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## *Not a Modest Proposal: Peter Singer and the Definition of Person*

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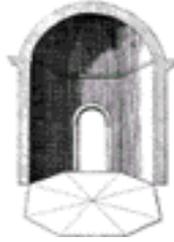
The July 1998 announcement of Peter Singer's appointment to the chair of bio ethics at Princeton University's Center for Human Values as the Ira W. DeCamp Professor of Bioethics raised a very loud controversy, largely due to Singer's favourable opinion of infanticide.<sup>1</sup> The present paper is not the forum in which to recount this well publicized and often overly emotional conflict. Indeed, sustained critical discussion of the issues at hand was often found lacking in this debate.<sup>2</sup> Generally the debate included on the anti-Singer side people who had read little of his works, or who had perhaps merely heard his views second hand. The student newspaper of Princeton, the *Daily Princetonian*, documented many instances of this kind of opposition. On the other hand, his supporters tended to reply with accusations of quotations taken out of context and calls for academic freedom. This present paper is not interested in this debate, but rather concerns itself with the way in which Singer views the distinction between the human being and the person. It is this distinction which grounds his position on infanticide, and thus it is to this that we must turn.

In this paper I take issue with Singer's use of the distinction between the person and the human. In so doing, I first explain Singer's basic position on personhood and sentience, and the relative value of organisms named under these two terms. With this discussion in hand, I then lay stress on a simple and repeated dictum of Singer's: the newborn infant up to the age of one month is not a person. This leads us to the position that the only possible ground for the selective infanticide of disabled infants is that newborn infants, healthy or not, are not persons, primarily because they lack self-consciousness. Then I investigate his ideas of personhood and self-consciousness as abstractions. Finally, in conclusion, I offer some observations drawn from Jonathan Swift.

### *The Human and the Person*

The separation of the concept *person* from that of *human* is neither a novel nor spurious distinction. For instance, the scholastic formulation of the doctrine of the Christian trinity holds this distinction as self evident: although God the Father and God the Spirit are not humans, the doctrine considers them to be persons. And on a more mundane level, no problem attaches itself to the *conceptual* difference between the human and the person. We could agree that medicine has concentrated on the human (i.e. the physical), and psychology on the person (i.e. on the spiritual), for instance. No doubt this medical distinction is being challenged by the popularity of holistic medicine, but it is no exaggeration to claim that most medical research is interested in the body as a living machine, i.e. in its pure animality. The distinction between human and person could also indicate a legal distinction: although a human being is physically able to harm another human being, a person generally may not and is held accountable for such an action; the person is the locus of guilt, responsibility, praise, and so on, as Locke tells us in his *Essay Concerning Human Understanding* (II.27.18).

Locke advanced this conception, explaining that the human is essentially a specific type of animal, which in turn is a being possessed of a living organized body (II.27.8-9); on the other hand, the person is essentially an intelligent being possessed of reason and an understanding of itself as existing over time (II.27.9). Locke's understanding of this distinction has of course been quite influential since its publication, and Singer is explicitly indebted to Locke's *Essay*, as he tells us in *Practical Ethics* (76).



However, even though Singer takes this distinction over from Locke, and even though he borrows Locke's definition of the person as rational self-consciousness aware of its past and future, Singer does not follow Locke in granting basic protection to the human being when the human being is considered in distinction from the person. To wit: while discussing the incomplete nature of our understanding of the human species, Locke suggests that if a being is a human, to kill it intentionally is murder (III.6.27). The problem for him is to distinguish the human being from the non-human being:

And I imagine, none of the Definitions of the word Man, which we yet have, nor Descriptions of that sort of Animal, are so perfect and exact, as to satisfie a considerate inquisitive person; much less to obtain a general Consent, and to be that which Men would every where stick by, *in the Decision of Cases, and determining of Life and Death, Baptism or no Baptism, in Productions that might happen* (III.6.27; emphasis added).

For Singer, such decisions do not depend on the specific species of the being, but rather only on its personhood.

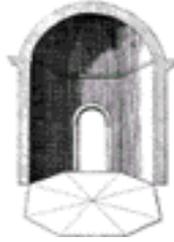
Thus Singer holds a non-speciesist view of ethics and does not consider human life to be of absolute value, but instead teaches that what has the most value is the life of the person; hence, the definition of the person is paramount to his ethics. Accordingly, he tells us in his *Practical Ethics*: "there could be a person who is not a member of our species. There could also be members of our species who are not persons" (PE, 76). Following Locke, a person is at least in part self-conscious and rational, characteristics of which not all members of the species *homo sapiens* can boast: e.g. 'mental defectives' (Singer's term, at least in the first edition, which he changed in the second edition to the 'mentally disabled'), or even simply newborn infants.

