UC Santa Barbara

Journal of Transnational American Studies

Title

A View from France: The Struggle for Abortion Rights

Permalink

https://escholarship.org/uc/item/7sm3k8g3

Journal

Journal of Transnational American Studies, 16(1)

Author

Fila-Bakabadio, Sarah

Publication Date

2025-08-03

DOI

10.5070/T8.48366

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial-NoDerivatives License, available at https://creativecommons.org/licenses/by-nc-nd/4.0/

Peer reviewed

eScholarship.org Powered by the California Digital Library
University of California

A View from France: The Struggle for Abortion Rights

SARAH FILA-BAKABADIO
CY Cergy Paris Université

In France, the public reacted to the result of the US election with a sense of grim resignation. Quite as expected, one may say, since, for months, the media, chief economists, and political analysts had prepared the French public for a single outcome: Donald Trump would become the forty-seventh president of the United States. These experts discussed restrictive immigration policies, anticipated a new conflict over tariffs, announced a US withdrawal from NATO and the Paris Climate Accord, and predicted increased geopolitical instability. They also reported on the MAGA movement, detailed each minute of the January 6 insurrection, analyzed the causes for Joe Biden's late withdrawal, and doubted that Kamala Harris's sprint campaign would result in the election of the first Black woman president. They warned the public that 2024 would be a repeat of 2016. Donald Trump no longer was a television character who had stumbled into politics by chance. He was the frontrunner in the polls who had shown during his first term that he could polarize American society, pitting men against women, whites against nonwhites, and could reshuffle the world's cards. In 2024, he would do it again and French people would have to prepare themselves for a new world order because, as the saying goes, "when the US sneezes, the world catches a cold."

As expected, on November 6, the United States, a country the French both admire and constantly criticize, once more leaned toward the far-right of the political spectrum, just like Hungary, Argentina, and Italy had done. The day was a quiet and ordinary day. It was nothing like the watershed of November 4, 2008, when Barack Obama, the first Black president, was elected. Or 2016, when Donald Trump's improbable victory shocked the world, including France. This time, Trump's second election felt anticlimactic. No one went out in the streets of Paris either to rejoice or to protest against the reelection of a man who identifies power with terror and chaos.

The reason for this calm was that France was also going through its own antidemocratic turmoil. In June 2024, the results of the European elections shattered the continent's polity. Thirteen countries out of twenty-seven in the European Union experienced an unprecedented far-right surge. In France, Austria, Poland, and Italy, populist right parties came in first ahead of the traditional conservative and socialist[1] parties, gaining between 32 and 48 percent of the vote. The Vlaams Belang (Flemish Interest) in Belgium, Foni Logikis (Voice of Reason) in Greece, Vox in Spain, and the Rassemblement National (National Rally, RN) in France became a leading force in Europe. They soon formed a coalition, the Patriots for Europe, which has become the third largest group in Parliament (with 86 representatives) after the conservative European People's Party and the Progressive Alliance of Socialists and Democrats. Their obsession with immigration and deportation, calls for national sovereignty over the European Union, and defense of "Judeo-Christian values" predate Donald Trump's political career but these cries are now capped with a Trumpian rhetoric. These groups warn Europeans of the dangers of "wokeness," wish they could "Make Europe Great Again" (MEGA[2]) and offer to cut public spending with a chainsaw as Elon Musk does as the head of DOGE in the US federal government. They identified with the Republican candidate when he spoke of an "immigration flood"[3] and rejoiced when he supported pro-life movements. Donald Trump legitimized their calls for active natalist policies in a continent, Europe, whose population is declining. Though the Republican never clearly expressed such ideas, his emphasis on the control of women's bodies signaled that a "Golden Age" of patriarchy was on the way. They had anticipated it, trying in each country where they were in power to introduce barriers to women's access to abortion by means of fees, delays, or imposing prerequisite conditions to obtain an abortion[4]). They achieved this over the course of fifteen years in Poland, Hungary, and Spain.

