

Killing and Impairing Fetuses

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Abstract: Could it be that if a fetus is not a person abortion is still immoral? One affirmative answer comes in the form of ‘The Impairment Argument’, which utilizes ‘The Impairment Principle’ to argue that abortion is immoral even if fetuses lack personhood. I argue ‘The Impairment Argument’ fails. It is not adequately defended from objections, and abortion is, in fact, a counterexample to the impairment principle. Furthermore, it explains neither what the wrong-making features of abortion are nor what features of fetuses ground their supposed moral significance. By presupposing the fetus lacks personhood and providing no alternate account of the basis of fetuses’ moral significance, there is nothing to constitute abortion’s wrongness. Attempts to modify it fail for the same reasons. Thus, the impairment argument fails to show abortion is immoral.

Keywords: Abortion, Fetal Alcohol Syndrome, Fetuses, Impairment, Moral Status, Personhood

1. Introduction

The view that fetuses are persons and ought to be respected as such is often the basis for arguments for the immorality of abortion and has been defended by philosophers including Patrick Lee (2004), Francis Beckwith (2007), and Christopher Kaczor (2010). The idea is that if fetuses are persons, then it is wrong to kill them, and because abortion is the intentional killing or causing the death of the fetus to end a pregnancy, abortion is immoral. Those who reject these sorts of views typically show how fetuses differ from quintessential examples of persons, such as healthy developed adult humans, to deny abortion is immoral. On this framework, the moral status of abortion seems to depend upon whether the fetus is a person.

In contrast, Don Marquis (1989) argued abortion is immoral because it deprives the fetus of a valuable future like ours. Marquis’ argument bypasses the question of personhood as it locates the moral worth of the fetus in it being the sort of thing with a valuable future like ours, independently of whether it is a person. However, Marquis’ argument has difficulty dealing with ‘Identity Objections’ (McInerney 1990; Sinnott-Armstrong 1999; McMahan 2002: 190-191; Brill

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2003; Lane 2003; Lovering 2005; Reitan 2016; Brill 2019), which challenge whether fetuses really have a “futures like ours”, and ‘Contraception Objections’ (Norcross 1990; Savulescu 2002: 133), which contend that it leads to the absurd conclusion that failure to procreate, including by using contraceptives or practicing abstinence, is morally impermissible.

While Marquis’ argument faces serious problems, its approach to the ethics of abortion is interesting because it avoids the question of personhood. Even if Marquis’ argument fails, the following question would still need to be answered: Could it be that even if a fetus is not a person, and therefore lacks any of the morally relevant features of personhood, abortion is still immoral?

An affirmative answer to this question comes from Perry Hendricks (2019a; 2019b), who advances “The Impairment Argument”, for the immorality of abortion. In this paper, I argue that the impairment argument fails. I show that the impairment argument is not adequately defended from the Interest Theory objection, which shows a dis-analogy between giving a fetus Fetal Alcohol Syndrome (FAS) and abortion. Furthermore, no adequate explanation of what wrong-making features constitute the wrongness of abortion or what morally relevant features fetuses have that make killing them wrong, if there are any such features at all, is provided. The failure to specify both the morally relevant feature or features of fetuses and the wrong-making feature of abortion creates a situation where abortion turns out to be a counterexample to the “Impairment Principle” (Hendricks 2019a, 247), which is an important principle underlying the impairment argument. Additionally, I explain why the “Modified Impairment Principle” (Blackshaw and Hendricks 2020), cannot save the impairment argument. Thus, the impairment argument fails and it cannot be concluded that abortion is immoral.

2. The Defence of The Impairment Argument

Hendricks argues abortion is immoral even if the fetus is not a person. To advance this argument, Hendricks posits “The Impairment Principle”.

The Impairment Principle: If it is immoral to impair an organism O to the nth degree, then, *ceteris paribus*, it is immoral to impair O to n+1 degree. (Hendricks 2019a: 247)

Employing this principle, Hendricks advances the impairment argument thusly:

The Impairment Argument: P1. Causing an organism O to have FAS (Fetal Alcohol Syndrome) is immoral.

P2. If causing an Organism to have FAS is immoral then, *ceteris paribus*, killing O is wrong.

C1. Therefore, Killing O is wrong.

P3. If one aborts O, then she kills O.

C2. Therefore, to abort O is Immoral. (Hendricks 2019a: 248)

Hendricks takes himself to have established the conclusion that abortion is immoral even if the fetus is not a person and therefore lacks any of the morally relevant features of persons.

