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France

# 40 years on: the struggle for abortion rights

- Features - Feminism -

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**On 17 January 2015 thousands of people demonstrated in Paris and other cities in France to commemorate the fortieth anniversary of the law legalising abortion in France for the first time, but also to denounce the inadequacies in its application, and to highlight other forms of women's inequality. On this occasion the monthly journal of the NPA *l'Anticapitaliste la Revue* published this article retracing the struggle for the right to abortion in France.**

*"If fertility is the site of the domination of the male, it follows that women taking control of their own fertility amounts to them leaving the site of their domination" (Françoise Héritier, "Masculin, Féminin", Odile Jacob, 2002).*

The struggle for the right to contraception and abortion was at the heart of the feminist struggles of the 1970s in France and in many other countries. Massive mobilizations enabled the conquest of a right which is essential to the freedom of women, that of controlling their fertility and therefore being able to take their destiny in their own hands, to become autonomous female individuals, something which was denied over the centuries by all the established powers, including in France. However, the right to control maternity is to this day acknowledged only in a restricted fashion.

## A long history?

Abortion has been practiced at all times and in every country, in often barbaric forms, with extremely serious consequences for the health and lives of many women over the centuries. Yet the struggle of women for the right to choose has only taken form fairly recently. Maternity, at the same time sacralised and a pretext for the exclusion of women, determined their fate. The revolutionaries of 1789 were hardly marked by respect for women, who had no right to speak and, were neither voters nor electable. During the 19th century, feminist currents began to advance these main demands: legal equality with men, the right to education, the right to vote. The feminists of the mid 19th century generally based their social demands and policies on the maternal function and spoke little of the right to freely choose whether to have children. It was only at the end of the 19th and early 20th century that some feminists, influenced by anarchist or neo-Malthusian currents (originating from the neo-Malthusian current in Britain, more progressive and feminist than the movement of Malthus himself) raised the question of choice. They were faced with general hostility and repression.

In France there were a few pioneers. In 1892 Marie Huot demanded the right to a free maternity while Nelly Rousset said at the same time: "Of all the freedoms that women claim, not one seems to me to exercise a more decisive influence on one's destiny than the sexual freedom - or more precisely reproductive freedom - for which we are fighting". Madeleine Pelletier, a feminist activist on many fronts, published a brochure on abortion in 1911. Hubertine and Eugene Humbert, militant neo-Malthusian anarchists, also played a significant role and were prosecuted and arrested several times.

## 1920: Establishment of repression

In the aftermath of the war of 1914 (1,400,000 deaths, so it was necessary to quickly manufacture workers and peasants!), the 1920 law was passed in one day by the conservative and reactionary assembly. It sharpened the pro-birth character of government policy: in 1902, a premium for births had already been instituted (10 francs for a

daughter, 20 francs for a boy!) The 1920 law suppressed all information on and practicing of contraception and provided for prison penalties. The 1923 law would worsen the conditions laid down in 1920.

The French workers' movement was not very interested in birth control in the 19th century, contrary to what happened in Britain where a neo-Malthusian current rejected the theories of Malthus on birth control. The traditional organizations of the French workers' movement were very timid. In 1933, the Communist Party tabled a proposal to delete article 3 of the 1920 law which prohibited propaganda relating to contraception, the SFIO doing the same. These initiatives remained without any result. The Communist Party - which had never been a great defender of choice for women - clearly turned its back by adopting in the 1930s the positions of the USSR: in this country abortion became free in 1920; in 1936, amidst the rise of Stalinism, abortion was prohibited in the name of the defence of the family (it was restored in 1955, but initially practiced without anaesthesia).

The Popular Front never raised the question of birth control. Yet it was at this time that mobilizations for "birth control", based on what was happening in Britain, began. In 1933 Bertie Albrecht published the review "Le problème sexuel" which ceased publication two years later. In 1935 a Doctor Dalsace, created a "birth control" consultancy. A new method, the rhythm method, was discussed. But everything stopped in 1939. The Vichy government established an unbridled pro-family policy, distributing medals to mothers of large families. The 1920 law was strengthened and abortion became a crime against the fatherland. A woman, Mary Louise Giraud, was guillotined for having performed abortions.

## Progressive changes

The momentum created by the end of the war in 1944 and the liberation of the country did not impel any feminist demands. Certainly, the right to vote was recognized for women, but France was the last country in Europe to finally recognize this right. From 1945 onwards, the suppression of abortion was resumed. For the single year 1946, 5,251 prosecutions were recorded.

The changes came from activists, doctors and non-doctors. In 1956, Marie-Andrée Lagroua Weill-hallé and Jacques Derogy created, almost clandestinely, "La maternité heureuse", which 2 years later became later the French Family Planning Movement. They frontally opposed the familialist principles and Catholic pressures which were very present in society. They encountered the hostility of the PCF - very influential at this time - which remained opposed to any liberalization of the legislation on contraception and did not question the 1920 law. A phrase of Jeannette Vermeersch, one of the leaders of the party, has remained famous: "since when should the workers demand the right to access the vices of the bourgeoisie?"

