ontology recognising a plurality of categories owes an account of why they are categories **of being** rather than a list of things set side by side. **Without such an account the plurality is not a plurality of anything.** It is an enumeration, and enumerations do not have subjects.

Two devices have met that demand. **Focality** keeps the many senses and orders them toward a primary one. **Univocity** removes the focal term by making being one sense, so the plurality moves inside as modes or degrees.

They are not two options but two responses to one condition, because both require a differentia that admits of degree. *More here, less there* is a way of speaking about portions, and a portion is a portion of something. **You can have more water. You cannot have more Tuesday.** Where what marks off a category is scalar its instances become portions of what the differentia measures, portions stand in an order of more and less, and a focal term does not impose that order. It names one the differentia has already produced, and the primary case is the portion by which the rest are measured.

An objection is well made here and should be met rather than passed. Focal terms do admit comparison, and Aristotle himself says that health is more good than healthy things. Gradability and focal structure look on that evidence like companions rather than opposites, and nothing would follow from non-scalarity.

That focal terms admit comparison is granted. **The claim runs the other way.** Comparison across an ambiguous predicate is permitted where the items are related as prior and posterior, and the exception's own statement gives the direction: **the ordering licenses the comparison, and the comparison does not produce the ordering.** Where no such order forms, the exception has nothing to fire on. Comparison is a quantitative relation, and categorial difference is not a quantity.

A non-scalar differentia therefore arranges nothing. Its members are not fuller and lesser instances, and none holds the standing of the rest on their behalf. The who is the first worked regional case of that structure, and it cannot become the new centre of ontology either: a character stated against other ways of being cannot stand above them. The result aimed at is **categorial plurality without a focal term and without reduction to a single univocal measure.**

The full argument is in *Across the Categorical Difference: Focality, Univocity, Ownness*.

10. What the programme does not claim

No ought is derived from the ontology. Whatever is owed to anyone is owed on its own warrant and by its own route, and nothing in the account of ownness tells anyone what to do.

The name records a route rather than a derivation, and the predecessor volume states it precisely in its own grammar: **ethical ontology means the ontology of structures disclosed through answerable inhabitation, and not that ethics grounds being or that all being is answerable.** *Positive No-Ground* calls the common considered as inhabited **ethos**. What the ethical supplies is access to structures, never their foundation.

Who-hood establishes nothing further on its own. Not consciousness, reflexivity, agency, personhood, moral status, standing to press a claim, answerability, or the position at which an answer becomes non-forwardable. Each of those is a separate question with its own evidence.

And many verdicts are open, in both directions. Failure of the programme's instruments in a region licenses openness, not denial, and no region is admitted by analogy with one that has been tried.

11. The objection that no criterion has been given

An expectation inherited from the personal-identity literature holds that an ontology of persons must supply identity conditions: a relation such that a who at one time is the same as a who at another if and only if the relation holds. No such criterion is offered here, and a critic may treat that as the account saying nothing at all.

The demand for a reductive criterion of identity is the bearer-demand in its most sophisticated form. A criterion of the kind demanded has to be stated in terms of transferable structures, such as continuity, connectedness, configuration and composition, **because only transferables can appear on both sides of a biconditional.** And the substitution trial shows that transferables, at any degree of completeness up to indiscernibility, do not determine which who is at issue. A theory that insisted on a transferable criterion anyway would not have analysed who-identity. It would have changed the subject.

So the numerical distinctness of occurrences is treated as primitive and regionally disclosed rather than derived from some deeper relation. That is a result, not an evasion, and it is what should be expected if the who is the obtaining-as-this rather than a bearer individuated by its contents.

Nor does it leave nothing to say. The account states what does not settle identity, whether recurrence, duplication, reconstruction, narrative carriage, or occupying a position of answerability, and it states how claims about it are warranted, defeated and corrected. What it refuses is the conversion of the *this* into a function of the *such*.

Irreducible does not mean unarticulated. Underived does not mean unwarranted. Primitive does not mean exempt.

12. How the claim could be false

An argument that cannot fail has not said anything.

