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Is The Fetus A Person?: A Comparison Of Policies Across The Fifty States

Is the Fetus a Person?
A Comparison of Policies across the Fifty States
by Jean Reith Schroedel

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Synopsis

Without a doubt, the sharpest public debates over the value of fetal life have revolved around the conditions, if any, under which abortion should be legal. Yet the question of whether the fetus is or is not a person is central in two other policy domains: substance abuse by pregnant women and assaults on pregnant women, especially assaults that cause the death of a fetus. At first glance, all three issues seem similar—they all ask the question of how the state should respond to actions that threaten or destroy fetal life. But the response of state and society to each has been very different: while the highly charged debate over abortion rights rages unabated, the other two issues engender no such social or political divisions. And while drug use and third-party fetal killings are universally condemned, "fetal abuse" is a term used only to describe harm that a pregnant woman brings to her own fetus, and not harm brought to it by a third party. Similarly, a great deal of media attention has been paid to such "fetal abuse," while the question of third-party harm has been all but ignored. *Is the Fetus a Person?* analyzes fetal personhood by examining all of the major areas of the law that could implicitly or explicitly award the fetus such status. Jean Reith Schroedel presents a comprehensive history of fetal protection ideas and policies in America, considering the moral and legal underpinnings of existing laws while paying particular attention to the influence of gender and power relations on their formation. As much a model for future research as a study of the status of the fetus, this book offers an extraordinary examination of one of the most divisive and complex issues of late-twentieth-century American life.

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