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Fetuses, Newborns, and Parental Responsibility

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Abstract: I defend a relational account of difference in the moral status between fetuses and newborns. The difference in moral status between a fetus and a newborn is that the newborn baby is the proper object of ‘parental responsibility’ whereas the fetus is not. ‘Parental responsibilities’ are a moral dimension of a ‘parent-child relation’, a relation which newborn babies stand in, but fetuses do not. I defend this relational account by analyzing the concepts of ‘parent’ and ‘child’, and conclude that the difference in the moral status between fetuses and newborns means one may claim abortion is morally permissible while also claiming infanticide is not morally permissible, without inconsistency between the two claims.

Keywords: Embryos and Fetuses, Newborns and Minors, Abortion, Ethics, Moral Status

INTRODUCTION

The aim of this paper is to delineate and defend a relational account of the difference in the moral status between fetuses and newborns, and its implications for claims of the moral permissibility or impermissibility of abortion and ‘after-birth abortion’¹ (or infanticide). The uniqueness of the offered account is that it explains the difference in moral status between fetuses and newborns without appeal to intrinsic features, such as personhood or the rights to life of an individual. Instead, the relevant moral status, that is, the moral status which matters for ethical questions of abortion and infanticide, is marked by special relational features, rather than more commonly exploited intrinsic features. Specifically, it is what I will call the ‘parent-child relation’, and what this relation carries with it. This relation has a moral dimension in that it carries with it special moral responsibilities for those who stand in it, particularly for those on the ‘parent’ side. I will call these special moral responsibilities ‘parental responsibilities’. They are the responsibilities that bind one in so far as one is a parent to a child. I argue that the difference in moral status between a fetus and a newborn is that the newborn has the relational morally

¹ Giubilini and Minerva, 2013

relevant feature of being the proper object of parental responsibilities, while the fetus does not. This is because the fetus conceptually understood is not the sort of thing that can stand in a parent-child relation. Being the proper object of parental responsibilities is a morally relevant feature that enhances the moral worth of a newborn over and above that of a fetus, as this is one moral consideration which applies to newborns but not to fetuses. Therefore, there is a difference in moral status between fetuses and newborns. As a consequence for the question of the moral permissibility of abortion and infanticide, there is no inconsistency in claiming abortion is morally permissible while also claiming infanticide is morally impermissible.

THE DIFFERENCE IN MORAL STATUS BETWEEN FETUSES AND NEWBORNS

The premise that fetuses and newborns have equal moral status is a common one in the dialectic of the ethics of abortion. It has a long history in debates on the ethics of abortion, especially with Catholic and pro-life positions². But, not all arguments that use this premise are religious arguments. For example, Nikolaus Johannes Knoepffler and Martin J O'Malley argue from a secular perspective that the right to life as recognized by the United Nations Universal Declaration of Human Rights ought to be granted both to human newborns and unborn human fetuses³. Because both are in some sense human, and humans have a fundamental dignity, thus both have a right to life that ought to be respected. However, utilization of this common premise that fetuses and newborns have equal moral status is not only used to argue against the moral permissibility of abortion.

C.A.J. Coady⁴ points out that this common premise is utilized not only in anti-abortion arguments, but also in 'after-birth abortion' arguments. One such after-birth abortion argument is

² Giubilini and Minerva 2013, 264

³ Knoepffler and O'Malley, 2013

⁴ CAJ Coady, 2013

presented by Alberto Giubilini and Francesca Minerva⁵. They argue that after-birth abortion, or infanticide⁶, should be permissible in all cases that abortion is permissible⁷. To clarify, Giubilini and Minerva do not argue that killing babies is morally permissible. Instead, they point out if abortion is morally permissible, then consistency demands that infanticide is also morally permissible, as similar reasons apply in both cases. One of the presuppositions of their argument is the common premise that fetuses and infants have equal moral status. They state, “The moral status of an infant is equivalent to that of a fetus in the sense that both lack those properties that justify the attribution of a right to life to an individual.”⁸ By drawing equivalence in moral status between fetuses and newborns, anti-abortionists appeal to the fetuses’ potential to become persons as grounds for the moral rights of the fetus, just as with newborns. On the other hand, those who argue for the after-birth abortion position use the equivalence in moral status between fetuses and newborns as grounds for a different conclusion. They argue due to the equivalence in moral status between fetuses and newborns, some grounds to think abortion is morally permissible are also grounds to think infanticide is morally permissible.