Falsifier 1. Attitudinal reduction. Show that the difference between the destroyed artwork and the lost person is entirely produced by grief, convention, language, valuation, trained attention, or institutional practice. The sharpest version asks whether universal acceptance of a substitute could make her be the person replaced. **This is the strongest defeater available and it is not answered by insisting on the intuition.**

Falsifier 2. An intermediate case. Produce a case in which the difference between who and what itself obtains by degree. Not a mixed entity with some personal and some impersonal properties. Not uncertainty about classification. A case in which the categorial difference is genuinely halfway. If one exists, non-scalarity fails.

Falsifier 3. Complete reduction. Show that numerical identity plus a repeatable property such as consciousness fully explains why this obtaining is this someone's, why a complete duplicate is not the original, and why newborns, sleepers, and severely impaired persons remain within the category, without presupposing the someone to be explained. If so, the modal category is unnecessary.

Falsifier 4. Vicarious success. Show that complete transfer of function, role, description, memory, recognition, social standing, and causal continuity can make the substitute be the person substituted for. If so, non-vicariousness fails.

Falsifier 5. A hidden ground. Produce an individuating ground that does not presuppose the singularity it explains, is not merely a label for individuation, is not region-neutral, does not reduce to a repeatable property, and explains why the case is someone rather than something. If such a ground exists, the account of ownness fails.

Falsifier 6. A precedent. Produce a text in which the who is reached as a category of being — a way in which being obtains, with a stated differentia, in the register in which substance is distinguished from mode or the living from the non-living — rather than as a substance-kind, an act-unity, a moral status, or a division of the world into persons and things. The novelty claim fails; the doctrine would then stand as a rediscovery, and would say so.

The trials reported here have been run in finite human living, with feline living as a second region. **They do not settle in advance the cases of animals generally, machines, collectives, sacred figures, or the divine.** Failure of the programme's instruments in a region licenses openness, not denial.

The cases that scalar accounts push to the margin do not all have the same standing here either, and the article should not imply otherwise. The postnatal newborn is a **completed regional trial**: a who reached as this one, under care arriving now, before narration, reflective self-identification, mature agency or answerability are available. The sleeper, the temporarily unconscious person, the profoundly cognitively impaired person and the dementing person are **supporting pressures** against any criterion requiring present discursive performance, not completed proofs. Continuity, competence, representation and persistence require trials of their own. What holds across all of them is narrower and is enough: **present inability to give an adult discursive account cannot by itself establish the absence of who-hood.**

Not every case here is a trial. Some are controls, and **a control is not an illustration. It earns its place only if it could have come out the other way.**

Three went against the inquiry, and the record is worth more than any assurance about method.

The feline region restricted the instrument. The trial arrived with an apparatus formed on human cases, language, attestation, forensic standing, and could use none of it. What survived the restriction was less than what was brought, and the doctrine had to be stated within the remainder.

The burned canvas returned a verdict against the instrument. Non-restoration in full rigour, and no one disclosed. The trial's own instrument was thereby barred from becoming a criterion, since something can be non-substitutable and be no one.

The machine returned no verdict, and a negative would have been the easy course. The machinery was to hand. A robot cleaner, set beside the cat because it maps a territory and moves on its own, had just established that route-learning and functional integration disclose nothing, so *not a who* would have followed the surrounding argument without friction and tidied the region. It was recorded as open in both directions instead, and the rule licensing that, **non-disclosure licenses openness rather than negation**, was then stated as a general prohibition binding the account's own later verdicts. **A theory that wanted a negative here wrote itself a rule against taking one.** No machine trial has been run.

Nothing in approaching a household as containing a cat-someone determined that a second cat would fail to restore the first, and nothing in approaching a gallery determined that the canvas would disclose no one.

This bears on the first falsifier directly. The reply to *your attitudes produced the difference* is not a protestation of neutrality, because every inquiry has presuppositions and a trial is run on phenomena already encountered somehow. **The question is not whether there were presuppositions but whether the outcomes were fixed by them. Access that cannot lose is construction. Access that can lose is access.**

The falsifiers above target the category. A complementary set targets the access — whether the question itself was free to be tuned — and it is printed in *Are We Making It Up? The Forced Intention* (DOI 10.5281/zenodo.21726343), which argues that the specification of the who was forced by the mainstream theory of directed obligation, an inquiry that was not looking for it. The two lists are a pair: defeat the category here, or defeat the forcing there, and the doctrine falls either way.

