

Flawed:
**Nietzsche on Singer's Utilitarian Bioethics
of Infants with Disabilities**

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Abstract:

Peter Singer, a well-known bioethicist with controversial views about the lives of infants with disabilities, bases his arguments upon the ideas of preference utilitarianism, a form of utilitarianism which strives to maximize the preferences of all individuals involved. Singer's argument is based on assumptions about the quality of life available to those with disabilities and about the moral position of an infant, leading to a conclusion that is distasteful to many. Philosopher Friedrich Nietzsche's criticism of utilitarianism and discussion of the current moral system provides a tool with which to question the legitimacy of Singer's claims. In *On the Genealogy of Morality*, Nietzsche suggests that utilitarianism is a moral system that is based in the *ressentiment* of the current system of values, having no basis in moral truth. In this capstone I use Nietzsche's criticism of utilitarianism to undermine the morality of Singer's advocacy for the euthanasia of infants with disabilities, showing that Singer's ethics are not grounded in a legitimate ethical system.

Peter Singer and his preference-based utilitarian arguments are recognized internationally, and he is acclaimed as the best-known philosopher in the world. Singer makes an argument in support of killing disabled infants based in what he calls “preference utilitarianism.” He argues that an infant cannot yet be considered a human being with interests, so the preferences of its parents take precedence over any preference for life that the infant may have. Singer maintains, furthermore, that life with a disability makes an individual worse off, confirming that parents are right in choosing to forgo the future-existence of a child with disabilities in favor of trying again for a non-disabled child.

Nietzsche’s arguments against utilitarianism in *On the Genealogy of Morality* criticize utilitarianism, calling it non-historical and implying that instead of making an argument for the morality of actions it justifies actions that we would take based upon currently held social preferences. Because Singer bases his arguments in a form of utilitarianism, Nietzsche’s criticism of utilitarianism reveals Singer’s arguments to be lacking a solid moral basis.

In this paper I will argue that these criticisms of utilitarianism are applicable to Singer’s defense of euthanasia for infants born with disabilities, and that this criticism coincides with a deep underlying problem in Singer’s moral system. I will begin by outlining Singer’s “preference utilitarianism” and its use in his claims about infants with disabilities. I will continue with Nietzsche’s arguments about the origins of our current moral system and his related criticisms of utilitarianism. Finally, I will make clear the ways in which Nietzsche’s arguments can be used to undermine Singer’s position and question the legitimacy of his underlying assumptions.

Singer’s arguments rely on several different forms of utilitarianism as ground for his claims. He explains that the classical utilitarianism developed by philosophers such as Jeremy

Bentham, John Stuart Mill, and Henry Sidgwick proposed to judge actions based on whether they maximized pleasure or happiness, or minimized pain or unhappiness. Singer writes that “terms like ‘pleasure’ and ‘happiness’ lack precision, but it is clear that they refer to something that is experienced, or felt—in other words to states of consciousness” (PE 79). Pleasure and pain can only be felt and acknowledged by conscious beings like animals and human beings, and cannot be felt by a being that is dead. Thus, when an individual is dead, her pleasure or pain and her desires, pleasure or happiness can no longer be taken into account in classical utilitarianism.

Singer uses another version of utilitarianism that he calls ‘preference utilitarianism’ to justify his claims about infants with disabilities. Utilitarianism, according to Singer, begins with goals, and decisions must be made with these goals in mind (PE 3). In the case of preference utilitarianism, this goal is to maximize the interests of those who are affected. Preference utilitarianism judges actions by their accordance with the preferences of those who are affected by the action taken and any resultant consequences. Preference utilitarianism, in taking into account preferences and desires rather than happiness allows decisions to be made based on something more rational than feelings. Maximizing preference is a different goal than maximizing happiness, as a certain outcome may fulfill a preference but not necessarily make one *happier*. In adopting preference utilitarianism as the basis for our actions, we must, according to Singer, “make the plausible move of taking a person’s interests to be what, on the balance and after reflection on all the relevant facts, a person prefers” (PE 80). Here, Singer cautions that even though a person who is killed no longer has preferences to live, this does not make killing a human being who while living wishes to continue doing so moral. Since preference utilitarianism does not allow for the killing of persons, in order to use this form of

utilitarianism as justification for the killing of infants with disabilities, Singer must show that killing such infants is different from killing beings that wish to continue living.

