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# “THE ENDLESS BATTLE”

France's Path to Legalizing Abortion: The Spiral Approach

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Social movements are and will remain the  
“Embryos of a new society.”

Manue Castells  
1997

## **Abstract**

This abstract provides a concise summary of the thesis, which examines the evolution of abortion laws in France and the intersection of women's rights, feminism, and healthcare. It emphasizes the shift from a complete ban on abortion to legalization and analyses the factors contributing to this social change, focusing on the role of feminist movements and women's rights activists. The study highlights France's success in recognizing abortion as a health issue rather than a political or religious one, leading to establishment of social systems that ensure safe and affordable access to abortion. It also emphasizes the importance of separating religious and political influences from public life and the need to recognize abortion as a human right based on international standards. Finally, the thesis contributes to novel theory development; it suggests that the spiral approach to studying social change provides valuable insights into the dynamic nature of the abortion debate and the need for continued focus on reproductive rights globally.

## **Keywords**

France, Abortion law, Feminist movements, Social change, Human rights, Spiral model.

# Contents

|   |           |
|---|-----------|
| <b>1. INTRODUCTION .....</b>  | <b>1</b>  |
| 1.1. BACKGROUND .....   | 2         |
| 1.2. PURPOSE AND RESEARCH QUESTIONS .....   | 4         |
| 1.3. PREVIOUS RESEARCH .....  | 5         |
| <b>2. THE HUMAN RIGHTS FRAMEWORK.....</b>   | <b>7</b>  |
| 2.1. THE UNIVERSAL DECLARATION OF HUMAN RIGHTS .....  | 7         |
| 2.2. HUMAN RIGHTS TREATIES .....  | 9         |
| 2.3. FINAL REMARKS.....   | 11        |
| <b>3. THEORETICAL FRAMEWORK.....</b>  | <b>12</b> |
| 3.1. SPIRAL MODEL .....   | 12        |
| 3.2. A FIVE-PHASES SPIRAL MODEL APPROACH .....  | 13        |
| 3.3. FINAL REMARKS.....   | 16        |
| <b>4. METHOD AND MATERIALS.....</b>   | <b>17</b> |
| 4.1. CHOOSING THE CASE .....  | 18        |
| 4.2. DELIMITATIONS.....   | 18        |
| <b>5. FRANCE’S PATH IN LEGALIZATION ABORTION .....</b>  | <b>20</b> |
| 5.1. PHASE 1: CONSCIOUSNESS-RAISING .....   | 20        |
| 5.2. PHASE 2: LEGAL AND POLICY REFORM.....  | 22        |
| 5.3. PHASE 3: MOBILIZATION.....   | 24        |
| 5.4. PHASE 4: IMPLEMENTATION .....  | 26        |
| 5.5. PHASE 5: EVALUATION.....   | 33        |
| <b>6. DISCUSSION.....</b>   | <b>38</b> |
| 6.1. ACHIEVING THE VICTORY OF THE FEMINIST MOVEMENT THROUGH TWO KEY PHASES: CONSCIOUSNESS-RAISING & POLICY/LAW REFORM.....            | 38        |
| 6.2. PARALLEL PROGRESS: THE SYNCHRONIZATION OF LAWS AND MINDSETS IN RESPONSE TO TWO KEY PHASES - MOBILIZATION AND IMPLEMENTATION..... | 39        |
| 6.3. THE BATTLE CONTINUES: EVALUATION WILL NOT CEASE! .....   | 40        |
| <b>7. OUTCOME &amp; CONCLUSION.....</b>   | <b>42</b> |
| 7.1. FURTHER RESEARCH.....  | 44        |
| <b>8. REFERENCES .....</b>  | <b>46</b> |
| 8.1. LEGAL TEXTS & OFFICIAL DOCUMENTS .....   | 46        |
| 8.2. BOOKS, ARTICLES & DISSERTATIONS .....  | 49        |
| 8.3. OTHER .....  | 50        |

# 1. Introduction

It is well known that abortion is a sensitive issue, which has always caused long-standing disagreements between pro-choice and pro-life advocates. However, there is no doubt that International human rights norms that protect the rights to life, health, privacy, and non-discrimination are the foundation of women's access to comprehensive reproductive health services, including abortion. Consequently, when governments ban women who need access to abortion services, these rights are violated. Besides, the lack of access to safe and legal abortion services puts women's lives at risk, undermines their right to decide about their bodies, and eliminates their freedom to choose.

Therefore, abortion, as a contentious issue worldwide, has also dragged France into the battle; over history, there has been a substantial shift in attitudes towards abortion in France, with the country has been moving from a complete ban to legalization, which makes it a research-worthy area, as this shift did not happen overnight; many factors gradually contributed to this social change.

Hence, the current thesis intends to show the path France has taken to make abortion more accessible, legal, and safe, which naturally has aligned more with human rights norms and principles in the desire of pro-choice groups. One of the critical factors that contributed to the legalization of abortion in France was the pressure exerted by women's rights activists and feminist movements. These groups struggled for abortion rights, significantly changing public opinion about abortion as a taboo. Thus, the study also examines how feminist movements and women's rights activists pressured France to abolish the abortion ban, how France responded through policy and law reforms, and if France has succeeded, what approach to abortion has led to it. Therefore, Putting the most significant national laws regarding abortion, in parallel with related feminist movements, into a spiral model to analyse France's progress path is a key research area, which can further window how a spiral approach to the social change can be applied to a case.

From a broader perspective, this is also an interesting topic; when it comes to access to safe and legal abortion, most pieces of literature have targeted developing or undeveloped countries or those developed countries in which abortion is banned or limited. However, even though abortion is legalized now in a developed country like France, abortion is still not satisfactory regarding legal, safe, free, and anonymous access for women and many feminists' activists, and this was the stimulus that has made French politicians inclined to accept the bill

that aims to include the freedom to choose a ‘voluntary termination of a pregnancy,’ in the constitution.

As mentioned earlier, abortion is a sensitive issue that requires a subtle and multidisciplinary approach to provide a comprehensive understanding of its various complexities. Therefore, this thesis will notably only be an example and not a statistical fact, but it can shed light on the specifics of France's path, in turn creating understanding for other cases in which abortion is currently banned or limited; “History is not the past, but a map of the past drawn from a particular point of view to be useful to the modern traveller,” Henry Glassie said. As also Mathilde Panot<sup>1</sup> stated, “The assembly is speaking to the world, our country is speaking to the world,” dedicating the vote to women in Poland, Hungary, and the United States, when, on 24 November 2022, France's National Assembly voted for the bill<sup>2</sup> to enshrine abortion rights in the constitution.

Since the issue of adding abortion to France's constitution is a unique debate, this thesis will also lay the groundwork for the need to further research regarding the words *Right* and *Freedom*, which in human rights discourse framing of abortion are used by governments.

## 1.1. Background

France has struggled with the topic of abortion due to shifting perspectives; abortion was initially prohibited in France because it violated the moral precepts of the church.<sup>3</sup> The Criminal Code of 1791,<sup>4</sup> which set the sentence for the abortionist at 20 years in irons but allowed immunity to the woman herself,<sup>5</sup> changed the legal situation at the end of the 18th century. With the introduction of the Napoleonic Criminal Code in 1810,<sup>6</sup> which mandated both the mother's and the abortionist's imprisonment, this immunity was abolished.<sup>7</sup> As a result, Women resorted to extreme measures such as consuming large doses of alcohol, purgatives, and even kitchen ladles to terminate unwanted pregnancies.<sup>8</sup>

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<sup>1</sup> Mathilde Panot, MP and President of the French far-left opposition party La France Insoumise and co-signatory of the proposal.

<sup>2</sup> Proposition de loi constitutionnelle n°293 visant à protéger et à garantir le droit fondamental à l'interruption volontaire de grossesse et à la contraception, 2022.

<sup>3</sup> King Henry II converted the moral objection to abortion into a legal one in 1556, declaring it a murder subject to the death penalty.

<sup>4</sup> The first French penal code, adopted during the Revolution by the National Legislative Assembly.

<sup>5</sup> CODE PÉNAL Du 25 septembre – 6 octobre 1791, Titre 2, Section 1, Art 17.

