



Infanticide and the Question of Personhood: A Critique of the View of Alberto Giubilini and Francesca Minerva*

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Abstract

Infanticide is a fundamental issue in bioethics and the philosophy of law, one that depends on how “personhood” is defined and on the basis upon which the “right to life” is recognized. The importance of this issue lies in the fact that any redefinition of the concept of personhood may alter the scope of the right to life and the moral and legal protection granted to human beings. This article aims to examine and criticize the view of Alberto Giubilini and Francesca Minerva regarding the permissibility of infanticide. By distinguishing between a “biological human being” and a “moral person,” they argue that newborn infants, like fetuses, lack the characteristics necessary for personhood because they are neither

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capable of valuing their own existence nor capable of being harmed by being deprived of that existence. They therefore maintain that the reasons used to justify abortion may also be applied to newborn infants. Using an analytical-critical method, the present study examines the philosophical foundations and ethical consequences of this theory and analyzes the arguments for and against it. The findings indicate that the criterion of an “actual person” leads to the denial of the right to life to certain human beings, including infants and individuals with severe intellectual disabilities, and makes human dignity dependent on temporary mental capacities. Moreover, restricting the concept of harm to its conscious experience encounters serious logical and ethical objections. The study concludes that Giubilini and Minerva’s theory lacks sufficient coherence and cannot preserve the connection among equality, dignity, and the right to life. Recognizing the right to life on the basis of intrinsic dignity and membership in humanity therefore provides a more reasonable framework for addressing the issue of infanticide.

Keywords

personhood; infanticide; abortion; Giubilini; Minerva; human dignity; bioethics.

Introduction

Infanticide is one of the most controversial issues in ethics and law. Throughout history, it has consistently been a matter of dispute, and different societies have adopted different approaches toward it, ranging from legitimization in certain cultures to prohibition in the Abrahamic religions and modern criminal law.

In ancient Rome, the killing of unwanted infants was regarded as an accepted practice (Camosy, 2013, p. 296). In the contemporary world, however, infanticide is generally recognized as a clear violation of the right to life and human dignity. Nevertheless, historical and social reports indicate that the practice continues to occur in some societies under the influence of economic and cultural pressures or population-control policies. For example, some studies have reported cases of infanticide linked to China's one-child policy (Kaczor, 2012).

In recent decades, advances in the biological and medical sciences have moved debates concerning the beginning of morally significant human life and the criteria for possessing the right to life into a new phase. Within this context, the concept of personhood has become one of the most central topics in bioethics and has assumed a decisive role in the moral assessment of issues such as abortion, euthanasia, and infanticide. The importance of this debate increased when Alberto Giubilini and Francesca Minerva published their article, "After-Birth Abortion: Why Should the Baby Live?" in 2012/2013. They argued that because a newborn infant lacks certain cognitive capacities, it does not yet satisfy the conditions for personhood and that, under certain circumstances, killing the infant may therefore be morally justified.

This position provoked extensive reactions among moral

philosophers, legal scholars, and theologians. Critics argued that accepting such reasoning would not only erase the boundary between abortion and infanticide but would also pose a serious challenge to the foundations of human dignity and fundamental human rights. Examining the theoretical foundations of this position and assessing its compatibility with moral and legal principles is therefore especially important.

Focusing on the theory of personhood in the thought of Giubilini and Minerva, the present study seeks to explain and criticize their argument in defense of the permissibility of infanticide. Its principal research question is whether their personhood-based argument is compatible with the principle of human dignity and the moral rights of all human beings.

Review of the Literature

The debate concerning the relationship between personhood and the right to life has a long history in moral philosophy and bioethics. A significant portion of the contemporary literature in this field is devoted to identifying criteria by which it can be determined which beings possess full moral status and the right to life. Personhood-based theories have played a particularly prominent role in shaping discussions of abortion, euthanasia, and infanticide.

