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## CASE COMMENTARY: ROE V. WADE

### INTRODUCTION

Roe v. Wade, 410 U.S. 113 (1973), is a landmark decision by the United States Supreme Court that significantly shaped the discourse on abortion rights in the country. The case centered on "Jane Roe" (a pseudonym for Norma McCorvey), who challenged the Texas laws criminalizing most abortions, arguing that these laws were unconstitutional. The Supreme Court's decision in favor of Roe established a woman's legal right to an abortion under the Fourteenth Amendment, profoundly influencing subsequent legal and societal attitudes toward reproductive rights<sup>1</sup>.

### BACKGROUND

Before Roe, abortion law in the United States was primarily governed by state legislation, with many states imposing strict regulations or outright bans on the procedure. The legal landscape was heavily influenced by the 19th-century Comstock laws, which restricted the dissemination of information about contraception and abortion. Early 20th-century cases like *Griswold v. Connecticut*, 381 U.S. 479 (1965), laid the groundwork for Roe by recognizing a right to privacy in marital relations, which later extended to individual autonomy over reproductive choices<sup>2</sup>.

Roe v. Wade originated when Norma McCorvey, unable to legally obtain an abortion in Texas, filed a lawsuit claiming that the state's abortion laws were unconstitutional. The case was first heard by a three-judge panel of the U.S. District Court for the Northern District of Texas, which ruled in her favor. The case was then appealed to the Supreme Court. Roe's legal team, led by attorneys Sarah Weddington and Linda Coffee, argued that the Texas statutes violated the Due

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<sup>1</sup> Roe v. Wade, 410 U.S. 113 (1973).

<sup>2</sup> Griswold v. Connecticut, 381 U.S. 479 (1965).

Process Clause of the Fourteenth Amendment, which protects against state actions infringing on personal privacy<sup>3</sup>.

## ANALYSIS

### 1. Was the Court's decision appropriate?

The Supreme Court's decision in *Roe* was appropriate in affirming the constitutional right to privacy, which encompasses a woman's right to make decisions about her own body. The Court, in a 7-2 decision, held that the Texas laws were unconstitutional, emphasizing that the right to privacy is "broad enough to encompass a woman's decision whether or not to terminate her pregnancy" (*Roe*, 410 U.S. at 153)<sup>4</sup>. This recognition of privacy rights in the context of reproductive autonomy was a significant affirmation of individual liberties.

The Court's opinion, authored by Justice Blackmun, meticulously examined the historical context of abortion laws and the evolving recognition of privacy rights. The decision underscored the importance of personal autonomy and bodily integrity, marking a critical step in the expansion of individual rights under the Constitution. By framing the issue within the context of privacy, the Court provided a robust legal basis for its ruling, aligning with the broader trajectory of civil liberties jurisprudence.

### 2. Does this decision change/conform with existing law?

*Roe* both changed and conformed with existing law. It extended the privacy principles established in cases like *Griswold* and *Eisenstadt v. Baird*, 405 U.S. 438 (1972), to include a woman's decision to terminate a pregnancy<sup>5</sup>. This decision marked a departure from the patchwork of state laws that severely restricted abortion, establishing a federal standard that invalidated many state restrictions. The trimester framework introduced by the Court delineated the extent to which states could regulate abortions, balancing a woman's rights with the state's interest in potential life and maternal health.

By aligning with precedents that recognized privacy and individual autonomy, *Roe* reinforced the notion that personal decisions about family and reproduction fall within the protected sphere of individual liberty. However, it also introduced significant changes by setting a

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<sup>3</sup> *Roe*, 410 U.S. at 120-121.

<sup>4</sup> *Id.* at 153.

<sup>5</sup> *Eisenstadt v. Baird*, 405 U.S. 438 (1972).

uniform standard for abortion laws across the states, thereby ensuring more consistent access to reproductive healthcare. This balance of continuity and change underscored the Court's effort to navigate complex legal and moral terrain.

### 3. Did the court adequately justify its reasoning?

The Court's reasoning in *Roe* was grounded in the constitutional right to privacy, though it has been subject to criticism for its lack of clarity regarding the precise source of this right. The majority opinion, authored by Justice Blackmun, extensively reviewed historical attitudes toward abortion and the legal precedents related to privacy<sup>6</sup>. However, critics argue that the opinion's reliance on the trimester framework was somewhat arbitrary and lacked a solid constitutional basis. Subsequent cases like *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), while upholding *Roe*, abandoned the trimester framework in favor of the undue burden standard, which some argue provides a more coherent approach to balancing interests<sup>7</sup>.

Justice Blackmun's opinion was comprehensive in its historical analysis, tracing the evolution of abortion laws from ancient societies to contemporary America. This historical perspective was intended to demonstrate the varied and often permissive attitudes towards abortion, countering the notion that strict anti-abortion laws were an immutable tradition. The opinion also sought to reconcile the conflicting interests of a woman's right to privacy and the state's interest in protecting potential life by introducing the trimester framework.

Despite its thoroughness, the reasoning has been critiqued for its perceived judicial overreach and for grounding the right to abortion in a somewhat nebulous right to privacy. Critics argue that the decision could have been more robustly justified by focusing on equal protection grounds, which might have provided a stronger constitutional foundation. Nonetheless, the Court's attempt to balance competing rights and interests reflects the complexity of the issue.

### 4. What are the policy implications of the decision?

*Roe* had profound policy implications, effectively legalizing abortion nationwide and prompting significant shifts in public policy and opinion. It galvanized both pro-choice and pro-life movements, influencing political discourse and legislative actions<sup>8</sup>. The decision underscored the importance of judicial protection of individual rights against majoritarian

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<sup>6</sup> *Roe*, 410 U.S. at 129-152.

<sup>7</sup> *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

<sup>8</sup> *Id.*

pressures, emphasizing that certain personal liberties should not be subject to political whims. Alternative approaches, such as leaving abortion regulation entirely to state discretion, could lead to significant disparities in access to reproductive healthcare, undermining the uniformity and predictability of constitutional rights.

The ruling prompted a wave of legislative activity, with states enacting various measures to either expand or restrict access to abortion services within the new legal framework. This legislative response highlighted the ongoing tension between state sovereignty and federal constitutional standards. The decision also played a pivotal role in shaping political alignments and electoral strategies, as abortion rights became a central issue in American politics.

The policy implications extend beyond legal reforms, influencing public health outcomes and socioeconomic dynamics. By affirming the right to abortion, Roe contributed to broader efforts to ensure women's autonomy and equality. Access to safe and legal abortion services has been linked to improved health and economic conditions for women, underscoring the decision's far-reaching impact on society.

## **CONCLUSION**

Roe v. Wade remains a cornerstone of reproductive rights jurisprudence, symbolizing the judiciary's role in safeguarding personal liberties. While the decision was pivotal in affirming the constitutional right to privacy, its reasoning and framework have been the subject of ongoing debate and refinement. The impact of Roe extends beyond legal realms, shaping societal attitudes and influencing public policy on reproductive health. Despite its controversies, the case highlights the enduring tension between individual rights and state interests, a dynamic that continues to evolve in the American legal landscape.

Roe's legacy is a testament to the ongoing struggle for reproductive rights and the complexities of constitutional interpretation. The decision's influence on subsequent jurisprudence and its role in shaping public policy underscore its significance. As debates over abortion continue, Roe serves as a crucial reference point for understanding the interplay between law, individual rights, and societal values.