What about After-Birth Abortion?

It’s rare that anyone pays attention to bioethicists, but in February of 2012 a pair of them set off an Internet firestorm by saying newborns could be killed for almost any reason. Alberto Guibilini and Francesca Minerva wrote “After-birth abortion: why should the baby live?” in the Journal of Medical Ethics.¹

That cynical question implies that explanations are now owed for any child who lives more than a few days or weeks beyond birth. The authors didn’t detail how long the killing is acceptable before it should be called “murder,” or suggest discrete methods of bringing about the demise of an infant. They only wanted to apply pro-choice arguments to what has previously been called “infanticide.”

What changes at birth? In their view, a newborn is more like a fetus than a child, so “killing a newborn could be ethically permissible in all the circumstances where abortion would be.” An abnormality may have been missed in prenatal testing, or the mother’s circumstances may have altered. Should her baby’s birth prevent her from carrying out now what would have been legal days or months before?

Pro-life apologists have also wondered what changes at birth, to the opposite effect. Since the baby who is born is the same person who was in the womb, there is no essential difference and the unborn baby should be protected along with the newborn.

Polls show that most people – even those who are pro-choice – agree that viable unborn babies (age 24 weeks or more) ought to be protected by law.² Birth is only a change in venue, not value. And the value of human life is inestimable.

Guibilini and Minerva’s idea, however, is that an individual must meet certain standards before being deemed a person worthy of protection. “Merely being human is not in itself a reason for ascribing someone a right to life.”

They admit “it is hard to exactly determine when a subject starts or ceases to be a ‘person’” but then go on to say it’s anyone who has “formed any aim.” This could mean the individual knows the loss of his or her life would prevent accomplishment of those aims, has an idea of self, or attaches a value to his or her own life. If none of these things are true, then supposedly death poses no harm.

Who would make such determinations, and how? The authors pit “potential” or “future” persons against “actual” ones. “Actual” people are those who not only have aims but also
“well-developed plans.” The greatest consideration belongs to those bearing responsibility for the life in question. That would include family members – parents and siblings – and “society as a whole, when the state economically provides for their care.” “The rights and interests of the actual people involved should represent the prevailing consideration in a decision about abortion and after-birth abortion.”

The authors are champs at stating things negatively. For example, they note that “between 2005 and 2009 only the (sic) 64% of Down’s syndrome cases were diagnosed through prenatal testing,” with the result that “1700 infants were born with Down’s syndrome without parents being aware of it before birth. Once these children are born, there is no choice for the parents but to keep the child, which sometimes is exactly what they would not have done if the disease had been diagnosed before birth.” People with Down’s or other disabilities can, they later admit, be happy, but it’s still “no reason for prohibiting abortion,” before or after birth.

Animals, on the other hand, may qualify. On the basis that a “person” is one who values his or her own life, they write, “that many nonhuman animals and mentally retarded human individuals are persons, but that all the individuals who are not in the condition of attributing any value to their own existence are not persons.” Given this mindset, is it any wonder that advertisements for Blue (brand) dog foods once referred to pet owners as “pet parents”?3

In addition to the questions about how and when after-birth abortions could be committed, and who would decide, is a concern about the emotional toll on families that carrying it out. Many women suffer after aborting their unborn babies. How much more unimaginable will be their grief and remorse over their participation in the death of a newborn baby they have seen and held? No mention was made of possible “post-birth post-abortion trauma” except to suggest it would be less painful than releasing a child for adoption. “It is true,” they write, “that grief and sense of loss may accompany both abortion and after-birth abortion as well as adoption, but we cannot assume that for the birthmother the latter is the least traumatic.”

Speaking of pain and trauma, consider the ongoing debate over what an unborn baby feels. In “Protecting Unborn Children from Pain,” Teresa S. Collett says,

> At the heart of the debate over whether the unborn child feels pain is the definition of ‘feels.’ Some physicians and philosophers restrictively define ‘feels’ to mean only those responses that reflect some self-awareness or ‘conscious appreciation of pain.’ If consciousness is absent, they argue, researchers can at best conclude that the human fetus ‘reacts to physical stimulation.’