Giubilini’s and Minerva’s utilize the common premise to deny the attribution of a right to life of the individual (an intrinsic morally relevant feature) from both fetuses and newborns. Neither the fetus nor the newborn is a ‘person’ in a morally relevant sense⁹. Consistency would appear to require both abortion and infanticide to be morally permissible. Because personhood has traditionally been the marker for moral status, and plays a role in Giubilini’s and Minerva’s argument, some argue against the pair on grounds that they presuppose an incorrect or

⁵ Giubilini and Minerva, 2013

⁶ While I use ‘infanticide’ and ‘after-birth abortion’ interchangeably, Giubilini and Minerva state that after-birth abortion is distinct from infanticide. On their view, an after-birth abortion is the killing of a newborn that is supported by a similar set of reasons one would have for having an abortion. After-birth abortion can then be thought of as a specific kind of infanticide.

⁷ Ibid. 2013, 262

⁸ Ibid.

⁹ Ibid.

controversial account of personhood¹⁰. Others argue personhood is only one possible determinate of moral status¹¹, and that it is possible for something to have moral status without being a person. So, there is focus on personhood by proponents of competing views.

In a similar appeal to consistency, David B. Hershenov and Rose J. Hershenov¹² contend that fetuses and newborns share the same intrinsic morally relevant features. They state, “there is no way to distinguish an infant from a fetus in terms of an intrinsic morally relevant feature that the former has and the latter lacks—neither one is rational, morally responsible, self-conscious, concerned about the future, etc.”¹³ Because fetuses and newborns are the same in their intrinsic morally relevant features, abortion and infanticide must either be both morally impermissible or both morally permissible. This is a particular problem for those sympathetic to a ‘pro-choice’ view of abortion. A point of agreement between ‘pro-choice’ and ‘pro-life’ folk is that neither group believes infanticide is morally permissible, but ‘pro-choice’ folk do believe abortion is morally permissible. Thus, the ‘pro-choice’ folk appear to be inconsistent.

A serious challenge then is to explain how it could be the case that abortion, understood as the termination of a fetus, is morally permissible, while infanticide, understood as killing one’s newborn, is not morally permissible. Thus far, ethicists have primarily focused on *intrinsic* morally relevant features of fetuses and newborns. The right to life, human dignity, personhood, rational capacity, and having a certain sort of consciousness are all (amongst others) common intrinsic features taken as relevant to establishing moral status. By focusing on intrinsic morally relevant features, those on all sides of the debate come to accept the common premise that fetuses and newborns have equal moral status. But, intrinsic features are not exhaustive of what

¹⁰ Beard and Lynch 2013; Manninen 2013, 330

¹¹ Wrigley 2013, e15

¹² Hershenov and Hershenov 2017

¹³ Ibid 2017, 388

is relevant for establishing moral status. There are non-intrinsic features, specifically *relational* features, which must be considered when trying to understand the moral statuses' of fetuses and newborns.

By examining a specific relational morally relevant feature of newborns, I will show there is a difference in the moral status between fetuses and newborns such that there is no inconsistency in claiming abortion is morally permissible while also claiming infanticide is morally impermissible. I will argue for this relational account by examining the relation between the concepts of 'parent' and 'child', and the moral dimensions of this conceptual relation.

My account builds on Neil Levy's relational account¹⁴ of the moral worth of newborns. On a relational account, newborn babies have moral worth that depends on relational rather than intrinsic facts about them¹⁵. Amongst other things, newborns have moral worth due to relational status with their parents. While Levy offers an account of how newborns have moral worth, I go further. I offer an advancement of a relational account a morally relevant feature of newborns, arguing that the special relational properties of newborn are not only a source of moral worth, but that the relational morally relevant feature that newborns have is one fetuses do not. *Ergo*, the fetus and the newborn do not have equal moral status. This is because of the specific relation newborns stand in, called the parent-child relation. This parent-child relation grants parents special moral responsibilities, called parental responsibilities, for which the newborn is the proper object, but the fetus is not. As such, being the proper object of parental responsibility is one moral consideration that applies to newborns but not to fetuses.

