



STATEMENT DD801

**Death with a Happy Face:  
Peter Singer's Bold Defense of Infanticide**

**by Scott Klusendorf**

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In 1993, ethicist Peter Singer shocked many Americans by suggesting that no newborn should be considered a person until 30 days after birth and that the attending physician should kill some disabled babies on the spot. Five years later, his appointment as Decamp Professor of Bio-Ethics at Princeton University ignited a firestorm of controversy, though his ideas about abortion and infanticide were hardly new. In 1979 he wrote, "Human babies are not born self-aware, or capable of grasping that they exist over time. They are not persons"; therefore, "the life of a newborn is of less value than the life of a pig, a dog, or a chimpanzee."<sup>1</sup>

Singer is not alone in these beliefs. As early as 1972, philosopher Michael Tooley bluntly declared that a human being "possess[es] a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity."<sup>2</sup> Infants do not qualify.

More recently, American University philosophy professor Jeffrey Reiman has asserted that unlike mature human beings, infants do not "possess in their own right a property that makes it wrong to kill them." He explicitly holds that infants are not persons with a right to life and that "there will be permissible exceptions to the rule against killing infants that will not apply to the rule against killing adults and children."<sup>3</sup>

Singer doesn't tell us *why* self-awareness belongs to the concept of personhood; he merely asserts that it does. In so doing, he espouses a doctrine known as *functionalism*, the belief that what defines human persons is what they can and cannot do. Though laudable for its candor, Singer's case for infanticide is seriously flawed and fails to make a number of critical distinctions. Meanwhile, his Darwinian worldview leaves us philosophically and morally bankrupt, with no reason to act ethically in any context.

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## NO DIFFERENCE BETWEEN ABORTION AND INFANTICIDE

To the dismay of popular abortion advocates, Singer rejects birth as a relevant dividing line between person and nonperson, agreeing with pro-life advocates that there is no ontologically significant difference between the fetus and a newborn. True, there are differences of size, location, dependency, and development, but these are morally irrelevant. "The liberal search for a morally crucial dividing line between the newborn baby and the fetus has failed to yield any event or stage of development that can bear the weight of separating those with a right to life from those who lack such a right."<sup>4</sup>

Instead of upgrading the fetus to the status of a person, however, Singer downgrades the newborn to the status of nonperson because newborns, like fetuses, are incapable "of seeing themselves as distinct entities, existing over time."<sup>5</sup> They are not rational, self-conscious beings with a desire to live.<sup>6</sup> Since, in Singer's criteria, personhood hinges on these factors, killing a newborn (or fetus) is not the same as killing a person. In fact, some acts of infanticide are less problematic than killing a happy cat. If, for example, parents kill one disabled infant to make way for another baby that will be happier than the first, the total amount of happiness increases for all interested parties.<sup>7</sup> Singer's logic can be summed up this way: Until a baby is capable of self-awareness, there is no controlling reason not to kill it to serve the preferences of the parents.

Singer contends that a variety of nonhuman animals are rational, self-conscious beings that qualify as persons in the relevant sense of the term.<sup>8</sup> Consequently, it is morally indefensible for humans to value their own species above other sentient animals. As for the doctrine of the "sanctity of human life," it is nothing but "speciesism," an irrational prejudice rooted in outdated religious traditions (e.g., Christianity). Insofar as some human beings are incapable of reasoning, remembering, and self-awareness, they cannot be considered persons. Put simply, dogs, cats, and dolphins are persons, while fetuses, newborns, and some victims of Alzheimer's disease are not.<sup>9</sup>

## DEATH WITH A HAPPY FACE

For Singer, infanticide may be wrong in some cases, but only for its impact on other interested parties. "We should certainly put very strict conditions on permissible infanticide, but these conditions might owe more to the effects of infanticide on others than to the intrinsic wrongness of killing an infant."<sup>10</sup> If the parents want the newborn, it is wrong to kill the baby because the act deprives them of happiness. On the other hand, killing a defective newborn is not morally equivalent to killing a person.<sup>11</sup> Very often, it is not wrong at all: "When the death of a disabled infant will lead to the birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of the happy life for the first infant is outweighed by the gain of a happier life for the second. Therefore, if killing the hemophiliac infant has no adverse effect on others, it would, according to the total view, be right to kill him."<sup>12</sup> Parents, of course, need time to calculate pleasures and pains. Singer's

solution is a postbirth assessment period of a week or perhaps a month (he isn't sure which), during which parents, in consultation with their physician, may legally kill their disabled offspring if doing so would increase the total happiness of all interested parties.<sup>13</sup>

## PROBLEMS WITH SINGER'S CONSEQUENTIALISM

In the end, Singer rejects transcendent human rights as a fiction. Nonetheless, while his case for infanticide entices many academic liberals, it is seriously flawed for at least six reasons.