In France, by early June 2024, the Rassemblement National seemed poised to take power after forty years of steady rise. Marine Le Pen appeared likely to become the next prime minister.[5] Two weeks later, President Emmanuel Macron dissolved the Assemblée Nationale and called a general election. He hoped the country would align with his name and counter the disastrous ascension of the xenophobic RN. However, the public did not throw its support behind Macron's centrist Renaissance party and the next Assemblée Nationale was even more divided than before, torn between the left-wing coalition, the Nouveau Front Populaire, conservative alliances, and the RN. The latter had gained more seats than in the previous parliamentary term and become France's main opposition party. On the eve of the Paris Olympic games, the country waited for a third government to be appointed in one year. In these uncertain times, French people were at a loss and did not look beyond their nation's borders.

The Struggle for Abortion Rights

Seen from France, the pivotal event was not the 2024 US election, but the overturning of *Roe v. Wade* by the US Supreme Court on June 24, 2022. On that day, French women discovered that, in the most powerful democracy in the world, the law of the land is not enduring. While any democracy is founded on the principle of nonretrogression of rights (i.e., that rights acquired cannot be revoked or reduced), it became clear that, in the United States, some rights could be reversed. The court's decision represented a predictable denouement after months of growing abortion restrictions and bans in such states as West Virginia, Indiana, Texas, Alabama, Louisiana, and Idaho had indicated that the case would be heard by the US Supreme Court. These measures reminded French women that women's bodies are political battlegrounds before being intimate spaces and that the laws protecting them could disappear anytime. They then asked themselves: What if it also happened in France? What if an authoritarian regime came to power or, prosaically, if Marine Le Pen became prime minister or finally won the presidency?[6] Debates surged about the scope and immutability of fundamental rights in France. People wondered: What are the fundamental rights a citizen is entitled to? Are these rights limited to the *Déclaration des droits de l'homme et du citoyen* or can women's rights be included?

Women remembered their mothers' and grandmothers' feminist struggles in the tumultuous post-May 1968. They had fought for the right to contraception and for the opening of Planning Familial (Planned Parenthood). They had opposed 164 years of criminalization of abortion that, from 1810 to 1974, led to more than 11,660 people (women who had undergone abortions and those who had helped them) being sentenced to jail. The "Manifesto of the 343" resurfaced while a flurry of books and documentaries reminded French society of this legacy.[7] The youth discovered the story of the Bobigny trial and how the defense by the feminist lawyer Gisèle Halimi helped sway public opinion in favor of abortion.[8] And then, Simone Veil's name was invoked. Veil (1927–2017) was a feminist icon in both French and European histories. A Shoah survivor and a life-long defender of the *condition féminine*, she became the first president of the European Parliament (1979–1982). In 2018, she posthumously entered the Pantheon in recognition of her service to the nation. Throughout her political career, she worked to better women's lives, addressing domestic violence or pushing for universal access to contraception (the Loi Veil or Veil Act of 1974). But she is perhaps best remembered for the speech she delivered at the Assemblée Nationale on November 26, 1974. That day, she introduced a bill to decriminalize abortion. Addressing an all-male Assemblée Nationale, she reminded the members that abortion is not a light matter for women:

> First of all, I'd like to share with you a woman's conviction, and I apologize for doing so in front of this almost exclusively male assembly: no woman has recourse to

> abortion out of the goodness of her heart. Just listen to women.