<sup>6</sup> Le Code Pénal, 1810.

<sup>7</sup> Article 317.

<sup>8</sup> R. B., *Feminism, Women and the French Revolution*, 195.

In 1920, a law was passed in France in response to a significant decrease in the birth rate during the early 20th century.<sup>9</sup> The law maintained the criminalization of abortion but also aimed to suppress propaganda for contraception and incitement to abortion.<sup>10</sup> At that time, the majority of the population in France were Catholics, and the belief that life was sacred was widely shared.<sup>11</sup> As a result, abortion and contraception were considered an outrage to life and morality, and the law criminalized both. Abortion remained a criminal offense until 1923, when the law also covered attempted abortion.<sup>12</sup>

In 1939, the law reform confirmed the sanction against attempted abortion introduced in 1923 and increased the punishment for ‘professional abortionists.’ Additionally, the qualification of the term ‘pregnant woman’ was added. The punishment for abortion was extended to anyone who attempted to procure an abortion on a pregnant woman, or a woman presumed to be pregnant, including women who tried to have an abortion, whether they were actually pregnant or successful.<sup>13</sup> Self-induced abortion was also punished, albeit less severely. The law authorized ‘therapeutic abortions’ to save a woman's life in grave danger.<sup>14</sup>

The taboo of abortion started to be broken in public discourse in the 1950s as more movements demanded access to free and legal abortion in many European nations, and a medical advancement—the oestrogen-progestin hormone, which eventually led to the contraceptive pill—brought the issue of women's autonomy over their bodies into the public discourse in France.<sup>15</sup> Therefore, feminist movements advocating for women's control over reproductive rights gained attention.<sup>16</sup>

The issue of women's choice to have children or not was still up for debate until 1967, when contraception became legal in France; the National Assembly passed a bill allowing the sale and use of contraception methods in France on December 19, 1967, due to significant mobilization by the *French Family Planning Movement*;<sup>17</sup> therefore, the *Neuwirth law*<sup>18</sup> of December 28, 1967,<sup>19</sup> relating to birth control, authorizes the manufacture and importation of

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<sup>9</sup> Knoppers, Brault, and Sloss, *Abortion Law in Francophone Countries*, p. 894.

<sup>10</sup> Loi du 31 juillet 1920 reprimant la provocation d l'avortement et d la propagande anticonceptionnelle, art 7.

<sup>11</sup> Diehl, *Abortion in France: Mentalities and Legality since the 1970s*.

<sup>12</sup> Knoppers, Brault, and Sloss, *Abortion Law in Francophone Countries*, p. 894.

<sup>13</sup> Décret-loi de 1939 relatif d la famille et à la natalité française, art. p. 84.

<sup>14</sup> Article 87 of the Loi de 1939, which became article 161.1 of the Code de la sante' publique (brought into force by Decree no 55-512 of 11 May 1955).

<sup>15</sup> Diehl, *Abortion in France: Mentalities and Legality since the 1970s*.

<sup>16</sup> For example, the Mouvement Français pour le planning familial (MFPF) started campaigns in 1956 to legalize contraception and reduce the abortion rate.

<sup>17</sup> “Le Mouvement français pour le planning familial, ou planning familial;” a non profit organisation, established in 1960.

<sup>18</sup> The Neuwirth Law is a French law that repealed the prohibition on birth control methods, including oral contraception, on December 28, 1967. The law is named for the politician who proposed it, Lucien Neuwirth.

<sup>19</sup> Loi n° 67-1176 du 28 décembre 1967 relative à la régulation des naissances et abrogeant les articles L. 648 et L. 649 du code de la santé publique.

contraceptives, their exclusive sale in pharmacies on medical prescription, with parental authorization for minors, and prohibits any commercial advertising or anti-natalist propaganda. In fact, the 1967 law replaced an antiquated law<sup>20</sup>, which forbade all forms of contraception, and information about contraception, laid the groundwork for women's autonomy and freedom over their bodies, and marked the beginning of the legalization of abortion.

Against the 1967 law, on July 25, 1968, Pope Paul VI published the encyclical *Humanae vitae*, which reaffirms the defence of life from conception and condemns methods of contraception. Followed by the Constitution of the association 'Let them live' by doctor Professor Jérôme<sup>21</sup> Lejeune, who initiated many actions and campaigns against abortion in December 1970.<sup>22</sup> All these measures led to the rise of feminist activism in the 1970s to bring abortion rights up in public discourse in a society where abortion was still illegal.

## 1.2. Purpose and research questions

In an innovative step, this thesis aims to offer a novel approach to understanding the historical and contemporary developments surrounding the issue of abortion in France. By intertwining the analysis of legislation and social movement activities, this study sheds light on the intricate relationship between legal frameworks and the efforts of feminist movements in lobbying for social change. The primary objective is to model France's trajectory toward the legalization of abortion by examining the pivotal national laws and policies on this subject. Furthermore, the study will explore the influential feminist movements that have significantly shaped the discourse surrounding abortion from the 1970s to the present day. By delving into this scholarly problem, the research aims to address the following key research questions.

- How and in which direction France's attitude toward abortion have been shifted, which resulted in legalizing abortion?
- How far have France, the women's rights activists, and feminist movements come regarding the abortion rights debate and status?
- Why can the path toward legalizing abortion in France be recognized as progress?

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<sup>20</sup> The 1920 Law.

<sup>21</sup> French doctor, professor of genetics, and well-known for his opposition to voluntary termination of pregnancy.

<sup>22</sup> See "C'était quoi le MLAC, le mouvement qui a lutté pour le droit à l'avortement ? | INA."



### 1.3. Previous research

The subject of abortion, feminist movements, law, and policy reform are extensively broad. A considerable amount of literature has been published that individually points to a specific aspect of the issue; however, due to this thesis's unique and up-to-date approach, it has yet to be directly discussed in other literature, specifically on France's situation. Nevertheless, this thesis has found some pieces of literature that ideally have established the groundwork for a deeper understanding of the chiefly historical context of abortion in France by emphasizing feminist activism and social movements.

Dorothy McBride Stetson, in her article *Abortion Law Reform in France*, in 1986,<sup>23</sup> highlights the challenges faced by political systems when dealing with the issue of abortion. The 1974 reform in France is among the most liberal in the Western world and recognizes a woman's right to choose to terminate her pregnancy. However, she suggests that despite this progressive law, significant administrative hurdles still limit access to abortion. What is so attractive in her study is that she emphasizes that feminist groups played a critical role in defining the issue and that political parties and legislators reinforced their demands. Stetson seems to believe in the exerting initiative of feminist movements by reinforcing their demands by political parties and legislators. However, she does not overlook that the leadership and will of the President and his Minister were crucial in making the final policy choice. She ends by highlighting how the policymaking process can shape the content of abortion laws and affect women's access to reproductive healthcare. Although this article comes back to the late 1980s, and a lot has happened since then, still there counts as a profound source for studying the related events around the Veil law<sup>24</sup> time.

In 2001, the book on the subject *Abortion Policies, Women's Movements, and the Democratic State: a comparative study of state feminis* by Dorothy McBride Stetson (Editor)<sup>25</sup> is another comprehensive research by the author, designed to contribute to an empirically tested theory of state feminism, with emphasis on the issue of abortion rights by a joint effort of ten scholars. In this regard, this book analyzes 32 significant debates on abortion that took place in eleven countries between 1959 and 1998. Despite the fifth chapter, *Gendering the Abortion Debate: The French Case* by Jean C. Robinson,<sup>26</sup> dedicated to France as a case study, the whole

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<sup>23</sup> Stetson, *Abortion Law Reform in France*.

<sup>24</sup> Loi Veil.

<sup>25</sup> Stetson, *Abortion Politics, Women's Movements, and the Democratic State: A Comparative Study of State Feminism*.

<sup>26</sup> Robinson, *Gendering the Abortion Debate: The French Case*.

extracted Idea based on all analyses in the book is more interesting for this thesis; the authors find that women's movements have been largely successful in promoting policies that align with the abortion rights movement goals and in increasing the number of women involved in the policymaking process. Furthermore, women's movements are more successful when they have been unified around the abortion issue and when abortion rights have been high on their agendas. Finally, the authors suggest that for effecting policy change, the feminist movement's impact on abortion debates is critical.