Some moral philosophers, including (Warren, 1973, 1993, 1997), (Tooley, 1972), (Singer, 1993), and (Fletcher, 1974), distinguish between two meanings of “human being”: first, a human being in the biological sense, who does not possess moral status and dignity merely by virtue of biological humanity; and second, a human being in the social or personal sense, who possesses moral status and fundamental rights, including the right to life, and is consequently called a “person.” Tooley, emphasizing the capacity for self-awareness and the desire to

continue living, argues that newborn infants do not yet possess the characteristics necessary for personhood and that infanticide may therefore be morally justified under certain circumstances (Tooley, 1972, p. 44). On this basis, Tooley permits infanticide up to one week after birth, whereas Singer considers it justifiable up to one month after birth (Singer, 1993).

Continuing this approach, Giubilini and Minerva (2013) introduced the concept of “after-birth abortion.” They argued that if abortion is permissible under certain conditions, infanticide should also be considered permissible under those same conditions, because an infant, like a fetus, does not yet possess the characteristics necessary for personhood. Their article has become one of the most controversial works in contemporary bioethics and has generated a broad wave of responses and criticisms.

Much of the critical literature concerning this position emphasizes the inadequacy of functional criteria as an explanation of the intrinsic value of human beings. These studies argue that making the right to life dependent on actual cognitive capacities places not only infants but also other human beings who lack certain mental capacities, including individuals with severe intellectual disabilities or dementia, at risk of losing moral protection. From this perspective, human dignity is intrinsic and independent of an individual’s degree of cognitive functioning.

In Persian-language scholarship, independent studies devoted specifically to infanticide are limited, although related subjects have been examined in discussions of abortion, bioethics, the right to life, and personal identity. Examples include book *Abortion from an Ethical Perspective* (al-bouyeh, 2019) and article on "personal identity in bioethics (Alipour and Mohammadi, 2019)". In addition, (Jamshidi and colleagues, 2024) in “A Critical Examination of Functional Criteria of

Personhood in Bioethics,” examine two principal approaches to the concept of a person in bioethics: the bestowed-status approach, which emphasizes the intrinsic value of all human beings, and the functional approach, according to which only human beings possessing particular characteristics have moral status. They argue that personhood should not be reduced solely to present mental and functional capacities and that reducing human moral worth to functional characteristics yields unacceptable consequences in bioethics.

Despite previous scholarship on the question of personhood, the literature indicates that, compared with the extensive discussions found in the Western philosophical tradition, serious theoretical gaps remain in Persian scholarship. The present study seeks to address this deficiency by critically examining Giubilini and Minerva’s position and its ethical consequences, especially with respect to infanticide.

Giubilini and Minerva’s View

In their influential article, “After-Birth Abortion: Why Should the Baby Live?,” Giubilini and Minerva argue that a newborn infant, like a fetus, lacks the characteristics necessary to be a “person” (Giubilini & Minerva, 2013). In their view, a person is an individual capable of assigning at least basic value to their own existence such that deprivation of that existence would count as harm to them. By contrast, “human being” refers merely to a biological category and does not inherently entail possession of fundamental moral rights.

On the basis of this distinction, Giubilini and Minerva conclude that because an infant is unable to value its own life and lacks self-awareness, it does not belong to the category of “actual persons.” Accordingly, the same reasons used to justify abortion before birth can also justify killing an infant after birth. To emphasize the similarity between a fetus and a newborn, and the moral continuity

between their conditions, they use the expression “after-birth abortion” instead of “infanticide.”

Their argument rests on two main assumptions. First, there is a moral equivalence between the fetus and the newborn infant, since neither possesses an actual capacity to value its own existence and therefore neither qualifies as a person. Second, potential persons cannot be harmed in the morally relevant sense, because fetuses and infants are incapable of consciously experiencing deprivation; therefore, depriving them of life is not considered a moral harm.

Giubilini and Minerva provide examples of abortions that, in their view, are morally justified. These include cases in which fetal abnormalities or defects are not discovered until after birth, as well as disorders that may emerge during pregnancy or childbirth. They also cite social considerations, such as the loss of employment or changes in the status of a couple’s relationship, as possible grounds for abortion. They explicitly state that “the same arguments that are used to justify the killing of a human fetus can also be consistently applied to the killing of a newborn human” (Giubilini & Minerva, 2013, p. 1).

These arguments justify killing an infant after birth for as long as neurologists and psychologists determine that the child is incapable of valuing its own existence. On this basis, the argument would not only justify killing infants with serious medical conditions but could also potentially legitimate the elective killing of healthy infants whose upbringing imposes a burden on their parents.

