Terms crucial to bioethical debate are examined: these include life, death, human, person, moral status, and moral agency. The moral relevance of the gestational tie between a woman and her fetus as well as other relationships is discussed. In light of their relevance to ethical decisions after birth as well as prior to birth, different positions on moral status or personhood are considered. These range from the view that full moral status occurs through union of human egg and sperm to the view that it requires the ability to make moral decisions, a capacity lacking in infants and adults who are comatose.

Cases illustrating variables relevant to pregnant women’s noncompliance with medical recommendations intended to benefit the fetus or potential child are presented. These involve refusal of hospitalization, refusal to comply with dietary recommendations, and refusal of cesarean section delivery. For each topic, empirical and theoretical factors relevant to the cases are discussed from an “egalitarian perspective” that imputes privileged status to the standpoint of those who are “nondominant”. Implications of different positions about the moral status of the fetus are also considered.
Decisions at Parturition and Birth
Mary Briody Mahowald
in Bioethics and Women: Across the Lifespan
Published in print: 2006 Published Online: September 2006
DOI: 10.1093/0195176170.003.0007
Item type: chapter

Cases illustrating variables relevant to the decisions of pregnant women about methods of childbirth, elective cesarean delivery, impaired newborns, and sex assignment at birth are presented. For each topic, empirical and theoretical factors relevant to the cases are discussed from an “egalitarian perspective” that imputes privileged status to the standpoint of those who are “nondominant”. Implications of different positions about moral status of fetuses and newborns are also considered.

Preventing Pregnancy and Birth
Mary Briody Mahowald
in Bioethics and Women: Across the Lifespan
Published in print: 2006 Published Online: September 2006
DOI: 10.1093/0195176170.003.0009
Item type: chapter

Cases illustrating variables relevant to women’s choices about contraception, sterilization, and abortion are presented. With regard to abortion, these include duration of gestation, condition of the fetus, methods of termination, availability and cost of the procedure, medical risks to the woman or potential child, capacity for parenting, responsibilities based on relationships to others, and different positions about the moral status of the fetus. For each topic, empirical and theoretical factors are discussed from an egalitarian perspective that privileges women’s standpoint vis-à-vis men’s not only on grounds of nondominance but also on grounds that women, not men, are directly affected by pregnancy.

Imagining the Fetus
Jane Marie Law and Vanessa R. Sasson
Published in print: 2008 Published Online: January 2009
DOI: 10.1093/acprof:oso/9780195380040.001.0001
Item type: book
In contemporary Western culture, the word “fetus” introduces either a political subject or a literal, medicalized entity. Neither of these frameworks gives sufficient credit to the vast array of literary and oral traditions emerging from religious cultures around the world that see within the fetus a symbol, a metaphor, an imagination. The editors maintain that the fetus has been hijacked by two dominant and powerful modes—the political and the medical—and the potential of the fetus as symbol to serve as a gateway to imagination has been reduced as a result. This volume grows out of the acknowledgment of the fact that, throughout much of human history and across most of the world’s cultures, when the fetus was imagined, it enjoyed a much wider range of symbolic and cultural subjectivities, often contributing possibilities of inclusivity, emergence, liminality, and transformation. The purpose of this book is to restore the nuance of fetal symbolism and liberate it from the stultifying parameters of the abortion/embryonic stem cell debate, giving it room once again to function as a symbol of greater and more complex human emotions, dilemmas, and aspirations.

“Famous” Fetuses in Rabbinic Narratives
Gwynn Kessler

This chapter examines rabbinic narratives about fetuses recorded in compilations dating from the third through the tenth centuries CE. Instead of placing these traditions within the context of contemporary questions about abortion, this chapter illustrates the ways that rabbinic narratives about fetuses and traditions about the creation of the embryo provide insights into rabbinic constructions of Israel. Particular attention is paid to rabbinic traditions about prenatal Jacob and Esau, which demonstrate that the rabbis often construct Jewishness in oppositional relation to non-Jewishness.

The Colossal Fetuses of La Venta and Mesoamerica’s Earliest Creation Story
Carolyn E. Tate
Among the earliest monumental sculptures of the Americas were depictions of the human fetus. Along with representations of the human embryo, sculptures of the fetus were important subjects in the art of the Olmec of Mexico, 1400–400 BCE. This chapter explores the crucial roles of these images in the earliest known narrative—a visual one—of the creation of the world and the origins of human beings in Mesoamerica. The monumental fetus sculptures of La Venta, an archaeological site in the State of Tabasco, Mexico, were players in a underworld ball game. In this context, the fetuses, as metaphors for “life force,” battle the chthonic forces that would usurp that precious vitality. Images of fetuses and embryos in ancient Mexico emerge as metaphors for the ineluctable processes of metamorphosis that life entails.