Singer justifies the killing of infants with disabilities in two ways, by contending that a newborn infant does not have preferences for the future, or that these preferences are outweighed by the preferences of parents who do not want to care for a child with a disability, and by claiming that a newborn infant is not, in fact, a person—or at least not a person with equal moral value. As such, an infant lacks the right for any moral consideration of its preferences. Singer's definition of person is a rational and self-conscious being, and he contends that there is a difference between a person and a human being (PE 76). A being's membership in the species *homo sapiens* does not have a moral component and is irrelevant to the wrongness of killing it, but personhood carries with it moral qualities that make one's being a person and having these qualities relevant to whether it can be killed. According to Singer, "infants lack these characteristics. Killing them, therefore, cannot be equated with killing normal human beings, or any other self-conscious beings" (PE 131). Singer does not limit this conclusion to infants with disabilities but extends it to all infants, as no infant has these qualities of rationality and self-consciousness—in essence no infant has preferences or desires for the future.

Since Singer qualifies infants as being non-persons who have no preferences, they cannot have a desire for life. Even if we believe that they have a desire for life, it is difficult to hold the belief that their preferences are as strong as those of an adult person.¹ Consequently, Singer understands there to be very little difference between a fetus and infant: there is certainly no "clear moral line" that would enable us to say that a fetus may be aborted, but once the fetus has

¹ Singer makes some interesting comments in *Practical Ethics* about the fact that some people have a strange (and ungrounded) idea that killing innocent infants is more horrible than killing adults, citing propaganda from WWI which depicted German soldiers killing Belgian babies (PE 123). Though these views about the sanctity of infant life are not derived from the idea of infant preferences, it is helpful to recognize this moral feeling that is prevalent in society so that it does not become confused with the claims that Singer addresses here.

become an infant by being born, it acquires moral qualities that make killing it less acceptable than killing a fetus (PE 122). If there is a difference between fetus and infant, according to Singer it must be a matter of degree by which the infant is different than a fetus and has more of a right to life, but the difference does not mean that “the newborn infant [is] entitled to the same degree of protection as a person” (RLD 211). Thus, Singer contends that the consideration of euthanasia of a newborn with disabilities should follow the same logic as the abortion of a fetus diagnosed with disabilities. In cases of selective abortion for disability, it is the parents-to-be or the mother-to-be who makes the decision to have the abortion. Infanticide can thus only be equated with abortion if “those closest to the child do not want it to live” (PE 126).

At this point, it may be helpful to clarify the arguments that Singer makes in justifying the killing of disabled infants by drawing on arguments about abortion. He relies on the idea that there is no difference between the fetus and the infant that would give any moral basis for treating the infant differently than the fetus. He elucidates this point, writing “we are prepared to kill a fetus at a late stage of pregnancy if we believe that there is a significant risk of it being defective; and since the line between a developed fetus and a newborn infant is not a crucial moral divide, it is difficult to see why it is worse to kill a newborn infant known to be defective” (PE 147). Elsewhere, he writes that “newborn-infants, especially if unwanted, are not yet full members of the moral community” (RD 130). Because of the moral status that he gives to infants, Singer finds them to be not yet persons who have preferences to be taken into account. This allows him to make the claim that without preferences, or with preferences of less worth than an adult person’s, the parents of a child born with disabilities should make decisions about the life or death of the child based only upon their own interests.

Singer seems to imply that it might sometimes be beneficial to wait until after birth to decide whether an infant should be killed. He uses the example of hemophilia; a sex-linked disease in which a mother who is a carrier of the genetic defect that causes this lack of a clotting agent in the blood. Sons born to mothers with the defective gene have a 50% chance of receiving the gene that would cause them to suffer from the disease. There is currently no prenatal test for hemophilia, but as it is sex-linked, a woman who knows that she is a carrier may choose (often following her doctor's advice) to abort a male fetus and "try again" for a female fetus which would have no risk of exhibiting the genetic disorder. Because only 50% of the male offspring would have hemophilia, out of 100 abortions for this reason 50 would be needless (PE 137). Singer implies that if there were a system in place that allowed for the killing of disabled fetuses, these needless deaths of healthy fetuses could be stopped by allowing parents to examine the infant before making a decision about the life or death of the child.

