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Reflections from a Troubled Stream

Giubilini and Minerva on "After-Birth Abortion"

But when a creature pretending to reason, could be capable of such Enormities, he dreaded lest the Corruption of that Faculty might be worse than Brutality itself. He seemed therefore confident, that instead of Reason, we were only possessed of some Quality fitted to increase our natural Vices; as the Reflection from a troubled Stream returns the Image of an ill-shapen Body, not only larger, but more distorted.

Jonathan Swift, *Gulliver's Travels*

When Jonathan Swift published 'A Modest Proposal for Preventing the Children of Poor People of Being a Burden on their Country or Parents, and for Making Them Beneficial to the Publick' in 1729, many early readers were shocked and repulsed by the author's seemingly sincere suggestion to conquer poverty in Ireland by allowing and encouraging the Irish poor to sell their infant children as delicacies to rich English land owners. The author's elaborate demonstration that such a practice, if widely accepted, would benefit everyone and harm no one, did not make the whole proposal appear any less monstrous. Most people felt, as they would still do today, that it simply didn't matter how *rational* it may be, treating babies as gastronomic resources, destined to be killed and served at the tables of the rich, is about as immoral as it can get. Swift knew this too, of course, and his 'Modest Proposal' was in fact a satire intended to draw attention to the unashamed exploitation of the Irish poor and to the essential heartlessness of a particular kind of economic thinking. Yet if a similar proposal were published today in a reputable academic journal, we could not be sure of its satirical character: it might well be entirely sincere.

In late February this year the *Journal of Medical Ethics* prepublished online a paper that can be seen as a modernized bioethical version of Swift's 'Modest Proposal'. It was written by Alberto Giubilini and Francesca Minerva and bears the provocative title 'After-birth abortion: why should the baby live?' The authors argue that killing newborn children should be regarded as permissible not only in cases where "death

seems to be in the best interest of the child", but also in cases where the social, psychological, and economic costs of bringing it up are deemed to high to be bearable. Since even a healthy child requires "energy, money and care which the family might happen to be in short supply of", parents should be allowed to decide for themselves whether they find keeping this child too much of a burden and, if they do, to kill it or have it killed rather than risk being psychologically damaged by giving it up for adoption. (Why giving it up for adoption should be more damaging than having it killed, is not explained.) In other words, whenever parents (or presumably, in the case of orphans, the state) feel inconvenienced by the prospect of having to meet the inevitable costs of raising a child, they should be free to authorize its destruction. Although this may appear morally repulsive to many of us, it is in fact, as the authors assure us, nothing of the sort, because the moral status of an infant is the same as that of a fetus. Just like an unborn child, a newborn has no interests to speak of and certainly is "not in the condition of attributing any value to their own existence". Yet if they cannot do that, then they "lack those properties that justify the attribution of a right to life of an individual" and hence are not to be considered "a person in a morally relevant sense". So contrary to what we might think, by killing a newborn child we do not actually kill someone at all. It is more like "failing to bring a new person into existence", which is clearly not morally wrong. Since "non-persons have no moral rights to life", ending the life of such a non-person is entirely permissible. It is as simple as that. If people feel different about it, they are mistaken, or confused. They don't realise how irrational they in fact are. Reason tells us that there is nothing wrong with killing young children, just as there is nothing wrong with aborting an unborn child. Since we accept the one, and rightly so, we should also accept, and indeed welcome, the other.

Predictably, the online publication of this argument caused a huge row. The authors were reviled, verbally harassed, and even received death threats, which apparently they hadn't expected at all. Somewhat naively, they seemed to be genuinely surprised by the amount of hostility that their paper had provoked and did their best to deflect public anger by insisting, rather implausibly, that their argument was "purely academic" and had never been intended to influence public policy. The editor of the journal in which their paper appeared quickly came to their aid and defended his decision to publish it by invoking academic freedom and the widespread support of

the academic community, who have been used to, and appreciative of, such arguments for at least forty years. All the authors had done is present a "well reasoned argument based on widely accepted premises" and "proceed logically" from those premises to certain conclusions. The implication is of course that the conclusions are justified. Yet it could also be taken as an indication that there must be something wrong with the premises.