In 2012 article *Abortion in France: Private Letters and Public Debates, 1973-1975*, Cynthia Cardona highlights the crucial role played by French feminists in the abortion debate at a time when it was illegal in France.<sup>27</sup> These feminists challenged patriarchal structures and advocated for women's reproductive rights, which provides valuable insight into the effects of such feminist organizations on women who lived during the criminalized era of abortion. This study is significant for this thesis as it provides a comprehensive understanding, from the feminist perspective, of one of the most critical organizations, the Mouvement pour la Liberté de l'Avortement et de la Contraception (MLAC), established in 1973. Nevertheless, this article has only focused on MILAC, yet not other campaigns, organizations, and movements, which are necessary to consider them and their role under the subject of this thesis.

Later in 2015, Cynthia Cardona wrote her Ph.D. dissertation at the University of California, Irvine, on the same subject but with a broader scope from 1920 to 1980,<sup>28</sup> which provided a more profound understanding to this thesis of the situation of organizations such as MILAC and feminist movements after passing the 1975 Veil law.

In 2020, Bibia Pavard, Florence Rochefort, and Michelle Zancarini-Fournel released the book *Ne nous libérez pas, on s'en charge*,<sup>29 30</sup> which provides some essential elements to think about the feminisms of yesterday and today in the light of the significant contemporary challenges, social, and racial and gender inequalities. This renewed socio-history of feminism reflects the collective strategies deployed by feminist women and men who have fought against gender inequalities and the specific oppression of women from the French Revolution to the present day. This book is a general history of feminism from 1789 to the present day; however, the authors provide many valuable debates around abortion and feminist movements in particular, which will be referred to in this thesis. Moreover, as the book is almost new, it also reflects feminist movements in the 1990s, which English pieces of literature rarely dealt with.

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<sup>27</sup> Cardona, *Abortion in France: Private Letters and Public Debates, 1973-1975*, p. 1.

<sup>28</sup> Cardona, *Abortion in France: Private Struggles and Public Debates, 1920-1980*.

<sup>29</sup> No need to liberate us (limitations), we will free ourselves.

<sup>30</sup> Pavard, Rochefort, and Zancarini-Fournel, *Ne Nous Libérez Pas, on s'en Charge*.

## 2. The Human Rights Framework

It is worth mentioning that the current study covers women's rights, so the pro-choice perspective is applied. However, there is another perspective, pro-life, around the right to fetus life, which is not in this thesis scope. Therefore, recognizing women's right to access a legal and safe abortion in human rights standards provide a measurement context by which it could be straightforward to understand when it is said that French abortion law has got aligned with human rights standards over time; furthermore, if there is any progress, based on which standard it would be claimed. Thus, although examining abortion in human rights standards and related treaties does not fit into the scope of this research, it is still necessary to mention the primary ones to deliver a human rights framework regarding the issue.

### 2.1. The Universal Declaration of Human Rights

The issue of women's rights regarding abortion is not directly addressed in international human rights law, leaving it up to individual governments to decide. However, a closer examination of international human rights documents reveals that women's rights to decide about their fetuses can be expressed and confirmed. The Universal Declaration of Human Rights (UDHR),<sup>31</sup> is the primary document that legal commentators should consider. While the Declaration is not a binding treaty, it sets out principles for achieving human rights for all people.<sup>32</sup> Recognizing the inherent dignity and equal rights of all human family members is at the foundation of human rights discourse. However, the lack of precision in the concept of 'inherence' can lead to conflicts and disregard for human rights.<sup>33</sup> Therefore, the statement recognizing the inherent human rights in the Universal Declaration of Human Rights preamble is the first universal will to recognize women's rights to preserve their inherent dignity. In addition, the drafters of the Declaration have also considered the fundamental point that the human family cannot enjoy the blessing of a just peace unless such a right for all human beings, especially here for the inherent and inalienable rights of women, obtain respect.

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<sup>31</sup> United Nations, "Universal Declaration of Human Rights | United Nations."

<sup>32</sup> "The General Assembly Proclaims the declaration as a common standard of achievement for all peoples and all nations," A/RES/3/217 A, Resolution (1948).

<sup>33</sup> The issue becomes especially acute when each religious theory may present its own perception and interpretation of innateness. Naturally, such an entry of religion into human rights discourse provides insurmountable obstacles to reaching a universal agreement to preserve human beings' values and inherent rights. For this reason, those who drafted the Universal Declaration, and even those like the eminent Catholic theologian Jacques Martin, concluded that the inherent right of humanity to enjoy his human dignity and equal rights must be free from religious attitudes to be able to make universal discourse to the members of the human family.

Article 1 of the Declaration provides the most explicit expression of the inherent rights of all human beings to enjoy freedom and the necessity of protecting it. *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards each other in a spirit of brotherhood.”* Regardless of the profound interpretations that can be expressed about the components of this article, to express the purpose of this article, we can only explain that the right to enjoy freedom is for all creatures who have an *objective* presence and actual existence in the phenomenal world. The importance of this explanation lies in the fact that the drafters of the Universal Declaration, and then the countries that accepted it, recognize that the inherent rights of human beings apply to people who have *objective* life.

Article 3 of the Universal Declaration takes a more decisive step toward the inherent human right to have life, especially women's human right to make decisions about their fetuses; *“Everyone has the right to life, liberty, and security of person.”* This article affirms the right of human beings to live, not to be arbitrarily deprived of life, to live with freedom, i.e., according to what they want and to pursue their goals., and to have personal security in guiding their life. The meaning of this issue of security is that there are no obstacles in the way of their choice and that their enjoyment of life is provided at all stages of their life. Furthermore, this right to life requires that *“everyone without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status”* entitled to the right to life; article 2 of the Declaration, emphasizing non-discrimination (distinction) of any kind, has placed the issue of gender, i.e., women's right to choose, in the centre of attention.

This right is more transparent in Article 5 of the Declaration, *“no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”* So, if pregnancy causes women to suffer, the provisions of this article of the Universal Declaration are valid about her. Article 25 completes this right and places the enjoyment of acceptable living standards to ensure individual health and well-being among the fundamental human rights of the members of the human family; *“everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including medical care and necessary social services;”* that is why France has recognized the right to abortion, and, most importantly, it is considered a part of the mechanisms related to the health of the individual.

## 2.2. Human Rights Treaties

However, the legal binding for enjoying the right to life is stated more clearly in Article 6 of the “International Covenant on Civil and Political Rights,” the necessary arrangements for its implementation are also foreseen. *“The right to life is one of the inherent rights of the human person.”* In addition, *“this right must be protected by law,”* which means that no one, including the government, can prevent the right to life for people. In addition, according to the covenant, governments should adopt and implement policies that protect people's inherent rights by enacting laws to protect people's lives in situations that require special measures. Undoubtedly, one of the essential cases of special measures is the right of women to decide to have an abortion to protect their lives or prevent babies with defects.<sup>34</sup>

The Human Rights Committee (CRC)<sup>35</sup> expresses in General comment No. 36, Article 6 recognizes the right to life<sup>36</sup> for all human beings, and therefore no deviation from it is allowed.<sup>37</sup> The importance of this right lies in two critical issues. First, this is a right that exists in the essence of every human being and is very valuable. Second, it is a fundamental right whose adequate protection is a necessary condition for enjoying other human rights. The report continues, *“This is a right that should not be interpreted narrowly under any circumstances.”*<sup>38</sup> This is a general rule in human rights that all other rules depend on. Now, if the right to life is interpreted in a narrow way by the opponents of abortion, that is, its scope is extended to the formation of the fetus, it is a deviation from this rule of human rights.

Parallel to this inherent right for all women, another issue is brought up, and that issue is that the illegality of abortion is undoubtedly linked to cruel, inhuman, and degrading behaviours and, finally, torture. To deal with this oppression against women, the International Covenant on Civil and Political Rights provides the best human rights solution. As explained earlier, Article 6 of the Covenant states that *“every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”* Article 7 of the Covenant also affirms that *“no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”* Article 8 also states that *“no one shall be held in slavery;”* this last article has been used by theories that believe banning abortion means

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<sup>34</sup> It also should keep in mind that according to Article 2 of the Covenant, *“each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*

<sup>35</sup> Oversees International Covenant on Civil and Political Rights.

