

## SYMPOSIUM

### THE LEGACY OF *ROE*: THE CONSTITUTION, REPRODUCTIVE RIGHTS, AND FEMINISM

#### FOREWORD

*Caroline Rogus\**

In the three decades since *Roe v. Wade*<sup>1</sup> was decided by the Supreme Court, the debate on abortion and reproductive rights may have shifted grounds, but the focus has remained the same: what, exactly, defines the contours of this constitutionally protected freedom that is based on the right to privacy? The Court has instructed that the Constitution protects access to birth control and some access to abortion. Although limited by *Planned Parenthood v. Casey*,<sup>2</sup> *Roe v. Wade* is controlling law. But as evidenced in Kathryn Kolbert's opening remarks at the Symposium, the *Roe* decision, while announcing constitutional protection of "the abortion decision,"<sup>3</sup> has continued to challenge those who seek to protect the rights of women.

The intention of this Symposium was to provide for a dialogue from a variety of perspectives: academics and advocates, legal and nonlegal, national and international. Truly the authors here have provided the *Journal of Constitutional Law* with an intriguing cross section of modern issues that stem from the *Roe* decision.

Professors April Cherry and Joan Williams and advocate Shauna Shames address the effects that *Roe* and its progeny have had on the concept of motherhood. In her article, Professor Cherry discusses how women's citizenship is diminished when courts and legislatures use *Roe* to justify placing limits on pregnant women's decision making in the context of health care. Professor Williams argues that securing access to abortion rights is critical when one considers the high price of motherhood.

Advocates Julia Ernst, Laura Katzive, and Erica Smock look beyond the borders of the United States to address the impact of U.S. legislation on women's lives around the world. Professor

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\* Symposium Editor, *University of Pennsylvania Journal of Constitutional Law*, J.D., 2003, University of Pennsylvania Law School.

<sup>1</sup> 410 U.S. 113 (1973).

<sup>2</sup> 505 U.S. 833 (1992).

<sup>3</sup> *Roe*, 410 U.S. at 154.

Naomi Cahn and advocate Anne Goldstein analyze the effects of traditional attitudes and logistics on women's reproductive rights in the Democratic Republic of Congo, providing insight as to how we address similar issues here. Professor Carol Mason explores the connection between legislation designed to limit reproductive rights and the rise in violence by abortion clinic protesters.

The effects of the *Roe* decision will undoubtedly continue to reverberate in broader issues of privacy and gender roles and the role the United States plays in shaping international policy. Discussions among theorists and activists provide us with important analyses of these effects, allowing us to trace the historical path of this particular constitutional freedom and predict how it will impact future political and legal decision making.