Singer makes a similar argument about the lives of infants and fetuses with disabilities that is more clearly grounded in utilitarianism. He argues that parents who have a desire for a child have a desire for a healthy child. When the infant or the fetus is found to have a disability, what would be a happy time for the parents often turns into "a threat to the happiness of the parents, and any other children they may have" (PE 132). In this case, the impact of the infant's death may be a reason *for* killing it, rather than against this act. The parents may decide that it would be "kinder to the baby, both now and in the future, to 'treat it to die,'" and perhaps even kinder to end its perceived or real suffering sooner by killing it in a more proactive way (RLD 212). Furthermore, if the happiness of the parents and family of the newborn infant with disabilities would be increased with the non-existence of the infant, then in utilitarian terms it is morally right to kill the child. If the infant with disabilities will be killed so that the parents can

attempt to have another child that will not have disabilities and will presumably have a happier life, then the utilitarian balance of happiness also agrees with the killing of the infant with disabilities. In this case the “the total amount of happiness will be greater if the defective infant is killed. The loss of happy life for the first infant is outweighed by the gain of a happier life for the second” (PE 134).

Singer reminds us that “the difference between killing defective and normal infants lies not in any supposed right to life which the latter has and the former lacks, but in other considerations about killing. Most obviously there is the difference which often exists in the attitudes of the parents” (PE 132). Singer’s argument focuses on infants with disabilities, rather than all infants, because he is specifically concerned with the preferences of the parents. Most parents, he contends, would have a different emotional attachment to an infant with disabilities than they would to a healthy infant without disabilities. He describes a case in which an infant with disabilities is “kept alive, against the wishes of her mother, and at a cost of thousands of dollars, despite the fact that she would never be able to live an independent life, or to think and talk as normal humans do” (PE 73). Despite the offensive wording, this raises a telling point about the attitudes of physicians and parents towards the idea of passive euthanasia for infants born with severe disabilities.

The practice of withholding medical treatment from infants with severe, or sometimes less severe, disabilities is much more common than is generally known. Many people agree with the withholding of futile treatment in what are perceived as hopeless cases. Infants born with severe disabilities are often allowed to die by a joint decision of the doctor and the family. Here, the argument for the non-treatment varies from the fact that there is no real treatment (as is the case in anencephalic infants) to an idea that it would cause harm to the infant to extend its life of

suffering. When the life that the infant can be expected to lead is so shadowed by disability that it will be a miserable existence and there is no external factor (such as a parental desire to prolong the life of the child regardless of quality of life considerations) there is no reason that the infant should not be killed (PE 133). The principle of non-treatment of infants with multiple or severe disabilities is in fact supported by the 1986 decision by the Supreme Court in which it was decided that quality of life judgments related to the withholding of treatment for infants with disabilities are acceptable with parental consent, but the legality and legitimacy of such decisions have been debated since then (RD 113). Since this non-treatment is readily accepted as a “humane and proper course of action in certain cases,” Singer questions why we should allow infants to die, but consider it wrong to hasten their death by killing them (PE 152)?

Many of Singer’s arguments rely on breaking down our conventional and universally held moral ‘feelings’ that have no basis in a moral truth. He writes, “philosophy ought to question the basic assumptions of the age. Thinking through, critically and carefully, what most people take for granted is, I believe, the chief task of philosophy” (AAE 153). He asserts cases and examples which challenge our ability to hold these ideas, and then posits that we have no reason for feeling the way that we do. Since there is no discernible difference between a fetus and an infant (besides for the fact that one is in a womb and the other has exited), there should be no moral difference in killing them. Since there is no real difference between allowing to die and killing, active euthanasia should not be considered immoral. One path to taking down these assertions seems to lie in finding the problem within Singer’s seemingly logical claims of no difference, that is, in finding the difference between the two situations and grounding the difference (and hence our reasoning for feeling the way we do) in something that holds water.