Life Before Birth
Bonnie Steinbock

Published in print: 2011 Published Online: September 2011
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780195341621.001.0001
Item type: book

This book provides a coherent framework for addressing bioethical issues in which the moral status of embryos and fetuses is relevant. It is based on the “interest view,” which ascribes moral standing to beings with interests, and connects the possession of interests with the capacity for conscious awareness or sentience. The theoretical framework is applied to up-to-date ethical and legal topics, including abortion, prenatal torts, wrongful life, the crime of feticide, substance abuse by pregnant women, compulsory cesareans, assisted reproduction, and stem cell research. Along the way, difficult philosophical problems, such as identity and the nonidentity problem are thoroughly explored.

A Womb with a View: The Buddha’s Final Fetal Experience
Vanessa R. Sasson

in Imagining the Fetus: The Unborn in Myth, Religion, and Culture

Published in print: 2008 Published Online: January 2009
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780195380040.003.0004
Item type: chapter

The Buddha’s fetal life was as extraordinary as the rest of his hagiography. He sat ablaze with light in a jeweled palace inside his mother’s womb. He was bathed by deities. He delivered teachings.
to his visitors. This chapter argues that these stories serve a number of important hagiographic functions: they give voice to the views of the time; they distinguish the future Buddha from ordinary beings by rendering him independent and invulnerable; and they foreshadow all the qualities he would eventually manifest as the Buddha he would become. In short, these fetal narratives tell us everything we need to know about the Buddha and the role he comes to play, with the womb functioning as a perfect metaphor for the cosmos—a legend at the microcosmic level that speaks of something far greater to come.

Birthing a Mother
Elly Teman

Published in print: 2010 Published Online: May 2012
Publisher: University of California Press
DOI: 10.1525/california/9780520259638.001.0001
Item type: book

This ethnography probes the intimate experience of gestational surrogate motherhood. The book shows how surrogates and intended mothers carefully negotiate their cooperative endeavor. Drawing on anthropological fieldwork among Jewish Israeli women, interspersed with cross-cultural perspectives of surrogacy in the global context, the book traces the processes by which surrogates relinquish any maternal claim to the baby even as intended mothers accomplish a complicated transition to motherhood. The book’s analysis reveals that as surrogates psychologically and emotionally disengage from the fetus they carry, they develop a profound and lasting bond with the intended mother.

Childbirth and the Law
John Seymour

Published in print: 2000 Published Online: March 2012
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780198264682.001.0001
Item type: book

This book examines aspects of English, United States, Canadian, and Australian law as it applies to the fetus, the pregnant woman, and the doctor or midwife who provides antenatal and perinatal care. A major part of the book consists of a critical examination of the law’s attempts to protect the fetus, which is threatened by conduct such as a criminal assault, maternal drug-taking, or parental refusal of medical treatment. The remainder of the work deals with the rapidly expanding and increasingly complex body of law on the liability of obstetricians, general practitioners, and midwives when negligent antenatal or perinatal care has been provided. There are numerous situations in which these health
care professionals (or their employees) can be liable to pay damages. They can be sued if their negligence has harmed the mother, caused the birth of an injured, disabled, or stillborn child, or has resulted in the birth of an unwanted child. The book provides a comprehensive statement of the law on antenatal intervention to protect the fetus and on the responsibilities of those who care for pregnant women. By examining the nature of the relationship between a pregnant woman and her fetus, and the operation of child protection and criminal laws and the law of negligence, the book explores questions about maternal autonomy, the rights of the woman and the fetus, and the role of the law in protecting those rights and providing compensation when something goes wrong.

Terminating Early Life
Abdulaziz Sachedina

in Islamic Biomedical Ethics Principles and Application

Published in print: 2009 Published Online: May 2009
Published Online: May 2009
Publisher: Oxford University Press
DOI: 10.1093/acprof:oso/9780195378504.003.0005

The chapter explores two issues related to terminating potential life: one is the temporary prevention of conception, and the other is the permanent control of fertility to avoid future pregnancies. Both these procedures have long been common in the Muslim world. Whether viewed as forms of family planning or abortion, the issues have dense moral and legal implications. Muslim legal scholars have treated the subject of birth control in great detail, and a consensus has emerged regarding its permissibility as a means of population control, especially insofar as it can improve the living standards of predominantly poor Muslim societies. However, the ethical dimension of preventing conception or terminating pregnancy within marriage remains unexplored. The chapter demonstrates that the moral dimensions of the issue are closely tied to cultural attitudes about the need to have children as part of one’s entry into manhood and womanhood. Procreation is taken as a divinely ordained obligation provided it is not harmful to one of the spouses. Sexual pleasure is to be confined to marriage. It is the balancing of these two factors that seems to underlie the juridical rulings on preventing conception. This chapter deals with abortion or termination of early life through medical intervention, either by parental decision or medically required procedures that interfere with the religious concept of inviolability of life in general, and embryonic life in particular.
Induced Abortion and the Fetus as Patient: A Continuing Paradox
Robert Woods

in Death before Birth: Fetal Health and Mortality in Historical Perspective
Published in print: 2009
Published Online: September 2009
ISBN: 9780199542758
eISBN: 9780191715358
DOI: 10.1093/acprof:oso/9780199542758.003.0008
Item type: chapter

This chapter looks back from the perspective of the 21st century on the emergence of the fetus as a patient in its own right. It also considers issues surrounding the legalization of abortion, the definition of fetal viability, the continuing challenge of high mortality in less developed countries, and the new challenge to reduce stillbirths while ensuring the healthy lives of the very premature. It considers the impact of ultrasound techniques and developments in fetal surgery.