This argument has received critical responses from philosophers, including, Bruce P. Blackshaw (2019; 2020), Claire Pickard (2020), Dustin Crummett (2020), and Joonas Räsänen (2020). Blackshaw (2019) criticizes Hendricks’ argument in several ways, including by arguing it is dubious that killing a fetus impairs it in the same way that FAS does, that Hendrick’s “smuggles in the conclusion that abortion is immoral” (724) into the argument’s premises, and that when we consider what makes it the case that giving a fetus FAS is wrong, we find that wrong-making feature is not present in the case of abortion (Blackshaw 2019: 724). Pickard takes issue with P2,

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arguing that the *ceteris paribus* clause is not met. Crummet argues that the impairment argument will not be persuasive to those who accept Judith Jarvis Thomson's (1971) argument for the permissibility of abortion because on a Thomsonian view abortion is permissible even if it is assumed that a fetus is a person. If abortion is permissible despite a fetus being a person, then assuming a fetus is not a person is too great a concession to make if one intends to argue abortion is impermissible. Räsänen argues there are goods achieved by having an abortion that are not achieved by giving a fetus FAS, thus further highlighting the normative disparity between abortion and giving a fetus FAS.

Hendricks' response to Blackshaw's criticisms is of particular interest. Hendricks responds to Blackshaw's criticisms by claiming that the impairment argument is not question-begging, an aborted fetus does count as impaired, and while those who accept an Interest Theory of rights can avoid the impairment argument, this objection is not available to many, as Interest Theory is a contentious abstract philosophical view (Hendricks 2019b).

Because aborting a fetus is a greater impairment to a fetus than is giving it FAS, and giving it FAS is wrong, abortion must also be wrong. This is the case, if the impairment principle is true. But why accept the impairment principle? Consider what makes it the case giving a fetus FAS is wrong. Both Hendricks and Blackshaw provide the same answer. Hendricks locates the wrongness of impairing a fetus by giving it FAS in the harms it would have to the future born child. Hendricks states:

But why is giving a fetus FAS immoral? To get the answer to this question, we need only look at the effects of FAS. Let us consider the case of Angela above. In that case, Angela's mother acted immorally because she performed an action that made it such that her daughter

is (among other things) unable to count and unable to tell time at an age that she should be able to. That is, Angela's mother wronged her by impairing her daughter's ability to develop properly. (Hendricks 2019a: 245-246)

It is clear Hendricks takes the wrong of giving a fetus FAS to be constituted by the harms to the development of the future child. Blackshaw says the same. With reference to Jeff McMahan (2006), Blackshaw responds to Hendricks, stating,

For McMahan, the consideration of an individual's future interests are a crucial requirement of morality, and because a fetus suffering FAS has had its future interests damaged, giving a fetus FAS is immoral. In fact Hendricks seems to agree tacitly that the future interests of the child (which he calls Angela) are the underlying issue, stating that 'Angela's mother acted immorally because she performed an action that made it such that her daughter is (among other things) unable to count and unable to tell time at an age that she should be able to.' (Blackshaw 2019: 724)

Both Hendricks and Blackshaw recognize the harm to the future born child's development as what constitutes the wrong of impairing a fetus by giving it FAS. The wrong-making feature of giving a fetus FAS is the harms the future child's development. However, if this is the case then abortion is dis-analogous with giving a fetus FAS. The dis-analogy is that abortion does not have the same wrong-making feature as giving a fetus FAS. In the case of abortion there are no harms to a future child's development as no future child will ever be born (McMahan 2006; Blackshaw 2019).

We can and should distinguish between impairment and wrongdoing. To impair a thing does not imply wrongdoing that thing. The question is whether an instance of impairment also constitutes a wrong. If some impairment counts as a wrong, then it must have some wrong-making feature.

The act of giving a fetus FAS has such a feature, namely harm to the future child. But abortion does not have this wrong-making feature, nor does Hendricks specify an alternative wrong-making feature. If the wrong of impairment of the fetus is constituted by the future effects on the future child, the absence of these effects from the act of abortion should mean the abortion is not wrong. So, we have a situation where there is an action (abortion) that is a greater impairment to an organism than is another action (giving a fetus FAS), yet the former lacks the relevant wrong-making feature. Because it lacks the relevant wrong-making feature it is not wrong. Abortion then appears to be a counterexample to the impairment principle because it is a greater impairment to a fetus than is giving a fetus FAS but unlike giving a fetus FAS is not wrong. Of course, abortion may be wrong if it has a different wrong-making feature than giving a fetus FAS does, but this would still mean the two acts are dis-analogous. Because causing harm to a future child's is what makes giving a fetus FAS wrong, but not what would make abortion wrong, abortion is dis-analogous with giving a fetus FAS, meaning it is not the case that if giving a fetus FAS is wrong then killing it via abortion is also wrong.

