

# Свідомість та моральна допустимість дітовбивства

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У цій статті я представлятиму, критикуватиму і в кінцевому підсумку – зміню твердження Ніколя Гассоуна та Урія Крігеля про дітовбивство, які твердять про його моральну допустимість. Досить довільно, вони аргументують, що неприпустимо вбивати лише тих, хто є свідомою істотою, й, оскільки, діти до певного віку не є свідомими істотами, то у цих випадках дітовбивство є морально допустимим. Гассоун та Крігель пишуть, що їх аргумент призначений для тих, хто вірить, що як споживання м'яса, так і аборти є іноді допустимими, і я, посилятимуся на тих, хто дотримується таких переконань, як на цільову аудиторію цих авторів.

Я стверджую, що модифікація аргументу дітовбивства шляхом введення тимчасових міркувань захищає його від можливих заперечень і надає більш переконливі аргументи на користь цільової аудиторії Гассоуна та Крігеля. Хоча аргумент передбачає моральну допустимість дітовбивства, я вважаю, що цей висновок означає хибність одного з двох основних припущень цього аргумента; неправильним є або питання свідомості, або питання моралі, зазначених у ньому. Або думки вищого представницького порядку (у тому числі саморепрезентативності) невірні, або, в такому випадку, неприпустимо вбивати істот, яких ми навіть не вважаємо людьми, бо вони ніколи не були, чи знову не зможуть стати свідомими істотами. Аргумент передбачає складні зв'язки між теорією свідомості та етикою і не залишає нам легкого вибору; незрозуміло чи ми повинні змінити свої моральні міркування, відкинути думки нашої свідомості вищого представницького порядку або, можливо, визнати, що дітовбивство є морально допустимим.

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# Consciousness and the Moral Permissibility of Infanticide

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*In this paper I critique and amend Hassoun and Kriegel's argument for the moral permissibility of infanticide. I argue that the original case is greatly strengthened by introducing temporal considerations. The argument is intended not to show the permissibility of infanticide, but rather that there are underlying problems in our understanding of either consciousness, morality or both.*

**Keywords** – consciousness, creature consciousness, cognition, infanticide, moral permissibility

## I. Introduction and the Infanticide Argument

In this paper I will evaluate and revise Nicole Hassoun and Uriah Kriegel's infanticide argument, which argues for the moral permissibility of infanticide. Hassoun and Kriegel's original argument is as follows:

- 1) It is impermissible to intentionally kill a creature T only if T is a person;
- 2) T is a person only if T is creature-conscious;
- 3) T is creature-conscious only if T is capable of having mental states that are state-conscious;
- 4) A mental state M of T is state-conscious only if T is aware of M;
- 5) T cannot be aware of M without being aware that she herself is in M;
- 6) T cannot be aware that she herself is in M without possessing a concept of self;
- 7) It is reasonable to believe that there is some age at which human infants do not possess a concept of self; therefore,
- 8) It is reasonable to believe that there is some age at which it is permissible to intentionally kill human infants (Hassoun, 45).

In Section II I will critique the first two premises of the Infanticide Argument. Then in Section III, I will suggest alternative premises to these, in Section IV I will critique its third through sixth premises and in Section V suggest alternative premises to these. In Section VI I will discuss the more empirically based premise 7 and in the Conclusion I will discuss a fully amended version of the infanticide argument. I argue that modifying the infanticide argument by including temporal considerations strengthens it against possible objections and provides a more convincing case for Hassoun and Kriegel's intended audience. While the argument purports to supply a case for the moral permissibility of infanticide, I believe that this conclusion signifies the falsity of one of the two principal assumptions of the argument; either it is impermissible to kill some things that we do not count as creature-conscious persons, or higher-order representational views of consciousness do not provide the right picture of consciousness.

## II. Objections to Premises 1 and 2

I will now consider a variety of objections to premises 1 and 2 of the infanticide argument, which imply that it is impermissible to kill a creature T only if T is creature-conscious. This is a weighty assumption and is subject to four objections, all of which supply alternatives to what it is morally impermissible to kill; it is impermissible to kill a creature T only if T is person (with or without consciousness), only if T is human, only if T can develop consciousness, or only if T has once had consciousness and has the ability to again be conscious. Hassoun and Kriegel offer responses to objections similar to all these except for the last, which I argue to be most plausible.

