



**Is the Fetus a Person? A Comparison of Policies Across the Fifty States.** By Jean Reith Schroedel. Ithaca, NY: Cornell University Press, 2000. 256p. \$29.95.

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The conceptual—and legal—division between a woman and a fetus is most recently rooted in the Supreme Court’s 1973 *Roe v. Wade* decision, which established the trimester framework designed to balance a woman’s right to privacy with the state’s interest in protecting potential life. Prior to *Roe*, a woman and her fetus were legally viewed as having identical interests because of their biological tie. The trimester framework,

however, established a precedent for viewing the maternal-fetal relationship as an adversarial one, where a woman and her fetus have conflicting interests. Indeed, as states demonstrate their willingness to protect fetal health—via restrictions on access to abortion—the fetus is increasingly being viewed as a separate entity that is entitled to protection and recognition as a person. The questions of when and under what conditions a fetus is a person have policy implications beyond the scope of the abortion debate.

Jean Reith Schroedel's *Is the Fetus a Person?* is a well-researched book that makes a unique contribution to our understanding of reproductive policy. Schroedel examines three seemingly unrelated reproductive policies that are actually linked by the question of fetal personhood—abortion, substance abuse by pregnant women, and third-party fetal killing. While these policies are related, the political rhetoric used to discuss them, and the policy outcomes regulating each, is radically different. Exploring the inconsistencies and differences—within and across states' policies—regarding the legal status of a fetus is the crux of this book. For example, why is the state more inclined to establish abortion policies protecting a fetus—essentially granting it greater personhood status—in the third trimester of pregnancy, but reticent to create the same protection from domestic violence? Similarly, why do states' policy approaches to substance abuse by pregnant women vary from punitive-based policies, which view the interests of the mother and fetus separately, to treatment-based policies where they are treated as having identical interests? To answer these questions (and many more), she provides a thorough historical account of fetal policies and, it is important to note, amasses an impressive data set examining each policy area.

Schroedel begins by linking together abortion, substance abuse by pregnant women, and third-party fetal killing by providing a detailed, analytical history of fetal personhood throughout the centuries. She explores the moral and legal nexus of these three issues, highlighting significant theological shifts, that have influenced policy development over time. Relatedly, as technology has advanced, the state has accorded a fetus more legal rights and an elevated personhood status, yet the personhood status of women has remained fairly stagnant over time, providing the state with more leverage to regulate the behavior of women. She uses the historical lessons to hint at an important empirical and theoretical finding in her research: Viewing the fetal-maternal relationship as one of competing interests leads to poor policymaking for prenatal drug exposure and third-party fetal battering (women and their fetuses fundamentally have a joint interest in ending addiction or battering).

In the next two chapters, Schroedel examines each policy in detail, attempting to answer the underlying question of whose rights—or personhood—matters more, a woman's or a fetus's. She compiles state-level data on abortion, fetal substance abuse, and third-party fetal battering policies. Unlike in other studies, the author does not simply count the number of policies in each state; rather, she creates indices, which weigh the significance of every regulation within the three policy areas. Chapters 3 and 4 conclude with a comprehensive and systematic picture of abortion, fetal substance abuse, and fetal battering policies across the United States.

Schroedel begins to unravel the variance in states' policy responses to these issues. Using rhetoric advanced by the pro-choice and pro-life camps, she derives and tests several hypotheses. In particular, she examines the pro-life claim that the fetus is synonymous with "person" and should be protected at all stages of development. Logically, states that are pro-life (measured by the severity of abortion restrictions) should exhibit similar patterns in the other two policy ar-

reas (drug exposure and battery). It is interesting that her analysis—which contains a blend of qualitative and quantitative methods—suggests that empirically, there is no support for this proposition. Pro-life states are not committed to promoting the well-being of the fetus beyond abortion decisions, as evidenced by their lack of comprehensive policies. "Simply, pro-life states make it difficult for women to have abortions, but they do not help these women provide for the children once born" (p. 157), the author writes. Her analysis demonstrates that women are consistently accorded a lower economic, social, and political status in pro-life states. While this is not a novel discovery, her analysis is unique in that it examines the relationship between the status of women and fetal personhood in a range of reproductive policy areas.

In short, *Is a Fetus a Person?* has much to offer. It provides a comprehensive map of abortion, fetal drug abuse, and fetal battering policies. Schroedel painstakingly compiles a thorough data set containing all criminal laws relating to fetal personhood status and creates several empirical tests aimed at explaining the differential treatment of these reproductive policies across the 50 states. Unfortunately, the book does not provide a comprehensive theoretical framework for other scholars to apply.

Schroedel discusses abortion, fetal drug abuse, and fetal battering policies as morality policies. She asserts that the morality politics framework only works as a starting point for her research because it fails to adequately account for policymaking in fetal drug abuse and fetal battering policies: "I believe its application must be extended to a broader range of political circumstances to account for status differences among the parties that harm the fetus and for the impact of cultural values" (p. 62). Extending and improving on the morality framework would indeed be a significant theoretical contribution to the field; however, this book falls short in this endeavor. Although the theoretical omission is disappointing, Schroedel delivers a wealth of information and suggests a road for future studies on reproductive policies. *Is the Fetus a Person?* is one of the first books to examine the policy implications and consequences of expanded definitions of fetal personhood beyond abortion policy. This book will be of interest to students of state politics, reproductive policies, and gender politics.