**Penultimate Draft**

**(Regrettably) Abortion remains immoral: The impairment argument defended**

1. **Introduction**

In my article *Even if the fetus is not a person, abortion is immoral: The impairment argument* (this journal)*,* I defended what I called “The impairment argument” which purports to show that abortion is immoral. Bruce Blackshaw (2019) has argued that my argument fails on three accounts. In this brief article, I respond to his criticisms.

**2. The Impairment Argument**

Let’s say that an organism is impaired just in case an ability of it has been limited to some degree (e.g. to have an arm amputated is to have one’s ability to grasp things impaired). And let’s assume the following principle is true:

The Impairment Principle (TIP): if it is immoral to impair and organism O to the nth degree then, *ceteris paribus*, it is immoral to impair O to the n+1 degree.[[1]](#footnote-1)

Finally, let’s assume that impairing a fetus by giving it fetal alcohol syndrome (FAS) is immoral.

From these assumptions, which I defended at length in my (2019) article, we can construct the following argument for the immorality of (most) abortions:

*The Impairment Argument*

1. If it is immoral to impair the fetus by giving it fetal alcohol syndrome, then, *ceteris paribus,* it is immoral to kill the fetus.
2. It is immoral to impair the fetus by giving it fetal alcohol syndrome.
3. *Ceteris paribus*, it is immoral to kill the fetus.
4. To abort a fetus is (in most cases) to kill it.
5. So, *ceteris paribus*, to abort a fetus is (in most cases) immoral.[[2]](#footnote-2)

Bruce Blackshaw has put forth three objections to the impairment argument, none of which, I argue, are successful.

**2.1 Blackshaw’s Objections**

In this section, I will examine the three criticisms that Blackshaw raises against the impairment argument.

**2.1.1 Is the impairment argument question begging?**

Blackshaw claims that the impairment argument is question begging. He says “ [t]o claim that killing the fetus is a limitation of the ability of its cognitive faculties to develop properly is to smuggle the conclusion that abortion is immoral into the argument's premises [i.e. beg the question].” (2019: 2) But this accusation of begging the question is flatly false: the conclusion of my argument is that abortion is immoral, not that “killing the fetus is a limitation of its ability….to develop properly.” True, that proposition, when conjoined with TIP and the fact that giving a fetus FAS is immoral, *entails* the conclusion of the impairment argument. But that’s just how deductive logic works! This is in no serious sense a case of begging the question.

**2.1.2 Is a dead fetus impaired?**

A more serious criticism of Blackshaw’s is that killing a fetus is *not* impairing it, and hence premise (1) is not supported by TIP. The thought seems to be that because the organism is *dead* it cannot be said to be impaired. In his words: “[i]t is unclear that a fetus can be described as impaired if it no longer exists. It certainly is not impaired in the way a fetus with FAS is impaired, and this casts doubt on the application of the impairment principle in this instance.” (2019: 2)

Recall that if an organism is impaired, on my definition, an ability of its is limited to some degree. Blackshaw’s criticism is, in effect, that an organism’s abilities, when killed, cannot be said to be limited. By *why* is this so? Presumably, it’s because the organism does not exist once it is killed, and this means that it, a non-existent thing, cannot be said to be limited (i.e. impaired).

If one accepts Blackshaw’s objection, then it follows that one can avoid impairing, limiting the abilities of, an organism *so long as she kills it*; if one kills an organism, then, given Blackshaw’s reasoning, she did not impair it*.* This is akin to saying that a person that was killed is not a victim, since they no longer exist and cannot be ascribed the property of being a victim. But this isn’t right; something has gone wrong in Blackshaw’s analysis. Putting this issue aside, I grant (for the sake of argument) that he’s right and will (try to) show that the impairment argument is not threatened by this claim.

Let’s say an organism is at *the bridge of death* just in case it is in the process of dying and is at the moment prior to death. Crucially, killing an organism involves―unless it is killed *instantly*[[3]](#footnote-3)―bringing the organism to the bridge of death. Methods of abortion include suction curettage (where the fetus is vacuumed out), dilation and curettage (where the fetus is scraped out), and induction (where salt solution is injected into the amniotic fluids).[[4]](#footnote-4) None of these abortion methods result in *instant* death; they all bring the fetus to the bridge of death prior to its death. And I know of no other method that does not involve bringing the fetus to the bridge of death. However, when an organism is at the bridge of death, its abilities have *by definition* been maximally limited (i.e. impaired);[[5]](#footnote-5) if abortion brings the fetus to the bridge of death, then it entails impairing it to the n+1 degree (since it is maximally impaired at the bridge of death). And this means that the impairment argument is untouched by Blackshaw’s objection: even if he’s right that a dead fetus cannot be said to be impaired, it’s still true that it was impaired at the bridge of death, and that abortion involves (or entails) bringing it to the bridge of death.

**2.1.3 Interest theory and the impairment argument**

Blackshaw’s final objection to the impairment argument makes use of the interest theory. Blackshaw objects that interest theorists can avoid the impairment argument. The idea here is (roughly) that fetus has future interests, and hence to impair it by giving it FAS is immoral since it frustrates these interests.[[6]](#footnote-6) *However*, when one kills a fetus, it does not have future interests since it has no future at all. And hence aborting a fetus is not immoral. In effect, this is to say that the *ceteris paribus* clause is not met: all else is not equal, since the aborted fetus does not have future interests, and hence the impairment argument fails.

Blackshaw’s point is true enough: *if* one accepts interest theory, then she 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, since interest theory, like all other abstract philosophical theories, does not appear to be terribly popular, and hence this escape route will be available to only a select few.

**3. Conclusion**

In this brief article, I responded to three criticisms of the impairment argument that have been raised by Blackshaw. The first objection of begging the question was shown to be false. The second objection that claimed that an aborted fetus cannot be said to be impaired was shown to be irrelevant. And the third criticism was shown to be unoriginal and not terribly consequential: I conceded in my original article that interest theorists can avoid my argument, and the fact is that interest theory, like all abstract philosophical theories, does not boast many adherents and hence this escape route will not be available to many. Therefore, I conclude, abortion remains immoral―though, this is regrettable since, as I mentioned in my prior article, the world is a better place if abortion is not immoral.

**4, References**

Beckwith, Francis. (2007). Defending Life: A moral and Legal Case against Abortion Choice. Cambridge University Press

Blackshaw, Bruce. (2019). “The impairment argument for the immorality of abortion: A reply” *Bioethics*: 1-2.

Hendricks, Perry. (2019). “Even if the fetus is not a person, abortion is immoral: The impairment argument” *Bioethics* 33 (2): 245-253.

McMahan, Jeff. (2006). Paradoxes of abortion and prenatal injury. *Ethics*, 116 (4), 625–655.

1. This means, roughly, that if it is immoral to impair an organism to some degree, then it is immoral to impair it to a higher degree. See section 3 of my (2019) for a more in depth explanation. [↑](#footnote-ref-1)
2. Note: this form is slightly different than how I state it in my article. While the form is different, the argument is the same. [↑](#footnote-ref-2)
3. Note: by “instantly” I do not merely mean quickly, such as in a matter of seconds. Rather, I mean it in a literal sense. [↑](#footnote-ref-3)
4. For a description of different abortion methods, see Beckwith (2007: 83-92). [↑](#footnote-ref-4)
5. At the bridge of death, an organism’s body is in at the very end of the process of completely and permanently shutting down, and hence its abilities will be as limited as possible. [↑](#footnote-ref-5)
6. For a succinct statement of (one version of) interest theory, see McMahan (2006). [↑](#footnote-ref-6)