The first alternative to Hassoun and Kriegel's assertion that it is impermissible to kill a creature T only if T is creature-conscious is that it is impermissible to kill a creature T only if T is a person. Objecting this way implies that consciousness need not be a necessary feature of personhood and that a definition of personhood include as necessary something beyond consciousness.

A person would then be defined as any creature that has certain perceptual abilities or cognitive skills. Hassoun and Kriegel argue that since, "most animals are capable of acting, learning, perceiving the world, and organizing information" (Hassoun, 50), defining personhood in terms of cognitive abilities is too loose. A definition like this would result in it being impermissible to kill many animals, which is an intuitively unappealing conclusion for Hassoun and Kriegel's audience. Even granting the intuition that killing most animals is permissible, it is seems possible to construct a definition of personhood in such a way that consciousness is not necessary and most animals are excluded from being persons. One such way would be to use a standard of intelligence which humans (and only some animals) fall above. Though standards like this would sort out the human and animal distinction, an intelligence standard in particular would still permit infanticide in some cases, unless the standard was something like 'T is a person if T is such that T will develop a certain intelligence.' Though this standard would have to be worked out more fully, it at least seems plausible that we can come up with a reasonable definition of personhood in non-consciousness terms.

There are stronger alternatives to argue against the standard of creature-consciousness for personhood. One such standard is that T is a person if T is a human, with or without creature-consciousness. This standard clearly deals with Hassoun and Kriegel's consistency problem; it is permissible to kill animals and unborn fetuses since they are not humans, but not infants since they are humans (and therefore people). Hassoun and Kriegel respond to this objection by citing counterexamples of permissible killings of humans like cases of euthanasia of someone permanently unconscious (Hassoun, 50). While it may be argued that these killings are permissible, the claim Hassoun and Kriegel need to make is not that it is permissible to kill a non-conscious human, but that some non-conscious human does not count as a person. This is an unsupported claim in their reply, and without an explanation of how a non-conscious human is no longer a

person, premise 1 of the infanticide argument fails. Note that when accepting Hassoun and Kriegel's claim that premise 1 is trivially true, the claim of premise 2 becomes 'It is impermissible to intentionally kill a creature T only if T is creature-conscious,' which assumes too much with little support. It is much more useful to include the intermediary step of defining personhood.

A stronger objection to premise 2 is that T is a person only if T has the ability to develop creature-consciousness. So substituting this for premise 2 given the rest of the infanticide argument would yield that it is permissible to kill animals but not permissible to perform abortions or commit infanticide. This objection does not then appeal to Hassoun and Kriegel's intended audience who believe abortions and eating meat are permissible but infanticide is not. The authors argue further that things like rocks could (possibly) gain consciousness if moved through outer space to a distant planet or if we interfered in some other way to give them consciousness, so we should focus on things that would gain consciousness in the absence of intervention (Hassoun, 51). This is more reasonable since just because a rock is able to gain consciousness through bizarre means of intervention does not imply that we should treat current (non-conscious) rocks as people or moral agents.

The new claim, that T is a person only if T has the ability to develop creature-consciousness in the absence of intervention, seems to be a more plausible candidate to replace the original claim, that T is a person only if T is creature-conscious, since it restricts the class of persons to just those creatures who would gain consciousness without aid. This amended objection deals with the problematic cases of rocks that could be sent to outer space to gain consciousness, but it still has problems of its own. First, this objection raises the epistemic question of how to determine what things to treat as persons if everything that could gain consciousness without aid counts as a person. Furthermore, defining personhood in terms of the uninhibited ability to gain consciousness causes fetuses to be treated as persons, which is intuitively unappealing for Hassoun and Kriegel's audience. The best way to object to premises 1 and 2 may than be to stipulate that persons are those creatures who have once been conscious and have the ability to again gain consciousness. This suggestion is developed in the next section.

## III. Amending Premises 1 and 2

A central problem for the infanticide argument is that it does not specify at what point in time one must be creature-conscious to count as a person. Surely it is not morally permissible to kill anyone at time  $t$  who lacks creature-consciousness at time  $t$ . If this were the case, it would be morally permissible to kill anyone while they were sleeping. Since being creature-conscious is more than just being conscious at the current time, there then seems to be three options for what constitutes a 'creature-conscious' person: one who has ever been conscious, one who can be conscious, or one who has been conscious and can again be conscious. Note that infants seem to fall into one of the last two categories.

