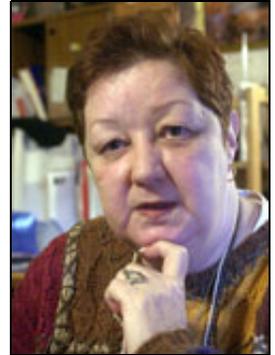


Topics / Abortion / Roe v. Wade (1973)

In the 1973 case *Roe v. Wade*, the U.S. Supreme Court made a landmark decision on the issue of abortion, changing the shape of American dating and sexuality into the present day. The Court handed down a ruling on January 22, 1973, that established a constitutional right to abortion under the protection of privacy for all women within the first three months of pregnancy. Adjusted through later cases, *Roe v. Wade* began the nationwide debate between so-called "pro-choice" and "pro-life" advocates. Critics of the ruling charge that the U.S. Supreme Court overstepped its power and legislated from the bench without constitutional authority.



Norma McCorvey, referred to in the case under the alias Jane Roe, sought an abortion in the state of Texas in 1970. However, Texas state law banned the practice of abortion without a threat to the woman's life. McCorvey filed suit in a Texas court and both parties appealed to the Supreme Court after the initial ruling. Representatives for both parties initially argued the case in December 1971, but the Supreme Court suggested the parties reargue the case the following year.

After the parties reargued the case in 1972, the Supreme Court issued its landmark ruling which overturned state laws outlawing abortion. Following the ruling, organizations and individuals across the United States joined together either in support or against the verdict. Many religious organizations argued that abortion amounts to murder and that life starts at conception. Others in favor of the ruling argued that *Roe v. Wade* supports women's equality and personal freedom.

Roe v. Wade did not provide blanket access to abortion, however. While it specified a woman's right to privacy and access to abortion during the first trimester of pregnancy, the Supreme Court ruled that in the second and third trimesters a state could limit the abortion right. Following the ruling, multiple states passed legislation limiting a women's access to a first trimester abortion by requiring a 24-hour waiting period or informing a husband or parent. In *Planned Parenthood v. Casey* (1992), the Supreme Court upheld the validity of *Roe v. Wade*, but allowed for the use of state restrictions on a women's access to abortion.

Critics of *Roe v. Wade* argue that the Supreme Court overstepped its power and engaged in judicial legislation or activism. Many people charge that the so-called "right to privacy" upon which the *Roe v. Wade* ruling rests is simply a fabrication by the Supreme Court not specifically mentioned in the U.S. Constitution. This debate of whether the Supreme Court has the right to interpret elements within the Constitution, like the right to abortion, typically divides between politically conservative and liberal camps.

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Further Reading

Banerjee, Neela. "Church Groups Turn to Sonogram To Turn Women From Abortions." *The New York Times* February 2, 2005; Greenhouse, Linda. "Abortion: A New Round; Justices to Hear Cases on Parental Notice, But the Wider Issue, Again, Is Roe v. Wade." *The New York Times* November 24, 1989; Hull, N.E.H., and Peter Charles

Hoffer. *Roe v. Wade: The Abortion Rights Controversy in American History*. Lawrence, KS: University Press of Kansas, 2001; McCorvey, Norma, and Andy Meisler. *I am Roe: My Life, Roe v. Wade, and Freedom of Choice*. New York: Harper Collins, 1994.

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