Table 2: Total Prenatal Torts Recognized by Political Leanings and Abortion Laws

<table>
<thead>
<tr>
<th>Political Leanings or Position on Abortion</th>
<th>Total States</th>
<th>States Recognizing 0 Prenatal Torts</th>
<th>States Recognizing 1</th>
<th>States Recognizing 2</th>
<th>States Recognizing 3</th>
<th>Average Number Recognized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democratic States</td>
<td>18</td>
<td>1157</td>
<td>5158</td>
<td>9159</td>
<td>3160</td>
<td>1.78</td>
</tr>
<tr>
<td>“Split” States</td>
<td>12</td>
<td>2161</td>
<td>7162</td>
<td>3163</td>
<td>0</td>
<td>1.08</td>
</tr>
<tr>
<td>Republican States</td>
<td>21</td>
<td>7164</td>
<td>8165</td>
<td>6166</td>
<td>0</td>
<td>.95</td>
</tr>
</tbody>
</table>


156. The five positions on abortion—Legal Abortion with New Protections, Legal Abortion, Gestational Limit, Ban Blocked, and Abortion Ban—are based on information contained in Tracking the States, supra note 2. The calculation of each number was performed by comparing the states in each of these five categories with the number of such states recognizing prenatal torts as established by Table 1.

157. See supra Table 1 (Hawaii).

158. See supra Table 1 (Delaware, District of Columbia, Michigan, Minnesota, and New Mexico).

159. See supra Table 1 (California, Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, New York, and Oregon).

160. See supra Table 1 (New Jersey, Rhode Island, and Washington).

161. See supra Table 1 (Arizona and Kentucky).

162. See supra Table 1 (Georgia, Kansas, Louisiana, Nevada, North Carolina, Pennsylvania, and Vermont).

163. See supra Table 1 (New Hampshire, Virginia, and Wisconsin).

164. See supra Table 1 (Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota).

165. See supra Table 1 (Alabama, Arkansas, Idaho, Iowa, Missouri, Tennessee, Utah, and Wyoming).

166. See supra Table 1 (Alabama, Florida, Indiana, Ohio, Texas, and West Virginia).
<table>
<thead>
<tr>
<th>POLITICAL LEANINGS OR POSITION ON ABORTION</th>
<th>TOTAL STATES</th>
<th>STATES RECOGNIZING 0 PRENATAL TORTS</th>
<th>STATES RECOGNIZING 1</th>
<th>STATES RECOGNIZING 2</th>
<th>STATES RECOGNIZING 3</th>
<th>AVERAGE NUMBER RECOGNIZED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Abortion with New Protections</td>
<td>20</td>
<td>1&lt;sup&gt;167&lt;/sup&gt;</td>
<td>7&lt;sup&gt;168&lt;/sup&gt;</td>
<td>9&lt;sup&gt;169&lt;/sup&gt;</td>
<td>3&lt;sup&gt;170&lt;/sup&gt;</td>
<td>1.7</td>
</tr>
<tr>
<td>Legal Abortion</td>
<td>5</td>
<td>0</td>
<td>3&lt;sup&gt;171&lt;/sup&gt;</td>
<td>2&lt;sup&gt;172&lt;/sup&gt;</td>
<td>0</td>
<td>1.8</td>
</tr>
<tr>
<td>Gestational Limit</td>
<td>5</td>
<td>2&lt;sup&gt;173&lt;/sup&gt;</td>
<td>2&lt;sup&gt;174&lt;/sup&gt;</td>
<td>1&lt;sup&gt;175&lt;/sup&gt;</td>
<td>0</td>
<td>.8</td>
</tr>
<tr>
<td>Abortion Ban&lt;sup&gt;179&lt;/sup&gt;</td>
<td>15</td>
<td>5&lt;sup&gt;180&lt;/sup&gt;</td>
<td>6&lt;sup&gt;181&lt;/sup&gt;</td>
<td>4&lt;sup&gt;182&lt;/sup&gt;</td>
<td>0</td>
<td>.8</td>
</tr>
</tbody>
</table>

The correlation between political leanings, positions on abortion, and the tendency to recognize prenatal tort claims makes sense, as abortion is highly

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167. See supra Table 1 (Hawaii); Tracking the States, supra note 2 (same).
168. See supra Table 1 (Delaware, Michigan, Minnesota, Nevada, New Mexico, Pennsylvania, and Vermont); Tracking the States, supra note 2 (same).
169. See supra Table 1 (California, Colorado, Connecticut, Illinois, Maine, Maryland, Massachusetts, New York, and Oregon); Tracking the States, supra note 2 (same).
170. See supra Table 1 (Washington, New Jersey, and Rhode Island); Tracking the States, supra note 2 (same).
171. See supra Table 1 (Alaska, District of Columbia, and Kansas); Tracking the States, supra note 2 (same).
172. See supra Table 1 (New Hampshire and Virginia); Tracking the States, supra note 2 (same).
173. See supra Table 1 (Arizona and Nebraska); Tracking the States, supra note 2 (same).
174. See supra Table 1 (North Carolina and Utah); Tracking the States, supra note 2 (same).
175. See supra Table 1 (Florida); Tracking the States, supra note 2 (same).
176. See supra Table 1 (Montana and South Carolina); Tracking the States, supra note 2 (same).
177. See supra Table 1 (Iowa and Wyoming); Tracking the States, supra note 2 (same).
178. See supra Table 1 (Indiana and Ohio); Tracking the States, supra note 2 (same).
179. This includes Georgia, a state with a six-week gestational limit. Tracking the States, supra note 2.
180. See supra Table 1 (Kentucky, Mississippi, North Dakota, Oklahoma, and South Dakota); N.Y. TIMES, Tracking the States, supra note 2 (same).
181. See supra Table 1 (Arkansas, Georgia, Idaho, Louisiana, Missouri, and Tennessee); N.Y. TIMES, Tracking the States, supra note 2 (same).
182. See supra Table 1 (Alabama, Texas, West Virginia, and Wisconsin); Tracking the States, supra note 2 (same).