<sup>36</sup> Adopted by the Committee at its 124th session (8 October–2 November 2018).

<sup>37</sup> CCPR/C/GC/36, Report (2018).

<sup>38</sup> Ibid.

keeping women in slavery in their own bodies. Therefore, action should be taken to fulfil women's rights based on the covenant. Therefore, in connection with these human rights needs of women, in October 2014,<sup>39</sup> the UN Human Rights Committee decided to establish the provisions of Article 6, including the right to life, with a new general opinion.<sup>40</sup>

The Human Rights Committee has previously acknowledged numerous times that women's lives and health continue to be at risk. Because of this, The Committee also clarifies the equality provisions in articles 2 and 3 of the Civil and Political Rights Covenant, offers illustrations to support their applicability to different situations, and calls on state parties to take action to make it possible for everyone to enjoy the rights guaranteed by the Civil and Political Rights Covenant. The dedication of nations to enforcing these human rights rules should stop preventable maternal deaths and complications from subpar maternal health care.<sup>41</sup>

Moreover, along with the Human Rights Committee, other United Nations (UN) “treaty monitoring bodies,” or committees, including the Committee on Economic, Social and Cultural Rights (CESCR),<sup>42</sup> the Committee on the Elimination of Discrimination against Women (CEDAW Committee),<sup>43</sup> Committee on the Rights of the Child (CRC),<sup>44</sup> Committee on the Elimination of Racial Discrimination (CERD),<sup>45</sup> and Committee against Torture (CAT)<sup>46</sup> adopted and developed various standards in the area of abortion. The committees have made it very clear that governments are bound to improve access to safe and legal abortion services to defend women's lives, health, and dignity.<sup>47</sup>

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<sup>39</sup> CCPR/C/112, 112<sup>th</sup> Session (2014).

<sup>40</sup> During its 112<sup>th</sup> session in 2014, the Human Rights Committee began drafting a general comment on Article 6 of the ICCPR by revisiting and expanding upon General Comment 6 (1982) and General Comment 14 (1984), both general comments on Article 6.

<sup>41</sup> In this connection, in the case of *K.L. v. Peru*, in 2005, the Human Rights Committee considered the Peruvian government to be a human rights violator due to its failure to establish the necessary conditions for proper abortion. In the same case, the committee also stated that the negligence of the Peruvian government violates the prohibition of torture or other cruel, inhuman, or degrading treatment or punishment under Article 7 of the Covenant, (See *K.L. v. Peru*, Comm. No. 1153/2003, 24 October 2005, U.N. Doc. CCPR/C/85/D/1153/2003).

<sup>42</sup> Oversees International Covenant on Economic, Social and Cultural Rights, Relevant Provisions to Abortion; Article 12 & 12(2) (a).

<sup>43</sup> Oversees the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Relevant Provisions to Abortion; Articles 12 & 16.

<sup>44</sup> Oversees Children's Rights Convention, Relevant Provisions to Abortion; Articles 2, 6, 13, 24 & 37.

<sup>45</sup> Oversees International Convention on the Elimination of All Forms of Racial Discrimination, Relevant Provisions to Abortion; articles 5(b) & 5(e)

<sup>46</sup> Oversees Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, Relevant Provisions to Abortion; Articles 1 & 3.

<sup>47</sup> The UN treaty monitoring mechanism was established to guarantee that states follow through on their treaty obligations; UN. Office of the High Commissioner for Human Rights, “The United Nations human rights treaty system : an introduction to the core human rights treaties and the treaty bodies.”

## **2.3. Final remarks**

This section has expressed that International human rights laws recognize women's right to abortion and consider its violation as a gross violation of human rights. Therefore, the states like France, which has ratified the International Covenant on Civil and Political Rights and other mentioned treaties, are obliged to accept the provisions and all the established standards from related committees to protect women's rights by improving abortion's legal access and services.

## 3. Theoretical Framework

Given the matter research aim and questions, the study considers five theories under which abortion could be examined: consciousness-raising, legal and policy reform, mobilization, implementation, and evaluation. Each of these independently carries vast notions; however, in the social issues' context, they are more like what will be defined in the following.

Then, by applying the 'Spiral Model' to the above theories as an initiative, this thesis has grounded a novel complex theoretical framework for social change.

Therefore, this designed spiral model for social change involves consciousness-raising, legal and policy reform, mobilization, implementation, and evaluation as five interconnected and interdependent phases, each of them informing and shaping the others, which suggests that progress toward social change is not always straightforward or predictable and that setbacks and challenges are inevitable. Accordingly, through a spiral framework, this study will model France's path toward the legalization of abortion by extracting and classifying the key national laws and policies concerning the issue alongside the influential feminist movements from the 1970s to the present day.

In the following, the definitions and meanings will also be provided to clarify the concepts and outline the framework.

### 3.1. Spiral Model

The Spiral Model also sometimes refer "spiral of silence," a term coined in 1974 in the book *The Spiral of Silence a Theory of Public Opinion* by German political scientist Elisabeth Noelle-Neumann,<sup>48</sup> to describe how people may withhold their opinions or beliefs if they feel they are in the minority. This concept is related to the consciousness-raising phase of the Spiral Model, which emphasizes the importance of creating safe and supportive spaces for marginalized individuals to share their experiences and perspectives.

The Spiral Model is named so because it is based on the idea of a spiral or a cycle of change, with each phase building upon the previous one in a cyclical style. The model emphasizes that social change is a dynamic, iterative one that requires ongoing effort and reflection, not a linear process. So, the Model provides a useful framework for understanding how social change, in this case, abortion legalization in France, have been achieved through a

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<sup>48</sup> Noelle-Neumann, *The Spiral of Silence a Theory of Public Opinion*.



combination of consciousness-raising, legal and policy reforms, mobilization, implementation, and evaluation.

Therefore, the Spiral model frames the current study to monitor and analyse the changes in abortion right in France over time through five phases, which in the following, their general concept will be noted.

## 3.2. A five-phases spiral model approach

### Phase 1

*Consciousness-raising: the first step in the Spiral Model is to raise awareness about the issue and build support for change.*

According to the Collins dictionary, 'Consciousness-raising' is "the process of developing awareness of an unfair situation, with the aim of making people want to help in changing it."<sup>49</sup> Furthermore, Larson (2014) defines the consciousness-raising group as "an undersized group approach composed of peers for a particular minority group. The objective of the group process is to examine the socio-political structures that make and sustain discrimination and disadvantage."<sup>50</sup>

During the early stages of the women's liberation movement, Consciousness-raising groups gave women the opportunity to talk about their needs, wants, and feelings. Among these were emotions deemed to be private, taboo, or embarrassing. Women addressed their sexual, abortion, romantic, and familial experiences in women-only settings, frequently for the first time.<sup>51</sup>

Moreover, the Women's Movement and consciousness-Raising groups, according to Blakemore (2021), became one of feminism's most effective weapons in the 1970s, openly discussing oppression.<sup>52</sup> The foundation of second-wave feminism was consciousness-raising organizations, which helped women become aware of their difficulties and the sexism of the social systems in which they were embedded.

Feminists who participated in consciousness-raising (C-R) frequently combined it with other forms of advocating; its key component was using collective processes to shift individual

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<sup>49</sup> *Consciousness Raising Definition and Meaning* | Collins English Dictionary.

<sup>50</sup> Larson, *Consciousness-Raising Groups*, pp. 308–9.

<sup>51</sup> Sisterhood and After Research Team, *Consciousness-Raising*.

<sup>52</sup> Blakemore, *Consciousness-Raising Groups and the Women's Movement*.

awareness from a personal to a political framing.<sup>53</sup> As a result, many Women's Liberation Movement activists have emphasized that the goal of C-R was to politicize the personal rather than personalize the political.<sup>54</sup>

To sum up, consciousness-raising is a phase to build collective understanding and support for social change by increasing awareness of the systemic issues, often related to inequality or oppression.