Since human persons exhibit self-consciousness and reason, non-human persons are animals which exhibit self-consciousness and reason, like chimpanzees as evinced by those that have been taught sign language. However, self-consciousness is notoriously difficult to ascertain in an other animal than the human. Thus, if we cannot be certain that a particular animal is self-conscious and rational, then that doubt should be enough for us to treat it as if it did (PE, 98). Hence, a person is a rational self-consciousness being, whether this rational self-consciousness is explicitly manifest or merely suspected.

#### *The Value of Personhood*

Singer finds four characteristics within this rational self-consciousness which he can use to indicate why it is worse to kill persons than 'non-persons' (PE, *passim*). Since these characteristics function as reasons against killing persons, Singer takes them as the value of personhood. If a being can exhibit any of these characteristics then that being is a person and worthy of special consideration (PE, 78-84). These four marks are: (i) A rational and self-conscious being is aware of itself as an extended body existing over an extended period of time. (ii) It is a desiring and plan-making being. (iii) It contains as a necessary condition for the right to life that it desires to continue living. (iv) Finally, it is an autonomous being.

The first of these marks derives from the classical utilitarian school of Bentham, Mill, and Sidgwick.<sup>3</sup> Utilitarians hold that pleasure is to be increased, or at least pain avoided. The principle of utility is the invention of Bentham, and is basically a moral calculus in which one makes a decision after having measured all of the negative and positive aspects of an act up against one another. If the calculus reveals more negative units than positive units the act should not be carried out, and if the positives outweigh the negative then the act is morally acceptable.



Key to this ethical programme is that we cannot take moral decisions from a personal point of view, but rather that we must weigh up the pros and cons from within a universal perspective, upon which we then must objectively decide. Bentham's *Introduction to the Principles of Morals and Legislation* goes into quite some detail laying out how we are to take account of the act's intensity, duration, certainty or uncertainty, propinquity or remoteness, fecundity, purity, and extent.

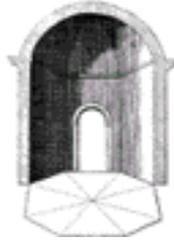
In the present form of utilitarianism, we are considering first that a person is aware that it has a future. Now, the extension of a person's life beyond the present holds the promise of a certain quantity of pleasure. Since pleasure is experiential, if the person dies 'instantaneously' (*PE*, 79), i.e., painlessly, with a future and future plans still ahead, no evil attaches to this loss of potential good, qua the loss of this potential good. Thus, future but non-experiential pleasure is simply not yet in the equation as it is not yet real — it is not calculable. So the future aspect of a person's life offers the utilitarian no direct reason to respect a person's life. However, classical utilitarianism does hold an indirect reason for valuing the continued life of a person: if a person begins to fear for its future in the form of an unwelcome physical attack on its mortality, that person's pleasure is reduced.

The second of these marks derives from preference utilitarianism. Simply: it is wrong to kill a being who prefers to stay alive; a being who can prefer to stay alive is a person; hence it is wrong to kill a person who prefers to stay alive. Since that person wishes to stay alive, to kill it is to frustrate a present preference which makes it happy.

The third of these marks derives from the American philosopher Michael Tooley, and his contribution is basically a combination of the above two marks. Singer paraphrases Tooley, "the only beings who have a right to life are those who can conceive of themselves as distinct entities existing over time" (*PE*, 82); now as we have seen, only persons can think of themselves as existing over time, and thus only persons have a right to life.

This conclusion is reached via the fact that the person has desires attached to its rights, and desires involve the future. That is, if a person has a right to something, there should be a corresponding desire for the fulfilment of that right. If a right is revoked or ignored, then a desire is frustrated. If I have the right to property, then its being stolen is a frustration of my desire to own it. But, as Tooley says, if my property is stolen and I have no real desire to retain it, then it would not be proper to say that my rights were violated because no desire was frustrated. Hence, rights must be accompanied by volition. Now, since my desire to retain property makes concrete my right to it, my desire to live assures my right to life. Hence, only a being which has an explicit desire to live has a right to life. Significantly, Singer does not seem comfortable with this argument, claiming only that he "know[s] of no better argument" than Tooley's argument for the right to life, a right Singer says is merely "alleged"<sup>4</sup> (*PE*, 83).

The fourth and final mark is rather non-utilitarian. Autonomy has a rather Kantian ring to it; however, autonomy is here understood as the ability to choose and act on those choices, a definition which seems to bring autonomy well within the utilitarian orbit described above. This connection is shown further by autonomy's application to the value of life: an autonomous person has the right to expect others to respect his or her choice to continue to live, which comes close to the second and third marks. But utilitarians do not accept autonomy in its own right and could provide arguments from its classical or preference formulations which would override any claims from autonomy. For instance, the classical utilitarian could claim that the person's autonomy could be overridden by a larger good.



