**Annotated Bibliography**

Tran, Linda. Legal Rights and the Maternal-Fetal Conflict. The Science Creative Quarterly (2013) 8: 1-9.

**Summary:** The article begins with different opinions about the start of human life. It provides a nice visual of human fetal development and focuses on the rights of a fetus. It explains the three viewpoints of fetal rights in detail: full rights, no rights, and rights advancing with gestational age.

**Assessment:** This was a useful source from where I got a very clear description of fetal rights. It was important to me to have a source as current as this one as viewpoints can change with time. Although one person wrote this piece, it was written very objectively and without their opinion included in the paper. It was also short and easy to read.

**Reflection:** This was the source I turned to most when trying to learn what it meant for a fetus to have "full rights" and "no rights" and "rights increasing with gestational age." In retrospect, it was the best article I found that explained fetal rights in simple terminology.

Isaacs, D. Moral Status of the Fetus: Fetal Rights or Maternal Autonomy? Journal of Pediatric Child Health (2003) 39:58-59.

**Summary:** This article focuses on in-depth explanations of what it means for a fetus to have "full fetal rights" vs "no fetal rights." Unlike the article above, this article does not delve deeply into "fetal rights with increasing gestation." This article also explains who is ultimately considered the moral guardian of the fetus. The author ends the article with explaining their personal view on the matter of fetal rights and maternal autonomy.

**Assessment:** This article stated very clearly in the beginning it was a "viewpoint" piece so it was not unexpected to see a personal opinion on the subjected matter in the end. The author explained both opposing views (no fetal rights vs. full fetal rights) very thoroughly. Interestingly, in the "no fetal rights" portion of the article, a fetus was poetically compared to a "seed," a "dying violinist" and a "burglar."

**Reflection:** This article was a good example on an in-depth look at two opposing viewpoints. There was more sentiment and emotion in this article. I knew it was a biased piece but I wanted to get a sense of what one side really felt. It did tribute to the opposing side so in the end I got good material for both.

Miller, M.K. Refusal to Undergo a Cesarean Section: A Woman's Right or a Criminal Act? Health Matrix: Journal of Law-Medicine (2005).

**Summary:** This article reviews the rights a woman has to refuse medical treatment, fetal rights, and the state's reasoning for prosecuting. It discusses example cases in which women were forced to undergo unwanted cesarean sections. This article also discusses other examples aside from cesarean sections such as drug and alcohol use during pregnancy. It ends with analyzing whether prosecuting women for failing surgery should be done and can be done, and how far the government should interfere with a pregnant woman's life.

**Assessment:** This article formed the basis of my reflective piece as it touched on every question I had regarding my patient. It went through a woman's constitutional rights and the specific rights of a fetus. What I liked is that it discussed the state's point of view in prosecuting women and their argument for doing so. This was the main concern I had about this topic. This paper was very clear on why and how they do it.

**Reflection:** This paper provided the details about the law that other shorter articles were unable to provide. It informed me tremendously and alone would have been enough to answer my question on the law and ethics regarding forced cesarean sections. It formed the outline of my entire reflective piece.

Levine, E.M. The Constitutionality of Court Ordered Cesarean Surgery: A Threshold Question. Albany Law Journal of Science & Technology (1994): 1-19.

**Summary:** This article goes into detail the rights a woman has under the Constitution to refuse surgery. It also explains what arguments the state uses for court ordered c-sections. It concludes with precise examples of what amendments protect a woman's decision regarding her bodily integrity. A clear decision regarding constitutionality of forced surgery is reached in the end by the author.

**Assessment:** Too detailed to use extensively. The information was fascinating, especially the arguments the state uses to order a cesarean, but beyond the scope of my reflective piece. The language used in the article was also at times difficult to understand and felt over my head. This was complicated by the fact this article was incredibly dense with legal terminology I had to navigate.

**Reflection:** Overall a good resource to expand on legal reasons a woman can refuse cesareans. This article gave me the details of the law other articles lacked.

Townsend, S.F. Obstetric Conflict: When Fetal and Maternal Interests Are at Odds. Pediatrics in Review (2012) 33:33-37.

**Summary:** This article provides three viewpoints to build an ethical framework around maternal-fetal conflict. It explains (1) theory of autonomy, beneficence/nonmaleficence, and justice (2) feminist theory and (3) ethics of care. It questions as to whom the patient really is (the mother, the fetus or both), what facts affect the decision in maternal-fetal conflict, how gestational age affects the decision and if physicians should go to court to force a cesarean delivery.