One further condition is posted before the argument rather than after it, and it is not a small one. **The reader is this account's last walker and its only tribunal.** Go where a figure points, look with patience, and if you see nothing, the account dies for you entirely and owes you no apology and is owed none.

Conclusion

A person does not possess an ineffable additional property. The difference between someone and something lies in how the whole obtaining obtains.

Numerical identity individuates without differentiating categories. Repeatable capacities cannot reach this someone, and become circular when they try. Added ingredients either fail to arrive or presuppose what they were introduced to explain. What the paired case discloses is not a further item but a difference in manner of obtaining, and the category is modal for that reason.

The whole modal coincidence obtains as someone rather than merely something. Ownness is the differentia of that category. Non-vicariousness is the character through which it differentiates. And because the differentia does not come in degrees, the category has no primary case, no paradigm, and no member holding the standing of the rest on their behalf.

Inheritances, and what is not claimed as original

A claim of originality is worth more when it states plainly what it does not cover.

Gaetano Chiurazzi, professor and co-relator at the University of Turin, is a direct intellectual source for the modal, positional and deictic background of this work. The reading of existence through orientation, indexicality, possibility, and the deictic articulation of space and time is not claimed as original here, nor is the treatment of modality as something other than a property added to an already constituted thing. **Gianni Vattimo's** teaching formed part of the hermeneutic setting in which these questions became live. **Reiner Schürmann's** anti-archic reading is the nearest precedent for the refusal of final principles.

Independent work occupies neighbouring ground. **Darin Tenev** has made modality and indexicality in *Being and Time* the subject of a monograph. **John Zizioulas** argues that personhood is not a quality added to a being already there and that *who* questions carry ontological weight, though he grounds particularity in relation and causation where this account reaches no ground. **E. J. Lowe** treats modes within a categorial ontology, as property-instances characterising objects. **Shelly Kagan's** modal personism concerns what a case could have been, and yields a graded status.

What is claimed here is the categorial determination: the who as a modal category, with **ownness** as its differentia, **non-vicariousness** as the character through which that differentia differentiates, and the consequence that a non-scalar differentia yields a category with no primary case. The associated doctrine of **modal coincidence** and the account of **positive no-ground** belong with it.

Authorship note

The thesis that the *who* is a modal category, together with the associated doctrines of modal coincidence, ownness, and non-vicariousness, was developed by **Alessio Montaruli** as part of the **Ethical Ontology** research programme.

Further reading

Are We Making It Up? The Forced Intention argues that the question this article answers was forced by an independent inquiry, and that the answer was found rather than inferred. DOI

10.5281/zenodo.21726343 · <https://ethicalontology.org/articles/are-we-making-it-up/>

Across the Categorical Difference: Focality, Univocity, Ownness develops the argument that focality and univocity both require a scalar differentia. DOI 10.5281/zenodo.21684041

The Calculus of Modal Coincidence: The Grammar of A-Metaphysical Ontology gives the formal grammar of the doctrine. DOI 10.5281/zenodo.21497200

What Would Show You Wrong? On Falsifiability and Ontological Method sets out what could defeat the programme. DOI 10.5281/zenodo.21616096

The Individuating Factor: Ownness, Jemeinigkeit, Haecceitas distinguishes ownness from its two nearest historical neighbours. DOI 10.5281/zenodo.21608145

Ethical Ontology, Volume I: The Modal Coincidence is the treatise this article compresses: the trials at full length, the regions, and the doctrine's complete statement. DOI 10.5281/zenodo.21721619

Positive No-Ground: The Common and the Locus of Answerability is the predecessor volume: the theory of answerability, the locus, and the thresholds this article inherits. DOI 10.5281/zenodo.21628405

Positive No-Ground: The Common and the Locus of Answerability and *Ethical Ontology, Volume I: The Modal Coincidence* are in preparation.

Discussion: [r/EthicalOntology](https://www.reddit.com/r/EthicalOntology)