Having once been conscious cannot be a sufficient condition for current creature-consciousness. Doing so would imply that those in a terminally vegetative state are creature-conscious. Similarly, counting one who just could be conscious is not a sufficient condition for current creature-consciousness without considering fetuses to be creature-conscious. It could be argued that all creature-consciousness requires is either having ever been conscious or the possibility to be conscious, but either of these alone leads to unappealing results and exceedingly high ethical standards. A more likely standard is that a creature is a person if they have ever been conscious and have the potential to again be conscious. Using this standard, fetuses are not persons because they have never been conscious, those in terminally vegetative states are not persons because they cannot again gain consciousness, but anything that has once been conscious and can again be conscious is a creature-conscious person. So for infants would not be counted as persons until they first attain consciousness.

Consider the following amended premises 1 and 2 about the permissibility to kill:

1\*) It is impermissible to intentionally kill a creature T at time *t* only if T is a person at *t*;

2\*) T is a person at *t* only if T is creature-conscious at *t* or some time before *t* and T has the potential to again be creature-conscious at some time after *t*

The motivation for this argument is to capture the previously absent temporal component of the infanticide argument and the intended audience's intuition that it is morally permissible to eat meat and perform abortions but not to commit infanticide.

This issue becomes more complicated when considering the 'absence of intervention' fork discussed previously. My intuition is that by including the temporal component of the argument, there is no longer a need for the intervention clause. It seems that if a creature has once been conscious and can again be conscious (with or without intervention), then that creature should count as a person and have moral standing. Imagine a sleeping beauty type case in which a creature that has been conscious is in a temporarily unconscious state, and that creature can regain consciousness only through outside intervention. It seems in this case that even though intervention takes place, the creature should not lose its standing as a person.

#### IV. Objections to Premises 3-6

A temporal problem similar to the one previously discussed arises in Hassoun and Kriegel's premise 3. They argue that a thing is creature-conscious only if it is capable of having mental states that are state-conscious, but again they fail to specify the temporal requirements. At what point in time must a creature-conscious person be able to have state-conscious mental states? A further concern about premise 3 is whether T is creature-conscious *only if* T is capable of having state-conscious mental states. Defining creature-consciousness this way allows for strange examples of conscious beings. For instance, a creature that simply *could* have state-conscious

mental states but never has actually had a state-conscious mental state is then considered creature-conscious. Perhaps we would want to treat such a creature as a fully creature-conscious person, but it seems far more likely that a creature-conscious person not only *could* have conscious mental states but also actually has some mental states.

A further issue for the infanticide argument is that it is plausible that consciousness does not require self-awareness. This challenges the conjunction of premises 4 and 5, that a mental state M of T is state-conscious only if T is aware she is in M. Hassoun and Kriegel counter this objection by responding to Charles Siewert's silent speech example, in which when T is reading a mystery novel there seems to be a 'silent speech' occurring consciously in the back of T's mind (Siewert, ch. 7). When T shifts his attention to the silent speech, T becomes aware of it in a way T was previously not, and therefore T had a state-conscious mental state of which T was not aware.

Hassoun and Kriegel respond to this example by denying that T was unaware of his silent speech mental state before turning his attention to it. They clarify their response by distinguishing between attentively or unattentively aware of mental states. So before T turned his attention to the silent speech in the back of his mind he was unattentively aware of it, but after shifting attention he became attentively aware. Since any mental state of which you are either attentively or unattentively aware is a conscious state, T cannot have a conscious state without T be aware this state. While this distinction between attentive and unattentive awareness may work well for some theories of consciousness, it is not clear this distinction holds across all theories of consciousness. The discussion appears to be restricted to either higher order thought or self-representational theories.

It is also possible to construct counterexamples to Hassoun and Kriegel's attentive/unattentive distinction. For instance when listening to a classical concert I could be having a conscious mental state of hearing the orchestra, including the third clarinet's line, all the while not being aware that I am in a mental state of hearing the third clarinet's line. Because of the varied sounds of the orchestra, it is not possible for me to shift my attention and pick out the third clarinet's line; nevertheless I have a conscious mental state of the third clarinet's line. In this case I am not unattentively aware of my conscious mental state, I am simply unaware of it.