Years ago similar arguments persuaded doctors that newborn children could not feel pain because they evidence no self-consciousness. It was common practice to perform early post-natal surgeries such as circumcision with no pain relief, notwithstanding the child’s screams and struggles. Thankfully, the medical profession now recognizes the capacity of newborns to feel pain, and newborns are regularly anesthetized prior to surgery.4
What is man?

For them the value of a human life is not intrinsic – just because he or she is human and, therefore, made in God’s image – but depends on reaching a certain level of mental development.

This is so far-removed from how the Bible describes a human being. Look at the phrases in Psalm 8. What is man? Someone that God thinks about and visits. A little lower than angels. Crowned with glory and honor. Given dominion over the works of God’s hands – animals, birds, and fish. Someone who responds to God in praise – even from infancy!

Newborn babies are precious, representing hope and the ongoing promise of life. We rightly look upon them with wonder at God’s gift, no matter the circumstances surrounding their births. Should we now look at them with suspicion, as a terrible menace?

The authors do. They say, “having a child can itself be an unbearable burden for the psychological health of the woman or for her already existing children,” and “[a] serious philosophical problem arises when the same conditions that would have justified abortion become known after the fact.” But the only people who have a problem are those who believe . . .

- God has no concern or design for the individual
- Life is mainly biological, not spiritual
- Neither an unborn fetus nor a newborn are persons
- Death can be in a disabled child’s best interests
- Adoption can be more harmful than death

People reacted to this article with angry surprise, but it really didn’t say anything new. Abortion, abandonment of infants (“exposure”), and direct infanticide have been common from ancient times. According to A Day in Old Athens, a father was allowed up to five days after birth to decide the fate of a baby born in his house.

After the birth of a child there is an anxious day or two for the poor young mother and the faithful nurses... Will he 'nourish' it? Are there boys enough already? Is the disappointment over the birth of a daughter too keen? Does he dread the curtailment in family luxuries necessary to save up for an allowance or dowry for the little stranger? Or does the child promise to be puny, sickly, or even deformed? If any of these arguments carry adverse weight, there is no appeal against the father's decision. He has until the fifth day after the birth to decide. In the interval he can utter the fatal words, "Expose it!"

... The child is now under the care of the family gods. There is considerable eating and drinking. Exposure now is no longer possible. A great load is off the mind of the mother.

But doomed babies would thus be left in some public place, in a crude cradle or shallow pot, to die of hunger and neglect unless someone rescued him or her.
Although not spoken of in the Bible, the early church knew these practices were forbidden. In *Sanctifying Life in the Early Church*, David P. Gushee writes, “for Christians, the child’s life too, was sacred, even in the womb and in infancy, as was the life of the woman carrying the child. For both Jews and Christians, abortion and infanticide were absolutely banned.”

Guibilini and Minerva merely built on the 2002 Dutch practice of allowing doctors to actively “terminate” infants with hopeless prognoses and “unbearable suffering.” After-birth abortion also fits in nicely with programs such as China’s one-child policy, and cultural preferences for boys in India and elsewhere.

The authors’ views also coincide with those of the Canadian judge for whom the term “fourth-trimester abortion” was coined. A woman’s infanticide conviction was overturned because abortion is legal in Canada throughout pregnancy. During her sentencing for improper disposal of a body, Justice Joanne Veit said Canadians could view the murder of that newborn child as sympathetically as they do a woman’s abortion decision.

The issue arose during the 2012 presidential campaign. While an Illinois state senator, Barack Obama opposed the Illinois Born Alive Infant Protection Act, which was drafted to prevent the abandonment of babies born alive after failed abortions. "Obama gave 10 different reasons for voting against the bill -- from protests that it would undercut Roe v. Wade to allegations that [witnesses] lied under oath." They conclude that, “since non-persons have no moral rights to life, there are no reasons for banning after-birth abortions.” It’s an ethic that can be traced to the Nazi-era creed that some lives are “unworthy of life.” But ultimately it reflects the Enemy’s aim of attacking the image of God.

For an abbreviated, printable version of this article, see "After-Birth Abortion?" (LifeMatters 12:1).

Endnotes:

1. *J Med Ethics*, 2/23/2012, [http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411.full](http://jme.bmj.com/content/early/2012/03/01/medethics-2011-100411.full)