Guibilini and Minerva argue that assigning a right to life to new-born children is not rational and that therefore killing a new-born child must be regarded as morally permissible. Without doubt, countless other bioethicists would agree with them. However, there are various things that we tend to regard as morally required that are in the same sense not rational, for instance treating the dead with a certain respect and not as if they were mere things. Why don't we make lampshades out of the skin of murder victims? Or soap out of their bones? Perhaps we could even store them in the freezer and eat them bit by bit. This is currently, to put it mildly, frowned upon, but just burying the dead or burning them is in fact a waste of valuable resources, and they are not 'persons' after all (yes, they once were, but they are not any more), so it should be all right to use them any way we can. Who knows, it might even give a boost to our economy. Our habit of letting the bodies of the dead go to waste is clearly irrational.

However, is not *all* morality, ultimately, irrational? It is the easiest thing in the world to demonstrate conclusively that a moral conviction is irrational. Even the most strongly held moral convictions can be shown to lack a rational basis. Thus we can argue, with Epicurus, that death is no evil because you cannot be harmed by something if you don't exist. Accordingly, it is not only decidedly irrational to fear death, but also to judge morally wrong a carefully planned and executed murder that does not cause the victim any suffering. Others may suffer from a person's death, of course, but to the extent that their suffering is due to the mistaken belief that the dead have been harmed in some way, we should just tell them to get a grip and behave a bit more rationally. Of course the murder victim may have 'attributed value to their own existence', but so what? They are certainly not doing it any more, are they? So there isn't anything really that would prevent us from concluding, very rationally (and liberally), that there is nothing wrong with murdering a human being, except, as

David Hume has pointed out, that we feel a strong disapproval - which is not only exactly what many of us also feel when they contemplate infanticide, but also something that we can easily learn to suppress if that appears necessary to attain some 'higher' goal, for instance the so-called "common good".

Now what if someone wrote an academic paper in which they presented "a well-reasoned argument" proceeding logically from the premise that death is no evil to the conclusion that it should be permissible to kill those deemed harmful to the health or integrity of our society, or even those that are merely considered, for some reason, inconvenient? Say Jews, or homosexuals. Is that impossible to do? I don't think it is. Should we, therefore, accept the argument? No, we should not, but not because there is something wrong with its logic, but because it violates everything that we, as real or ideal members of what Avishai Margalit once called a "decent society", hold dear. Should such a paper be published, so that scholars can debate the merits of the proposal? I don't know, but I think there is more than just a grain of truth in Aristotle's view that the ethicist should not discuss just any matter and question, but only those to which there is no obvious, time-honoured answer. Those, for instance, who doubt whether one should pay tribute to the gods or love and honour one's parents, do not need instruction, but simply "a good beating" (*Topics* I.11, 105a).

Of course one could accept the fundamental irrationality of morality (otherwise known as the is-ought gap) and still insist that some things are more irrational than others. Thus it clearly would not make any sense to claim that, say, a rock has a right to life, the reason being simply that a rock hasn't *got* a life. A newborn child, however, does, so if it is irrational to assign a right to life to it, then it must be so for a different reason. Allegedly it cannot have such a right because it lacks the required capacities. It does not attribute value to its life and is not "capable of making aims" (which for some reason the authors seem to regard as one and the same thing). Yet just as from the fact that somebody attributes value to their life and is "capable of making aims" it does not logically follow that they have a right to life, neither does it follow logically from the fact that an entity is *not* capable of doing so that it has *no* right to life. Why should my life only have value if I am capable of attributing one to it? And what exactly does it mean to 'attribute value' to one's life anyway? In a certain sense an infant certainly *does* attribute value to its life: it cries for milk and

attention, sucks as if its life depended on it (which it does) whenever it gets hold of a female breast, and does actually do all it can, with its limited abilities, to stay alive. Thus it clearly is *not* completely indifferent to its own survival. It may not have a concept of itself, or of death, or of survival, but it is not entirely clear why that should be necessary.