Premise 6 of the argument posits that a creature has self-awareness only if that creature has ability to distinguish itself from anything else (Hassoun, 47). Hassoun and Kriegel cite this ability to distinguish as the main feature of having a self-concept. This seems to be a strange suggestion, though. Imagine a creature that can say, "I am not that thing, or that thing, or that thing, etc." and yet knows nothing about itself. One can hardly say this creature has a self-concept. There certainly is a more appropriate way to define having a concept of self, perhaps in terms of the ability to recognize oneself, not just distinguish oneself from others. Defining the phrase

*concept of self* in this way seems more natural. A further benefit is that a definition like this fits nicely with the empirical data about whether infants possess a self-concept.

## V. Amending Premises 3-6

Premise 3 is easily improved by including a temporal element, as done before to premises 1 and 2, so that premise 3 reads:

3\*) T is creature-conscious at  $t$  or some time before  $t$  and T has the potential to again be creature-conscious at some time after  $t$  only if T was capable of having mental states that are state-conscious at or before  $t$ , and T is capable of having mental states that are state-conscious after  $t$ ;

This deals quite obviously with the issue of when in time a creature must have a state conscious state to be considered a conscious person.

My amending of premises 4-6 consists in accounting for some costs and changes in assumptions. The conclusion of premises 4 and 5 seems plausible only under a self-representational or higher-order representational view of consciousness; to claim that M is state-conscious only if T is aware that she is in M requires some form of higher order thought, possibly representing itself. As stated previously, premise 6 is more plausible when considering the possession of a self-concept to be something more along the lines of self-recognition than the ability to distinguish from other things.

With these assumptions in mind, amending premises 4-6 to square with the previously introduced temporal requirements gives:

4\*) A mental state M of T is state-conscious at  $t$  only if T is aware of M at  $t$ ;

5\*) T cannot be aware of M at  $t$  without being aware that she herself is in M at  $t$ ;

6\*) T cannot be aware that she herself is in M at  $t$  without possessing a concept of self at  $t$

## VI. Objections to Premise 7

The claim in premise 7 of the infanticide argument is that it is reasonable to believe there is some age at which human infants do not possess a concept of self. To support this argument Hassoun and Kriegel draw on the empirical work of Gallup and Suarez, who found that some animals (like chimpanzees) could recognize themselves in a mirror, while other animals cannot do this (Suarez, 157). Since humans do not develop the ability to recognize themselves in a mirror until around a year and a half, Hassoun and Kriegel conclude that some human infants below a certain age lack a concept of self.

Leaving aside worries about the actual empirical data, there remains the larger problem that having a concept of self may very likely be more than just self-recognition. Hassoun and Kriegel concede, "although it is extremely implausible to treat mirror self-recognition as a *definition*

of self-awareness, it is quite plausible to take mirror self-recognition to be *evidence for* the presence of self-awareness" (Hassoun, 49). Despite this concession, Hassoun and Kriegel do treat mirror-self recognition as a necessary condition for self-awareness instead of simply evidence for it. Mirror self-awareness most likely does provide evidence for self-awareness, but this does not completely justify the conclusion that human infants that seem to lack mirror-self recognition necessarily lack self-awareness and a concept of self entirely. Despite these concerns, the evidence does seem to at least raise a serious doubt about whether there is some age below which human infants fail to have a concept of self.

## Conclusion

Having now explained the individual changes to premises 1-6, the fully amended argument is then given by the new premises 1\*-6\* which, with Hassoun and Kriegel's original 7, provide stronger support for 8.

Ultimately, this revised version offers a stronger argument to the audience Hassoun and Kriegel address, those who believe infanticide is unacceptable but think both abortion and eating meat are morally permissible. Including a temporal aspect and acknowledging the assumptions of a higher-order representational view of consciousness and self-recognition view of self-conception strengthens premises 1-6 and given empirical support of premise 7, the argument as a whole should be suggestive.

The conclusion that infanticide is morally permissible is a strange one, to which most would not assent (including myself and probably Hassoun and Kriegel). The implication of the revised infanticide argument is that there is something wrong with either the view of consciousness or the view of morality assumed in the argument. Either higher-order representational views (including self-representationalism) are wrong, or it is the case that it is impermissible to kill some creatures that we do not even consider people because they have never been creature-consciousness or can never again be creature-conscious. The argument shows the intricate connection between theory of mind and ethics, and leaves us with no easy choice; it is not obvious whether we should change our moral considerations, reject higher-order views of consciousness, or perhaps concede that infanticide is morally permissible.

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