**Assessment:** Very enlightening on the ethics of maternal-fetal conflict. I was especially interested in the "feminist ethics" of this scenario which questions whether or not a pregnant woman is treated differently than a non-pregnant woman. This article was a good starting point for approaching this subject because it asked more questions than answered. It was an article to inspire the discussion rather than give raw facts on the law.

**Reflection:** I am glad this was one of the first articles I read when researching my topic because it provided me with good questions to ask when searching for papers. It did not give firm answers as to what is right legally so I used this paper more for foundational thought and reflection.

Ikemoto, L.C. Force Cesareans. Current Opinion in Obstetrics and Gynaecology (1998) 10:1-6.

**Summary:** This resource begins with explaining why in our society something must be forced, then goes on to give specific cases of forced c-sections. The body of the article discusses the fundamental right women have to refuse cesareans. It continues to explain the medical evidence doctors give when recommending a cesarean and concludes with a discussion on social status of the fetus and how socioeconomic status of the mother can affect whether a cesarean is court ordered upon her.

**Assessment:** One of the first articles I read when researching my topic. It gave a big picture idea on the subject but provided me with enough detail and firm conclusions. It included very insightful observations that allowed me to reflect on this issue, such as why our society has to even *force* something upon someone.

**Reflection:** When I felt overwhelmed with the vast amount of information available over my topic, I always turned towards this paper to organize my thoughts. This article covered the entirely of the topic without going into too much detail. It provided a good outline of how to structure my reflective piece.

Finer, J.J. Toward Guidelines for Compelling Cesarean Surgery: Of Right, Responsibility, and Decisional Authenticity. Minnesota Law Review (1991): 239-277.

**Summary:** The focus of this review was to analyze the scenario where both mother and fetus lives are at risk. It reviews the legal status and rights of a fetus, the rights of the mother, and the obligation a mother and state have towards saving the life of viable fetus. It uses several arguments in support of forced cesareans such as the state's interest to protect viable life, the idea that parents have a duty to save their children from harm and the notion that a mother cannot "falsely imprison" the fetus. It also provides examples when health maintenance can be forced upon an individual such as required vaccinations. It then concludes with an explanation of the cesarean surgery itself, the complications and indications.

**Assessment:** This was an interesting review paper because the author concluded that a cesarean should be forced upon a woman if her life and the fetus's life are in considerable danger without the surgery. I thought it was important to get both sides of the argument to understand the logic behind each. Yet I was frustrated because the logic used in this article was explained to be illogical in other articles I had read.

**Reflection:** Good to have the opposing side of the debate. This review was insightful and touched upon arguments I had never considered such as "parental duty" and "false imprisonment."

Curran, W.J. Court-Ordered Cesarean Section Receive Judicial Defeat. New England Journal Medicine (1990) 323:489-492.

**Summary:** This article provides a clear picture of the actual scenario a judge faces when called upon to order a cesarean. In goes into the detail the case of A.C. a 27 yo female dying of cancer who was forced to have a cesarean and later died (as did the baby). Her case was complicated by the fact that her wishes at the moment of the decision could not be understood and the idea of maternal incompetency and what to do in that scenario is analyzed in the text.

**Assessment:** This article provided straightforward information regarding the A.C. case. It was useful for my own learning on this famous case but beyond the scope of my reflective piece. I used this article mostly to understand the point of view of a judge when they order a cesarean and how many lawyers get appointed etc.

**Reflection:** Good detail on one case. Many questions were left unanswered for me throughout this article so it was not useful for understanding current practice. Although the article is from the 1990's, it provided the viewpoint during a time when the idea of forced cesareans had recently begun.

Nelson, R.M., Botkin, J.R., Levetown, M., Moseley, K.L., Truman, J.T., Wilfond, B.S. Fetal-Therapy-Ethical Considerations. Pediatrics (1999) 103:1061-1063.