## **Phase 2**

*Legal and policy reform: the next step is to advocate for legal and policy reforms that address the issue.*

Changes are made to the official 'rules of the game' (laws, regulations) through the process of policy reform in order to solve issues or accomplish objectives like protecting abortion rights.

According to TAP Network (2019), “Law reform, sometimes known as legal reform, examines existing laws, advocates for changes, and puts those changes into effect, usually to improve justice or efficiency.” The four primary ways to change the law are;

1. repeal (the removal or reversal of a law);
2. the formation of the new law;
3. consolidation (the combining of several laws into one law), and;
4. codification (the gathering and systematic arrangement, generally by subject, of the laws of a state or country).<sup>55</sup>

## **Phase 3**

*Mobilization: once legal and policy reforms are in place, the next step is to mobilize support for implementation.*

In the 1850s, the term ‘mobilization’ was first used in a military context to describe the Prussian Army's preparation.<sup>56</sup> Since then, mobilization theories and strategies have evolved continuously.

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<sup>53</sup> Larson, *Consciousness-Raising Groups*, 308–9.

<sup>54</sup> Sisterhood and After Research Team, *Consciousness-Raising*.

<sup>55</sup> TAP Network, *Pursuing Law Reforms, Strategic Litigation and Legal Empowerment - SDG Accountability Portal*.

<sup>56</sup> Schubert, *Mobilization: The U.S. Army in World War II: The 50th Anniversary*.

In the Spiral Model of social change, the mobilization phase refers to the process of organizing and activating individuals and groups to take collective action toward a common goal or issue. Mobilization entails creating momentum for social change as well as gaining the ability to take effective action.

Taylor (2000) describes “*a world in which movements routinely mobilize to transgress, resist, and deconstruct the identities produced by restrictive state and social practices.*”<sup>57</sup>

Mobilization also entails using various methods and strategies, such as large protests, petitions, media campaigns, and direct action, to pressure people in power to make a change. Petitions and marches organize support and demonstrate power, paving the way for widespread opposition to the system.<sup>58</sup>

#### **Phase 4**

*Implementation: The fourth step is to implement the reforms and policies that have been put in place.*

The ‘Implementation’ is defined by Mazmanian and Sabatier as “*the carrying out of a basic policy decision, usually incorporated in a statute but which can also take the form of important executive orders or court decisions.*”<sup>59</sup> The implementation phase entails “*carrying out the specific activities necessary to achieve the objectives outlined in the policy or reform.*”<sup>60</sup> Numerous stakeholders must coordinate, plan, and collaborate to implement the change successfully during this phase. It shows that passing policies does not guarantee success if policies are not effectively implemented.

Overall, the implementation phase is an essential aspect of the Spiral Model of social change since it is where policies, laws, or reforms are put into practice, and their efficacy is evaluated. However, as Fullan highlights in the following, “*Even if policy implementation seems to be successful, there is no guarantee that success will last;*”<sup>61</sup> so, the next phase, Evaluation, appears necessary to ensure the desired outcomes are achieved.

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<sup>57</sup> Taylor, *Mobilizing for Change in a Social Movement Society*, p. 227.

<sup>58</sup> McLendon, *Campaigning for Social Change: Beyond Just Protesting for It!* – Daniel Hunter.

<sup>59</sup> Mazmanian and Sabatier, *Implementation and Public Policy*, pp. 20–21.

<sup>60</sup> Gottfried, *Feminism and Social Change: Bridging Theory and Practice*, p. 225.

<sup>61</sup> Fullan, *The Three Stories of Education Reform*, p. 1.

## **Phase 5**

*Evaluation: the final step is to evaluate the impact of the changes that have been made and make any necessary adjustments.*

As mentioned earlier, the Spiral Model is predicated on the notion that social change is a complex process that evolves over time and necessitates consistent effort. In order to make sure that change initiatives are successful and long-lasting, the model highlights the necessity of constant evaluation and reflection. Therefore, the evaluation phase involves assessing progress and identifying areas for further improvement. Social issues are dynamic; consistent evaluation is critical to measure success in this dynamic cycle.

### **3.3. Final remarks**

In fact, the spiral model for social change shows that progress cannot be stopped; why? Because evaluation brings awareness of what has been done correctly and what needs to be worked on more. Afterward, the consciousness-raising phase appears at a different level; this trend will continue in a dynamic and endless cycle as long as a society, its needs, awareness, and desire to evolve in humanity last in this world.

## 4. Method and Materials

According to the theoretical framework which has been explained in Chapter 3, this thesis is innovative in developing a novel approach to understanding historical and contemporary developments, intertwining legislation and social movements activities lobbying for social change; therefore, in order to answer the research questions, this thesis adopts the dialectic model combining and interconnectedness theory and methods.

Hence, to initiate the research, the study focused on the legal body concerning abortion in France by extracting relevant provisions from laws, decrees, legal texts, and parliamentary bills. Furthermore, to show links between feminist activism and the abortion laws' evolution, the study also delved into feminist movements that were instrumental in pressuring France to advance women's rights, particularly in the domain of abortion rights and reproductive health. Then, required data have been classified and analyzed on a historical line, framing in the spiral model for social change in five phases. Additionally, to assess France's progress, the study is based on human rights standards, encompassing both soft and hard law, which was explained in Chapter 2.

The study relies on primary sources and secondary sources. The primary sources will be official documents related to abortion laws and policies in France, including legal texts, parliamentary bills, government reports, and national laws and decrees, which are primarily published in The Official Journal of the French Republic, also known as the JORF or JO,<sup>62</sup> and chiefly retrieved from the official website of the two houses of French parliament: the Senate and the National Assembly. In addition, regarding the feminist movement's activities, the thesis retrieves chiefly documents from reliable sources, whether as archives or up-to-date. Although some websites offer English versions, in cases where the French version of a document provides a better understanding or is the only available version, the thesis considers the French version as the source. Therefore, the translation from French to English has been done by the author, Google Translate, and a French translator's guidance.

The secondary sources include academic articles and books from Google Scholar that were collected using keywords in both English and French, such as feminist movements, abortion right, and France. Therefore, all sources used were credible and authoritative. These sources are primarily used in literature reviews and exceptional cases when authors narrate a part of history.

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<sup>62</sup> The French Republic's government gazette is the Journal officiel de la République française (JORF). It publishes key legal official information from the French Government, the French Parliament, and the French Constitutional Council.

Today, there are many debates around abortion right in France; therefore, this thesis carefully targeted online articles, news articles, and press reports that provide not only historical and social context to the feminist movements and abortion but also up-to-date news around the issue. Such sources are mainly retrieved from reliable online newspapers, NGO reports, and official French parliamentary websites—the translation for French texts is performed similarly to primary materials.

## **4.1. Choosing the Case**

The selection of abortion rights in France as the focal point of this study is motivated by two primary reasons. Firstly, while extensive research has been conducted on abortion rights in both developed and developing countries, there is a significant gap in the scholarly exploration of the topic in the context of France. Despite being a democratic and developed nation, the right to abortion in France remains a subject of ongoing debates and discussions. This presents an intriguing scholarly opportunity to delve into the nuances of this issue within the French socio-political landscape.

Secondly, the inclination of French politicians to consider the inclusion of the freedom to choose a voluntary termination of pregnancy in the constitution further underscores the relevance and timeliness of this research. This suggests that although abortion in France has a history of controversy, it continues to be a debatable and evolving topic, which warrants further academic investigation. The evolving nature of the debate surrounding abortion rights in France adds a fresh dimension to the research and underscores the importance of delving deeper into this subject to gain a comprehensive understanding of its complexities and implications.

## **4.2. Delimitations**

Although a master's thesis is a relatively comprehensive project, there are limitations to every project. Research questions need to be narrow enough in scope to create a possibility for meaningful research. It also needs to be realistic, considering the time and length available to produce a thesis. For this thesis, there are several limitations; for one, the focus was only placed on the feminist movements; however, other factors like religion, culture, family, economic, social, and medical could affect the abortion path in France for sure, which are not included in this thesis. From the life-choice perspective, there are many debates, primarily when it contrasts with pro-choice opinion, which this thesis does not focus on, as the aim was to conduct the research through feminist movements, which, subsequently, pro-choice is the lens of view.