At first glance, this may seem uncannily similar to the results of Nietzsche's project in *On the Genealogy of Morality*. Here Nietzsche traces the values of today's moral system back through history to its roots in order to show that the system of values was arbitrarily defined and thus our moral system should be called into question. Singer also presents a challenge to the moral values we hold today; but instead of merely pointing out the inconsistency within our morality as Nietzsche does, Singer attempts to insert his own preference utilitarianism into the void that he has created. However, Nietzsche's arguments against utilitarianism highlight the central flaw in Singer's attempt to posit preference utilitarianism as an acceptable and convincing moral theory in bioethics.

In *On the Genealogy of Morality*, Nietzsche develops a history of the moral system in place today, which he later uses as grounds for criticism of the utilitarian movement that was developing concurrently in England. Nietzsche traces the origins of 'good' and 'bad' to what he calls the "noble morality" in which nobles considered their own qualities and characteristics to be good, while considering those who were not noble to be bad only because they did not possess the "noble" or "good" qualities (GM I:2). This moral system underwent a drastic change that Nietzsche describes as arising out of the development of Christianity and the *ressentiment* of the weaker class towards the nobles. In this revaluation, the oppressed "slaves" label their oppressors as *evil*, and themselves and their characteristics as good in comparison. This revaluation of morals is important for Nietzsche because it rises out of *ressentiment* that gives rise to, and is pervasive in, this "slave morality" (GM I:10).

Nietzsche's revaluation of morals need not be a real historical event, but it serves to illustrate the way that our current system of morality has been arbitrarily defined and has no basis in some underlying moral truth. The importance of slave morality is that it is a reversal of

previously held values that assigns the valuation “evil” to what was considered to be good under the noble morality, and considers what was once “bad” to be good. Nietzsche’s genealogy of our current morals illustrates the arbitrariness of our value system, and brings us to question the way that we think about morals and even the way that we think about actions and qualities as having moral weight. The current system of morality *is* the slave morality that Nietzsche describes, and is pervaded by the *ressentiment* that gave birth to our morals.

Throughout the *Genealogy*, Nietzsche criticizes the utilitarian philosophy being developed in England. Nietzsche attacks utilitarianism as a system which upholds meaningless moral values and its proponents as frogs wallowing in a swamp looking for meaning in the wrong places (GM I:1). Instead, he says that in order to develop or even think about a moral system that would be meaningful one would need to “sacrifice desirability to truth, to every truth, even plain, harsh, ugly, unpleasant, unchristian, immoral truth...for there are such truths” (GM I:1). He attacks the moral system based upon its non-historic basis: he believes that utilitarianism merely assumes the moral values present in current society and creates a system which justifies the implementation of these morals. There is no reasoning incorporated into the idea of utilitarianism that explains why what is considered moral by the utilitarian standard *is* moral; there is no underlying truth providing backing to what the utilitarians claim.

Some utilitarian ideologies use the idea of utility to judge the morality of a given action, that is, whatever serves the greater good or the greatest purpose in a situation is considered to be the correct choice of action. A popular form of utilitarianism—hedonistic utilitarianism—determines the utility of an action based upon the measure of pleasure versus pain that will result from an action. The idea of utility, however, is not well-defined and it is often difficult to determine what may cause pleasure or the most pleasure. This is further complicated by the

question of who is gaining pleasure from a given action and who is being harmed. The utilitarian moral system is sometimes criticized² as being a difficult form of moral calculus that is much more complicated than it is made out to be.

Nietzsche's critique, however, is focused upon the lack of grounding for the morals upheld by the utilitarian moral system. He writes, "the purpose served by a thing does not explain its origin," suggesting that even if the designations of pain and pleasure as moral markers in society seem to achieve a sort of moral system, it in no way demonstrates that utility *is* the moral system that should be followed (GM II: 2). Since utilitarianism describes a moral system which simply justifies the morality of actions that are already likely to be taken in the current moral climate, there is no discussion of why we consider these actions to be morally good or bad, or why we even ask the question if a certain action is good or bad. Nietzsche's claim of arbitrarily defined moral values brings our entire conception of morality into question, a distrust of the way we think about morals that certainly extends to utilitarian ethics.