The usual argument, fully endorsed by Guibilini and Minerva, goes like this: in order to have a right to something you need to have an "interest" in it, so that if you don't have an "interest" not to be killed, then killing you is not wrong. Yet you cannot have an "interest" in something if you don't have a clear mental representation of it, and since an infant is not sufficiently mentally developed to have such representations, it cannot really have an interest in anything, let alone its own survival, and hence killing it cannot possibly be wrong. In contrast, its ability to *experience* pain and pleasure is felt to be sufficient for granting it a right not to be inflicted pain upon, which is rather odd because the infant does not have a *concept* of pain and pleasure, while it certainly also *experiences* being alive. So if the infant does not have an "interest" in staying alive, then it seems it doesn't have an "interest" in not suffering pain either, from which we may conclude that torturing a small child to death should be permissible, too. This, however, is a conclusion that as yet no bioethicist has been willing to draw, but that is probably just a matter of time. For some reason the ability to suffer is still unanimously thought to be "morally relevant", while the mere fact of being alive and the ability to struggle for survival is not. Neither is it thought morally relevant that the infant, if fed, cared for and not killed, will eventually develop into a "person". Only actual interests are said to count.

Yet how exactly do we know what is "morally relevant" and what is not? Is it really so obvious? And if not, who decides what is and what is not? Giubilini and Minerva claim that only if an "individual is capable of making any aims (…), she is harmed if she is prevented from accomplishing her aims by being killed". And only then can it be morally wrong to kill her, which to me seems completely arbitrary. Do we seriously believe that killing somebody is wrong because it prevents them from accomplishing their aims? Wouldn't that imply that if we prevented someone from accomplishing their aims by other means than killing them, then that would be just as wrong? If my only aim in life was to win a Nobel Prize, and the Swedish Academy

refused to award it to me, would they then harm and wrong me just as much as they would if they killed me?

I am not saying that ending the life of a newborn child is necessarily wrong under any circumstances. Or, for that matter, that abortion is. It is part of the rationalist fallacy to assume that one cannot be "pro-choice" without denying that a fetus has a "moral status" or a "right to life". Moral status and rights are not something that entities actually have or don't have. It is not as simple as that. Questions like these are not questions of fact, but of personal attitudes, ethical traditions, and public deliberation. Nothing prevents us from deciding that even though aborting a fetus is not a matter of indifference there are other things at stake and that, all things considered, it is better to allow women to have an abortion than to prohibit it by law. And nothing prevents us from seeing and treating birth as a morally relevant threshold that divides the permissible and the impermissible. It is, after all, the moment when a new individual, in an act of bodily separation, is introduced to the world, and when we welcome them in our midst.

Guibilini and Minerva have argued that very young children have no right to life and that for this reason parents should be allowed to have them killed if they find it too troublesome to raise them. They are wrong on both counts. If there is such a thing as a "right to life", then a new-born child has as much of it as you and I. The fact that it doesn't have the same abilities is irrelevant. To hold this view does not make us irrational. At least not less rational than anyone who believes that certain things are just wrong and ought not to be done or allowed. It is a mistake to demand that moral convictions be always justifiable in terms of a narrow conception of rationality. Indeed, it is the very fact that morality often requires us to *defy* the seemingly rational that makes it so important. This tends to be forgotten by a bioethical tradition whose style of thinking has its roots in analytical philosophy, leading to results that should give us pause. When people want to describe the horrors of war, the wanton killing of young children is often cited as the clearest expression of human depravity. We are used to believe not only that without question they have a right to life, but also, because they represent human life at its most vulnerable stage, that they need and deserve our protection *more* than at any other time and that, consequently, harming and killing them is even *worse* and *more unforgivable* than harming and killing an

adult. This is about as essential to our shared ethical self-understanding as it can get. If a philosophical argument, such as the one presented by Guibilini and Minerva, calls this into question, we should not be swayed by its appearance of rationality, but rather take it as our cue to rethink the way we practice philosophical ethics.