Further, in the case of giving a fetus FAS, the object of moral concern is the future born child that will suffer the harmful effects of FAS. Thus, it is the future born child that would suffer the harmful effects of FAS that is ultimately the thing of independent moral worth. The wrongness of giving a fetus FAS can thus be explained without needing to posit any independent moral worth of the fetus.

Consider the following thought experiment¹: Imagine a pregnant person discover that the fetus occupying their body has some abnormality that will cause it to be miscarried within the

¹ I thank an anonymous reviewer for offering this thought experiment.

week. Once discovered, nothing can be done to stop the miscarriage from occurring. Given this miscarriage is certain to occur, would it be immoral for the pregnant woman, upon becoming aware of the situation, to begin consuming alcohol, even if the alcohol in her bloodstream would have an adverse effect on the fetus until it dies in a week? No, it would not be immoral for the pregnant person to consume alcohol even if doing so adversely affected the fetus because the fact that the fetus will die in a week means there will not be any future child to suffer the harms of FAS.

In response to Blackshaw's objection, Hendricks claims that because Blackshaw is appealing to the future interests of the child, and therefore appears to be operating on an Interest Theory of rights, his objection is not a serious concession (Hendricks 2019b: 969). Regarding Blackshaw's objection that aborting a fetus means there is no future child with interests at stake, and therefore an absence of the relevant wrong-making feature, Hendrick's states the following:

Blackshaw's point is true enough: if one accepts interest theory, then one can avoid the impairment argument. However, I already conceded in my article that interest theorists can circumvent the conclusion of the impairment argument; Blackshaw's point is not new. This is not a major concession, however, because interest theory, like all other abstract philosophical theories is contrived and contentious, and does not appear to be terribly popular. Hence this escape route will be available to only a select few. (Hendricks 2019b: 969)

While Hendricks states this is not a serious concession, his attempts to convince are insubstantial as his response does not amount to a defence of his argument. Supposedly, only those who accept an Interest Theory of rights have access to the objection discussed above against the impairment argument. Hendricks' response does not provide reasons to think an Interest theory is false, nor

shows that Blackshaw's objection is mistaken. Instead, Hendricks states that because the background view from which the objection arises is an abstract philosophical theory, and an allegedly unpopular one at that, it simply does not count as a serious objection.

Hendricks indeed discusses the objection Blackshaw raises in his original paper, so he is right that Blackshaw is not raising anything new. But it is not a problem for Blackshaw to raise this objection again because Hendricks has not adequately responded to it. Hendricks has simply stated that because Blackshaw's objection relies on a contentious philosophical theory, the objection may be ignored, as it will only be available to those who accept an Interest Theory. But Hendricks claims, Interest Theory, "like all other abstract philosophical theories is contrived and contentious" (2019b: 969). If all abstract philosophical theories are contentious, and this is sufficient for any objection to count as irrelevant, then no objections can ever be successful against any philosophical argument. This is absurd. The contentiousness of Interest Theory does not matter for the objection raised against the impairment argument.

Also, whether an Interest Theory is unpopular is irrelevant. Presumably, whether an Interest Theory of rights is correct is independent of its popularity. So, it does not matter how many or how few philosophers accept an Interest Theory of rights. It does not matter for the force of a philosophical objection how many philosophers would raise it. A forceful objection is a forceful objection independently of the popularity of the background theory from which it comes. If the impairment argument is to succeed, Interest Theory must be refuted. But Hendricks' provide no compelling arguments or independent reasons for why Interest Theory is false. This shortcoming means neither the impairment principle nor the impairment argument are adequately defended. What matters is if an Interest Theory were true then there is a problem for the impairment

argument. And because an Interest Theory is plausible, and no argument is given as to why it is false, there is a problem for the impairment argument. Therefore, it is not the case this objection is “available only to a select few” (Hendricks 2019b: 969). The function of philosophical objections is to be challenges or counterarguments against other ideas and arguments. A philosophical objection is available to anyone, anytime. Whether the speaker themselves endorses the necessary background view is irrelevant, for philosophical objections are directed at ideas and arguments, not at people.