Parental responsibilities are a subset of more general moral responsibilities. What distinguishes parental responsibilities from more general moral responsibilities is that parental

¹⁴ Levy 2013

¹⁵ Ibid. 2013, 327

ones are those special responsibilities people have in virtue of having the status of ‘parent’. In describing the becoming of a parent, Andrew McGee states, “The special moment of childbirth and the joy of holding your son or daughter for the very first time are monumental events in human life. It is at this point that so much of our responsibility towards them—our very life with them—truly begins.”¹⁶ McGee points out not just the significance of becoming a parent in terms of the impact on one’s life, but also notes the nature of the special relation parents have to their children, namely one of responsibility. The concept of parent can be understood then as one with which special moral responsibilities, or parental responsibilities, are entangled. Those who have children, raise children, are the legal guardians of children, or are primary care-givers of children are intuitive examples of people who act in the role parents, and therefore have parental responsibilities in virtue of their role. So, parental responsibilities are to be understood as those special moral responsibilities that belong to those who are parents.

If in any case where one is a parent, one also has parental responsibilities in virtue of being a parent, one may wonder how these parental responsibilities are acquired. In other words, what is the source of parental responsibilities? Joseph Millum proposes a ‘conventional-acts’¹⁷ account of the acquisition of parental responsibilities. On this account, parental responsibilities “are taken on by individuals through acts whose meaning is determined by social convention.”¹⁸ Two paradigmatic examples of taking on the role of parent and thus the accompanying parental responsibilities are giving birth and adopting children. Social convention dictates that the biological mother of a newborn is in normal circumstances also that newborn’s parent in the broader sense with all the responsibility that comes with that role. Social convention also dictates

¹⁶ McGee 2013, 348

¹⁷ Millum 2018, 79

¹⁸ Ibid.

that those who commit to adoption become adoptive parents and thus acquire parental responsibilities by committing to and taking on the role of parent.

But this conventions-act account of the acquisition of parental responsibilities faces a Euthyphronic dilemma. If we are to take moral responsibilities seriously, they must not be arbitrary. However what the conventions of a society are is arbitrary. So, if moral responsibilities are to be taken seriously, either social convention tracks ‘stance-independent’¹⁹ moral truths (that is that there are better or worse conventions independently of what a society’s actual conventions are) or the conventions dictating parental responsibilities are arbitrary. It is a problem for the moral binding-ness of parental responsibilities if they are rooted in arbitrary conventions. Because of this dilemma and to avoid an account of the acquisition of moral responsibilities which reduces to a form of moral relativism, I suggest that parental responsibilities are not acquired by social conventions but instead that the acquisition of parental responsibilities intrinsically tied to the role of parent. The role of parent is entangled with moral responsibilities. It is this entanglement with moral responsibilities that distinguishes a parent from a mere biological progenitor.

Because the role of parent is entangled with moral responsibilities, the real question is how does one acquire the role of parent and enter a parent-child relation? Two obvious answers are by choosing to have biological children or adopting children. When a person accepts a pregnancy, or decides to adopt, they are moving toward the role of parent. Once the baby is born, or the adoption is finalized, the person becomes a parent. One may point out that this notion of becoming a parent implies that the putting up of a child for adoption is a violation of parental responsibilities. However, my claim is only about how one becomes a parent and thus acquires parental responsibilities and not about what the particular responsibilities parents have.

