

## Concern for Our Vulnerable Prenatal and Neonatal Children: A Brief Reply to Giubilini and Minerva

Despite the wide public outcry over their article, Giubilini and Minerva's arguments in defense of infanticide are nothing new. Peter Singer has become one of the best known philosophers in the world in part because of the attention he has received from defending the practice. Infanticide was such an established part of the culture of ancient Greece and Rome that Christians and Jews became subjects of public mockery for opposing it. Even today, infanticide is consistently practiced in places where the Judeo-Christian tradition does not serve as a moral foundation, such as China and India.

But the Judeo-Christian tradition's influence has diminished in the developed West, and as a result it has become more difficult to claim that all members of the species *Homo sapiens* are persons with an equal right to life. Giubilini and Minerva provide an important example of what follows from the rejection of the sanctity of human life. Even the most ardent defenders of abortion rights cannot deny the science behind the claim a prenatal child is a fellow member of our species, but that—at least to some in our post-Christian world—is not morally significant. What matters is having the interests and capabilities of *persons*: rationality, self-awareness, the ability engage in loving relationships, etc. Many already reject the personhood of our *prenatal* children because they do not have these traits, but Giubilini and Minerva make the fairly obvious point that our *neonatal* children do not have these traits either. Thus, they claim, if one supports *abortion* for this reason, one should support *infanticide* on the same basis.

The Catholic Church has been making the same logical connections between abortion and infanticide for the better part of 2000 years. *The Didache*, one of the earliest Christian manuals for converts,<sup>1</sup> specifically mentions them together: “You shall not murder a child by abortion nor kill that which is born.”<sup>2</sup> Even in the modern era, when infanticide is not a clear public policy issue, we still find the Church making this connection. Consider the bishops of the Second Vatican Council claiming that “from the moment of its conception life must be guarded with the greatest care” and in the next breath that “abortion and infanticide are unspeakable crimes.”<sup>3</sup> Interestingly, Giubilini and Minerva share a similar understanding to that of the Catholic Church with regard to the issues and reasoning in play—and, using premises which many other pro-choice people share, they follow the argument all the way to infanticide.

Now, let me be perfectly clear, it does *not* follow that just because one supports abortion rights that one must support the right to infanticide. One could support abortion rights for many

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<sup>1</sup> It was certainly known by the third century, but some scholars claim it dates to 70 C.E.

<sup>2</sup> J. Armitage Robinson trans and ed., “*Didache*”, *Barnabas, Hermar and the Didache*, D.ii.2c, (NY: The MacMillan Co.), 112.

<sup>3</sup> *Pastoral Constitution on the Church in the Modern World: Gaudium et Spes*, December 7, 1965 (Washington, D.C.: National Catholic Welfare Conference, 1976), 51.

reasons which have nothing to do with the moral status of the child. One might reasonably believe that prenatal children deserve equal protection of the law, but also claim that this doesn't require women to sustain them with their bodies; one might believe that there is no good way to get the laws banning abortion enforced without seriously hurting the common good; one might also, based on history, have some hesitation to return to a time where there was broad government regulation of a woman's reproductive capacity.

But we must be honest about the fact that many, many people who support abortion choice do so in large measure because of what they believe about the prenatal child. This is in part why there was such an outcry from those who support abortion choice when a prenatal personhood amendment (which did not address any of the complex questions in the paragraph above) was put up for a vote in the American state of Mississippi.<sup>4</sup> For a plurality of people, the abortion debate turns on what kind of thing the prenatal child is.

And with this group in mind, we should also point out that some of them have offered arguments for why we would consider neonatal children as persons and (some) prenatal children as nonpersons. Our neonatal children have the "breath of life" or a heartbeat or brain-development or some such trait that (some) prenatal children do not have. But here again the Catholic Church would side with Giubilini and Minerva in arguing that these are irrelevant traits when it comes to defining personhood. Especially if one is not ready to offer the right to life to other animals that breathe and have a heartbeat and brain, then this seems little more than arbitrary speciesism.

But the Catholic Church will part company with Giubilini and Minerva with regard to moral anthropology and in particular when they claim human persons can be defined merely as collections of actualized traits. The Church will instead build on the view of Aristotle and Thomas Aquinas that human persons are substances of a rational and relational nature.<sup>5</sup> Human persons remain *kinds of things* that subsist over time whether (1) we are currently expressing specific traits like rationality and self-awareness, or (2) those traits are currently unexpressed or frustrated as a result of disease, immaturity, intoxication, unconsciousness, brain injury, and so on. From our prenatal and postnatal children—to brain damaged and mentally disabled adults—the fact that a fellow substance of a rational nature happens to have their potential frustrated is no reason at all to treat them as anything less than a person.<sup>6</sup> If anything, those who are not currently expressing these traits deserve our *special* attention given that they are so vulnerable—not least because of the ideas and reasoning used by Giubilini and Minerva.