Additionally, because Hendricks claims the wrong of giving a fetus FAS is constituted by the harms to the future born child (Hendricks 2019a: 245-246), Hendricks is operating on an Interest Theory. This is an internal inconsistency in Hendricks’ defence. Hendricks admits, if an Interest Theory is true, then one can avoid the impairment argument (2019b: 969). If the wrong of giving a fetus FAS is constituted by harm to the future born child, then an Interest Theory is true. So, an Interest Theory is true. Therefore, one can avoid the impairment argument. Due to the disparity between giving a fetus FAS and abortion, and the internal inconsistency of claiming that giving a fetus FAS is constituted by the harms to the future born child and a successful defence of the impairment argument depending on this claim being false, it is clear that Hendricks’ defence of the impairment argument is inadequate.

3. Further Issues

In the previous section, I explained why the defence of the impairment argument is inadequate. In this section, I discuss further problems with the impairment argument.

Hendricks’ discussion begins with an explanation of why impairing a fetus with FAS is wrong. As discussed, the wrongness is constituted by the harm FAS has on the future born child.

Because there is no future child to be harmed in the case of abortion, the act of abortion is dis-analogous with the act of giving a fetus FAS, as the relevant wrong-making feature is not present in the case of abortion. Central to the question of the wrongness of abortion is what its wrong-making feature is, if indeed abortion is immoral. If we accept the impairment argument, we arrive at the conclusion that abortion is immoral, but are left with no explanation of what constitutes its wrongness and no explanation of its wrong-making feature.

It is important to note that if one can provide an answer to the question of what abortion's wrongness consists of then the impairment argument will be unnecessary. If one could already explain the wrong-making feature of abortion, there would be no need to try and draw an analogy with giving a fetus FAS, for there would be independent reason to think abortion is immoral. To defend the impairment argument or some similar argument, one needs to provide some non-question-begging explanation for why a certain sort of impairment of the fetus is wrong and how that wrongness persists in the case of abortion. As mentioned, it is a mistake to think that an action that more greatly impairs an organism than some other action that we already take to be wrong implies that an action of greater impairment is also at least as wrong. This is because we still need to explain what makes that impairment wrong. If an instance of a greater impairment does not have the same wrong-making feature as an instance of some lesser impairment that is wrong, then the impairment principle is not met. So, there needs to be a better explanation of the wrong-making feature of abortion, but such an explanation is not to be found in Hendricks' defence.

What Hendricks does discuss is the idea that it may still be wrong to give a fetus FAS even if there are not future harms to a future child. The idea is a pregnant person who gives their fetus FAS, where doing so somehow does not lead to harm to a future child, would still have done

something wrong (Hendricks 2019a: 249). This is because the act of giving a fetus FAS is immoral and does not become permissible at some arbitrary time in the future, such as when the fetus is aborted. Hendricks wants to say that the action is wrong once it has been performed and its moral status does not change at some time in the future. However, this creates an inconsistency within Hendricks' defence. Earlier, Hendricks' stated that the wrongness of giving a fetus FAS consists of the harmful effects FAS has for the born child's development. Indeed, Hendricks stated that to see the wrong of giving a fetus FAS "we need *only* [emphasis added] look to the harmful effects of FAS" (2019a: 245), referring to the harmful effects on the future child's development. But later Hendricks seems to be saying that giving a fetus FAS is wrong independently of the future harmful effects on the future child, that giving a fetus FAS is wrong regardless of whether there will be a future child to suffer from future harms. This is an inconsistency.

If the wrongness of FAS is constituted independently of any harmful effects on a future child, then it must be constituted by impairment to the fetus where the fetus is a thing of independent moral worth. If this is the case, then an explanation of what the independent morally relevant features of a fetus are that constitute for it a greater moral status is required, if there are any such features at all. It needs to be shown that the fetus all on its own has the sort of moral worth and significance that makes killing it via abortion is immoral. The presupposition that fetuses are not persons rules out appeals to any of the traditional morally relevant features of persons on any conception of personhood. If the wrongness of impairing a fetus by giving it FAS is constituted independently of harm to a future child, then the fetus must have independent moral worth (such as a right to life not based on personhood) that makes killing it wrong. If a fetus has the relevant sort of independent moral significance, then abortion is wrong. If a fetus does not have the relevant

sort of independent moral significance, then it is not clear that has the relevant sort of moral worth, meaning abortion would be morally permissible. So, if the wrongness of impairing a fetus by giving it FAS is constituted independently of harm to a future child, either abortion is wrong for reasons other than that it is a greater impairment than giving a fetus FAS, meaning P2 of the impairment argument is false, or abortion is not wrong, meaning the impairment argument's conclusion is false. Either way, the impairment argument is unsound.