¹⁹ Schafer-Landau 2003, 15

Furthermore, while parenthood is entangled with moral responsibilities, it does not mean that one cannot become free of those responsibilities. It is possible to be relinquished of the role of parent and the accompanying moral responsibilities much like how it is possible to be relieved of a promise if the person one makes a promise to relieve them of their responsibility as the promise-maker. Putting a child up for adoption is one such way a person relinquishes the parent-child relation and the entangled moral responsibilities. One may wonder then under what conditions it is morally permissible to place one's child up for adoption if one's role as a parent is entangled with moral responsibilities to that child. I do not rule out the possibility of cases in which placing one's child up for adoption is not only consistent with parental responsibilities but demanded by them. I am imagining a case in where the parent cannot live up to their moral responsibilities and treat their child as the proper object of them by their own devices. When parents find themselves in extreme circumstances, parental responsibilities may require that the parent who is not fit to parent ought to give up their role of parent to another entity. This is to say that there are cases, usually ones of extreme circumstances, in which a parent can relieve themselves of their parental responsibilities and thus their status as parent in that particular parent child-relation despite those responsibilities being entangled with that status of parent.

Because the status of parent is relational status, to be a parent is not due to any intrinsic features or qualities of a person. Rather, to be a parent depends on having children of one's own²⁰, and is therefore dependent on standing in relation to others. Having the status of parent means one stands in a parent-child relation with another, where that other is the child. The same is true for status of child.

Newborns are the proper object of parental care and are the proper object of parental responsibilities. This means that parental responsibilities are those one has for the newborn with

²⁰ I mean 'of one's own' in the most inclusive sense possible so as to include adoptive parents.

whom they stand in parent-child relation. It is this special status, the status of being the proper object of parental responsibility, which belongs to the newborn baby. Because parental responsibilities are moral responsibilities, it is wrong to violate them if one has them. Killing one's newborn (the newborn with which one stands in a parent-child relation) constitutes a violation of one's parental responsibilities, and is therefore wrong.

While one way to try and argue for the conclusion that killing a newborn is wrong is to claim the newborn has some intrinsic morally relevant feature, such as a right to life, personhood, or a certain capacity for consciousness and feeling, I have shown there is another way. The special relational features between parents and their children carry with them special moral responsibilities that one would be violating if they killed their newborn. However, a difference between this relational account and more common appeals to intrinsic morally relevant features is that this relational account cannot be appropriately adjusted to apply to fetuses. The unborn fetus is not the proper object of parental responsibility. This is because the fetus is not the sort of thing that can stand in a parent-child relation.

To see why it is the case that a fetus is not the sort of thing which can stand in a parent-child relation, we must examine the concepts of parent and child more closely. What we will find is that thinking that a fetus is the sort of thing which can stand in a parent-child relation requires a most confused conception of the concepts of parent and child. Consider the commonplace attribution of the status of parent, a mother with her newborn. The mother in this case is a paradigmatic example of a parent. But now consider a couple consisting of a man and a pregnant woman who have no prior children. In this scenario, would it be appropriate to attribute to either of them the status of parent? I think not. The pregnant woman in this case is not a mother, nor is the man a father. While it may be likely they will become parents, at present they are not. Both

are only potential parents. Because the couple in this case are not parents, they do not stand in a parent-child relation. This has direct implications on the metaphysical and moral status of the fetus in this scenario. We can say that the fetus then also does not stand in a parent-child relation. Both sides of the parent-child relation are absent, for there are not parents and the fetus is not a child, and therefore nothing for the fetus to stand in the relevant relational status with. Thinking that the fetus does stand-in a parent-child relation requires a problematic conception of what it means to be a parent. If it is the case the potential parent is to be understood as having the status of parent, the concept of a parent would become an absurd category. We would have to accept that anything that could be a potential parent is also a parent. Such treatment devolves the concept of parent to the point of meaninglessness, for the concept becomes so broad as to lose all distinguishing features. So, potential parents are not parents. Because thinking a fetus stands in a parent-child relation requires a confused conception of the concept of parent, the fetus does not stand in a parent-child relation, and thus cannot be the object of parental responsibility.