The Distinction Between the Biological Human Being and the Moral Person

Giubilini and Minerva maintain that moral rights, including the right to life, arise not from “being human,” which is a biological concept, but from “being a person,” which is a moral concept. In other words,

merely being human does not entail possession of all moral rights. They argue that many human beings, such as fetuses and infants, fall outside the category of persons and therefore outside the group of beings possessing a right to life, because they lack the specific psychological capacities required for personhood.

According to them, humanity is merely a biological fact defined by the biological sciences. To be human is simply to be a member of the biological species *Homo sapiens*. A person, by contrast, has a normative and moral status defined by a set of specific psychological capacities. Moral rights, including a strong right to life, arise not from humanity but from personhood.

They write that merely being human is not, in itself, a sufficient reason for ascribing a right to life, and they point to embryos used in stem-cell research, fetuses whose abortion is legally permitted¹, and criminals subject to capital punishment as examples invoked in support of this claim (Giubilini & Minerva, 2013, p. 3). They further argue that a necessary condition for a being to possess a right to something is that the being be capable of being harmed by a decision depriving it of that thing. Consequently, in their framework, mere humanity does not entail all moral rights.

Criteria of Personhood

Giubilini and Minerva define a person as someone capable of attributing at least basic value to their own existence, such that

1. One of the cases in which abortion is permissible is fetal craniotomy—a rare case in which the fetus obstructs labor and cannot be delivered through the birth canal. If the fetus is not delivered, there is a risk of uterine rupture in the pregnant woman. The fetal head must be crushed in order to save the mother's life (Savulescu, 2002, pp. 515–516).

deprivation of that existence counts as harm (Giubilini & Minerva, 2013, p. 2). Their account rests on two related criteria:

1. the ability to assign value to one's own existence;
2. the capacity to be harmed by being deprived of that existence.

According to this framework, fetuses and newborns may be “potential persons” in a biological sense, but they are not “actual persons,” because potentiality alone does not confer moral status.

Several consequences follow from this view. First, personhood implies the right to life, whereas being biologically human does not. Second, the criterion could extend personhood to some non-human animals with complex cognition. Third, human beings lacking the relevant psychological capacities, such as individuals with severe intellectual disabilities or those in persistent vegetative states, would not count as persons.

On this view, fetuses and newborns are not harmed by being killed because harm requires the capacity to experience deprivation. If the child never becomes a person, then, according to this argument, there is no subject who can be harmed.

Giubilini and Minerva also distinguish between a right not to suffer pain and a right to life. They allow that fetuses or newborns capable of pain and pleasure may have a right not to be made to suffer, but still not a right to life unless they can pursue and value goals. They further advance a social-consequentialist argument: because newborns may impose burdens on parents and society, “after-birth abortion” could be morally permissible if the infant is not yet a person.

They also suggest that infanticide may be considered when parents cannot or do not want to care for the child, especially if the

“potential person” cannot be expected to enjoy a worthwhile life. In such cases, they prioritize the interests of “actual persons,” especially the parents, over those of the infant as a “potential person.” If adoption is rejected due to anticipated psychological distress or practical inability to cope, they regard after-birth abortion as a more defensible option (Giubilini & Minerva, 2013, p. 4).

Critical Evaluation

There are several problems with this view. Many individuals and human rights groups, and even some advocates of abortion, have reacted strongly to this view. **Bertha Alvarez Manninen** writes in refuting this view: “I am not in favor of the right to life of the fetus, I believe that women have the right to have an abortion, because I believe that every person has the right to decide whether or not to use their body to save the lives of others. However, the view of Jubilini and Minerva is deeply troubling” (Manninen, 2013, p. 330). Some of the problems include:

1. The Change of Title and the “Burden of Proof” Against the Infant: Erasing the Subject through Wordplay

In his critique of the article by Giubilini and Minerva, Finnis pays particular attention to the change of title from “Should the Baby Be Allowed to Die?” to “Why Should the Baby Live?” (Finnis, 2013, p. 282). In his view, this change is not merely a verbal shift but a philosophical and ethical strategy with significant consequences. In the first title, “Should the Baby Be Allowed to Die?”, the question carries a relatively neutral tone and allows for the examination of arguments for and against. In the second title, however, “Why Should the Baby Live?”, there is an implicit assumption that the infant has no presumptive right to life and must “provide reasons” in order to live.

