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Time for Bioethics to End Talk of Personhood (But Only in the Philosophers' Sense)

In her excellent essay, Blumenthal-Barby (in press) argues that it is "time for bioethics to end talk of personhood." She is concerned, more specifically, with "the philosophical concept of personhood," which licences talk about persons "in a normative sense." Rather than engaging in bioethical analysis first by determining questions about personhood (for example: Is a fetus a person?) and then drawing certain moral conclusions from this determination (for example: Is abortion permissible?), she suggests that we should instead ask our moral questions more directly -- for example, about how we ought to treat certain entities and why -- and use other philosophical concepts, such as interests, sentience, or recognition respect to answer those questions head on. Regarding debates about such entities or beings as "human-brain organoids, artificial intelligence, uploaded minds, [or] human-animal chimeras," for instance, she urges that we should focus our attention directly on the normative questions that are raised by their existence and treatment; whereas focusing on whether such beings are persons, in the philosophers' sense, can only serve to muddy the waters.

We do not disagree with this analysis; and in fact, others have made similar pleas over the years and decades. For example, Bert Gordijn (1999) argued that "relinquishing the concept of the person could enhance the clarity and quality of bioethical debate" (p. 347). More recently, Bartosz Brożek (2017) has proposed that "Instead of asking, what is the proper definition of the person, or whether a mentally handicapped individual or a bonobo count as persons, one should concentrate on a different kind of question, such as 'Should comatose patients be protected by the law and in what way?' or 'Should non-human primates be objects of ownership?'" (p. 13). Analogously, one of us has argued that certain questions in

sex and gender ethics--for example, whether a person with certain intersex traits should be allowed to play in women's sporting leagues--will typically not be most fruitfully answered by first resolving questions in metaphysics or social ontology, such as "Who *really is* a man or woman?" Rather, it may often be "lower-level" questions around, say, bodily capabilities, combined with *different* philosophical questions--for example, around the nature of fairness in sport (e.g., Jennings and Braun 2023)--that will ultimately be most helpful to pursue (Earp 2020; 2021; for an earlier, related discussion, see Díaz-León 2016).

All of that said, we don't think it's right to say that bioethics should end talk of "personhood" altogether. Rather, it should remain interested in how *non-philosophers* apply the concept in everyday discourses in order to gain insights into what they see as normatively and politically significant. In some cases, of course, it may be that non-philosophers, too, invoke or apply the concept of personhood when it is really something else they are getting at (something about *consciousness*, for example, as Blumenthal-Barby discusses in reflecting on an empirical study she conducted with colleagues; Kostick et al., 2021). But it remains the case that applications of the concept--including assertions or denials of "person" status--are often used pragmatically among ordinary people to communicate moral attitudes and sentiments; as bioethicists, we should be interested in these practices.

This is a topic that Blumenthal-Barby herself briefly touches upon in her article. In Section II.2, she alludes to the idea that reactions from non-philosophers to the labelling of certain individuals as "non-persons" may hold some normative significance. Building on this observation, we suggest that there is a sense in which bioethics, as a field which, in Blumenthal-Barby's words, "is engaged and embedded in a social and practical world," should still very much talk about persons (albeit in an ordinary, non-technical sense). In particular, bioethics should describe what non-philosophers find normatively relevant about ascriptions and denials of personhood and find ways to accommodate these elements of folk cognition in bioethical theories. Unfortunately, at this point, there is very little empirical literature on folk ascriptions and denials of personhood (but see Blok et al. 2001; Blok, Newman and Rips 2005; Berniūnas and Dranseika 2016 for evidence that folk denials of personhood can coexist with ascriptions of identity continuity). To keep things focused, this commentary provides some preliminary corpus-based evidence on the nature of *denials* of personhood, specifically, in ordinary language and explores potential future research directions.

In order to look at the denials of personhood in ordinary language, we exported a sample of 100 instances of "not a person" from the spoken section of the Corpus of Contemporary American English (https://www.english-corpora.org/coca/). Spoken section of this corpus consists of transcripts of unscripted conversation from TV and radio programs. One entry was duplicated, so the results are based on 99 instances. The most common use, covering more than a half of instances (55/99) was not a denial of personhood as such but rather a denial that a given person is a person of a specific kind (e.g. "[X] is not a person in search of the truth" or "I'm not a person who is a fascist"). A third (32/99) of instances were not cases of denial of personhood at all (e.g. "It can't tell you whether or not a person consented to sex" or "There's not a person in town that'll tell you different"). In total, there were only twelve instances of "not a person" that constitute a denial of personhood.

Of these, the most common by far (nine instances) was a denial of personhood when speaking about something that is not a human being (e.g. “Failure is not a person. It's an event.” or “Gus [the bear] is technically not a person”). There was one case of denial of personhood in a moral sense, as a denial of humanity to someone who has committed extreme crime (e.g. “I can't remember him as a human being. It's like an animal. It's not a person.”). Finally, there were two cases of denial of personhood in what seems to be more naturally interpreted in the philosopher's sense. In one of these cases, personhood is denied to a dead person (“[I]t's reminding him of his father being a body and not a person”). In the second one, denial of personhood occurs in what seems to be a discussion of a philosophical text, as a contrast to the notion of “a being like you or me, who knows that we have a future, knows that we have a past”: “The second sentence says that killing a disabled infant is sometimes not wrong, given that the infant, like any infant, is not a person, as I see it.”

We also looked at uses of “non-person” or “nonperson”. There were ten such instances. All of them bore negative character, indicating either that someone is empathetically insignificant or an outcast who is denied all social recognition (e.g. “The government tried to make him a non-person, barring the printing of his name and his likeness” or “In other words, you don't count. We don't have to listen to a word you say. You are a nonperson.”)

In the light of these data, non-philosophers’ reaction to denials of personhood mentioned in Section II.2 of the target article become quite understandable. Denials of personhood (of both “not a person” and “a non-person” variety) function not as applications of a subtle philosophical distinction, but as either direct denials of membership in a human species or strong devaluations of an individual, signalling either lack of value or even a negative value.

While this preliminary corpus study sheds some light on normative significance of non-philosophers’ talk of personhood, it is merely an entry point into a potentially richer research programme. We suggest that experimental philosophical bioethics (Earp et al. 2020; 2021; see also, on personal identity, Earp, Latham and Tobia 2020; Earp et al., 2022; 2023; Neiders and Dranseika 2023; Żuradzki and Dranseika 2022) provides a set of tools for understanding what drives folk ascriptions of personhood and teasing out what the normative significance of such ascriptions might be in different contexts. Future work could use (a) paraphrasing tasks to get a better grasp of how non-philosophers interpret ascriptions and denials of personhood, (b) tasks aimed at understanding what kinds of pragmatic effects do people understand such ascriptions and denials to have, as well as (c) tasks aimed at understanding what kinds of inferences about (the character or intentions of) the person ascribing or denying personhood are licensed by such ascriptions or denials.

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