Over the years, new activist initiatives appeared. In Grenoble a first public shelter was created: to circumvent the repressive laws, the issue of information and the prescription of contraceptives had to be done within the legal framework of an association. The centres multiplied very quickly in the departments: five years later, there were 42 centres and 37 walk in clinics for family planning. The ideas were progressing, the pressures on policies also. In 1965, Mitterrand made planned maternity a campaign issue. But it was only in 1967 that the legalization of contraception was established (the Neuwirth law), although the application decrees were published only in 1972-73.

## The 1970s: The acceleration

The early 1970s, with the mobilization and self-organization of women in many countries, saw events accelerate. In

1971, 343 women from the world of the theatre, literature and politics stated in a manifesto published in the "Observateur" that they had had an abortion. In 1972, a young female minor was prosecuted for having an abortion. Defended by Gisele Halimi, a feminist lawyer, and supported by a broad mobilization with a high media profile, she only received a suspended sentence. The Bobigny trial entered the annals of feminism and weighed on future legal decisions. The same year, a group of 331 doctors signed a manifesto: "Yes, we have carried out abortions".

Then came the creation of the MLAC (Movement for the liberalization of abortion and contraception). Doctors and activists denounced the hypocrisy of society, and defied the government by carrying out suction abortions. A true movement of public opinion grew around their initiative. Finally, a law liberalizing abortion was passed by the national assembly.

It was progress, but the law – enacted on January 17, 1975 - remained very restrictive: abortions could only be carried out up to 10 weeks and the 1920 law was only suspended for five years. The law was upheld in 1979, with the votes of the PCF and the PS, but the absence of any fight by these deputies allowed the government to maintain and even strengthen the restrictions: the conscience clause for doctors was maintained, the period of reflection period imposed on women went from eight to eleven days, an interview was imposed on women, aimed at "allowing them to keep the child", and reimbursement was excluded.

In 1978, elections returned the right to power. Giscard d'Estaing wanted to reassure his most anti-abortion fringes. Indictments of doctors and closures of clinics multiplied, on the pretext that the deadline of 10 weeks was not respected (remember that today it is 12 weeks of pregnancy - and 14 weeks of gestation). In 1981, after the election of Mitterrand, it was one step forward, two steps back for the reimbursement promised by the candidate. It was finally postponed indefinitely: too expensive, said Bérégovoy, and "we must respect the different spiritual families".

The big mobilizations of the 1970s had brought down barriers. They resumed under the impetus of the feminist movement which built the associations and organizations. The government was forced to reconsider its position. The law was passed on December 1982, abortion reimbursed in January 1983. In 2001 the deadline was extended to 12 weeks, with social care no longer required for minors, who were no longer subjected to the permission of their parents and could be accompanied by an adult of their choice. Anonymity became possible, the restrictive conditions for foreigners were deleted, and abortion was no longer included in the criminal code. The law also allowed abortion to be practiced outside hospital structures by general practitioners.

## Today

In Europe, in December 2013, the Parliament, under pressure from the Catholic "pro-life" lobby, rejected the Estrela report on health and reproductive rights; this report was defending a standardization on the European scale, based on the recognition of the rights of women. The argument put forward by MEPs was that sexual and reproductive rights fell within the competence of the member states. It was in this context that Rajoy sought to consolidate the Spanish right around his project for the abolition of the right to abortion.

In France, the danger is probably not a revision of the laws of 1979 and 2001. But as was pointed out recently by the High Council on equality between men and women, the right to abortion remains a right which is not expressly defined by legal texts as the expression of a right. There is a series of subjective and objective constraints which limit its full exercise.

There thus remains a kind of "taboo" around abortion. While the interruption of pregnancy has become quite a common act in the life of a woman - almost one woman in three has recourse to it - attempts to stigmatize it are

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common and not only from Catholic circles; there are regular polemics on the trivialization of abortion, allegedly regarded by women as a contraceptive method. Statistics show however that out of 220,000 women who have abortions each year in France, only 3% are not using contraceptives.

We should also mention the lack of interest in the practice of abortion by obstetricians and gynaecologists in hospitals. They systematically devolve it to temporary doctors who often have little training. Doctors seem to feel that the feeling that the decision to terminate a pregnancy is not theirs, that they are only carrying it out - medical power does not like to see its authority challenged.

Let's not forget the pressures exerted regularly by the Catholic fundamentalists, in particular the association Laissez les vivre and SOS tout petits, under the leadership of Xavier Dor. They initially organized commando actions in operating theatres. Some have spent a few weeks in jail, after the Neiertz law of 1993 made it an offence to hinder abortions, they oriented to rallies in front of hospitals.

Objective obstacles remain in the amended Veil law. The texts place the time limit at only 12 weeks of pregnancy, they impose a reflection period of a week which may delay the time of the abortion, and provide a conscience clause allowing doctors to refuse to do abortions and even not to draw up the certificate of first consultation. The Bachelot law, by imposing the suppression of hospitals, services, resources and personnel, has significantly worsened the situation in public health institutions. More than 130 abortion centres have been closed in the last ten years while demand remains stable. This decrease in the supply leads to a strong concentration of abortions on the remaining centres: 5% of them carry out 23% of abortions.

The history of the past hundred years shows that progress has been achieved only by militant action and then, from the second half of the 20th century, by the massive mobilization of women. The big demonstrations of women in Spain - and in several other countries - have forced the Rajoy government to back down.

Our entire active vigilance is necessary to ensure the right of women to choose and improve its realization.