Prospects for Engineering Personhood

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§1.   Introduction

What is personhood? What do we want it to be? Blumenthal-Barby (2023) offers an answer to the first question: personhood is an unhelpful, harmful, and pernicious concept in the bioethical setting. But, as Haslanger (2000) did when asking these questions of race and gender, we should be equally attentive to the second question, which queries the prospects of *conceptual engineering*.[1] Just because PERSONHOOD[2] is currently unfit for contemporary bioethics does not mean it cannot be engineered so that is useful, as many authors have believed it to be in the past. Insofar as we are able, it is both an epistemic and ethical imperative to manage our stock of concepts so that they allow us to theorize and practically engage in normatively important projects.

In order to focus the discussion and understand what a conceptual engineering project will need to resolve, consider the three problems Blumenthal-Barby attributes to PERSONHOOD (*op. cit.*, 3-5).

(1) Tying moral status to personhood is question-begging.
(2) The concept has been used in the past to deprive moral status of entities that enjoy it, and may currently be used for the same purpose.
(3) Many entities that presently or are soon to pose significant bioethical questions fit poorly within the category of persons.

On the basis of these problems, she concludes that "the concept of personhood has been a problematic shortcut for answering normative questions about moral mattering in a range of cases in bioethics" (*ibid.*, 6). In order to fully appreciate this critique, it is necessary to think a bit about what concepts are and the role they play in mental life.

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[1] Of which Haslanger's "ameliorative" project is taken to be a paradigm example (Cappelen and Plunkett 2020, 5–6).
[2] Following convention, a word in small caps denotes a concept (as opposed to the thing it refers to or the term used to refer to it).

§2.   Concepts

Concepts are the things thoughts of made of. Though there is some disagreement as to their nature, the classical position is that they are mental representations, perhaps akin to words in a "language of thought" (Fodor 1975). At any rate, they are psychological entities that categorize things in the world and therefore permit an individual to have thoughts about those things. The fact that concepts are psychological entities is important because this means they can vary between different individuals, even if we can speak of "the" concept (e.g., of personhood) as the one broadly shared within a community of thinkers.

Conceptual variation comes from experience, such that the concepts of experts (which we might call "technical" concepts) differ in content and structure to those of ordinary people (so-called "folk" concepts). It is probable that at least some folk concepts have a prototype structure for which judgments about membership in a category are based on how similar candidates are to a particularly representative or emblematic case within the category. In contrast, technical concepts often take the form of definitions or terms within a theory. This matters because Blumenthal-Barby conveys the idea that the technical bioethical concept of personhood is based on the prototype of a "normal" or "healthy" adult human. It is in this sense that talk of personhood is question-begging, because other entities will only enjoy moral status insofar as they are similar, in relevant respects, to the prototype of a normal adult human (*op. cit.*, 3).

§3.   Engineering Personhood

It seems true enough that invoking personhood is a shortcut for answering normative questions. It may even be a problematic shortcut. But need it be? This is where conceptual engineering framework comes in. It is defined in a recent volume as "(i) The assessment of representational devices, (ii) reflections on and proposal for how to improve representational devices, and (iii) efforts to implement the proposed improvements" (Cappelen and Plunkett 2020, 3). We have assessed PERSONHOOD and found it wanting. Do we have a proposal for how to improve it?

Blumenthal-Barby's own positive proposal may provide a path forward. She suggests that we "make use of concepts other than personhood to help us answer [normative] questions" (*op. cit.*, 6), specifically identifying WELFARE-SUBJECTIVITY, INTERESTS, SENTIENCE, and RESPECT as

candidates. An initial worry is that if bioethicists take a normalizing or anthropocentric approach to PERSONHOOD, they may equally understand these concepts in terms of how they present in adult humans. However, assuming that can be resolved, these are precisely the sorts of concepts we would want on board in engineering PERSONHOOD. As a first stab, and for illustrative purposes, we might propose PERSON = sentient being whose interests command respect. That is, we might replace the current, prototypical structure of PERSONHOOD with a definitional structure referencing salient normative concepts. This would allow us to capture all the cases we want to capture – PVS patients, individuals with cognitive disabilities, human-animal chimeras, etc. – without putting the normative cart before the horse, because the moral status of personhood would be grounded in these other properties and concepts which we have independent reason to think normatively important.

The point of this proposal is to emphasize the idea of PERSONHOOD as a shortcut. It is meant to be a rich concept, capable of assimilating a number of distinct yet related normative concerns into one object. The problem is when one assumes the coincidence of various properties in a "normal" human as the source of those concerns. When done intentionally, this kind of condensation can be extremely useful in bioethical practice, because it reduces the number of difficult questions we need to individually answer in order to get at the heart of some moral matter. Especially in the field, medical personnel are already under heavy cognitive load. If they can decide how ethically to proceed by answering one question – "Is this a person?" – rather than three or four or more (each of which trade in rich concepts of their own), that can result in better, more efficient, and still morally appropriate care.

§4.   Risks and Objections

First, I should say that this is not some kind of cheap ploy. New technical concepts are often explicitly constructed out of extant ones. For instance, it is arguable that the initial proposal for PHOTON was little more than ELEMENTARY PARTICLE + ELECTROMAGNETIC FIELD. More generally, concepts are often interdefined, with some philosophers arguing that the content of a concept depends essentially on the web of inferential relations in which it is located (Brandom 2007).

Second, we should acknowledge the inherent risks in taking shortcuts. Heuristics are a significant part of our cognitive life, and on some views, are the only reason human-level cognition

is possible at all (Gigerenzer and Gaissmaier 2011). But heuristics can lead us astray, especially when we don't know we're using them. This is why it's important that PERSONHOOD is *intentionally* and *explicitly* engineered, so that the content of the concept is public and its proper application criteria are clear.

Third, it may be charged that PERSONHOOD is essentially related to a particular image of the human person, and that by redefining it to shed ties to that image, we are no longer talking about personhood at all.[3] This is a fair criticism, but what counts against it is the fact that withholding of personhood has not always gone hand-in-hand with withholding of inclusion in the human species. Moreover, the current prevailing concept is flexible enough to include non-human animals, at least if we take animal welfare activists at their word when they attest to the personhood of (e.g.) great apes.

Finally, there is the difficulty of implementing this proposal. It is one thing to say this is what PERSONHOOD should be, another to make it the concept in bioethicists' heads. On that point, all I can say is that, given PERSONHOOD's problems and its pervasiveness, we had better try.

References

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[3] This is a version of Strawson's (1963) critique of Carnap on explication, a forerunner of conceptual engineering.