The non-historical view that utilitarianism takes on the moral values that it supports is crucial in emphasizing the fact that the value-system that utilitarianism upholds is grounded not in solid reasoning for the real morality of the values, but rather in socially informed preferences and attitudes. In this way, utilitarianism is a product of the *ressentiment* that Nietzsche describes, as it grows out of, and is indeed based on the slave morality that is present everywhere in modern society. There is no good reason for the moral system in place, it is merely the system which was set in place with the revaluation of morality. As such, we can imagine that other moral valuations might be in place today had conditions been different. And, if this were the

² Though not specifically criticized in this way by Nietzsche, the complication of determining the correct or moral course of action adds to Nietzsche's critique of utilitarianism as a system that is based upon unsure moral values of the times, and calls into question the value judgments that are assumed in the system of utilitarian morality.

case, though the system would be different from the one in place now, *we would not feel that it were any less moral.*

Singer's argument for killing infants born with disabilities is based upon the idea that disability is harmful and is rarely compatible with a satisfactory life. He writes, "it may still be objected that to replace either a fetus or a newborn infant is wrong because it suggests to disabled people living today that their lives are less worth living than the lives of people who are not disabled. Yet it is surely flying in the face of reality to deny that, on average, this is so" (PE 188). Singer claims that though the presence or absence of a disability is not an entirely accurate predictor of quality of life, it gives parents a fairly good indication of what kind of life the child and the family can expect in the face of a disability.³ Furthermore, he contends that life without disability is preferable to life with a disability and beyond this that life with a disability is worth less than a life without a disability.

Such claims express something about the way that as a society we react to disability, painting a picture of disability as something that is clearly undesirable and somehow "evil"—to be avoided at all cost. This view of disability as diametrically opposed to able-bodiedness allows disability to be the "evil" which cements whole-bodiedness as being "good" in our society. It is only with the introduction of something different that those who do not have disabilities can recognize the condition of their body or mind as good. This is not to say that individuals with disabilities are considered themselves to be evil, but rather that their difference poses a challenge to whole-bodiedness which is countered by casting this difference as a harm that carries a moral connotation.

³ In *Prenatal Testing and Disability Rights* Erik Parens and Adrienne Asch offer a criticism of the idea of "replacement children" in which the claim is made that such ideas are based upon the fallacy of letting a single characteristic of the child, namely its disability, to stand in for all future possibilities open to the child. Though this argument is made with fetuses diagnosed with disabilities in mind, the argument holds true for infants born with disabilities as well.

One may wonder, however, where this assumption about the nature of disability stems from. It seems clear from Singer's rhetoric about the burdens of disability on the child and on the parents that this view of disability is well-situated in the preferences, judgments, and political realities of our society. Singer does not question why we, as a society, react to individuals with disabilities in this way, but instead reiterates the common beliefs that individuals with disabilities are lacking in abilities that deny them a whole and fulfilling life and that "mere equality of opportunity will not be enough in situations in which a disability makes it impossible to become an equal member of the community" (PE 53). Even the way Singer phrases this claim makes it clear that the argument is embedded in the values of society and steeped in *ressentiment*.

Singer gives many arguments that seem to imply that it is not immoral to take the life of a infant with disabilities if the preferences of the parents are to do so. He does not, however, give any reasoning behind the arguments that suggest why the question of euthanasia for infants born with disabilities is a question of morality at all. One can imagine that in a society shaped in such a way that individuals with disabilities and their families are given the support that they need this might only be an issue in the most severe of cases. Or one can imagine a different society in which the attitudes toward death and the moral relevance of children are positioned in such a way that the argument is again moot because everyone could agree that killing any infant is acceptable if the parents do not want the child. Or, perhaps, a society in which individuals with disabilities are devalued in ways even more extreme than they are today, e.g. a society in which Singer's argument may be redundant because it is taken for granted that such practices as the killing of infants with disabilities are morally correct. Singer's argument is immersed in the practices and values of society, and there is no claim made as to whether these societal leanings

are moral in themselves. We are left, as Nietzsche reminds us, with a system of morality that merely reflects the values of society without any grounding in history or reason for the values.