### *Sentience and Interest*

For these reasons, we have a special moral duty toward persons. However, the above marks only delineate why it is worse to kill persons than non-persons; we are still to treat (and most often protect) non-persons according to the strict utilitarian calculus of pain versus pleasure. We must then extend our concern to any sentient being, and Singer defines a sentient being as a being that can suffer (cf. *PE*, 102).<sup>5</sup> We owe this duty not primarily because of human self-consciousness or rationality, but precisely because of our commonality with animals: we all can suffer. Singer in fact praises Bentham for his recognition that we ought not to base our treatment of animals on the fact they do not have reason, but rather on the question of whether or not they suffer (*PE*, 50). If they suffer, our treatment must reflect this, and we would have some responsibility toward them. Since some animals seem to suffer, we have a responsibility toward those that do. Thus there is no biological boundary for ethics, a boundary removed by sympathy. In Singer's words:

The capacity for suffering [is] the vital characteristic that entitles a being to equal consideration. ... the capacity for suffering and enjoying things is a prerequisite for having interests at all, a condition that must be satisfied before we can speak of interests in any meaningful way ... if a being suffers, there can be no moral justification for refusing to take that suffering into consideration ... *if a being is not capable of suffering, or of experiencing enjoyment or happiness, there is nothing to be taken into account. This is why the limit of sentience ... is the only defensible boundary of concern for the interests of others* (*PE*, 50; emphasis added).<sup>6</sup>

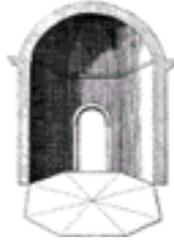
This concept of interest is in service of Singer's re-tooling of the principle of utility. Singer does not develop the finer details of Bentham's calculus, such as fecundity etc., and instead focuses on what he sees as Bentham's fundamental insight: ethics is based on pleasure, i.e., the avoidance of pain. An

ethical act is an act which causes no pain, or if it does, a greater amount of pleasure (or good) must compensate for the pain. To have an interest, as we've seen above, means to be sentient, and to be sentient is to have the possibility of being inflicted with pain. Hence, Singer's re-tooled principle of utility is simple, and I quote:

This means that we weigh up interests, considered simply as interests and not my interests, or the interests of Australians, or of whites. This provides us with a basic principle of equality: the principle of equal consideration of interests (*PE*, 19).

Consider an example that Singer himself gives of this principle in action (*PE*, 21). Say I, a paramedic, come across two victims of an earthquake; one has a gashed thigh, and the other a crushed leg. Now, I only have two shots of morphine. If I followed a principle of mere equality, I would have to split up the morphine equally among the two. But Singer's calculus arrives at a different decision: the person with the crushed leg gets both shots, and the gashed leg victim gets none. Singer reasons that one shot each will not meaningfully reduce the pain of the crushed leg to the same extent that it would the gashed leg, so it would be an injustice to waste it on the victim with the gashed leg: "equal consideration of interests is a minimal principle of equality in the sense that it does not dictate equal treatment" (*PE*, 21).

More importantly, he also uses this argument from sentience to argue against killing non-human non-persons (e.g. fish): we ought to refrain from such killing since usually whatever benefit we gain from them, such as food, is outweighed by their loss of life, i.e., by their loss of pleasant experiences (*PE*, 99). That is, "the principle of equal consideration of interests does not allow major interests to be sacrificed for minor interests" (*PE*, 55).



Hence the hedonistic calculus tends to argue for their continued lives, but there are cases within which the calculus would sanction their death. Thus, their lives have no intrinsic value since their only value is assigned from within this calculus. Still, we are to consider them as independent terms whose interests play a role in this calculus of valuation. Further, the death of such a non-person literally cancels out its life, or better, its life and death cancel each other out, precisely because the non-person cannot reflect on either (*PE*, 103); only a person is aware of its own past and future. This indicates that the death of a non-person is not evil in itself, as long as the hedonistic calculus indicates that its death will serve a larger good. In sum, we must take the interests of both persons and non-persons into account in our ethics.

#### *Human Non-persons*

Singer has well established why we must treat non-human non-persons humanely. What, then, are our obligations toward human non-persons (i.e., humans lacking reason and self-consciousness)? Consider this quotation:

So it seems that killing, say, a chimpanzee is worse than the killing of a gravely defective human who is not a person. At the present the killing of a chimpanzee is not regarded as a serious matter (*PE*, 97).

A person embodies reasons to be respected per se. Yet this is not so for non-persons, who owe their respect merely to external factors, that is, to the application of the hedonistic calculus. We are to respect a chimpanzee per se — that is, we are to protect its life and happiness because it is a chimpanzee and thus a person (Singer is here decrying our general failure to treat chimpanzees as persons). Now, when Singer says “defective humans who are not persons,” he does not mean that defective humans are not persons, but that some humans who are defective are also not persons. He means the brain dead, severely handicapped infants, and so

on. Those defective humans that Singer does not consider to be persons do not deserve this protection in themselves and must rely on external factors. We have no obligations to them which we would have to any person.