**Summary:** This article focuses on what doctors should do when a mother refuses intervention for the fetus. It advises that physicians make clear to the mother when complications arise. Risks and benefits of an intervention should be analyzed and always communicated clearly to the family. If therapy is needed for the fetus and poses low risk to the mother, doctors are advised to inform the mother her responsibility to accept the risk. Mothers are discouraged to place their lives at risk however, when the benefit of the fetus is low. The article gives a scenario when a physician can refute a mother's refusal for cesarean. If a physician feels it is necessary to have the treatment by these guidelines, then "judicial authorization is absolutely required."

**Assessment:** The purpose of this article is to give physicians guidelines to follow when maternal-fetal conflicts arise. It is very clear on when a physician should and should not offer a procedure. The guidelines for when to have the court intervene are unclear and give the physician great liberty for when to refute a woman's decision.

**Reflection:** I wanted to read what guidelines physicians are exposed to in the "forced cesarean" debate. I can understand the conflict a physician has in this case because many factors are thrown together: their biases, their knowledge base on the law, the stress of the situation, coupled with vague guidelines that basically conclude to go to the courts if you feel it is necessary. No wonder there are doctors who ask for judicial intervention if they follow an article such as this one.

Samuels, T., Minkoff, H., Feldman, J., Awonuga, A., Wilson, T. Obstetricians, Health Attorneys, and Court-Ordered Cesarean. Women's Health Issues (2007) 17:107-114.

**Summary:** This article questions what makes a physician’s use of court ordering a cesarean section more likely. A study was done and a sample of obstetricians and lawyers were asked to read sample scenarios in which a woman refused a cesarean even if her fetus would die without it. The woman's reasons were changed in each scenario and the people in the study had to rate the likelihood that they would proceed with a court ordered cesarean section. It was concluded that the probability of ordering a cesarean varied with characteristics of the mother, fetus and provider.

**Assessment:** This article was very insightful because it included both doctors and lawyers with adequate sample sizes for each. I agree with a statement in the article that says "it is unclear what...characteristics of woman, the circumstances of pregnancy, or personal beliefs of health layers and physicians determine their willingness to consider the use of court orders when women refuse a recommended cesarean section" which is something this study wanted to clarify. The study was very thorough and included factors such as mother's race, respondents view on pro-choice or pro-life, respondents political party, fetal chromosomal abnormalities, and the father's opinion on the matter.

**Reflection**: The fact that the decision to order a cesarean can rely on the characteristics of the provider is alarming. As stated in the article, a woman will find herself in a "war between those who place a premium on maternal autonomy rights ant those who believe that fetal interests are more compelling." How can matter as serious as this one be influenced by whether a provider is pro-life or not? Biases do not surprise me but taking biases as far as the court system when there are fundamental constitutional rights that say otherwise is eye opening.

Kolder, V.E.B., Gallagher, J., Parsons, M.T., Court-Ordered Obstetrical Interventions. New England Journal of Medicine (1987) 316:1192-1196.

**Summary:** This study looked at 21 court ordered cesarean sections and analyzed the demographics of the mothers. They looked at factors such as race, marriage status, language spoken and type of hospital (whether teaching hospital or public assistance), how long a court order took to be granted and in what method (one was granted by phone). Fellows in maternal-fetal medicine were asked to give their opinions on forced cesareans as well. The article concludes with a discussion on maternal and fetal rights and the reasoning behind why some think it is acceptable to force a cesarean. The article clearly states the rights a woman has to refuse medical treatment. It also alludes to the conflict a doctor faces in this scenario (fear of malpractice lawsuit if the child does not turn out healthy vs assault charge for doing a procedure without consent), as well as the conflict a judge has if there is a little time to race to a decision. The idea of forced cesarean sections raises the question of whether a pregnant woman can be forced to a certain diet, banned from certain sexual practices, or court ordered prenatal screening.

**Assessment:** I was aware of the age of this article, but I thought it was important to get a source that explained the opinion of court ordered cesareans at a time when forced cesareans had recently begun. The facts about women's right in this article were no more different than that of *recent* articles I had read. It also acknowledges that there *is* a discrepancy between the Constitution and what lower courts have concluded. I think looking at socioeconomic factors was smart, because it sheds light on potential biases health care providers may be exploiting.

**Reflection:** Useful to read an article in a time when this issue was fairly new. The paper leans on the side of mother's autonomy, demonstrating that although the idea of maternal rights overriding fetal rights has been reiterated since the 80's, forced cesarean sections is still an issue. I found it imperative to read a study looking at socioeconomic factors because my patient was not American and did not speak English.