One may object to this on grounds that the fetus is in fact a child. As such, the fetus must stand in a parent-child relation, and therefore be a proper object of parental responsibilities. One might think that when a woman is pregnant there already exists a child because there is an organism which shares DNA with its parents²¹. While it is common to refer to a fetus as an ‘unborn child’, this is inaccurate. We can distinguish between two senses of the term ‘child’. The fetus is certainly is a child in some biological sense but is not a child in a morally relevant sense. To think of a fetus as a child understood as the proper object of parental responsibilities is akin to think of a planted seed as a grown sprout. A planted seed is positioned to grow into a sprout but has yet to become one. Similarly, a fetus is positioned to become a child but is not yet one. To be growing towards something requires that one is not yet there. A fetus is only a potential child in

²¹ Hendricks 2019, 250

the same way a planted seed is a potential sprout, and it would be a mistake to confuse such potentiality with actuality. Potential things do not have the same rights and moral status of actual those things²². Potential judges are not judges, potential home owners are not home owners, potential people are not people, and potential children are not children. Because a fetus is still on its way to becoming a child in the morally relevant sense, it is not, nor could it be, a child in the morally relevant sense. Thus, a fetus cannot stand in a parent-child relation.

Still, one may contend that all that is required to understand the fetus as a child in the morally relevant sense is too recognize the fetus as the biological germinating organism of the woman carrying it. To be the pregnant woman's child in the morally relevant sense requires only that the fetus is an organism with the appropriate biological connection to the pregnant woman. One may try to argue from this biological account of childhood to show that the fetus is a child in the morally relevant sense, can stand in a parent-child relation, and be the proper object of parental responsibilities. However, this biological account is untenable. Merely knowing the biological connections and features the fetus has tell us nothing about what moral features it may have. It is not clear what moral significance standing in a biological connection with a pregnant woman has. To take a fetus's biological connection to the woman carrying them somehow meaning that the fetus also stands in the relevant moral relation with the same woman only assumes the truth of precisely what is in dispute. A fetus by its nature stands in a biological relation with a pregnant woman. The question is whether it also stands in the relevant moral relation. Pointing out a fetus' biological features tells us nothing about its moral features, if there even are any such moral features.

Lacking argumentative support is not the only issue with this biological account. It is also too narrow an account in that it restricts the status of being a child in the morally relevant sense

²² Nobis and Grob 2019a, 44

to those organisms which share DNA with the people that carried them. This is a mistake, for biological connections are not the only way for beings to stand in a parent-child relation. Those who adopt children are examples of people who stand in a parent-child relation with their adopted children but do not necessarily share DNA or have any biological connection with those children. What creates a parent-child relation with adoptive parents and their adopted children has nothing to do with any sort of biological connection. Being an organism that shares the DNA of another is not necessary for standing in a parent-child relation. Nor is it the case that being an organism that shares the DNA of another is sufficient for standing in a parent-child relation. While a growing fetus shares DNA with the pregnant woman, it is still on its way to developing into a child, and therefore is not yet the sort of thing that could stand in such a relation.

But even if the fetus is not a child, why think there are no parental responsibilities towards it? Even though pregnant women and fetuses they carry stand only in a potential parent-child relation there still seems to be certain responsibilities pregnant women have toward their fetuses. For example, it is right that women ought not to consume alcohol while pregnant, as this has foreseeable and severely harmful consequences once the baby is born. It would be irresponsible to act in a way that would cause future harm to one's newborn. There may even be responsibilities people have before they are pregnant, such as ensuring they are in a sound financial position so that they can actually support a newborn. So, it would appear there are some responsibilities people have toward the fetuses they carry that appear similar to responsibilities parents have to their children in so far as they are *prospective* parents. While some choose not to become parents by preventing pregnancy or having an abortion, those who accept pregnancy have responsibilities that resemble the responsibilities parents have toward their children. One might think then that parenthood and parental responsibilities begin before birth.

