

# Dissertation: A Fetus By Any Other Name: How Words Shaped the Fetal Personhood Movement in US Courts and Society (1884-1973)

Editor's note:

Carolina Abboud defended her dissertation titled "A Fetus By Any Other Name: How Words Shaped the Fetal Personhood Movement in US Courts and Society (1884-1973)," in April 2020 in front of committee members Jane Maienschein, George Justice, Gary Marchant, and Stephen Pyne, earning her a Doctor of Philosophy degree. <https://repository.asu.edu/items/57191>

Abstract:

The 1973 Supreme Court case *Roe v. Wade* was a significant event in the story of fetal personhood—the story of whether embryos and fetuses are legal persons. *Roe* legalized abortion care in the United States (US). However, the story of fetal personhood began long before the 1970s. People have been talking about embryos, fetuses, and their status in science, the law, and society for centuries. I studied the history of fetal personhood in the United States, tracing its origins from Ancient Rome and Medieval England to its first appearance in a US courtroom in 1884 and then to the Supreme Court's decision in 1973.

But this isn't a history of events—of names and dates and typical details. This is a history of words. In the twenty-first century, words used to discuss embryos and fetuses are split. Some people use humanizing language like "unborn children" and "human life." Others use technical words like "embryos" and "fetuses." I studied what words people used historically. I charted how words moved from science to the public to the law, and how they impacted court rulings on fetal personhood.

The use of certain words nudged courts to grant additional rights to embryos and fetuses. In the 1960s, writers began describing the science of development, using words like "unborn child" and humanizing descriptions to make embryos and fetuses seem like people already born. That helped build an idea of embryos and fetuses as having "life" before birth. When people began asking courts to legalize abortion care in the 1970s, attorneys on the opposite side argued that embryos and fetuses were "human life," and that that "life" began at conception.

In those cases, "life" was biologically defined as when sperm fertilized egg, but it was on that biological definition "life" that judges improperly rested their legal rulings that embryos and fetuses were "potential human life" states had a duty to protect. It wasn't legal personhood, but it was a legal status that let states pass laws restricting abortion care and punishing pregnant people for their behavior, trends that threaten people's lives and autonomy in the twenty-first century.