

Is infanticide ever morally permissible?

This essay contends that infanticide is permissible if and only if the following condition (“Condition” hereafter) holds: no one is willing to adopt and raise the infant upon full and informed consideration of the infant’s condition and the cost of adopting the infant. This essay admits the moral principle argued by Tooley (1972) that human infants do not have a right to life, but it contends using Tooley’s analytical framework that there are other moral relevance that should be taken into accounts and *could* reverse Tooley’s conclusion. This essay then put forward Condition to reconcile with Tooley’s main arguments and consider several possible objections.

It should be acknowledged that the some points of this essay is considered by Tooley (2013) as a possible attack in a short essay *Infanticide*, but he didn’t offer a response there. This essay echos with Tooley’s (1972) choice of terminology that “person” is used as a moral concept, i.e. a person is what has a “serious moral right to life” (Tooley, 1972, p.40).

This essay begins with a review of Tooley’s (1972) argument. Tooley considered *desire* as a critical concept that determines *right*. Specifically, if a person desires X, then others are “under a prima facie obligation” not to engage in actions that would derive him or her of X. Tooley didn’t explain how a prima facie obligation can become a bona fide one, and this essay will explore a little on this point. Tooley concluded from the incompetence of new infants to have a concept of a self “as a continuing subject of experiences and other mental states” (Tooley, 1972, p.62) that infants don’t have a serious rights to life. This essay makes no objection to this point.

However, it can be observed that people tend to *believe* that the infant is a person. Such beliefs are likely to induce a desire that the infant should not be killed, and according to Tooley (1972) would induce a prima facie obligation for others to refrain from actions that endanger the infant’s life. We now examine whether this obligation is bona fide. This essay contends that it is indeed a genuine obligation that should be honored by Condition.

This essay provides three grounds that this obligation is bona fide. The first ground

is categorical in nature, it directly reveals how desires of people imposes an obligation, however weak it is, to refrain from infanticide. The remaining grounds take a view of consequentialism; they hold that obligations arise as a result of negative consequences of infanticide, and it follows from people's desire of absence of negative consequence that one should refrain from infanticide. There are other grounds available for certain categories of infanticide, for example, sex-selective infanticide (Kumm, Laland, & Feldman, 1994). This essay won't give a detailed discussion of them and only deals with the general action of infanticide due to word limit. This essay will also reveal how Condition relates to these three grounds, and it will show that Condition is both sufficient and necessary.

The first ground concerns relevancy, i.e. why people's desires should be (morally) considered by the potential infanticide¹. Relevancy is important because, for example, a person's genuine desire for another person's property doesn't induce an obligation for the latter to give the property to the former. Depending on holders of desires, this essay gives three reasons for relevancy. Firstly, an infant is a result from the mother's 40 weeks' pregnancy and other people's caring and raising during and after pregnancy; those hard work is morally relevant, so their desires should be considered. Secondly, family members have emotional attachment to the infant, and those emotional attachments seem to be relevant as well. For example, brothers and sisters may grow love for the infants. Although it is debatable whether family creates relationship that is morally relevant enough, this essay assumes most people believe the answer is affirmative; for example, Rawls (2001) included family as a *basic institution* for justice, which imply family's moral relevancy. Therefore, the family's desires should also be considered. Lastly, for the most controversial case where the desire, however misled, is possessed by a general person in an abstractly toward infants as a group, this relevancy argument starts with the situation where a person R sees another person P unconsciously in danger and feels a desire to rescue P. With no doubt, such desire is justified and induces bona fide obligations for others not to restrain

¹ The word *infanticide* also means the person who commits the act of killing an infant

his rescue. It can also be noted that such desire is solely decided by R's belief and has little to do with P's own desire to life. If R believes (with autonomy, e.g. not brainwashed etc.) that P is a person who's worth saving, the desire is justifiable, because R is entitled to the rights of moral judgment. This argument thus holds for general people's desire that infants shouldn't be killed, following from rights of moral judgment similarly.