An attempt to defend the impairment argument comes from an appeal to the “Modified Impairment Principle” which states, “if it is immoral to impair an organism O to the nth degree for reason R, then, provided R continues to hold (or is present), it is immoral to impair O to the n+1 degree” (Blackshaw and Hendricks 2020: 2). However, attempts to strengthen the impairment argument by modifying the impairment principle fail for the same reasons the original argument does. This is because giving a fetus FAS is wrong because it leads to the harm that a future child would suffer is not a reason that continues to hold or is present in the case of abortion. Thus, the modified impairment principle is not met.

To show the modified impairment principle is met, it has been contended the reason that giving a fetus FAS is wrong is not that it causes harm to the future born child, but rather that it deprives the fetus of a valuable future like ours (Blackshaw and Hendricks 2020). Whether a fetus has a valuable future like ours depends upon what its future is. If what makes giving a fetus FAS wrong is that doing so would deprive a fetus of a valuable future like ours, then any fetus whose future is not one like ours cannot be deprived of a future like ours. Because a fetus may have a future that is not like ours (such as a future where it has been aborted), giving a fetus FAS may not deprive it of a valuable future like ours. It has been stated that giving a fetus FAS must be wrong

for the reason that it deprives a fetus of a valuable future like ours because “there are no other plausible explanations of its wrongness” (Blackshaw and Hendricks 2020: 3). But this is false. The wrongness of giving a fetus FAS is straightforwardly explained by the fact it causes the harm a future child suffers from the effects of FAS. In cases where there will be no future born child, giving a fetus FAS would not be wrong as it would then not be an action that causes harm to a future child.

But, if giving a fetus FAS will not lead to future harm that a future child will suffer, such as in cases where one plans to have an abortion, then the reason for its wrongness is absent. In cases of planned abortion, there will be no causal connection between an act of consuming alcohol during pregnancy and harm to a future child because having an abortion eliminate the possibility of a future born child. This holds for all cases of what Alex Gillham (2021a) calls ‘never-born fetuses’. Never-born fetuses are fetuses that for one reason or another will not be born. Because they will not be born, there is no possibility of them having a future like ours, which means they cannot be deprived of a future like ours. Fetuses that are to be aborted are instances of never-born fetuses. Therefore, the reason for the wrongness of giving a fetus FAS at the time of doing so does not continue to hold and is not present in cases of planned abortion. Neither the deprivation of a valuable future like ours nor the causal connection between consuming alcohol during pregnancy and harm to a future child are reasons for the wrongness of giving a fetus FAS that continue to hold or are present in the case of abortion. This dis-analogy between giving a fetus FAS and abortion means that the modified impairment principle is not met, and the strengthen version of the impairment argument which employs it fails.

Furthermore, the appeal to the modified impairment principle leads to a redundancy. The purpose claiming that deprivation of a valuable future like ours is the reason giving a fetus FAS is wrong is to try and show that it is a reason that continues to hold or is present in cases of abortion. Even if deprivation of a future like ours was a reason that continued to hold or was present in cases of abortion and abortion happened to be wrong, deprivation of a future like ours may not necessarily be the reason for the wrongness of abortion. That a reason continues to hold across a pair of wrong actions does not imply that it what constitutes the wrongness of either action. There may be a different reason present that constitutes the wrongness of abortion besides depriving a fetus of a future like ours. If depriving a fetus of a future like ours is what makes abortion wrong, then it is unnecessary to appeal to abortion being a greater impairment to a fetus than giving it FAS.

Blackshaw and Hendricks defend the use of Marquis' notion of a future like ours in their defence of the impairment argument by claiming that the impairment argument is not wed to the future like ours criterion, but that it is instead one possible explanation of the wrongness of impairment (Blackshaw and Hendricks 2021, 641). In response to the case of planned abortions, they argue that we cannot know whether a fetus does not have a future like ours because we cannot know at the time of impairment whether it will be aborted. They claim this is because plans can change, people can change their minds, and there can be changes in people's circumstances (642). But none of this means that the fetus has a future like ours. All that could be inferred is that we do not know if it has a future like ours. Blackshaw and Hendricks attempt to defend the claim that fetuses do have a future like ours at the time of impairment by appealing to Mary Clayton Coleman's (2013) 'for all we know' or 'FAWK' revision to Marquis' account. They claim that for