In this way, the burden of proving the right to life is shifted from society or the parents onto the infant itself.

When a human being must “provide reasons” in order to live, they are effectively stripped of their status as a rights-bearing subject and transformed into something akin to an “object of evaluation.” Finnis regards this approach as consistent with the authors’ central thesis, according to which the infant or fetus is deemed to lack personhood and rights, since, in their view, the infant “has no experiences of harm or purpose” (Finnis, 2013, p. 282). Finnis warns that such a strategy not only excludes infants from the sphere of rights but also carries dangerous implications for people with severe disabilities, elderly individuals suffering from cognitive decline, or those in a state of unconsciousness. For if the criterion of a right is “actual awareness,” then these groups too can easily be stripped of their status as rights-bearing subjects. In other words, Finnis demonstrates that the change of title is not a simple rhetorical move but rather reveals the theoretical foundation of the article: the denial of the existence of the human subject in the early stages of life, and the imposition of the duty to prove the right to life upon a being that fundamentally cannot provide such proof. This is what he calls “the denial of the status of a rights-bearing subject” (Finnis, 2013, p. 282).

2. The Reliance of the Argument on Contested Premises

To defend infanticide, Giubilini and Minerva presuppose the permissibility of actions such as prenatal abortion, lethal fetal research, and capital punishment. These are themselves among the most controversial ethical issues in contemporary society. The first structural objection to Giubilini and Minerva’s argument (in defense of infanticide) is that they have committed a rhetorical and methodological error, because they have based their argument on

premises that are themselves deeply contested in order to justify an even more intensely contested conclusion (Kaczor , 2018, pp. 132–133). argues that appealing to controversial positions (premises) in order to prove a more controversial conclusion (infanticide) is, from the standpoint of argumentative structure, dubious and weak.

3. The Problem with the Human–Person Distinction

The most important criticism returns to the very definition of “person.” If “personhood” means the ability to “value one’s own existence,” then this definition is extremely limited and unusable. Many individuals, even adults, under certain conditions (such as severe mental illness, coma, or even profound depression) may be unable to continuously value their own existence. Does this mean that they are no longer “persons” and have no right to life? This logic can easily be extended to the most vulnerable members of society. This distinction creates dangerous boundaries for the definition of the “value of life” and can serve as a basis for discrimination and the disregard of the rights of vulnerable groups (Finnis , 2013, p. 282). criticizes the philosophical foundation of theories that regard “personhood” as conditional upon actual awareness and direct experience of harm. He shows that such a criterion of awareness is, in its very nature, not only vague and arbitrary but also incompatible with our human existence. Throughout everyday life, a human being spends many moments and hours in a state devoid of reflective awareness or self-consciousness—such as sleep, coma, or non-reflective concentration—yet no one claims that a person’s “personhood” is suspended in such states. Therefore, if we take actual awareness as the criterion of personhood, the consequence would be the removal of a vast range of human experience from the domain of ethics and law.

To avoid this groundlessness, Finnis proposes an alternative concept: actual capacity or, more precisely, *radical capacity*. In his view, from the very moment of its biological beginning, the human being possesses an internal structure and orientation on the basis of which the capacities for understanding, reasoning, and self-awareness are actualized in the future. This capacity is present not merely in the active, conscious brain but in the biological–genetic organization of the human being from the moment of conception. To explain this meaning, Finnis employs the phrase “the epigenetic foundations of human development,” meaning that the embryo from the very outset carries capacities which, in the course of development, make possible the manifestation of personal acts—from subjective experience to laughter or grief.

From this perspective, the human being is one and the same individual from the beginning to the end of his or her natural life; the moment of existence does not change, but the manner in which capacities are actualized does. Therefore, fundamental human rights, such as the right not to be killed, belong to this very real subject, not to a particular stage of self-conscious experience. Finnis concludes that depriving an embryo or an unconscious person of these rights, by invoking the “absence of the experience of harm,” is defensible neither philosophically nor ethically. Such an approach, in his terms, reduces human dignity to a fleeting level of subjective experience and ultimately violates the principles of human equality and dignity. Finnis precisely emphasizes that basic rights arise not from the experience of harm but from the identity and natural capacity of the human subject, because personhood is a biological–moral fact, not a conventional attribute or a stage of consciousness (Finnis, 2013, p. 282).