However, the metaphysical relation between the pregnant woman and the carried fetus is different from a parent-child relation. The responsibilities at work in the case of pregnant women not being allowed to consume alcohol has to do with responsibilities of pregnancy and not responsibilities of parenthood, for the pregnant woman is not yet a parent. Whatever responsibilities a pregnant woman has toward their carried fetus (if any) are not parental responsibilities because their relation is one of a pregnant woman and fetus, and not of a parent and child. Consider the responsibilities a babysitter has to a baby they are babysitting. Their responsibilities, whatever they may be, are not parental ones for the babysitter is not the baby's parent and their relation with the child is not a parent-child relation, even though the particular responsibilities the babysitter has may be the same as the parent's. Whatever special relationship pregnant women have with their fetuses is not parenthood for the aforementioned reason that potentiality is not the same as actuality. Women who have accepted their pregnancy are only potential or prospective parents, not actual ones. We should think of this in terms one owning a rose garden. Once I go buy my rose seeds and accept my new life as a rose gardener, I am still just a potential or prospective owner of a rose garden. It is not until the roses have grown I can say I am the owner of a rose garden, for until the roses have grown there is no rose garden for me to own. Similarly, prospective parents, whatever special moral responsibilities they may have, do not have parental responsibilities as they are not yet parents.

Moreover, the moral responsibilities one has during pregnancy are not responsibilities one has toward their carried fetus. This is to say that the fetus is not the proper object of the responsibilities of pregnancy and that even when it comes to the responsibilities of pregnancy the fetus is not the ultimate object of moral concern. Consider what makes it the case that consuming alcohol during pregnancy is wrong. The wrongness of consuming alcohol during

pregnancy consists of the harms it would have to the born child. It is the born child that will suffer the effects of Fetal Alcohol Syndrome. If it were the case that impairing the fetus by consuming alcohol was without harms to the born child, then it would not be clear what exactly the wrong of consuming alcohol during pregnancy consists of. In such a counterfactual case, it would not be wrong, for there would be nothing of moral significance to make it wrong.

Some argue because impairment of fetus via alcohol consumption during pregnancy is wrong, abortion is also wrong²³. While consumption of alcohol is certainly damaging to the fetus, the morally relevant harm is ultimately suffered by the born child. Consider an alternative universe where pregnant women do not give birth but simply carry fetuses forever. If a woman were to consume alcohol and damage the fetus in this alternate universe, would they be doing something wrong? In this universe, there would be nothing that would go on to suffer from the damage done to the fetus, and thus nothing for the woman's actions to be wrong. This thought experiment is to demonstrate that it is only the born child that is the object of moral consideration. In a world where fetuses do not become born children, it is not clear what their morally relevant features are, and therefore not clear why impairing fetuses would be wrong. The important distinction at work here is the one between harming or impairing a thing and wronging a thing. The harm a pregnant woman would do by consuming alcohol does not constitute wrongdoing to the fetus. Instead, it is a wrongdoing toward the future child, for it is the born baby that will suffer. Thus, a pregnant woman's irresponsible action of consuming alcohol would be a violation of their responsibilities of pregnancy of which the proper object is the born child, not the fetus. This creates a dis-analogy for those who want to draw moral similarities between abortion and damaging a fetus. When one damages a fetus, one is wronging the future born child (assuming the pregnant woman will go on to give birth), but when one has an abortion there is no

²³ Hendricks 2019

future born child to be wronged²⁴, so there is a dis-analogy between abortion and harmful actions that would result in wrongdoing to the future born child. This shows that even the unique moral responsibilities that bind pregnant women are not to the fetus. The responsibilities one has for caring for the fetus are ultimately to benefit the born child who is the proper object of moral concern. While the responsibilities prospective parents have are not parental responsibilities, the fact that it is the prospective child and not the fetus that is their proper object of moral concern adds further difficulty for the question of what the morally relevant feature of fetuses is, for even preventing harm to and taking care of the fetus is not done for the fetus's sake, but instead for the sake of the born child.

This brings us to the following: the newborn, because it stands in a parent-child relation, is the proper object of special moral responsibilities, or parental responsibilities, and the fetus, because it is not the sort of thing which can stand in a parent-child relation, cannot be the object of parental responsibility. Because the parental responsibilities are a specific sort of moral responsibilities, it is wrong to violate them. To commit infanticide, understood as killing one's newborn, is a violation of one's parental responsibilities, and is therefore wrong. This is a moral consideration that applies to newborns but not to fetuses. There are no parental responsibilities toward a fetus, for a fetus is not the sort of thing which can stand in the sort of relation required to be the proper object of those responsibilities. The special relationship pregnant women stand in with their carried fetuses is not parenthood, and any special responsibilities one has during pregnancy are not parental responsibilities but are nevertheless for the future born child and not the fetus, as only the newborn is the ultimate object of moral concern. This additional moral consideration of being the proper object of parental responsibilities is a relational morally

²⁴ Blackshaw 2019, 724; McMahan 2006

relevant feature that newborns have but fetuses do not. Because this moral consideration applies to newborns but not to fetuses, there is a difference in their respective moral statuses.