### 1. Consequences Alone Cannot Determine Right and Wrong

Singer's ethics are thoroughly utilitarian; that is to say, only the consequences of a given act determine right and wrong. Actions are morally right if they increase happiness and decrease pain for the greatest number of people. Some crimes, however, such as rape and murder, are wrong in themselves and cannot be justified with an appeal to overall happiness. Common sense dictates that we weigh both the rational intent of an act (deontological ethics) with its foreseen consequences (utilitarian ethics). If morals are strictly consequential, as Singer argues, how do we condemn ancient Romans who tortured Christians for the public's enjoyment? Say, for example, that killing a Christian in the Roman Coliseum enabled 50,000 people to experience pleasure at the expense of only one person experiencing pain; clearly the happiness of the thousands would exceed the pain of one Christian, but would that make the act just? If Singer replies that the pain of the Christian outweighs the pleasure of the crowd, how does he know this? What if the tortured victim were not a Christian but a suicidal masochist who actually enjoyed the perverse treatment? Given that everyone is happy, it's difficult to imagine how Singer could condemn such an act.

### 2. Singer's Functionalism Results in Savage Inequality

It is one thing to say that critical thinking distinguishes us as human persons. It is quite another to say that your right to live depends on how intelligent you are. If Singer is correct that rationality and self-consciousness define the morally significant person, then why shouldn't greater rationality make you more of a person? Consequently, the intellectually and artistically gifted would be free to maximize their pleasure at the expense of those less intelligent. Furthermore, if Singer's functionalist view is correct, personhood could be expressed by a bell curve in which human beings move toward full personhood in their early years, reach full personhood during their middle years (when they reach their intellectual peaks), then gradually lose personhood as they age. Presumably, your rights as a person would increase, stabilize, and then decrease in this process.

Actually, we are not far from that now. Last year, I debated an attorney at a secular university who argued that until the 32d week of pregnancy, the unborn's brain resembles a fish or amphibian in its evolutionary development; therefore, the unborn are not fully human until the final stages of pregnancy.<sup>14</sup>

In one sense, his argument was nothing new. A century ago, Darwin and his followers used it to dehumanize women. Their contention was that women were biologically and intellectually inferior because their brains were less developed than a man's. In *The Descent of Man in Relation to Sex*, Darwin wrote:

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*[Man] attains a higher eminence, in whatever he takes up, than can women—whether requiring deep thought, reason, or imagination, or merely the use of the senses and hands. If two lists were made of the most eminent men and women in poetry, history, painting, sculpture, music (inclusive of both composition and performance), history, science, and philosophy, the two lists would not bear comparison. We may also infer, from the law of the deviation from averages... [that] the average mental power in man must be above that of women.<sup>15</sup>*

If that weren't bad enough, Darwin disciple and father of social psychology Gustave Le Bon used pejorative language to compare women to apes:

*[Even in] the most intelligent races [there] are large numbers of women whose brains are closer in size to those of gorillas than to the most developed male brains. This inferiority is so obvious that no one can contest it for a moment; only its degree is worth discussion.... Women represent the most inferior forms of human evolution and...are closer to children and savages than to an adult, civilized man. They excel in fickleness, inconstancy, absence of thought and logic, and incapacity to reason. Without a doubt, there exists some distinguished women, very superior to the average man, but they are as exceptional as the birth of any monstrosity, as for example, of a gorilla with two heads. Consequently, we may neglect them entirely.<sup>16</sup>*

Singer's functionalism stops short of Le Bon's overt sexism, but there is a notable similarity: we used to discriminate on the basis of skin color and gender, but now we discriminate on the basis of brain development and intelligence. We've simply exchanged one form of bigotry for another.