Thus, Singer and his colleague Kuhse claim that their speaking engagements in Germany were opposed and often canceled “by pressure from people opposed to Peter Singer’s advocacy of euthanasia for severely disabled newborn infants” (*BLT*, 130). However, Singer does not restrict his positive opinions on euthanasia (i.e., infanticide) to severely disabled infants — they extend to all newborn infants in general. In fact, his writings are so peppered with this idea that it is odd that his only German opponents would be disabled rights activists.

Peter Singer does not consider a newborn to be a person. Recall that a self-conscious and rational person has four characteristics. (i) A person is aware of itself extended in time. (ii) A person is a desiring being who can desire to keep on living. (iii) A person’s desire to continue to live is its right to live; and (iv) an autonomous person has the right to be free of the radical heteronomy of someone else killing it.

None of these reasons for not killing persons apply to any infant. Not the first, since no infant will be afraid of being killed by a policy of infanticide, simply because it cannot grasp this policy. Further, no adult should fear his or her own death as the policy would be clearly aimed at infants. Not the second, because the infant does not know itself as a temporal being desiring to live. Not the third, because no infant consciously has the will to live, and thus no right to life. And not the fourth, as the infant is thoroughly determined by heteronomy. In sum: “the grounds for not killing persons do not apply to newborn infants” (*PE*, 124).



This is not the advocacy of infanticide for infants, disabled or not. Neither, however, is it opposition. Yet, when Singer decries his organized German opposition in *BLT*, he does not concern himself with whether or not he is advocating infanticide. Instead, he criticizes the view that all human life is of equal value. Thus he has a fondness for repeating that many cultures outside of the Christian cultures have and continue to practice infanticide.<sup>7</sup> He thinks that Christianity is, in fact, a “deviant tradition” (*STBL*, 111 ff.) which is on the wrong side of history in placing an inordinate value on all human life in equal manner, while excluding any non-human animals from this equality. Yet beyond the question of animal equality, Singer argues that infanticide is either necessary or, at least, advantageous for human survival. Like Freud before him, Singer thinks that Christianity has a deleterious effect on the life instinct,<sup>8</sup> but Singer's works generally display a less developed version of both Christianity and the life instinct than do those of Freud (which is borne out by the sheer number of works Freud dedicated to these topics, and the complexity of their treatments); for instance, Singer simply condemns Christianity for holding back ethical progress through its “no longer generally accepted” (*PE*, 77) doctrines regarding the immortality of the soul and the existence of God.<sup>9</sup>

#### *The Case of Haemophilia*

In *Practical Ethics*, as well as in *Should the Baby Live?*, he claims that infanticide is legitimate even if a baby's disability — or defect — is not thoroughly serious. He grants that it is justifiable to kill babies with less severe forms of spina bifida and Down's Syndrome because the burden in raising defective children is too much for parents (e.g. *PE*, 138). Thus Singer exonerates even the infanticide of haemophiliacs. This case is, in fact, particularly enlightening.

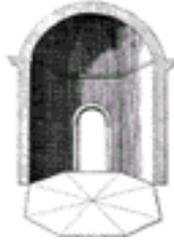
The Haemophilia Society (UK) tells us:

Parents of a baby with haemophilia should remember with the developments in treatment over recent years, most children with haemophilia are able to lead normal, active and productive lives ... With good treatment the boy with haemophilia has every chance of growing up as an active, fit child who can participate in family, school and work life ... prompt and adequate treatment became available in the 1970s [for] pain [, the] feature of life for people with haemophilia (*Introduction to Haemophilia*).

Thus by the time Singer wrote *PE*, and well before *STBL*, pain — the primary notification of one's moral interest and hence moral equality — was not a debilitating factor for haemophiliacs. Yet Singer supports the destruction of this sentient and potentially personal life. Let us investigate his reasoning.

First of all, except in very *very* rare cases, haemophilia only afflicts boys, and is passed by the mother. Thus for all intents and purposes a pregnant woman can only give it to her son. When Singer wrote *PE*, no prenatal DNA test for haemophilia existed, but amniocentesis could, of course, detect the sex of a foetus (but not the presence of haemophilia). In order to avoid the burdensome birth of a haemophiliac son, Singer supports the abortion of all male children of a haemophilia carrying mother. However, since statistically only half of her male children will contract it, such a practice potentially leads to the destruction of an otherwise normal life. For this reason, Singer sees infanticide as particularly attractive, since we can wait for the birth and do the tests and then carry out the infanticide without risk of killing a “worthwhile” life (*PE*, 137-8). The parents can then try to have another baby, one without haemophilia (and presumably a girl). This reasoning justifies the actions of parents do not wish to have a haemophiliac son in place of a perfectly normal child. Or put more generally and in line with his position on newborn infants, parents wish to have a child which fits into the family.

In *STBL*, Singer nuances his position: “it is hard



to imagine anyone considering death to be preferable to life with haemophilia” (*STBL*, 66). But it is just as hard to imagine how anyone who removes the implicit personhood from healthy infants on the grounds that they are riddled with heteronomy could be surprised that haemophilia could become the grounds for abortion or infanticide. (I will return to this idea of implicit personhood below.)