Some individuals in the disability rights movement are challenging Singer's position in regards to infants with disabilities on similar grounds. Activists such as Harriet McBryde Johnson question the legitimacy of Singer's claims by asking if his view of individuals with disabilities is sound, and even further, if society's view of individuals with disabilities is sound. In her memoir of the lecture published in *The New York Times* in 2003, Johnson asks "are we worse off? I don't think so...we enjoy pleasures other people enjoy, and pleasures peculiarly our own. We have something the world needs" (Johnson 4). These activists also question the reasons for the way that society perceives disability. While they do not deny that some parents may desire not to have infants with disabilities and might choose euthanasia of an infant with disabilities if given the choice, they are questioning the societal reasons and motives behind these actions. In doing so, they are unknowingly drawing on Nietzsche's argument against utilitarianism, that is, that it assumes the legitimacy of currently-held values in society without questioning or proving their morality. Johnson writes that "the presence or absence of disability doesn't predict quality of life" and she objects to the suggestion that people are fungible entities (Johnson 3). The assumption that ability is a predictor of the kind of life that one will lead is an assumption that is in many ways tied to the society in which we live, one in which disability often times can give indication of the type of life a person can lead. But the actions of individuals like Johnson and bioethicist Adrienne Asch show that though life with a disability may be more difficult in some ways (Johnson records the details of the difficulties faced by an individual navigating airports and air-travel in a powered wheel chair), it is also quite as

rewarding, fulfilling and full of joy as the lives of individuals who face life without disability (Johnson 5).

In Johnson's memoir of her 2002 encounter with Peter Singer as his guest lecturer at Princeton University, it is revealing to note that it is not Singer who is pushed during this engagement to defend the philosophical roots of his moral system, but rather Johnson. During a dinner with other faculty members, Johnson, who is not herself a philosopher, is asked to explain the basis of her objections which are taken to be "grounded in current conditions of political, social and economic inequality" (Johnson 9). She is asked "what if we assume that such conditions do not exist... to get to the real basis for the position [that she defends]?" (Johnson 9). This question gets to the heart of the challenge that Nietzsche's work poses to Singer, namely to defend his proposal as part of a moral system that is not dependent on the social situation in which it occurs.

Singer's defense of euthanasia of infants with disabilities is undermined by Nietzsche's assertion that the tradition of utilitarian ethical theory is based only in the moral values already present in society, and does not make a claim as to the underlying morality of these values. Without such a basis, there can be no claim as to the morality of any position defended on the grounds of utilitarianism. This realization is both enlightening and disturbing. We have found a hole in Singer's argument that we can use to weaken his claims. At the same time however, we are faced with the realization that we must choose or create a new ethical system that does have a solid foundation of well-argued moral values if we want to make any claims of our own regarding the moral position of individuals or infants with disabilities. Here Nietzsche can be of little help, as his project is to bring us to question the moral values that we hold, but not to put any other system of morals in their place.

Singer's argument in support of allowing parents to choose to kill infants born with disabilities is shown through the application of Nietzsche's argument against utilitarianism to have no real moral basis. If our current system of moral values is arbitrarily determined, we must question our moral judgments, particularly those found in Singer's argument that draws upon the non-historical system of preference utilitarianism. Preference utilitarianism does not make any claims about the rightness of the moral judgments that it upholds, but only aims to make moral distinctions based upon the preferences of those affected by an action—preferences that are informed by the *ressentiment* infusing the current system of values. Singer's construction of a moral system based in the common but ungrounded morality leads to the support of such ideas as the killing of disabled infants; an idea which seems monstrous. Nietzsche's illumination of our system of morality and his criticism of utilitarianism allows us a viewpoint from which to see the error of Singer's utilitarian bioethics, and from which to question the conclusions that he comes to based on such a system.

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