### **3. Singer Equivocates on the Question of Personal Identity**

Is Scott Klusendorf the fetus or newborn identical to Scott Klusendorf the adult pro-life apologist? Is he the same person, though his body has changed over time? According to Singer, the answer is no. "When we kill a newborn, there is no person whose life has begun. When I think of myself as the person I am now, I realize that I did not come into existence until sometime after my birth."<sup>17</sup> As Scott Rae and Paul Cox point out, however, "If I do not exist until sometime after *my* birth, in what sense is the birth *mine*? The only way for '*my* birth' to be more than a linguistic convention is to admit that '*I*' existed before I was born, or at least at the time of my birth."<sup>18</sup> Singer's attempt to define personhood in functional terms therefore not only fails but also disqualifies many human beings as persons. Consider the person under general anesthesia. Like the early fetus, he is currently not conscious and has no concept of himself existing over time. According to the functionalist view, he is not a person! This is absurd.

One might object that unlike the fetus and the newborn, the person under anesthesia *once did* and likely *soon will* function as a self-aware entity. He is therefore still a person (i.e., retains his identity) though he currently cannot function as one. This objection is flawed, for it admits that something other than self-awareness defines personhood. To claim that a human person can be functionally self-aware, become nonself-aware, and then return to a state of self-awareness assumes there is some underlying personal unity to this individual that allows him (or her) to maintain his identity while unconscious (i.e. while he

is unable to function as a person). If not, then we must make the bizarre claim that a new person pops into existence once the anesthesia wears off.

As Rae and Cox explain, the reason Scott Klusendorf the fetus is identical to Scott Klusendorf the adult is that I possess a human nature (or essence) that not only makes certain functions (abilities) possible but also allows me to retain my personal identity through change.<sup>19</sup> For example, I may lose the ability to think critically, but as long as I am still alive, I remain myself because I have a human nature. It is therefore the underlying essence of a thing, not its functional abilities, that determines what it is.

Consider an illustration provided by Francis Beckwith.<sup>20</sup> Suppose your Uncle Jed is in a coma after a terrible car accident, and he remains in that state (where he cannot function as a self-aware person) for two years until he awakens. Is Uncle Jed before the coma identical to Uncle Jed after? Is he the same person? To save expenses for the family, could doctors have killed him during his extended sleep simply because he was not functioning as a person? If Singer holds to the functional view of human persons, it would be difficult to say why it would be wrong to kill Uncle Jed while he is comatose; yet, it clearly would be morally wrong to kill him while in that state because although he cannot currently function as a person, he still has the inherent capacity to do so.

Again, one might object that Uncle Jed is a person during the coma because, unlike the fetus, he *once* functioned as one and probably will again after he wakes up. This objection fails, however, as Beckwith explains:

*We can change the story a bit and say that when Uncle Jed awakens from the coma he loses nearly all his memories and knowledge including his ability to speak a language, engage in rational thought, and have a self-concept. He would then be in the exact same state as the standard fetus, for he would have the same capacities as the fetus. He would still literally be the same person he was before the coma, but would be more like he was before he had a "past." He would have the natural inherent capacity to speak a language, engage in rational thought, and have a self-concept, but he would have to develop and learn them all over again in order for these capacities to result, as they did before, in actual abilities.*<sup>21</sup>

Perhaps the abortion advocate would bite the bullet and say that there is no human nature that allows me to maintain my identity through bodily change and that personal identity is nothing more than a string of psychological experiences connected by memory. Uncle Jed before the coma is therefore not identical to Uncle Jed after, but he is a new person with new memories that we will call Uncle Jed(b); but this denial of human nature will not do. What if five years later Uncle Jed(b) suddenly regains his lost memories? Is there now another Uncle Jed(c), or are we back to Uncle Jed(a)?

Put simply, Uncle Jed before the coma is identical to Uncle Jed after. He is the same person. The only difference is one of *function* (ability), not *essence* or *nature*. The same is true of Scott Klusendorf the fetus and Scott Klusendorf the adult. My abilities and my body have changed as I've developed, but I am identical to the fetus I once was because I have a human nature that allows me to maintain my identity through time and change. My human nature is present from the moment I begin to exist. If I am wrong about this, then you are literally not the same person you were five years ago when your body was made up of different physical elements. Sure, you have changed, but it is *you* who changed. Your thoughts and

memories cannot exist unless *you* first existed. You can exist without them, but they cannot exist without you.

Using an illustration taken from J. P. Moreland and Scott B. Rae, consider a man entering a room.<sup>22</sup> He can enter it gradually, be in halfway, and then enter it fully. During all stages of entering, *the man must first exist in total to do the entering*. Likewise, someone cannot be in the process of becoming a human person, since one must first exist in order to enter any process; nor can we say that the fetus becomes a person as it develops, since he or she must first exist in order to do the developing.