all we know a fetus at the time of impairment does have a future like ours. That plans and circumstances can change is not reason to think that a fetus has a future like ours. For all we know, plans might or might not change. If one plans to have an abortion, we have no reason to think that their plans will or will not change without being in a better position to know about them and their circumstances. Because we do not know whether a planned abortion will go through or not ahead of time, we have only two options: first, we can form a judgment based on the available evidence, namely that an abortion has been planned, and predict accordingly. Second, we can recognize that plans might or might not change and thus suspend belief about whether the fetus has a future like ours, because we cannot predict the future. In either case, it cannot be concluded that fetuses have a future like ours. So, in cases of planned abortion, for all we know, a fetus does not have a future like ours, or we must suspend judgement about whether it does. Either way, it cannot be concluded that a fetus has a future like ours.

Because the argumentative strategy is to draw an analogy between abortion and some other action that is understood to be taken as assuredly wrong, a successful version of the impairment argument will have to draw an analogy between abortion and some wrong action where the wrong-making feature of that other action is also the wrong-making feature of abortion. As I have shown, neither the original version of the impairment argument nor its modified version successfully does this. If it is the case that giving a fetus FAS is wrong not because of the harms to a future born child but because it deprives a fetus of a future like ours and this is a reason that continues to hold or is present in cases of abortion and makes abortion wrong, then the impairment argument is simply a retreat to Marquis' original future like ours argument. Gillham (2021b) has argued that it

is a restatement of Marquis' original future like ours argument, to which Blackshaw (2021) as objected there are two main differences. First, the impairment argument focuses on degrees of impairment to argue abortion is immoral whereas Marquis' original argument focuses on a future like ours. Second, Marquis used the notion of a future like ours for an account of *killing*, whereas the version of the impairment argument utilizing the modified impairment principle appeals to a future like ours for an account of *impairment*.

While the version of the impairment argument utilizing the modified impairment principle may not be an exact restatement of Marquis' original argument, it still depends upon Marquis' original argument in an important way. In both the case of Marquis' account of killing and Blackshaw and Hendricks' account of impairment, deprivation of a future like ours is meant to be the criterion for whether an action is wrong. As Identity objections have shown us, its not clear that fetuses have a future like ours at all. If they do not, then neither Marquis' account of the wrongness of killing nor Blackshaw and Hendricks' account of the wrongness of impairment succeeds in supporting their respective arguments. The trouble is that by doubling down on the future like ours criterion, Blackshaw and Hendricks' defence of the impairment argument becomes weaker as it ties itself to a view that already faces significant objections. But, if the impairment argument is not wed to the notion of a future like ours but is only one possible explanation to the wrongness of impairment, as Blackshaw and Hendricks' state, then it needs to be shown that it is the correct explanation for the impairment argument to be successful. Merely being a possible explanation is not sufficient for it to mount a successful defence of the impairment argument. Blackshaw and Hendricks do not provide reason to think that it is the correct explanation rather than merely a possible explanation. And because the correct explanation for the wrongness of

impairing a fetus by giving it FAS is that it causes harm to the future born child and would not be wrong in the absence of this harm, there cannot be a successful defence of the impairment argument.

4. Conclusion

I have argued the impairment argument for the immorality of abortion fails. It is not adequately defended from the Interest Theory objection and explain neither what the wrong-making feature of abortion is nor what the morally relevant features of fetuses are. Additionally, Hendricks is inconsistent in his treatment of what constitutes the wrongness of giving a fetus FAS. Because the wrong of giving a fetus FAS is explained by the harmful effects on the future child, giving a fetus FAS is dis-analogous with abortion. This shows that the impairment principle, even when modified, cannot be met. If impairing a fetus is wrong independently of any harm to future children, then either a fetus is a thing of independent moral significance and abortion is wrong because it kills a fetus where a fetus a thing of independent moral significance and not because it causes greater impairment than giving a fetus FAS, or a fetus is not a thing of independent moral significance and abortion is not immoral. Either way, the impairment argument is unsound. No explanation about what the relevant independent moral worth of a fetus is provided to show why in the absence of harm to a future child impairing a fetus is wrong. If abortion is wrong because it impairs a fetus and impairing a fetus is wrong because doing so deprives a fetus of a valuable future like ours, then the impairment argument depends upon fetuses having a future like ours, which is a view that already faces significant problems and objections. For all these reasons, the impairment argument fails, and it thus cannot be concluded that abortion is immoral.

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