Further, this discussion of the burden of disabled infants cuts against the grain of his otherwise universalist ethics. Why should a burden in my life be the ground for the cutting off of another's life? This stress on the burden a person receives is a silent way of reverting to the old position which Singer generally opposes: the position of the self, of the subject. Universally speaking, what is the significance of my burden? And why should I inflict this burden on another? If burden is the mitigating rationale, then the utilitarian calculus does not even seriously take into account the child as a sentient and independent term with its own interests, as it does in the case of fish. Instead, it asks: will this child be more or less beneficial to me; or: will my life be better or worse without this child? I have made my interest (i.e. my burden) the major interest, and the infant's interest the minor interest (if I have even considered the infant's interest at all); whereas, the fish's continued pleasant life is the major interest, and my desire for it as food is the minor interest. This does not sound like an equal application of the principle of equal consideration of interests.

The claim that parental burden is a justification of infanticide subverts the stoic position which an ethics of alterity demands — an ethics which Singer holds each time he exhorts us to pretend we are the victim of some discrimination.

Singer often admits that babies with Down's Syndrome will lead happy but simple lives, and we have seen that haemophiliacs no longer live with excruciating pain. So the burden is not theirs, but mine, the parent of such a child. Yet, Singer supports the infanticide of these children on the grounds of the burden and dashed expectations such a child brings into the family (cf. *RLD*, 213).<sup>10</sup> Further, since the infant does not share in my burden by merely providing it, it is de facto a particular (i.e., non-universal) position to hold a maxim which does not apply to the infant, nor to most others in the universe. I have put myself ahead based on my interests, for the only calculation that I have made is about myself. The only justification for this is that infants are not persons, and therefore their interests are over-ridden by mine. Although we have seen that the hedonistic calculus justifies this in certain cases, the hedonistic calculus demands that these cases be sound and universalizable.

Certainly, Singer tries to address particular interests in *How Are We to Live?*, but interestingly enough this book contains no discussion of infanticide. Singer grants in the latter book a certain primacy of individual interests, but only within bounds which he usually describes as “cooperation”; hence individual interests are valid when they mesh with some larger will. Secondly, the particularity of a parent's interest in his or her own child is also a valid interest, as long as it too remains within certain bounds. But this later discussion does not help his discussion of burden, since this burden is thoroughly particular to myself. I have in no way left myself if I judge that my disabled child is a burden to me, so there is no cooperation here; if parental burden is the reason, then all I have done is judged myself and my life. Parents who kill their progeny on the grounds of a future burden are in effect getting rid of a burden, which although it may be *at times* a universal wish, is hardly an activity carried out from the point of view of the universe.



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*From Human Non-person to Human Person*

Further, Singer and Kuhse go on to say regarding their German critics:

The first problem here is that the majority of our opponents have no understanding of what our views are. Generally speaking, articles, pamphlets and letters of protest circulated by those trying to prevent us from speaking ... were based on one or two isolated sentences taken from the German edition of Peter Singer's *Practical Ethics*. The most oft-quoted sentences were: "Killing a defective infant is not morally equivalent to killing a person. Very often it is not wrong at all." This sentence is not easy to understand without the discussion which precedes it, in which Peter Singer sets out his account of a person as a rational and self-conscious being (*BLT*, 132).

The context which is supposed to ameliorate this claim is simply that the newborn infant is not a person. But, could we not at least *suspect* self-consciousness in an infant, and when we can suspect it, ought not we to err on the side of caution? Recall that Singer has urged us to be lenient toward suspected non-human persons and treat them as if they were persons.

However, Singer suggests that since we do not know when the infant becomes self-conscious, perhaps we should draw an arbitrary limit of about a month. In *STBL* he proposes a deadline of 28 days (*STBL*, 194 f.). However, in *RLD* he pauses for a second on the thought that perhaps birth is the best dividing line; in this more recent book he calls this notion a "powerful consideration", and one on which is he "remain[s] unsure" (*RLD*, 217). But this is a fleeting consideration to which he gives no sustained treatment and which thus never truly challenges his views on infanticide.

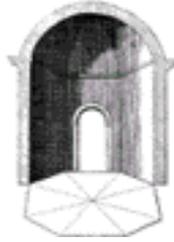
In fact, even considering that no species boundary exists within his ethics, Singer provides the distinction or privilege of humanity in the sense that humans are not immediately persons.

For, apes, it seems, are immediately persons. I quote:

This strong case against killing [i.e., the fact that some non-human animals are persons] can be invoked against the slaughter of apes, whales and dolphins. It might also apply to monkeys, dogs and cats, pigs, seals and bears. This list is not intended to be exhaustive; it selects *species* with well-developed mental faculties which we kill in very large numbers ... (*PE*, 103; emphasis added).