As mentioned earlier, Abortion is a sensitive, subtle issue, and multi-disciplinary issue, which is why it is still a source of debate around the world; therefore, this study, according to research questions, tried to only focus on what could be contributing to the research through an assigned theoretical framework. Consequently, other related factors, opposing opinions, and endless debates around Abortion were not included in the scope of the thesis, so this does not mean they are unimportant or ineffective.

It also should be mentioned that due to limitation scope and space of this thesis, all provisions, laws, decrees, national legal documents, and feminist activities were not mentioned; instead, only those most relevant to the study's line have been examined.

Furthermore, this study employed a comprehensive approach by gathering relevant legal provisions, parliamentary bills, records of demonstrations, petitions, and other pertinent sources. The primary focus of the research was to meticulously track and analyze the trajectory of changes in abortion laws and societal attitudes, seeking to establish the interconnectedness between these aspects and the influential feminist movements. It is important to note that this research did not aim to conduct a discourse analysis through content analysis of legal provisions. Instead, the objective was to apply the spiral model, which incorporates a dialectic framework, to elucidate the process of social change and the eventual legalization of abortion in France. By integrating theory and methods, this approach allowed for a nuanced exploration of the multifaceted dynamics inherent in this complex subject matter.

Secondly, due to what was mentioned regarding complexation issue of abortion, this is not to say that the results and conclusions produced in this study can be applied to other nations, but that it is an example of what has happened in France. However, this example shows the tortuous path of a country for changes and development of the law in favour of abortion, which is expected to be achieved under the human rights obligations of states to protect women's rights.

In addition, as events continue regarding adding abortion right to France's constitutions, searching for new empirical material has been done until the end of March 2023. Events unfolding after that were, therefore, not included in this thesis.

Finally, finding legal documents and related debate and research by English search was difficult, so the search was chiefly conducted through French words and phrases. Therefore, it took much more time to analyse the concept, not just the meaning, of words and phrases to make them accurate and precise for the reader and provide worthy academic research.

# 5. France's path in legalization Abortion

## 5.1. Phase 1: Consciousness-raising

*The first phase in the Spiral Model is to raise awareness about the issue, build support for change, and challenge existing beliefs and norms. Feminist movements and women's rights activists in the 1970s, in consequence of what has been mentioned in the 'background,' gained momentum in fuelled by a desire for more sexual freedom and the rejection of traditional institutions and morals. The fight for abortion rights became a prominent part of these movements. Therefore, it was the time to break the silence surrounding abortion, highlighting women's autonomy, the consequences of banning abortion, and the fight for abortion rights by building support for change.*

### ***The Manifesto of the 343***

On April 5, 1971, during the height of the second-wave feminist movement in the Western world, the French news magazine *Le Nouvel Observateur*<sup>63</sup> published a radical claim:

*“One million women in France have abortions every year. Condemned to secrecy they do so in dangerous conditions, while under medical supervision this is one of the simplest procedures. Society is silencing these millions of women. I declare that I am one of them! I declare that I have had an abortion! Just as we demand free access to contraception, we demand the freedom to have an abortion.”<sup>64</sup>*

In defiance of French law, which prohibited abortions except when the mother's life was in danger, a group of 343 prominent women in France, including actresses and intellectuals, signed a declaration - now known as the ‘Manifesto of the 343’ - in 1971 confessed to having had abortions.<sup>65</sup> The goal of Simone de Beauvoir's<sup>66</sup> manifesto, which was prepared and published in the *Nouvel Observateur*, was to make public opinion aware of the problem and criticize the outdated and dangerous law. Despite exposing themselves to potential legal action, the signatories were not charged, presumably as a result of the publicity the manifesto garnered.

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<sup>63</sup> L'Obs, previously known as *Le Nouvel Observateur*, is a weekly French news magazine.

<sup>64</sup> L'Obs, *Le ‘Manifeste des 343 salopes’ paru dans le Nouvel Obs en 1971.*

<sup>65</sup> Zarevich, *The Manifesto of the 343.*

<sup>66</sup> Simone de Beauvoir, a feminist philosopher who was at the time France's most well-known female writer and women's rights activist.



## ***The MLF Demonstration***

November 20, 1971, “International Women's March for free motherhood, for the right to contraception and abortion,<sup>67</sup> opened a new page for the fight.”<sup>68</sup> The Women's Liberation Movement (MLF),<sup>69</sup> or ‘Mouvement de libération des femmes,’ organized a demonstration against the criminalization of abortion in Paris on November 20; the demonstration received a lot of attention and media coverage, which increased public awareness of the issue. The protest also demonstrated the support for abortion legalization among many women, famous or not, young, or old, shouting, “*Nous sommes toutes des avortées.*”<sup>70 71</sup>

## ***Founding of Choisir***<sup>72</sup>

In 1971, the Choisir movement was founded in France Gisèle Halimi<sup>73</sup> to fight for decriminalizing abortion.<sup>74</sup> In 1972, Lawyer Gisèle Halimi defended five people, including a young girl who had an abortion after being raped,<sup>75</sup> in a highly publicized trial.<sup>76</sup> Halimi, by providing a ‘political’ trial, brought public figures<sup>77</sup> the stand to testify about the need for change as the law was outdated. Marie-Claire, the young girl, was eventually acquitted. In promoting abortion access, Marie-Claire Chevalier's case<sup>78</sup> and trial at ‘Bobigny’ were revolutionary because they provided a compelling argument for why France could not continue to operate under the restrictions set by the 1920 law. In addition, publishing the story by Choisir raised public awareness of the issue, contributing to a shift in society's attitude toward women's reproductive rights.

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<sup>67</sup> Marche internationale pour l’abolition des lois contre l’avortement à Paris

<sup>68</sup> See <http://www.edumooc.fr/wp-content/uploads/2020/01/fiches-immiogresfemmesjeunes.pdf>

<sup>69</sup> On August 26, 1970, the Women's Liberation Movement (MLF) was officially born, a movement intended to fight against all the different forms of oppression and misogyny, to campaign for the right to contraception and abortion initiated by Family Planning in France and of course to obtain the equality of all rights, moral, sexual, legal, economic between men and women.

<sup>70</sup> © Ina - Studio Hypermédia, *Elles@centrepompidou - Manifestation de Femmes à Paris - Ina.Fr.*

<sup>71</sup> The women of our time have all had abortions.

<sup>72</sup> *Choisir la cause des femmes*, abbreviated Choisir (To choose/choosing).

<sup>73</sup> Halimi later served in the Assemblée Nationale before becoming, in the 1980s, a French ambassador to UNESCO. In addition to her books supporting causes she was passionate about, she was also involved in feminist and social justice circles until her passing in 2020.

<sup>74</sup> A non-profit organization, See [www.choisirlacauseedesfemmes.org](http://www.choisirlacauseedesfemmes.org)

<sup>75</sup> Marie-Claire, seventeen years old at the time, got pregnant after being raped and had an abortion; as a result, she with her mother, along with two other women who helped with the procedure, were arrested for violating the 1920 law.

<sup>76</sup> Ministère de la Justice, *Le procès de Bobigny.*

<sup>77</sup> “The famous feminist Simone de Beauvoir, actresses like Francois Fabian and Delphine Seyrig, politicians like Michel Rocard, but also scientists such as Jean Rostand, Jacques Monod or Francois Jacob.”

<sup>78</sup> See generally Hochberg, “11 octobre 1972 : le jour où Marie-Claire, lycéenne jugée pour avoir avorté après un viol, est relaxée grâce à Gisèle Halimi.”

## ***The Manifesto of the 331***

Following the Manifesto of the 343, on February 1973, a petition was signed by 331 doctors acknowledging that they had performed abortions despite the law.<sup>79</sup> The publication of this petition confirmed that abortion was a reality in France and that the law was outdated and dangerous. In fact, this confirmation of the reality of abortion in France vindicated the activists fighting for abortion rights.

