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Book Review

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Book Review

Abstract

Review of: ROBERT H. BLANK, MOTHER AND FETUS: CHANGING NOTIONS OF MATERNAL RESPONSIBILITY. (Greenwood Press 1992) [207 pp.], Appendix, bibliography, figures, index, preface, tables. LC-91- 38029; ISBN 0-313-27639-0. [\$45.00 cloth. 88 Post Road West, Box 5007, Westport CT 06881.]

Keywords

pregnancy, fetus, Risk, harm, mother, in utero, intrafamily immunity

Erratum

The citation for this review is 3 RISK 365 (1992) in most commercial databases.

ROBERT H. BLANK, MOTHER AND FETUS: CHANGING NOTIONS OF MATERNAL RESPONSIBILITY. (Greenwood Press 1992) [207 pp.], Appendix, bibliography, figures, index, preface, tables. LC-91-38029; ISBN 0-313-27639-0. [\$45.00 cloth. 88 Post Road West, Box 5007, Westport CT 06881.]

Dr. Blank, Professor of Political Science at Northern Illinois University, presents in *MOTHER AND FETUS* several thought-provoking ideas as to why “[t]he relationship between a pregnant woman and the developing fetus is becoming an increasingly volatile and problematic social issue.”¹ He also addresses the effects of spotlighting the relationship between mother and fetus.

Dr. Blank identifies and examines three general factors which have contributed to the perceived societal unrest. First, he looks to the emergence of advanced technologies used in diagnosing and treating fetuses. One of the effects of these advances has been to make the fetus a “person,” one who can be seen through ultrasound and whose sex can be determined through amniocentesis. No longer is the fetus a mysterious being primarily perceived as an appendage of the mother. This new perception of the fetus has led to concern that this “person” be assured a chance to start life free of handicaps or disadvantages caused by third parties or its mother.

The second factor identified as a cause of changing societal views is the studies and findings that have enhanced the understanding of the relationship between a mother’s behavior and effects on a developing fetus. For example, he presents data on the deleterious effects a mother’s alcohol consumption and street drug use has on fetal development. Recent findings have resulted in the imposition of moral, and sometimes legal, maternal obligations not to act in ways known to be detrimental to the fetus.

In addressing the third factor, Dr. Blank reviews a plethora of cases demonstrating a variety of legal intrusions into the historical relationship between the mother and child. It has long been held that children may bring actions against third parties for prenatal injuries, but they have

¹ At ix.

become more prevalent. Still, as Dr. Blank reports, jurisdictions vary widely concerning, e.g., whether a live birth is required before recovery on behalf of a child can be had for prenatal injuries and whether injuries sustained prior to viability are compensable. One of the latest and most controversial developments in prenatal injury is abolition of intrafamily immunity in most jurisdictions, thereby opening the door for a child to sue its parents.

In considering the increased instance of cases against third parties and the abolition of the family immunity doctrine, Dr. Blank concludes, “[t]he manifestation of these trends is likely to alter substantially notions of responsible maternal behavior and in some cases pit the rights of privacy and autonomy of the mother against the rights of a child to be born with a sound mind and body.”² Throughout, we are reminded of the lack of easy ways to choose between the rights of mothers and the well-being of fetuses.

As Dr. Blank states in the preface, “[a]lthough the challenges of maximizing fetal health without unduly constraining the rights of the pregnant woman remain daunting, hopefully this book will contribute to a rational dialogue that leads to enlightened policy.” Although his analysis is quite limited, the book directs readers to a large body of information addressing many interesting issues and constitutes an important resource for anyone wanting to study the “changing notions of maternal responsibility.”

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² At 89.

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