Here Singer does not actually argue regarding individuals at all, but regarding species. I can find no discussion in Singer on whether certain apes are persons and others not, or whether the personhood of apes has a gestation period; this privilege seems strictly reserved for humans. But, since the *species* of apes exhibits some activity characteristic of persons, does not also the species *homo sapiens*? Yet, apes qua apes are deserving of the protection given persons; humans qua humans are not. Granted, this is not Singer's point, nor perhaps even his sentiment. But this is the practical result of considering the species of apes as exhibiting traits of personhood and then applying this consideration across the board to all apes, but yet of not applying the same logic to humanity.<sup>11</sup>

In other words, the structure of Singer's argument seems to imply that only humans are born as animals and become persons. If this is not the case, why are we to refrain from killing apes on the grounds that its species exhibits traits of personhood? Singer does not ask us to refrain from killing humans, but rather from killing human persons. But Singer never makes reference to ape persons, rather only to apes (with the implication that they are persons). Hence even in Singer's view, humans seem to be a distinct, or a special case, in the realm of personal animals.



He supports his example of the personhood of primates by calling upon research which shows that certain primates have learned sign language and communicate, and that some use tools, and that some can lie, and that some can think about the future. He does not discuss those individual apes which do not, or even seriously discuss whether the inductive argument he must make from observed (*and interpreted*) facts is necessarily valid, i.e., universal. One must wonder why he sets up his discussion in this manner: why does it appear that humans must earn the title of persons, and why does it appear that certain animals receive it implicitly? This is a question for another paper, but I pose it now as it seems to me to be quite significant.

#### *Infanticide and Mercy Killing*

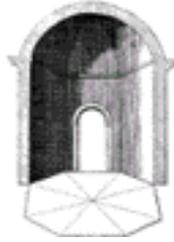
Recall that we are usually not to kill sentient beings (fish, etc.) unless on sound utilitarian grounds, because the good that we receive from doing so does not cancel out the pain we inflict on them. For disabled infants, however, the sentience argument works in reverse; the evil inflicted in the infanticide is canceled out by the greater evil which the pain and emptiness of their future life would represent. Hence, we are justified in killing them out of mercy in order to end their suffering, or in order to deny them a life full of suffering. But this concern does not exist for normal infants as they are in themselves; the value of their lives is completely external and is measurable to the extent that their family welcomes them. The utilitarian arguments regarding pleasure and pain do not apply directly to them, as they do to animals and as they supposedly do to disabled infants; the utilitarian principle of interest only applies to them indirectly in so far as they are the object (and not subject) of interest, as we have seen.

So it appears that the desire to reduce the pain and emptiness of the life with a disability is not a particularly important idea for the justification of infanticide. This is obvious in so far as Singer grounds the infanticide of defective infants rather

on the idea that they are not persons and thus have no claims on their parents. His historical examples make it clear that the main consideration of infanticide is not the supposed imminence of a miserable life for the infant, but in fact is based on the perceived survival of the family, clan, or larger group, or it is based on the capricious whim of the *pater familias*.<sup>12</sup> He also gives as a contemporary example a woman who has an abortion so as to not miss a hiking trip (*PE*, 121). But again these desires do not take into account the infant qua infant. Hence, Singer's *PE* does not emphasize the sentience argument in favour of keeping infants, disabled or not, alive; he does, however, admit in a later book that we should not “disregard the needs of an infant to be fed, and kept warm and comfortable and free of pain, for as long as it lives” (*RLD*, 220). As is made clear by his examples of infanticidal non-Christian societies, his point is that infants are to be kept alive if they fit into the family, that is, if they are accepted. Singer never applies this argument to animals; if it were, he could not complain about the extinction of certain species.

#### *The Matrix and the Development of the Person*

Let us now ask if his idea of self-consciousness and hence personhood is not abstract; for an account which does not rely on an arbitrary date for the acquisition of personhood is probably a better account with which to describe the genesis of the person. Such an account could at least possess the conceit of being a necessary and organic description. Some psychoanalysts argue that the primary self-consciousness of the infant is a fusion with the mother. Echoing this, the philosopher Merleau-Ponty, in his 'The Child's Relations with Others', holds that our self-consciousness is in fact thoroughly syncretistic until the stage described by Lacan's mirror stage (which Merleau-Ponty places a bit later in life, at the so-called terrible twos), and that traces of this syncretism last throughout our lives.



Put in practical terms: the infant has no thought of itself as an individual limited within the boundary of its own body, but has a type of recognition of the system which it and its mother form, which helps to explain why certain infants will not accept a baby bottle, or any other person than the mother. Merleau-Ponty interprets the terrible twos as the attempt of the child to localize its self-consciousness within the boundary of its own body — which is also the meaning of the mirror stage. Is not this prior fusion a type of implicit self-consciousness? If the mother-child fusion is asymmetrical, as it is when the mother rejects the infant, is this grounds for saying that no self-consciousness exists? This putative absence of personhood rests only on Singer's definition of such in terms of discrete self-consciousness. His definition is purely subjective and one-sided (i.e., abstract); Singer takes self-consciousness as something immediate — that is, self-consciousness is something non-relational and unitary.