## ***The MLAC Association***

A feminist organisation named the Mouvement pour la Liberté de l'Avortement et de la Contraception (MLAC) was established in France in April 1973. Its primary objectives were to help and enlighten women about ending unwanted pregnancy and about getting France's abortion laws to become more liberal. Their demands were,

*“Repeal of any repressive text on abortion. Second, a modification of the Neuwirth law to make contraception free of access to minors. Finally, social security coverage of any medical act concerning abortion and contraception with a special dispensation for minors.”*<sup>80</sup>

The MLAC was an authorized association but had certain illegal practices; In particular, carrying out clandestine abortions. Therefore, the organization set up centers in major cities and, along with its social purposes, promoted the liberalization of abortion law in France. The Center d'Archives du Feminisme (CAF)<sup>81</sup> has archived about hundred letters from women seeking abortions and support that were sent to the MLAC.<sup>82 83</sup>

## **5.2. Phase 2: Legal and policy reform**

*The next step is to advocate for legal and policy reforms that address the issue. Legal and policy reform is a pivotal phase in the Spiral Model. In the context of abortion legalization in France, this phase involved advocating for legislative changes to decriminalize and ensure safe access to abortion services. Legal and policy reform became a key focus for feminist movements*

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<sup>79</sup> D'escoffier-Lambiotte, *Droit à l'avortement : Le manifeste des 331 médecins en faveur de l'avortement met dans l'embarras les pouvoirs publics et le conseil de l'ordre.*

<sup>80</sup> *C'était quoi le MLAC, le mouvement qui a lutté pour le droit à l'avortement ?* | INA.

<sup>81</sup> See generally <https://www.archivesdufeminisme.fr/>

<sup>82</sup> Available at CAF, Archives du MLAC 1972-1988, 10 AF.

<sup>83</sup> Although it is not the goal of this thesis to analyze these letters, they offer a priceless window into the lives of women who sought abortions at a time when feminists were vehemently attempting to reform the law on abortion, See Also Cardona, *Abortion in France: Private Letters and Public Debates, 1973-1975.*

*and women's rights activists as they sought to pressure France to legalize abortion. It required collaborative efforts between activists, lawmakers, and policymakers to challenge outdated laws and create new legislation that upholds abortion rights and protects women's health. This phase saw the formation of new law, ensuring that abortion became a legal and accessible choice for women in France.*

## ***Leaning towards broadening the existing law***

Law No. 73-639 of July 11, 1973, established “The Higher Council for Sexual Information, Birth Control, and Family Education” (CSIS),<sup>84</sup> a French public body, on the initiative of Lucien Neuwirth that consequently completes the Neuwirth law decriminalizing contraception. As it indicates, this law also follows the recommendations of the Council of Europe, which in its recommendation of October 10, 1972, invited Member States to set up sex education systems for young people.

LAW No. 74-1026 of December 4, 1974, containing various provisions relating to birth control,<sup>85</sup> aimed at liberalizing contraception and broadening the provisions of the 1967 law: in particular, the reimbursement of contraception by Social Security and the abolition of parental authorization for minors.

## ***The formation of the new law***

France's President Valéry Giscard d'Estaing was elected in 1974. Simone Veil became his Minister of Health, ‘the first woman to hold a regular cabinet-level post in the Fifth Republic.’ As a pioneer for women's rights and abortion rights, she eventually caused abortion to evolve as legal in France. Veil presented the bill on voluntary termination of pregnancy<sup>86</sup> to the assembly on November 13, 1974. However, many deputies, particularly those on the right, opposed the law and believed it threatened the sanctity of life. In addition, Veil, a Jewish woman, and Holocaust survivor, had many opponents. Understanding these aspects of her identity, anti-abortion activists intended to attack her to derail her proposals personally.<sup>87</sup>

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<sup>84</sup> Loi n° 73-639 du 11 juillet 1973 portant création d'un conseil supérieur de l'information sexuelle, de la régulation des naissances et de l'éducation familiale, p. 7531.

<sup>85</sup> Loi n° 74-1026 du 4 décembre 1974 PORTANT DIVERSES DISPOSITIONS RELATIVES A LA REGULATION DES NAISSANCES.

<sup>86</sup> Interruption Volontaire de Grossesse (IVG).

<sup>87</sup> "Simone Veil herself received the brunt of the attacks along with Myriam Exratty (jurist) and Colette Mème (conseillère d'État), both female civil servants who directed the project but were not National Assembly deputies. See Also Cardona, “Abortion in France: Private Struggles and Public Debates, 1920-1980,” p. 140.

Nevertheless, as Veil's personal identification had nothing to do with establishing the law, she persisted and kept up her ties with voters, assuring it would be passed.

Therefore, after a long legislative procedure and heated debate, the draft law on voluntary termination of pregnancy, presented to the Council of Ministers on November 13, was adopted<sup>88</sup> on December 20. In consequence, the promulgation of the law authorizing voluntary termination of pregnancy (abortion), known as the Veil law, was adopted on January 17, 1975,<sup>89</sup> with a five-year trial period.<sup>90</sup>

*“The law guarantees respect for every human being from the beginning of life. This principle can only be infringed in case of necessity and according to the conditions defined by this law” (article 1).*

So, it would say that the law recognized a significant shift in society and attitudes in 1975, which led President Giscard d'Estaing to promulgate the law to decriminalize abortion. Law number 75-17 “authorizes abortion within ten weeks, on simple request to a doctor; it leaves the possibility to any doctor or to any private hospital establishment to refuse to follow up on a request for abortion; it strives to limit abortions to cases of necessity and to prevent them from becoming a means of regulating births;<sup>91</sup> it does not provide for reimbursement by Social Security, but for medical assistance on request.”<sup>92</sup> Hence, it is worth mentioning that Simone Veil aimed “to depenalize a last-resort solution for unwanted pregnancy<sup>93</sup> rather than to make abortion a right for the sake of it.”

With all these qualities, decriminalizing abortion was the culmination of a long and hard-fought battle and a historical milestone in France, ensuring the importance of women's health during pregnancy.

### **5.3. Phase 3: Mobilization**

*Once legal and policy reforms are in place, the next step is to mobilize implementation support. In France's case, despite the Veil law in practice still, there were many obstacles for women to*

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<sup>88</sup> 20 arguments opposed Simone Veil's proposal, but after overcoming them, "the text was adopted, 284 to 189, with a narrow majority among conservative and liberal votes, and all but one vote from the Socialist Party and Communist Party.

<sup>89</sup> La loi n° 75-17 du 17 janvier 1975 autorisant l'interruption volontaire de grossesse, JORF n° 0015, p. 739.

<sup>90</sup> La loi n° 75-17 du 17 janvier 1975, article 2.

<sup>91</sup> In order to safeguard the mother's health, if the fetus was malformed, if the pregnancy was caused by rape, or if financial constraints prevented the family from caring for the kid, abortion was declared legal in these situations. Women were granted the right to choose whether to carry a pregnancy to term and bear the responsibility of caring for a kid.

<sup>92</sup> La loi n° 75-17 du 17 janvier 1975, JORF n° 0015, pp 739-40.

<sup>93</sup> Simone Veil's speech: “I say unequivocally that abortion should remain an exception, the last resort for hopeless situations” JORF 27 November 1974 p. 6999.

*have abortions; Therefore, by uniting and amplifying their voices, activists effectively conveyed the message that women's rights should not be compromised, feminist activism continued to mobilize to advocate for the loi Veil's confirmation and renewal, which aimed to implement the legalization of abortion in practice.*

## ***Still, there is much to do!***

The 1975 law passed by Simone Veil legalizing abortion in France was not only the result of feminist activism but also marked a shift in public health and political regulation from criminalization to medical and social care. However, while this law was a significant advancement, the medicalization of abortion did not eliminate moral stigmatization nor ensure universal access to the service. Accordingly, debates arose when some doctors declined to perform abortion services on women in need due to their moral beliefs.<sup>94</sup> Le Monde reported a case in RENNES, where “Doctors' arguments were based on avoiding the creation of an 'abortion House'.”<sup>95</sup> It shows, individuals who objected to the law sought loopholes through which to deny abortion access.