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<sup>4</sup> For a good example, see <http://www.dailykos.com/story/2011/10/07/1023558/-Occupy-My-Uterus-My-Ass-Fertilized-Eggs-Are-NOT-People> (Accessed March 1, 2012)

<sup>5</sup> Interesting, this concept was applied to angels as well as humans—and it might well be that some non-human animals may also be substances of a rational nature. I explore this possibility in chapter three of *Peter Singer and Christian Ethics: Beyond Polarization* (Cambridge: Cambridge University Press, 2012).

<sup>6</sup> I make this argument in some detail in chapters one and two of *Peter Singer and Christian Ethics: Beyond Polarization*.

Pro-lifers, like all serious players in the public debate, should hold a coherent and consistent point of view. We should expect, therefore, to be pushed to deal with the implications of our positions which seem absurd to others. A recent and powerful example of this involves our opponents pushing us to explain why the high rate of natural embryo loss should not be regarded as a massive and tragic emergency.<sup>7</sup> But those who support abortion rights should be forced to defend similarly counterintuitive implications as well, one of which (for most people, anyway) is the permissibility of infanticide. Giubilini and Minerva should also be pushed to develop their argument all the way through and respond to what appear to be absurd consequences. Consider this very important quote from their article:

In cases where the after-birth abortion were requested for non-medical reasons, we do not suggest any threshold [for when a human infant becomes a person], as it depends on the neurological development of newborns, which is something neurologists and psychologists would be able to assess.

But can they really say *nothing* about this very important question? This looks an awful lot like an attempt to avoid following their argument to its (difficult) logical conclusion.

For the sake of argument, let us assume this relatively uncontroversial claim: “a pig, though having significant moral value, is not a person with a [legal] right to life.” At what point does a human infant’s rationality and self-awareness exceed that of pig? Pigs have very sophisticated mental lives, and have even been taught to play video games.<sup>8</sup> In the interest of not wanting to kill an actual person, perhaps we should be conservative and leave a large gray area in answering this question. But even with this constraint, surely Giubilini and Minerva would be forced to allow infanticide through a child’s first birthday. No one-year-old baby can be taught to play a video game. And perhaps in the face of uncertainty about the baby’s personhood we should err on the side of *parents’* rights. It could very well take beyond the first birthday of one’s child to determine, for instance, that one is not cut out for parenting, or that one would rather go back to school, or that one doesn’t want a child with a certain kind of mental disability (or even that the child *has* such a disability in the first place), etc. We might very well argue (as is regularly done in the context of abortion) that scenarios in which a child’s personhood is unclear ought to be resolved in favor of the interests the parent. This could mean that those holding Giubilini and Minerva position on child-killing would be forced to defend the practice well into the second or even third year of life, depending on how one defined rationality and self-awareness.

For many people, but perhaps especially for Christians who are committed to nonviolence and special concern for the vulnerable, these conclusions are morally repugnant and can produce strong emotional reactions. And it is often appropriate to react with strong negative emotion in

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<sup>7</sup> I try to respond to this difficult problem here ‘The Subject of the Scourge: Rethinking Implications of Natural Embryo Loss.’ *American Journal of Bioethics* (July 2008) 8(7).

<sup>8</sup> <http://www.peta.org/issues/animals-used-for-food/hidden-lives-pigs.aspx> (Accessed March 1st 2012)

response to a great and violent injustice directed at a particularly vulnerable population. I know, for instance, that when I first started reading Singer's arguments about infanticide I became very angry, and today I believe quite strongly Giubilini and Minerva's arguments are fundamentally wrongheaded. And yet, something needs to be said about the way many have reacted to their article. Though anyone advancing an argument in the public sphere on a controversial issue should expect to get strong negative attention (especially when doing so in a deliberately provocative way), it must be said that the personal attacks and threats of violence that have been leveled at Giubilini and Minerva—especially when the attacks come from those who identify as Christians—have been absolutely disgraceful. That hate and vitriol are spewed by people on all sides of these controversial debates is nothing new, but Christians are called to love and solidarity even with those who oppose us on massively important issues like this. When we behave in ways which undermine our own values of love, solidarity, and respect for life, we not only fail to live the life to which Jesus called us, but we also undercut the effectiveness of our own arguments.

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