One's past ability to function is, likewise, not decisive. Drawing another illustration from Moreland and Rae, imagine the case of newborn twins named Bill and Bob, both born unconscious.<sup>23</sup> Five weeks after birth, Bill briefly attains self-awareness, but then lapses back into a coma from which he will emerge nine months later. Bob, meanwhile, did not experience a similar self-awareness, though he too will emerge from the coma at the same moment as Bill. Suppose it is one day before both will wake up. Would anyone in his right mind say it is morally permissible to kill Bob but not Bill? The only difference between the two is functional: Bill briefly attained self-awareness in the past; Bob did not. It doesn't follow from this, however, that they have different *natures* or that Bill is a person while Bob is not.

To sum up, we *function* as persons because we *are* persons. Scott Klusendorf the fetus is identical to Scott Klusendorf the adult pro-life apologist because I have a human nature that grounds my personal identity in something that is not developmental. If not, then I am literally a different person than I was 20 minutes ago. Likewise, a fetus that lacks current functional ability is, nonetheless, a person because he or she has a human nature from the moment of existence.

#### **4. Singer Cannot Reasonably Say why Anyone Ought to Act Morally**

Throughout his book *Practical Ethics* Singer equates moral decency with a series of universal "shoulds" and "oughts." We ought to renounce material goods and give our excess wealth to the poor. We ought to increase pleasure and minimize pain. We should treat all sentient beings equally and allow infanticide if it will make room for a healthy, happier child.

Given his atheistic worldview, how can Singer say any of this? "When we reject belief in a god," he writes, "we must give up the idea that life on this planet has some preordained meaning. Life as a whole has no meaning. Life began [in] a chance combination of molecules; it then evolved through chance mutations and natural selection. All this just happened; it did not happen for any overall purpose."<sup>24</sup> That single statement precludes Singer from making any moral claims, as it absolutely precludes there being such a thing as morality. In a purely mechanistic universe, there can be no right and wrong, only what we prefer. Objective, universally binding morals cannot exist without an objective, moral lawgiver.

Singer, however, cannot acknowledge this truth without conceding some form of theism, which, of course, he will not do; hence, while he harshly ridicules those who disagree with his oughts, he absolutely vindicates them from being wrong. By comparing "acting morally" to "collecting stamps," he admits that his moral claims are mere preferences, not obligations. Why, then, am I morally required to treat all sentient beings equally? If his atheistic premise is correct, then to ask me to put other species on

equal footing with my own is ridiculous. To the contrary, nothing makes more sense in a Darwinian “survival of the fittest” universe than subjugating other species to *my* use. Ayn Rand is correct: If there is no God, we should live selfishly. In the final analysis, Singer provides no compelling reason to act morally. His practical ethics are “practically” worthless.<sup>25</sup>

## 5. If God Does Not Exist, There Can Be No Animal or Human Rights

Singer is well known for his animal rights advocacy. Sentient animals (apes, cats, pigs, etc.) deserve the same moral standing as sentient human beings. Before making this claim, however, he must answer a predicate question: Where do rights come from? Do they come from the state, in which case government is free to grant or withdraw rights (including those for animals), or are they transcendent? The problem for Singer is this: if there is no God, how can there be transcendent, universal rights that apply to animals? Singer replies with a half answer: If God does not exist, there is no justification for treating humans as inherently more valuable than other sentient beings. Perhaps so, but neither is there any justification for treating animals humanely. If the government rejects animal rights, to what can Singer the atheist appeal? Certainly not to fundamental moral rights, which by necessity are grounded in the concept of a transcendent creator who grants them. Singer’s claim for animal rights therefore exists in a vacuum.

## 6. Singer Cannot Live with His Own View

Throughout *Practical Ethics*, Singer insists that killing a newborn is not the same as killing a person; ergo, killing a newborn is morally unproblematic, right? Well, not exactly. Singer hedges with a pronouncement that we should restrict infanticide to severely disabled infants, but as Peter Berkowitz explains, the restriction derives no support from the logic of his position:

*Singer is right that on the basis of his premises there is no relevant difference between abortion and the killing of “severely disabled infants.” But why does he confine the comparison to newborn infants who are severely disabled? He certainly does not confine abortion to severely disabled fetuses. If newborns, like unborn children, are not persons, and it is permissible to abort unborn children regardless of whether they are afflicted or healthy, then newborns, afflicted or healthy, should be subject to killing too, provided of course that “on balance, and taking into account the interests of everyone affected,” their killing will increase the total amount of happiness or satisfied preferences in the world. Singer certainly offers no good utilitarian reason to confine the killing to severely disabled newborns.* <sup>26</sup>

