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### Title

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### Permalink

<https://escholarship.org/uc/item/6x48575j>

### Journal

The American Journal of Bioethics, 24(1)

### ISSN

1526-5161

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### Publication Date

2024-01-02

### DOI

10.1080/15265161.2023.2278543

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## Personhood and the Public's Definitions of a Human

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Blumenthal-Barby argues that the concept of personhood should not be used in bioethics, and part of her justification is that personhood is not consistent with the public's values. In this comment I make three short points. First, I suggest the contexts where bioethics should follow the public's values. Second, I summarize a nationally representative study of the public's definitions of the human in biotechnology, of which debates about personhood are a part, for further use in the debate about personhood. Third, I suggest that one of her possible alternatives to personhood is compatible with the public's values but the other is probably not.

### USING THE PUBLIC'S VALUES

Blumenthal-Barby's vision of bioethics is that it is "engaged and embedded in a social and practical world; a field that seeks to offer guidance and direction . . . to real people . . . struggling with moral dilemmas. If 'we' (bioethicists) create concepts that those who seek to use them . . . find incomprehensible, off-putting, or in direct conflict with their own lived and moral experiences, then this out to give us pause and speaks against their use" (p.7).

I could not agree more. Bioethicists do not often talk about it, but all of the jurisdictions of bioethics are implicitly justified as representing the public's views, except for bioethical discourse that is utterly removed from policy such as purely academic texts. How else in a country of such religious and value diversity could such an unusual group of unelected people (e.g. essentially all have doctoral degrees) be allowed to have disproportionate influence on policy? While Europeans may believe in the concept of "ethical expertise," Americans do not (Jasanoff 2005, 262, 266).

Of the four jurisdictions of bioethics, the ethics used in health care ethics consultation, as well as in research bioethics (IRBs), represent the public through democratic means, with the ethics indirectly created by our elected officials. The jurisdiction utterly removed from policy that I call "cultural bioethics," does not claim to be using the public's ethics and bioethicists have the same legitimacy for making claims as any citizen in the public sphere. Finally, in "public policy bioethics," where the goal is to directly or indirectly advise policy makers at the NIH, hospitals, in congress or elsewhere, the ethics has typically been justified via a number of mechanisms to claim that bioethical discourse represents the public, such as using common morality principlism (Evans 2012).

I think that it is fine for bioethicists to be out of tune with the citizens in cultural bioethics. To avoid a static culture, someone needs to be promoting unpopular ideas. However, when it comes to public policy bioethics, when the writer has more influence than an average citizen does, the values of the public should be the driver. (For the details of how this can be done, see Evans (2012).) I think from the examples used by Blumenthal-Barby that she is primarily concerned with public policy bioethics.

## PERSONHOOD IS INCONSTENT WITH THE PUBLIC’S VALUES

Based on an empirical study, she states that the idea that biological humans with cognitive impairments are not persons would be seen as odd or offensive “by many outside . . . bioethics.” She cites a reflection by philosopher Hilde Lindemann that regular folks would pity bioethicists who think that a child with hydrocephaly was not a person (p.6).

Let us examine what I believe to be the only comprehensive and nationally representative empirical study of what the public thinks about personhood in the context of biomedical issues. To immediately clarify, the study was about what the public thinks a human is, both ontologically and morally, and personhood is one of the particular definitions of a human. Personhood is a marker of moral status that is neutral regarding species. Unlike other definitions of a human, personhood lacks the ontology component and is only a moral definition of a human.

That study first deductively tested the public’s response to the most influential academic definitions of a human. The (Christian) theological definition is that humans are those made in the image of God with a God given soul and thus all humans have equal value. The biological is that humans have a particular DNA sequence. The philosophical is that a human is defined by having certain capacities (the personhood concept).

The public most agreed with the theological, followed by the biological and then the philosophical. As Blumenthal-Barby notes, the public finds the personhood account offensive. The aforementioned study concurs. When presented with a Likert scale of approval in a survey after a long paragraph describing the concept of personhood, only 12% selected “agree” and only 3% strongly agree (Evans 2016, 53, 120). Note that this study also finds that those most agreeing

with this definition are the most likely to endorse treating humans like objects (Evans 2016, 63, 198).

The versions of these definitions that the public comes up with on their own are somewhat different than the academic versions. The (Christian) theological definition of the public is that humans are those who are made in the image of God, which is embedded in every human via a soul. We know someone is a human with a soul because they were born from a human, all the way back to the first humans. Humans remain humans until they die, and all humans have equal value because they bear the image of God.

When the public raises biology, they say that a human is an entity with a human body and is the offspring of two humans. They also say that a human is always a human. This sounds tautological until we acknowledge that this is a human lineage definition of a human, as in the theological definition.

When the public talks about capacities that make us human, they do not focus on the mental traits used by philosophers like consciousness, rationality and cognition. The public is more likely to define a human by “social” traits like ability to love, show emotion, form friendships and so on. That is, the public’s philosophical version of a human is a feminist ethics of care (Tong 1997, 37, 38) and is also the view Blumenthal-Barby attributes to Lindemann (p.12).

## PROPOSED ALTERNATIVES AND THE PUBLIC

From the description in the paper, the alternative of welfare subjectivity is another type of capacity that humans could have more or less of. Shepherd’s version of this is “phenomenal

richness,” and “the richness of mental life varies” (p.9). This seems to have the same structure as the personhood concept that is inconsistent with the public’s values. First, the public does not like the idea of a capacities scale that creates differential moral value for humans. Second, in the public’s values, a human remains a human, and in welfare subjectivity it appears a human could lose that status. Finally, a recent study of human brain organoids and neuro-chimeric animals shows that the public is anthropocentric, believing in human specialness compared to animals and other entities (Evans 2024, 27). Welfare subjectivity seems to not acknowledge human specialness. If welfare subjectivity was explained to the interlocutor in Hilde Lindemann’s story, I think they would also find it offensive.

In contrast, the “respect” alternative is consistent with the public. The people she quotes believe in moral treatment “independent of their level of consciousness,” which is definitely how the public views these issues. Blumenthal-Barby quotes one mother who said of her son, “we always treat him with honor . . . he’s still a man.” The caregiver who said “regardless of whatever level it’s [consciousness] on, their life has meaning. Don’t assume that because they’re not able to do normal things that they deserve less care . . . their life is worth [something].” “Respect” is very consistent with the U.S. public’s view because differential capacities are not central and a human remains a human.

## CONCLUSION

I agree with Blumenthal-Barby that we need public policy bioethics concepts to be consistent with the public’s values. Otherwise, we engage in technocracy. A comprehensive, representative study of the U.S. public concurs that the values of the public are not consistent

with the personhood concept. Of two possible alternatives to the personhood concept, “respect” is very tightly aligned with the public’s values. However, welfare subjectivity sounds like it is based on values that the public does not share. I think bioethicists should use the values of the public as raw material and apply bioethical expertise to questions like the moral status of the comatose, of human brain organoids and neuro-chimeric animals or people in permanent vegetative states (Evans 2012, Chapter 5).

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