Introduction
John Seymour

in Childbirth and the Law
Published in print: 2000
Published Online: March 2012
ISBN: 9780198264682
eISBN: 9780191682759
DOI: 10.1093/acprof:oso/9780198264682.003.0001
Item type: chapter

This introductory chapter sets out the purpose of the book, which is to explore the law’s impact on pregnant women, their fetuses, and the doctors and midwives who care for them. This impact might be felt during pregnancy or after a child’s birth. During a pregnancy, the law might seek to protect the fetus. After the birth, if negligent antenatal or perinatal care has caused harm, the legal system might be called on to respond to a claim for damages by the parents and child. An overview of the subsequent chapters is also presented.

Critique of the Self-Nonself Theory
Thomas Pradeu and Elizabeth Vitanza

in The Limits of the Self: Immunology and Biological Identity
Published in print: 2012
Published Online: May 2012
ISBN: 9780199775286
eISBN: 9780199932818
DOI: 10.1093/acprof:oso/9780199775286.003.0004
Item type: chapter
This chapter offers a critique of the self-nonself theory. I first analyze data on autoreactivity and normal autoimmunity, in particular phagocytosis and regulatory cells, in order to reject the idea that self constituents do not trigger immune responses. In a second step, thanks to a description of immune tolerance to genetically foreign entities, including the fetus and huge amounts of commensal and symbiotic bacteria, I reject the idea that every nonself triggers an immune response of rejection. I show that every organism is “impure” in so far as it contains a great number of “nonself” constituents. I conclude that the self-nonself theory is experimentally inadequate, and conceptually too vague to still be used as a satisfying scientific framework to explain the triggering of immune responses.

Was I Ever a Fetus?
Eric T. Olson

in The Human Animal: Personal Identity Without Psychology

Published in print: 1999 Published Online: November 2003
Item type: chapter

The Psychological Approach implies that none of us was ever an early fetus, for none of us is in any way psychologically continuous with an early fetus. This raises several problems. There follows a discussion of when we do come into being.

Death
Jeff McMahan

in The Ethics of Killing: Problems at the Margins of Life

Published in print: 2002 Published Online: November 2003
Item type: chapter

Analyzes the badness of death for those who die. Argues that our intuitions about the comparative badness of different deaths are best justified if we abandon the idea that death should be evaluated in terms of its effect on the value of life as a whole. Instead, death should be evaluated in terms of the effect that it has on what the victim has reason to care about from an egoistic point of view at the time of death. Only in this way can we adequately explain why the death of a fetus or newborn infant is less bad than the death of an older child or adult.
From Reproductive Choice to Reproductive Barbie

Laurie Shrage

in Abortion and Social Responsibility: Depolarizing the Debate

Evaluated “pro-life” and “pro-choice” media campaigns, featuring fetuses and coat hangers respectively, and shows how both reflect individualistic ideologies about responsibility and freedom. Rather than participate in public discourses that construe individual responsibility and liberty as simple moral alternatives, considers feminist political art that raises questions about our collective responsibilities to support others. Also considers visual and performance artwork that draws attention to the way that pregnancy and persons are culturally constructed. Urges reproductive rights activists to jettison the coat hanger image in favor of images that would promote constructive public dialog on access to contraception, child and family support, the duties of all citizens to provide life-saving help, the positive aspects of enabling women to control their fertility, and the dangers of religious extremism.

Response to Commentaries

Jonathan D. Moreno

in The Future of Bioethics: International Dialogues

Tomoko Sato’s suggestion is an heroic attempt to rescue the notion of species membership from the operations of modern biology by associating it with the idea of family membership. But the findings of evolutionary biology itself complicate matters. The comments of Satoshi Kodama and Kyoko Takashima demonstrate the usefulness of comparative bioethics. The author would add that the influence of conservative cultural views of the human embryo and its “inviolability”, even for medical science, is a distinct factor, in addition to the sharp delineation that they mention between human and non-human species.
This chapter discusses a new and controversial development in perinatal epidemiology. The chapter begins with an overview of some traditional concepts in perinatology, namely, the calculation of birth weight and gestational age-specific perinatal mortality rates and the use of dual, overlapping time scales for estimating the duration of gestational and chronologic age. This is followed by a review of the conundrums extant in contemporary perinatology and a proposal for an alternative formulation (called the fetuses-at-risk approach) for the calculation of rates in perinatal epidemiology. The focus under this alternate approach is on incidence measures, with gestational age treated as survival time. Latent period considerations for perinatal phenomena that have intrauterine origins are also an integral part of this formulation. Finally, there is reframing of the traditional and fetuses-at-risk models as serving prediction (noncausal) and causal functions, respectively.