The Veil abortion law was passed a few weeks later, on January 17, 1975, and was consolidated in 2014, 2017, and 2022. But it was not a "constitutional law"[9] and could therefore be overturned by the European Court of Human Rights (ECHR) or the Court of Justice of the European Union just as *Roe v. Wade* has been. In 2022, feminist associations as well as women politicians from various political parties (except the far-right ones) pushed to make abortion rights part of constitutional law. In 2023, President Macron supported the idea. Over the next two years, debates in Parliament focused less on the insertion of this law into the Constitution than on its phrasing. Some senators preferred "a woman has the *freedom* to have voluntary interruption of pregnancy" while deputies stuck to "the *right* to have voluntary interruption of pregnancy." On March 4, 2024, Article 34 of the Constitution, listing certain fundamental civil rights granted to citizens such as public freedom and nationality, was modified. The following sentence was added: "the 'law determines the conditions under which a woman's freedom to have a voluntary interruption of pregnancy is exercised.'"[10]

France became the first country in the world that explicitly included abortion rights in its constitution. The text was a response to the overruling of *Roe v. Wade*. Out of fear and anxiety about what the new presidency might bring, this law signaled a collective refusal to roll back hard-won women's rights but it was also, as the secretary general of Amnesty International, Agnès Callamard, summed up, a message to the world:

> This historic vote … is of considerable importance in view of the worldwide decline in this essential right. The enshrinement of this right is an important bulwark against increasingly virulent anti-rights movements.[11]

In January 2025, France celebrated the fiftieth anniversary of the Veil Act as the United States prepared for Donald Trump's second inauguration. Veil and Trump are figures with starkly opposed views of gendered political power. On the one hand, Simone Veil was a feminist who stated that a society that does not protect women is in disarray. On the other, Donald Trump promotes a masculinist form of power that objectifies women and excuses brutality against them. Over the next four years, the issue of women's control over their own bodies remains urgent. In the meantime, we should keep in mind Simone de Beauvoir's caution: "Never forget that it only takes a political, economic or religious crisis to call women's rights into question. These rights can never be taken for granted. You must remain vigilant throughout your lives."

Notes

[1] In the European context, the word socialist refers to social democrats.

[2] A slogan used by Viktor Orban, president of Hungary, when he took over the rotating presidency of the Council of the European Union on July 1, 2024.

[3] On the news channel LCI, the current prime minister, François Bayrou, recently spoke of "immigration submersion," causing unease in French society. This expression was first used by Jean-Marie Le Pen.

[4] In Hungary, on November 15, 2022, Victor Orban's Fidesz introduced a clause to the 1952 abortion which states that the "vital functions" of the fetus should be "clearly identified" and shown to the mother before an abortion is performed.

[5] In the presidential system of the Fifth Republic, the president traditionally appoints a prime minister from the leading party.

[6] Since 2002, when Jean-Marie Le Pen reached the second round of the presidential election for the first time, the Front National, now the Rassemblement National, led by his daughter, Marine Le Pen, has systematically reached the second round in every presidential election.

[7] A petition was launched by Simone de Beauvoir and signed by 343 women who said they had had an illegal abortion. The manifesto was published on April 5, 1971, in *Le Nouvel Observateur*.

[8] In 1972, a 17-year-old girl, Marie-Claire Chevalier, had an abortion after being raped. Her mother, Michèle Chevalier, had helped her with the procedure, despite the fact that the law criminalizes voluntary abortion. Informed on by her rapist, Marie-Claire was charged with illegally terminating her pregnancy under Article 317 of the penal code. Her mother and two of her mother's colleagues were accused of complicity, while a fourth was accused of carrying out the illegal act.

[9] Constitutional laws define the key principles and rules in the French legal system.

[10] Approximately 200,000 abortions are performed every year. This number has been fairly stable since 1976. Source: Institute for Demography (INED), "Avortement: évolution du nombre d'avortements et des indices annuels depuis 1976," https://www.ined.fr/fr/tout-savoir-population/chiffres/france/avortements-contraception/avortements/

[11] Agnès Callamard, "France: L'inscription de l'avortement dans la Constitution est un rempart contre les mouvements anti-droits," March 4, 2024, Amnesty International, https://www.amnesty.org/fr/latest/news/2024/03/france-enshrining-abortion-in-the-constitution-a-bulwark-against-anti-rights-movements/