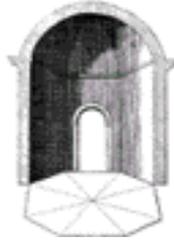
Merleau-Ponty's approach has the advantage of not requiring an external procedure for acquiring personhood. Instead, the self-conscious person was there from the beginning, at first only implicitly, and later explicitly. And though the infant is not self-conscious of its localized personhood, it grows into such. The infant is born with a context, or better, a matrix, which provides the self for which it is to become conscious. The infant is not an individual or a singularity; it is a third, which means it already contains a history. The process of personhood includes the gradual appropriation and significating of this history. Thus what the infant shall be once explicitly a person is already present in the infant implicitly. We become persons — this much is true, but this only means that our personality is not static; it develops. Or put differently, the child does not develop into a person, but develops as a person, and discrete self-consciousness is merely an important stage along the way.<sup>13</sup> This is what the mother-child fusion teaches us. But Singer abstracts becoming and thinks this becoming is a *creatio ex nihilo*. It is not a gradual working out of distinctions, but an instan-

taneous fiat. For him, first there is no person, and then there is a person: “although it [the newborn] may develop into a person, it cannot strictly be said to have an interest in surviving *to become* a person, because it *lacks psychological continuity* with the person it *may become*” [STBL 140; emphasis added].

But this is an abstract way of understanding becoming, one in which that-which-is-to-become and that-which-has-become are separated by a gulf, a chasm, wherein one has value and the other none. This gulf is only bridged by one of two things: the attainment of self-consciousness, or the recognition of the other, i.e., the conferral of personhood. Yet, since immediate self-consciousness is an arbitrary way of defining personhood, both manners of attaining personhood are the same; for Singer in effect confers personhood on an animal when he claims that that animal is a person the moment it attains self-consciousness. If this rings untrue, consider the converse; Singer denies personhood to the non-self-conscious. Personality, then, is not inherent to a human being, but something conferred and hence something external.

#### *On Houyhnhnms and Yahoos*

My title is of course a reference to Jonathan Swift's satire, “A Modest Proposal,” in which Swift recommends the eating of children as a solution to the economic woes of 18th-century Ireland and the high birth rate among its poor. Although I see many interesting lessons contained within this work — not the least of which is the vision of a society which reduces its children to factors in a hedonistic calculus — I wish to turn to another Swift piece by way of conclusion, and very briefly reflect on the relationship between the Houyhnhnms and the Yahoos in *Gulliver's Travels*. Swift presents the Houyhnhnms as thoroughly rational creatures, persons even, who happened to be horses. Yahoos, on the other hand, are described by Swift as the “most filthy, noisome, and deformed animal which nature ever produced”; they are also irrational creatures and thus non-persons in our

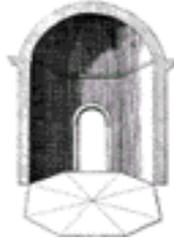


account above. Since the Houyhnhnms are rational, they take themselves to be superior to the Yahoos, to the point where they held the power of life or death over them. Now, since Singer once seems to have fashioned himself as a Houyhnhnm — he bases a call for animal liberation on a thought experiment in which he first thinks of himself as a human, then as a horse, and then as a being in between the two, a kind of rational horse (*PE*, 89-90) — I propose that he instead thinks of himself as a Yahoo, that “lump of deformity and diseases, both in mind and body.” I propose this not out of malice, but instead out of the objectivity and distance afforded by a thought experiment; for Singer's ethics are an ethics of universality fueled by alterity — i.e., an ethics of putting oneself in another's shoes. In thinking himself thus, he

would only be following Swift's intentions; we are to realize that we in fact are Yahoos; Yahoos are merely a trope for our base nature, base here meaning both our innocent biological composition *and* our tendency toward gross sensualism. Yet, we are also the Houyhnhnms, who are but tropic for our rationality, which includes not just the laudable aspects of good thinking, *but also* the tendency toward abstraction and over-generalization. To separate these two — incarnation and intellect — is to return to the modern dualism which is supposedly long past us postmoderns. But this is the tack Singer has sailed by reducing newborns to non-personhood; a newborn is merely an incarnated pain-receptor having no ‘psychological continuity’ with its future personhood. This makes the infant into a Yahoo who is subject to deliberation by the brainy Houyhnhnms. And, according to Swift, some Houyhnhnms made lamp shades out of Yahoos.

