

An Introduction: *Roe v. Wade* in the Wilds of Politics

MARC SPINDELMAN*

The occasion for this Colloquium is the fortieth anniversary of the U.S. Supreme Court's decision in *Roe v. Wade*.¹ Fully two generations of Americans have lived with the decision, and with it, women's constitutional abortion rights. Two generations of struggles about *Roe* and the rights it has protected—or, depending on one's viewpoint, does not protect, but sacrifices—from the social movements that have engaged *Roe* and its legacy.

In putting the Colloquium together, it was decided that, rather than solicit essays that would reflect on *Roe* in terms that were primarily accountable to academics and academic discourse, it would be fitting to ask contributors to reflect on *Roe* at some of the current borders of its contestation. Thus, the Colloquium is anchored around two sets of paired debates: one that engages the constitutionality of some recent “personhood” amendments,² and another that centers on the constitutionality of Ohio's so-called “heartbeat bill,” and by extension, similar measures being considered in other states.³ As the volume was about to go to press, two states passed heartbeat bills,⁴ moves that have served to underscore the exigency of the already urgent debates contained in these pages.

At the same time, and as significantly, it was decided that the Foreword for the Colloquium should provide perspective on and an overview of *Roe* as it is operating in the larger world, including the larger world of politics and law. For that important task, it made sense to look outside the legal academy and to one of the country's leading journalist—students of the U.S. Supreme Court, whose work has moved countless readers interested in law with its uniquely powerful insights, signature humanity, and a personality all its own. It is thus a real honor and delight to announce that Dahlia Lithwick has penned the Colloquium's Foreword.⁵ She and the other contributors—David Forte, Maya Manian, and Michael Paulsen—deserve many thanks for their vital contributions, without

* Copyright © 2013, by Marc Spindelman. All rights reserved. Isadore and Ida Topper Professor of Law at The Ohio State University's Moritz College of Law, and Faculty Advisor for this Colloquium, *The Fortieth Anniversary: Roe v. Wade in the Wild of Politics*.

¹ 410 U.S. 113 (1973).

² Maya Manian, *Lessons from Personhood's Defeat: Abortion Restrictions and Side Effects on Women's Health*, 74 OHIO ST. L.J. 75 (2013); Michael Stokes Paulsen, *The Plausibility of Personhood*, 74 OHIO ST. L.J. 13 (2013).

³ David F. Forte, *Life, Heartbeat, Birth: A Medical Basis for Reform*, 74 OHIO ST. L.J. 121 (2013); Marc Spindelman, *On the Constitutionality of Ohio's "Heartbeat Bill"*, 74 OHIO ST. L.J. 147 (2013).

⁴ Arkansas Human Heartbeat Protection Act, No. 301, 2013 Ark. Acts __ (codified as amended at ARK. CODE § 20-16-1301 to -1307), available at <http://www.arkleg.state.ar.us/assembly/2013/2013R/Acts/Act301.pdf>; see also H.B. 1456, 63rd Leg. Assemb., Reg. Sess. (N.D. 2013).

⁵ Dahlia Lithwick, *Roe v. Wade at Forty*, 74 OHIO ST. L.J. 5 (2013).

which the Colloquium would not be the engagement with *Roe* in the wilds of politics that it is.

In addition to those acknowledgements, another special thanks, closer to home, is due: To Barbara Jordan, the Editor in Chief of the *Ohio State Law Journal*, who dedicated herself to the idea for the Colloquium and who brought it to press. Ever attentive to detail, Barbara understood that a Colloquium on a topic such as this—and *Roe* in particular—could raise a set of real-world concerns for the *Journal*. Undaunted, she also understood the opportunity for the engagement to distinctively inform the public or at least public debates, including in legislatures and courts, in the months and years to come. She, in turn, as all great editors in chief do, directs attention to the tremendous editorial staff of the *Law Journal*, who did so much of the legwork to produce the final volume. To all of them, for all they have done, to Barbara, again, and to all the contributors, too, one final round of many thanks.