4. The Problem of “Harm” and “Experience”

The argument that “being killed is not a harm because the person does

not experience it” is highly reductionistic. “Harm” can be understood beyond the individual’s direct experience. The loss of the opportunity to live, the loss of any possibility of future experience, and the destruction of the potential for growth and flourishing are all forms of harm, even if the individual cannot perceive them. We protect a living person’s right on the basis of their future interests (which they may not currently be capable of understanding); why should this principle not apply to infants? This approach reduces the concept of “harm” to momentary subjective experience and ignores the potential and future value of a life.

John Finnis, in his article, offers a serious critique of Giubilini and Minerva’s view. He shows that if right and personhood are dependent on the “experience of harm,” then no one has a right not to be killed in their sleep or without warning, because in such a state the person has no experience of harm (Finnis, 2013, p. 281). Finnis considers this consequence “absurd and repugnant” and likens it to the view of Jeffrey Reiman, who regards infants as lacking the right to life for years after birth. Finnis explains that even in a state of unconsciousness or sleep, the individual has the *actual capacity* for awareness and experience, and it is this capacity that forms the basis of human rights (Finnis, 2013, p. 282).

(Finnis , 2013, pp. 281–282) reconstructs Giubilini and Minerva’s central thesis as follows: They claim that an individual possesses a right only if they can experience some harm from being deprived of that right—that is, there must be a being in a state of “experiencing loss” for a right to be said to have been violated. By juxtaposing these two premises, Finnis draws a patently unreasonable conclusion: if someone is killed while asleep or in a state of complete unconsciousness, because they have no experience of suffering or loss, their right has in fact not been violated. In other words, according to their logic, a

human being does not even have “the right not to be killed in one’s sleep.” Finnis takes this conclusion as evidence of the invalidity of that foundation and presents it as a *reductio ad absurdum* against the theory of “experienced harm” as a necessary condition for rights and personhood.

Finnis seeks to expose the internal inconsistency of this view and its ethically unacceptable consequences. Giubilini and Minerva claim that only a being capable of actually experiencing the harm resulting from the violation of a right can be said to possess that right; therefore, one who cannot feel suffering or deprivation is, in the precise sense, not a right-holder whose rights could be violated. Finnis regards this foundation as fundamentally mistaken because if we accept it, we arrive at conclusions inconsistent with moral intuitions. For example, if someone is killed while asleep or under deep anesthesia, since they experience no “harm,” no violation of the right to life has occurred.

From Finnis’s perspective, this conclusion is not only unacceptable but also a sign of the mistaken reduction of rights to temporary subjective experiences. He emphasizes that rights and “personhood” are matters dependent on the reality of the human being’s essence and their fundamental capacity for self-awareness and reasoning, not on their current state of awareness or ability to experience harm. In other words, the moral and juridical value of a human being is inherent, not contingent on their momentary psychological or physiological state. Thus, Finnis’s argument shows that if we take the criterion of experienced harm as the basis for possessing rights, we must ultimately accept that anesthetizing and then killing human beings does not violate their rights—a conclusion that no acceptable moral or legal system would endorse. Therefore, Finnis concludes that the theory of “experienced harm” is not only

inadequate but fundamentally mistaken and cannot serve as a valid foundation for personhood and human rights.

5. Intrinsic Worth and Risk of Abuse

Many ethical and legal traditions maintain that human beings possess intrinsic worth and dignity independent of their functional capacities (Beckwith, 2007, p. 132). If “after-birth abortion” were accepted, this principle could easily be abused and extended to justify broader forms of discrimination, rights violations, and moral decline.

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The condition of “parental unwillingness” is itself troubling. Parents may come under pressure not to express a desire to care for a newborn, especially if the child is premature, ill, or disabled. Such pressure may be direct or indirect, and may be especially dangerous for single mothers, impoverished families, or those living in societies with weak social-support systems.