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### Notes

1. Singer was at Monash University, Australia, at the time of his appointment. He received his BA and MA in philosophy from University of Melbourne in 1967 and 1969 respectively, and in 1971 he completed his formal education by taking a B. Phil. from Oxford, whose press published his B. Phil. thesis as *Democracy and Disobedience* (1974). He is the author of many books and articles, and has edited a number of readers in bioethics and animal liberation. His most influential works are *Practical Ethics* (Cambridge UP, 1979), *Should the Baby Live?* (Oxford, 1985; with Helga Kuhse), and *Animal Liberation* (Granada, 1976), often taken as the bible of the animal rights movements. He is also the author of *Marx* (1980) and *Hegel* (1983), both published under OUP's Past Masters Series.
2. A work, *Singer and His Critics*, appeared as this article was going to press, and hence I did not have the chance to integrate its discussion of Singer's thought. But I can add that the first article, written by editor Dale Jamieson (a friendly critic of Singer's), does an excellent job of placing the Princeton affair in a critical context through a lively overview of Singer's life and thought.
3. Singer thinks that ethics should be based on the enlightened self-interest model, where the good can be conceived of as an ulterior motive. He considers the Kantian duty for duty's sake to be a "confidence trick" which robs persons of their intelligence (*PE*, 211). I said his is in the enlightened self-interest *model*, for he does not have the self at the centre of his ethical considerations, or better: the self is to be stripped of all particular interest and be made identical with the "most objective point of view possible," which he identifies with Sedgwick's "point of view of the universe" (*PE*, 219), an ethics of alterity. Hence the good as an ulterior motive is a way of achieving some cosmic morality, the ultimate and explicit aim of which is "utopia" (*PE*, 219). Singer, in a word, is aiming at an ethics in which difference and singularity is sublated. In *How Are We to Live?*, Singer modifies this position by illustrating that the universal, although the most important sphere, is just a sphere and that it is possible to make morally good choices out of self interest, which for instance his discussion of parental love shows.
4. Singer thinks that any talk of rights short-circuits discussion. Rights, like axioms, are first principles beyond discussion, and hence not proper in any ethical dialogue. Cf. *STBL* 131.
5. Singer marks off the boundary of sentience in this fashion: "but somewhere between a shrimp and an oyster seems as good a place to draw the line as any, and better than most" (*Animal Liberation*, 178).
6. In his survey of various ecological positions, *Toward a Transpersonal Ecology*, Warwick Fox correctly sums up Singer's thoughts: "Beings that have interests ought to have their interests taken into account in the context of actions regarding them irrespective of the species to which they belong. If an entity is not sentient, on the other hand, then it is incapable of having any interests of its own and thus is not owed any consideration in and of itself in the context of actions regarding it" (164). Fox charges Singer with what could only be called "sentientism" (my, not Fox's, term); Fox finds it arbitrary that Singer has limited ethics to the realm of the sentient (168).
7. Singer often uses historical examples of infanticide as proof for its validity or reasonableness, but he thinks the quite common historical practice of slaughtering animals for food must be overcome (i.e., historical acceptability offers no proof for its validity). Generally passed over in silence too are the eating habits of these infanticidal peoples, and the garments that they wear, etc. For this overcoming of the last "3,000 years of Western civilization" (*IDA*, 1), please see Singer's introduction to *In Defense of Animals* (*IDA*, 1-10).
8. Singer thinks that the cases of primitive and antique infanticide are all geared toward the concept of survival, whether it be personal, familial, tribal, or even - going far back enough - anthropological and hence evolutionary. As well, Singer is no friend of Freud; he thinks that Freud has strengthened the modern tendency of making an "inward turn" to the self (cf. *HAWTL*, 206-213).
9. Singer develops a view on the usefulness of the Christian delusional belief in eternal reward or punishment in his *How Are We to Live?* In this work he explains how the motivation for altruism is not important, as long as it results in



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altruism. Hence, the Christian belief in heaven and hell has done much to promote charity, and therefore altruism (103). This split in the latent versus the manifest goals of Christian activity is certainly in sympathy with Freud. However, Singer also exhibits a healthy respect for the pre-reformation Church, especially its views on usury, possession of goods, and the economy in general. Please see chapter four of *HAWTL* for his discussion of the pre-reformation orthodox Christian view of the economy. Still, on *HAWTL* 139-140 he reiterates the unsuitability of Christian ethics for the life drive, and on the same grounds as did Freud in *Civilization and Its Discontents* (*SE XXI*, 109 ff), i.e., turning the other cheek is detrimental to the health of the cheek-turner.

10. Notice that even though potential happiness does not count as anything in the moral calculus (see above), parental expectation does. However, Singer has told us that only the real is calculable. But a dashed expectation is not a thing, or nothing real - it in fact is worse than potentiality because it can never be.
11. Singer is a co-founder of the Great Apes Project, which was brought about "in support of a change in moral status for great apes ... urging that chimpanzees, bonobos, gorillas and orang-utans should be recognized as having rights to life, liberty, and freedom from torture" [NASU].
12. As Singer often mentions, infanticide is a time honoured practice in which many non-Christian groups, from the Greeks to the Inuit of Canada, from the Romans to the !Kung of Africa, partook.
13. I am fusing elements of F. H. Bradley and, of course, Hegel, to those of Merleau-Ponty. This genesis of personhood as I have outlined it is of course thoroughly underdeveloped and regrettably over-simplified.