Still, one could accept that fetuses are not the proper objects of parental responsibilities, but argue there could still be other special moral responsibilities or considerations that apply to fetuses that keeps their moral status level with newborns. That is to say, it could still be the case that fetuses have moral worth sufficient to make abortion morally impermissible. Equivalence in moral status need not be a result of equivalence in the source of moral status. That is to say that fetuses and newborns could still have equal moral status, for the moral worth of a fetus may be grounded in some other special moral consideration unique to fetuses. However, there is a massive burden of proof for those who wish to maintain equivalence in moral status between fetuses and newborns to explain the source of this moral equivalence. Proponents of the equal status of fetuses and newborns must explain what the nature of the special moral considerations unique to fetuses is, if indeed there are any such considerations. As of now, there is no clear moral consideration, no morally relevant feature, unique to fetuses to put them on par in moral status with newborns. Considerations such as personhood, potential personhood, and a right to life are problematic, for fetuses are not nor ever have been conscious in the way required for personhood in a morally relevant sense²⁵, nor does their right to life (if indeed there is such a right) entail a right to freely occupy a woman's body²⁶. But, if we were to list all the possible moral considerations that might apply to fetuses and newborns, the list would be longer for the newborn. This is because between fetuses and newborns only newborns are the proper objects of parental responsibilities.

²⁵ Nobis and Grob 2019b, 80

²⁶ Thompson 1971

One may argue that the relational account I offer fails to count orphan children as morally significant. If being the proper object of parental responsibility is what makes killing a newborn wrong, then it appears it would not be wrong to kill a newborn that is not an object of parental responsibility. A newborn orphan or any orphan child fits this description, for they do not have parents and thus do not stand in a parent-child relation. It is highly counter-intuitive that killing orphan children is permissible. I agree that it is counter-intuitive, but it is not an implication of my account. This is because my account is only an account of one relational morally relevant feature of newborns that is not a morally relevant feature of fetuses. I do not claim that the relational morally relevant feature of being proper object of parental responsibilities is the only morally relevant feature of newborns. The problem of the moral status of orphan babies can be accounted for by looking at what has already been discussed in the literature. One can look to features such as having a certain kind of consciousness, a certain capacity for feeling, and the capacity for first-person experience. These intrinsic morally relevant features apply to newborns that are conscious and can feel. So, we can already account for the wrongness of killing orphan newborns. Even though orphan newborns do not stand in a parent-child relation and are not the proper objects of parental responsibilities, it is not an implication of my account that killing orphan children is permissible, because my account leaves open that there are other morally relevant features of newborns such as consciousness and feeling, which incidentally are features most aborted fetuses do not have²⁷.

CONCLUSION

Though the common premise that fetuses and newborns have equal moral status is utilized in arguments for multiple positions in the abortion debate, I have shown this premise is false. By examining the relational morally relevant features of newborns, one finds that the moral

²⁷ Nobis and Grob 2019a, 11

consideration of being the proper object of parental responsibilities applies to newborns but not to fetuses. Thus, there is a difference in moral status between the two. The upshot of this difference in moral status is that it is not inconsistent to claim abortion is morally permissible, while also claiming infanticide is not morally permissible. Additionally, it means that any arguments can no longer appeal to the common premise that fetuses and newborns have equal moral status if they are to be sound. If one is to maintain that there could still be some morally relevant feature of fetuses, such as being the object of special moral responsibilities, sufficient enough for abortion to be wrong or for fetuses to share equal moral worth with newborns, there is a great burden of proof to explain what those supposed morally relevant features are. The important difference now is that answers to such questions cannot be soundly argued for by appealing to equivalence in moral status between fetuses and newborns.

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