The most serious social consequence would be a decline in society’s recognition of the intrinsic value of human life. Once it is accepted that ending the life of a human being, even a newborn, may be “ethical” under certain circumstances, society receives the message that life is a conditional commodity rather than a basic and inviolable right.

This logic may gradually expand to other vulnerable groups: today a newborn, tomorrow an ill older person, a person with a severe disability, or someone deemed economically “unproductive.” A society that can easily justify ending human life will place less value on protecting life and supporting the vulnerable.

6. Personism as Discriminatory and Contrary to Human Dignity

Giubilini and Minerva’s claim that human beings derive their value not from their humanity but from their personhood has been strongly

criticized. Critics argue that this approach assigns value to human beings solely on the basis of certain functions and capacities and thereby leads to morally unacceptable results.

Jacqueline Anne Laing raises two major objections. First, by equating the moral standing and dignity of some animals with that of human individuals with intellectual disabilities, the theory conflicts with the principle of intrinsic human dignity. According to this principle, all human beings possess dignity by virtue of their shared humanity, regardless of disability, age, consciousness, illness, productivity, or rationality.

Experiencing illness or lacking higher mental functions does not reduce a human being to the level of vegetation or animality. A human being's moral value and status within the human species remain independent of fluctuations in individual abilities. Laing calls this principle "equal dignity" (Laing, 2013, p. 337). This principle prevents moral discrimination on the basis of disability or lack of certain traits and locates human value in our shared humanity.

The intrinsic dignity of human beings and the concept of human rights are not recent inventions; they are deeply rooted in international human-rights instruments such as the Universal Declaration of Human Rights and the European Convention on Human Rights. The twentieth century also demonstrates how the dehumanization of certain classes of human beings led to grave human-rights abuses. Treating some individuals as "nonpersons" or "subhuman" in the name of science or social utility is a profoundly dangerous path (Laing, 2013, p. 337).

7. Ethical Functionalism and Its Limitations

Another objection concerns ethical functionalism. Under this approach, moral significance is attributed only to those who presently possess the capacities necessary to function as persons.

Giubilini and Minerva hold that after-birth abortion is permissible for “potential persons” who will never be capable of living a worthwhile life. They argue that the interests of potential persons cannot outweigh the interests of actual persons. More radically, they state that no matter how weak the interests of actual people may be, those interests always outweigh the alleged interests of potential people in becoming actual people, because the latter interests amount to zero (Giubilini & Minerva, 2013, pp. 2–3).

This approach raises serious questions about what it means to possess a “capacity to function.” Human beings move through different conditions in the course of life: dependence, sleep, unconsciousness, infancy, old age, disability. Giubilini and Minerva define a person as “an individual who is able to attribute at least a basic value to their own existence such that being deprived of this existence represents a harm to them” (Giubilini & Minerva, 2013, p. 2). But this definition does not satisfactorily explain the status of people who are asleep, in a coma, or temporarily unable to value their own existence. Would such persons cease to be persons? (Laing, 2013, p. 337).

Temporary incapacity does not entail the loss of dignity or status. Our capacities may fluctuate, but our moral worth does not. Potentiality and actuality are both dimensions of the human condition, and grounding moral value in such temporary states remains ethically controversial (Laing, 2013, p. 338).

8. Ambiguity About the Beginning of Personhood

A further weakness in Giubilini and Minerva’s argument is their failure to specify the threshold at which a human being becomes a person. Instead, they leave this determination to neuroscientists and psychologists, thereby generating highly controversial and counterintuitive consequences.

The central question is: when does a human being become capable of valuing their own existence? Psychological research, including the work of **Philippe Rochat**, suggests that self-awareness of one's own existence, expressed through signs such as the first social smile, first independent steps, first words, or reactions of embarrassment and pride in front of a mirror, generally appears around two years of age. If that assessment is correct, then under Giubilini and Minerva's logic, infanticide would remain morally permissible until roughly the age of two (Kaczor, 2012).

Although consulting experts to determine when the characteristics of personhood emerge is not inherently objectionable, the crucial point is that the resulting threshold directly conflicts with ordinary moral judgment. Most people would regard the killing of a two-year-old child, or even a younger child, simply because of parental unwillingness or economic costs, as obviously and gravely wrong.