Next this essay will discuss how Condition ("no one is willing to raise the infant upon full and informed consideration of the infant's condition and the cost of adopting the infant") relates to this ground. Firstly, moral weight of obligations brought by a person's desire decrease if the person is capable but refuses to act on such desire. It is a reasonable expectation that those who hold the arguably misled desire that infants should not be killed have sufficient resources, since they are large in amount in present society. Therefore they do have capability in adopting and raising an infant. When they fail to act, either because of the infant's condition (e.g. severely deformed), or because of the extraneous cost of adopting an infant (e.g. establishing orphanage in poor rural areas), their desire that infants should not be killed no longer bear the same moral weights that induce a bona fide obligations. Secondly, the situation of potential infanticide should be taken into consideration. Reasonably amount of perceived difficulty is expected in the case of infanticide, even in the case of Struggling Author who perceived disturbance and repeatedly kills his/her infant child. The desire of infanticide is more relevant than the desire of a general person who holds that infanticide is impermissible. Since this essay agrees that infants don't have a right to life, the burden beyond presenting an opportunity for those who believe otherwise to adopt an infant is undue. Such undue burden can't be justified in view of the more relevant desire of the infanticide to kill an infant. Therefore, this essay holds that Condition is *sufficient* for infanticide to be permissible. It follows from the last graph that Condition is also *necessary* for infanticide.

The second ground is utilitarian in nature. This ground is mentioned in Tooley (2013) as a possible attack, although Tooley didn't respond to it there. People who believe

that infanticide results in loss of a *person's* life can feel overwhelming anguish and anger, especially when the infant is healthy. This can be the prevailing response from the public in present society should such a infanticide was reported. Utilitarianism holds such emotional disturbance morally relevant and thus suggests that infanticide is likely to be impermissible.

The basic line of analysis for Condition's implication in this ground concerns the definition of utility. This essay doesn't adopt Bentham's (n.d.) plain definition of utilitarianism that utility is the sum of every person's happiness. Instead, it concurs with Mill (1861) that some pleasures are intrinsically valuable than others. This essay holds that infants don't have a right to life and people's desires that infants should not be killed are misled. Misled desire should induce an intrinsically inferior utility. Examining Condition before infanticide makes sure that this inferior utility can be satisfied without undermining the utility of the infanticide. When Condition fails and different utilities are in conflict, it follows that inferior utility induced by misled desire should succumb.

The third ground, echoing with Warren's (1984) argument and related directly to Condition, is that many families around the world would happily adopt an infant and raise him or her to an adult. Warren also noted that such demands outgrow supplies and potential parents have to wait for years for adoption. Infanticide discredits the aspiration held by these families, and thus is discredited from the perspective of utilitarianism.

The Condition is directly involved in this ground. It follows from this ground that one should examine whether someone is willing to adopt an infant before performing infanticide (necessity of Condition). If no one is willing to adopt the infant for whatever reasons, such utility diminishes (e.g. the infant is severely deformed) or is already harmed by other factors (e.g. absence of institutions for adoption) and thus no longer bears moral implications of infanticide.

There is a potential additional ground based on anthropological research for holding that people's antipathy of harm to *children* induces an obligation to refrain from infanticide. It is based on the effect of infanticide on survivor children of infanticide, which

are persons. Divale and Harris (1976) has conducted extensive anthropological research on on female's infanticide as a consequence of warfare. Their research suggested that widespread infanticide could bring emotional and psychological damage to children, especially survivors of infanticide. However, there are debates over the long-term influence of infanticide on children and some anthropologists on the contrary reported on the caring and affection parents responsible for infanticide showed toward their other children ("New World Encyclopedia on Infanticide," n.d.). In any events, love and affection by parents is generally expected and by no means is a consequence of infanticide, while the negative effect of infanticide on children is condemnable in a consequential point of view.

A possible attack to this essay's argument is the following: if infanticide is not permissible unless Condition holds, it follows that abortion is not permissible and pregnant women who are unwilling to raise the child should give birth and send the infants to, for example, orphanage for others to adopt. This essay responds to this attack by considering how the line of analysis for Condition applies to abortion. For the first grounds, it is true that there are people who genuinely believe abortion is murderous and morally impermissible. However, following the same arguments as in analysis of Condition, there is a perceived difficult for pregnant women and her desire of the absence of such difficulty is more relevant than the desire of a general person for the fetus to live. This essay concurs with Tooley (1972) that fetus doesn't have a right to life, so no burden can be justified against the pregnant women's desire, and the first ground will hold that abortion is permissible.

In conclusion, this essay argues that infanticide is permissible if and only if the following Condition holds: no one is willing to adopt and raise the infant upon full and informed consideration of the infant's condition and the cost of adopting the infant. It provides a ground following a line of analysis similar to Tooley (1972) and two grounds based on consequentialist arguments. It reaches a conclusion different from Tooley's, and it analyzes how Condition can be introduced to those grounds to reconcile with Tooley's

stance when no one is willing to adopt and raise the infants. It finally considers a possible attack from proponents of abortion and holds that this essay's ground does not contradict with permissibility of abortion, completing its defense of the argument that infanticide is permissible if and only if Condition holds.

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