Singer is just as inconsistent when it comes to applying his ethics to family members. *New Yorker Magazine* reports that Singer spends considerable funds caring for his mother, who suffers from Alzheimer’s Disease.<sup>27</sup> His actions, while laudable from a theistic point of view, flagrantly violate his own moral theory. Given her incapacity to reason, recognize others, or see herself existing over time, his mother is no longer a person as defined by Singer. If he truly believes this, he should take the substantial funds spent on her behalf and use them to increase the happiness of other sentient beings, nonhuman and human, who legitimately function as persons.

Singer won't do that. Nonetheless, his case for infanticide is hardly an abstraction. Last year 14 congressional Democrats viciously attacked a bill written to protect newborns who survive abortion procedures. The message was clear: The right to choose is *not* about a woman's right to end a pregnancy; it's about her right to a dead baby. Meanwhile, Wichita abortionist George Tiller kills fetuses in the third trimester of pregnancy (for only mildly disabling defects) and raises the issue with impunity on the Internet.<sup>28</sup> Since he's not killing kitties, he gets away with it.

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- 1 Peter Singer, *Practical Ethics*, 1st ed. (Cambridge: Cambridge University Press, 1979), 122–23.
- 2 Michael Tooley, "Abortion and Infanticide," in *Rights and Wrongs of Abortion*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon (Princeton, NJ: Princeton University Press, 1974), 57.
- 3 Jeffrey Reiman, *Critical Moral Liberalism* (Lanham, MD: Rowman and Littlefield, 1997), 121.
- 4 Peter Singer, *Practical Ethics*, 2d ed. (Cambridge: Cambridge University Press, 1993), 142.
- 5 *Ibid.*, 171, 188.
- 6 *Ibid.*, 169.
- 7 *Ibid.*, 185–86.
- 8 *Ibid.*, 110–11.
- 9 *Ibid.*, 55–63, 110–17.
- 10 *Ibid.*, 173.
- 11 *Ibid.*, 191.
- 12 *Ibid.*, 186.
- 13 *Ibid.*, 172. Of course, fetuses and newborns have no "interests" according to Singer.
- 14 Arthur Ide makes essentially this same argument in *Abortion Handbook: The History, Legal Progress, Practice and Psychology of Abortion* (Las Colinas: The Liberal Press, 1986), 21–26. See also, Carl Sagan and Ann Druyan, "Is It Possible to Be Pro-Life and Pro-Choice?" *Parade Magazine*, 12 April 1990.
- 15 Charles Darwin, *The Descent of Man in Relation to Sex* (New York: D. Appleton & Co., 1896), 564.
- 16 Cited in Stephen Jay Gould, *The Mismeasure of Man* (New York: Norton, 1981), 104–5.
- 17 H. Kuhse and Peter Singer, *Should the Baby Live?* (New York: Oxford University Press, 1985), 133.
- 18 Scott B. Rae and Paul Cox, *Bio-Ethics: A Christian Perspective in a Pluralistic Age* (Grand Rapids: Eerdmans, 1999), 169.
- 19 *Ibid.*, 159–69.
- 20 Francis J. Beckwith, *Abortion and the Sanctity of Human Life* (Joplin: MO: College Press, 2000), 73.
- 21 *Ibid.*, 74.
- 22 J. P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and the Crisis of Ethics* (Downers Grove, IL: InterVarsity Press, 2000), 253.
- 23 *Ibid.*, 74.
- 24 *Practical Ethics*, 331.
- 25 I am not suggesting that atheists such as Singer cannot act morally. They can; but why *ought* they act morally given their rejection of a moral lawgiver? Singer's problem is that he cannot ground his moral claims ontologically. For an excellent discussion on this problem for atheists, see Paul Copan, "Can Michael Martin Be a Moral Realist?" *Philosophia Christi*, series 2, 1.2 (1999). See also Bill Weaks, "Practically Nonsense," [www.firstgen.org](http://www.firstgen.org).
- 26 Peter Berkowitz, "Other People's Mothers," *New Republic*, 10 January 2000.
- 27 *Ibid.*

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28 See Gregg Cunningham, "Cyberculture of Death: Abortion Online," *National Review*, 10 November 1997.

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