Reasons such as a mother's unwillingness or the high costs of care cannot morally justify killing newborns. Such arguments are widely regarded as abhorrent and provoke strong negative moral reactions. The failure to establish a transparent threshold for personhood, combined with exclusive reliance on functional criteria that may not emerge until years after birth, leaves the theory open to serious criticism.

9. Violation of Human Equality

Basic moral principles maintain that all human beings possess equal fundamental rights, including the right to life, and that depriving them of these rights is unethical. According to Giubilini and Minerva's

position, however, human beings do not possess equal rights; instead, rights appear to exist on a sliding scale.

Would a one-year-old child then possess less of a right to life than a five-year-old, but more than a newborn? If an older person develops Alzheimer's disease, would that person's right to life gradually weaken? Since the characteristics associated with personhood develop gradually, basing rights on those characteristics leads naturally to a gradational understanding of human worth. As (Manninen , 2013, p. 333) writes, the characteristics that Giubilini and Minerva consider necessary for the right to life neither appear overnight nor disappear instantaneously.

If moral rights are allocated on the basis of qualities that exist by degree, then those who possess more of the relevant capacities would have greater value and a stronger right to life. This is incompatible with the principle that all human beings possess equal fundamental rights (Kaczor, 2012). Whatever grounds personhood cannot plausibly be a merely graduated quality if equality is to be preserved.

10. Internal Contradiction in the Definition of Harm

Another serious objection is that Giubilini and Minerva define harm too narrowly, confining it to subjective experience. This creates a contradiction in their account of killing actual persons.

They argue that harm occurs only when an individual exists and is able to experience a loss or deprivation. Yet if an adult is killed suddenly and painlessly, for example by gunshot or an instantaneous accident, that person does not consciously experience the loss. On this reasoning, the person has suffered no harm. But this directly conflicts

with the very idea that actual persons merit moral protection, because the gravest loss, the permanent deprivation of life and the destruction of one's future, is excluded from their definition of harm.

In cases involving the deprivation of liberty or autonomy, the person remains alive and can experience the loss. In a painless killing, however, no such experience occurs. Their theory therefore cannot consistently explain why killing actual persons is wrong and, in effect, opens the way to justifying sudden and painless killings. For this reason, the framework lacks the coherence required to explain the nature of the harm caused by killing.

A: The Questions of Consensus and Parental Psychological Harm

Although parents' psychological concerns are real, relying on them to justify ending the life of a healthy newborn is deeply problematic. There are other ways to support parents in confronting such difficulties, including stronger adoption-support systems, specialist counseling, and social assistance.

Instead of focusing on life-preserving solutions that assist the parents, the argument treats ending the infant's life as the final solution. This is ethically indefensible. Moreover, the assumption that all parents would necessarily experience intense distress in cases of adoption is an unwarranted generalization.

B: Comparison Between Infants and Animals

The comparison between the value of infants' lives and that of animals is itself ethically contentious. Even if some animals possess a greater degree of self-awareness or experiential capacity, the conclusion that infants' lives are therefore less valuable and may permissibly be ended remains unacceptable to many. This comparison

promotes a hierarchical valuation of human life and leads toward a deeply troubling moral outlook.

Conclusion

In “After-Birth Abortion: Why Should the Baby Live?,” Alberto Giubilini and Francesca Minerva argue that fetuses and newborns are not persons because neither possesses the characteristics required for personhood. Since they believe there is no morally significant difference between a fetus and a newborn infant, they conclude that any reason that justifies abortion may also justify killing a newborn. To underscore their position, they prefer the expression “after-birth abortion” to “infanticide.”

The present article has explained, examined, and criticized their position on the permissibility of infanticide. Several objections may be raised against this controversial view. One implication of their personist theory is that it equates the status and dignity of some animals with that of some human beings, including infants and persons with disabilities. This is incompatible with the principle of human dignity.

Ethical functionalism is another major consequence of personism: only those who are presently capable of attributing value to their own existence are recognized as possessing a right to life. Additional problems include the failure to determine the exact period during which infanticide would remain permissible and the decision to leave the point at which infants become persons to psychological and neurological experts. The theory also relies on controversial assumptions and morally dangerous implications. For these reasons, the article concludes that Giubilini and Minerva’s defense of the permissibility of infanticide is untenable.

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