Robertson and Engelhardt Clash on Key Issues

- Are defective infants full persons with right to life?
- Is it morally permissible (maybe even obligatory) to stop life-sustaining treatment for the sake of the child?
- Is it morally permissible to stop treatment for the sake of others; e.g., family?
- Is it morally permissible to stop treatment because costs are too great?

Robertson Responds to These Arguments for Non-Treatment

- Infants are not persons
- Non-treatment may be appropriate for the sake of the child to avoid a life worse than death
- Non-treatment may be appropriate for the sake of others (or costs)

“Infants Are Not Persons” Robertson’s Response

- Infants must be considered persons.
  (Is Robertson’s argument completely nonconsequential, as one would expect?)
- Robertson opposes Tooley’s argument
  - To have a right to life one must have a desire to continue to exist
  - To have a desire to continue to exist, one must have the sense of self over time
  - Tooley: since early infants lack this, they are not persons with a right to life
Problems with Tooley’s argument

- Surely one who becomes unconscious is still a person with rights
- Tooley: their prior status is not lost
- Why should prior status be more important than future likely status?
- For infants who will never gain self-consciousness, is their status different from those adults who become permanently impaired? Why?

Engelhardt on personhood

- Infants and small children not persons in strict sense, only in social sense
- They are not bearers of rights and duties.
- (Why not rights?)
- “A newborn or young child is...valued highly because it will grow to become a person.” (p. 655)

“No Obligation to Treat When Infant’s Own Life Would Be Terrible”—Robertson’s Response

- Robertson: Even impaired life better than often portrayed
- Robertson: nearly impossible for someone else to judge that infant’s life not worth living
- What about grossly deformed, retarded, institutionalized child with incessant pain “where continued life is itself torture”? 
“No Obligation to Treat When Burden On Others Is Too Great” –Robertson’s Response

- Families can be helped so that burden not overwhelming and even some benefit
- Health professionals’ problems are significant but *comparatively* minor
- Costs to society
  - Questions the cost-benefit calculations of others
  - Saving money doesn’t justify violating rights.

Engelhardt: Parents May Decide Not to Treat in Many Cases

- Children are not persons in full sense
- Nontreatment justified if *either*
  - Quality of life will be very poor OR
  - Costs (financial, psychological) great
- The decision is one for *parents*
  - Exception: children should be protected from parental decision not to treat if child can have good quality of life *and* not a severe burden)

Engelhardt: May Even Be an *Obligation* Not to Treat

- In some cases continued existence is an *injury* for the child
- Legal idea developing of child suing for "wrongful life."
- Is there a parallel *ethical* idea that we should accept?