Finally, the case of Madame Renée Capron of Rouen led to the first trial since the Loi Veil was passed, in which prosecuting a gynaecologist, Professor Duval, from Rouen for refusing to terminate the pregnancy;<sup>96</sup> and would define the responsibility of doctors who refused to perform abortions. However, the correctional tribunal of Rouen acquitted Duval of all criminal charges on July 9, 1975, according to invoking the ‘clause de conscience.’<sup>97</sup> As a result, the court's ruling entrenched a conscience provision that was not expressly stated in the law in 1975 and meant that any doctor in a private or public institution could refuse to perform an abortion. Hence, even though the Veil law was a significant step forward for women's abortion rights in France, it was not able to render abortions accessible to all women, hence, the feminist organizations that protested and pushed for abortion access for women nationwide still had much work to do.

Despite mentioned concerns, the Veil law did transform the overall political approach of feminist organizations. Although several members of feminist organizations thought that it was no longer necessary to have an active role after the law was passed, it did not spell the end of

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<sup>94</sup> Weeger, *RENNES : une clinique privée prend de vitesse l'hôpital public.*

<sup>95</sup> Ibid.

<sup>96</sup> See generally Le Monde, *UN GYNÉCOLOGUE DE ROUEN EST POURSUIVI POUR REFUS D'INTERRUPTION DE GROSSESSE.*

<sup>97</sup> Le Monde, *LE TRIBUNAL DE ROUEN RELAXE LE PROFESSEUR DUVAL poursuivi pour non-assistance à personne en danger.*

feminist organizations such as MLAC, Choisir, and MFPF.<sup>98</sup> These organizations, in fact, continued to play a critical role in shaping how the law would be implemented in practice, as well as advocating for the bill's renewal in 1979. Moreover, because feminist institutions were already in place, groups did not have to start from scratch; they could instead build on the relationships and mobilization that had finally proven successful in the abortion movements.

Feminists continued to mobilize to advocate for the loi Veil's renewal in 1979, Despite criticisms of the law. While they opposed the conscience clause, they supported the law, participated in protests, and made public appeals to legislators and the public. On October 6, 1979, an estimated 50,000 women from across France gathered in Paris to demand free and accessible abortion for all women.<sup>99</sup> This mobilization was necessary not only to renew the Veil law but also to draw attention to the challenges faced by women and doctors in accessing legal abortion services.

In addition, the media had also attempted to raise the issue; according to a 1975 poll performed by Choisir and published by Le Monde, 25% of women seeking abortions went overseas to acquire one, while just 18% were treated in hospitals;<sup>100</sup> this indicated that private clinics performed abortions on most women. Women still didn't feel at ease accessing abortion services in many hospitals, particularly as many professionals opposed such procedures.

These explanations show that there were numerous issues that the Veil law did not tackle and that feminists and many medical professionals thought would be resolved by amendments to the law while it underwent renewal.

## **5.4. Phase 4: Implementation**

*The fourth step is to implement the reforms and policies that have been put in place. In other words, the implementation phase marks translating legal and policy changes into practical action. Once abortion was legalized in France, feminist movements and women's rights activists shifted their focus toward ensuring the effective implementation of the new legislation; it was necessary to establish frameworks and infrastructure to ensure the accessibility and provision of safe and legal abortion services. This phase involved informing healthcare professionals, developing guidelines and protocols, and creating supportive environments within healthcare facilities by establishing new laws and decrees to ensure the smooth*

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<sup>98</sup> The Mouvement Français pour le planning familial.

<sup>99</sup> *La marche des femmes* | INA.

<sup>100</sup> Le Monde, *UN BILAN DE LA LOI VEIL*.

*implementation of the new legislation. Moreover, to push policymakers and lawmakers to protect women's access to safe and legal, and free abortion, remobilization is periodically and consistently necessary.*

## **1979-1982**

The argument of 'Pro-choice' or 'individual choice' is essential to the fight for reproductive rights. However, it is important to remember that for many women, terminating a pregnancy may be their only option. The actual policy decision that society faces is not whether to allow abortions or not but whether to make them legal or illegal since illegalizing abortions create societal hypocrisy, stigmatize women, and put their health and lives at risk. Therefore, it is seen that French laws continued to evolve in favour of providing access to abortion; a second law, known as the "Loi Pelletier,"<sup>101</sup> promulgated on December 31, 1979, made the provisions of the Veil law relating to abortion final,<sup>102</sup> which in particular removes certain obstacles to the performance of the abortion, concerning the terms of the doctor's agreement and reception in hospital services,<sup>103</sup> as a result, France permanently legalized abortion.

On October 12, 1981, during an interview with the newspaper *Elle*, Yvette Roudy, Minister for Women's Rights,<sup>104</sup> announced a national information campaign on contraception and creating an abortion centre in all public care establishments.<sup>105</sup>

In November 1981, the new Ministry of Women's Rights launched the first national television campaign on contraception. The theme of this campaign is 'Power to Choose;' this campaign clearly showed a change in mores allowing people to talk more freely about subjects long considered taboo. However, this campaign met with adverse reactions, particularly from family associations and representatives of religions; this campaign lasted until December 9, 1981.<sup>106</sup>

On January 20, 1982, the Council of Ministers adopted Yvette Roudy's proposal to make March 8, 1982, a day for women's rights. Then reimbursement of abortion by Social Security from September 1982 was one of the measures announced by François Mitterrand on March 8, 1982, the first National Women's Rights Day.

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<sup>101</sup> The Pelletier Law

<sup>102</sup> Loi n° 79-1204 du 31 décembre 1979 relative à l'interruption volontaire de la grossesse.

<sup>103</sup> Loi n° 79-1204 du 31 décembre 1979, JORF n° 0001, pp 3-4.

<sup>104</sup> By then, there was no ministry, but a State Secretariat for the Status of Women created in 1974. But, for the first time in May 1981, François Mitterrand, President of the Republic, established a specific ministry for women's rights, following a promise made before his election to the feminist movement "Choisir."

<sup>105</sup> *L'évolution Des Droits Des Femmes : Chronologie.*

<sup>106</sup> Timetoast, *Contraception et Place de La Femme Timeline.*

This shift has been reflected in changes to the law, including the law passed by Yvette Roudy to guarantee the 80% or 100% reimbursement of the cost of an abortion by promulgation of the law of December 31, 1982, associating to the coverage of the costs relating to the voluntary interruption of non-therapeutic pregnancy and the methods of financing this measure, and establishing the assumption by the State of the expenses incurred by the health insurance under abortions.<sup>107</sup>

## ***The 1990s and a moment of remobilization***

In France, the 1990s were a moment of remobilization after a period dominated by the institutionalization of feminism; new groups and associations were created to face an impression of regression and threat to the rights won over the previous decades. So, in October 1990, the Coordination of Associations for the Right to Contraception and abortion (CADAC)<sup>108</sup> was created by Maya Surduts, a French Feminist activist.

Moreover, following repeated attacks on abortion centres by hostile commandos<sup>109</sup>, and while the Veil law of 1975 authorizing abortion was attacked by the “Conseil d'états” being contrary to the European Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>110</sup> the CADAC organized in 1992 the general meetings for the respect of the right to abortion and contraception and in the process supported the law on the offense of obstacle to abortion, defended in Parliament by Véronique Neiertz in December 1992, and promulgated on January 27, 1993.<sup>111</sup>

Finally, the Neiertz law of January 27, 1993,<sup>112</sup> created the offense of obstructing the voluntary termination of pregnancy and decriminalized self-abortion. For the first time in France, it was now forbidden to exert any pressure on the medical personnel who perform abortions or on the women who come to have an abortion. In addition, associations for the defence of women can take civil action against these offenses.<sup>113</sup> These laws marked a turning

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<sup>107</sup> Loi n°82-1172 du 31 décembre 1982 RELATIVE A LA COUVERTURE DES FRAIS AFFERENTS A L'INTERRUPTION VOLONTAIRE DE GROSSESSE NON THERAPEUTIQUE ET AUX MODALITES DE FINANCEMENT DE CETTE MESURE.

<sup>108</sup> La Coordination des associations pour le droit à l'avortement et à la contraception (CADAC).

<sup>109</sup> In particular, the anti-abortion commandos who, since the end of the 1980s around Xavier Dor's SOS Tout-petits association, have physically intervened in the abortion centers. In 1991, the militants of the Trêve de Dieu, founded by Claire Fontana, chained themselves inside the Tenon hospital in Paris, preventing the abortion service from functioning (Pavard, Rochefort, and Zancarini-Fournel, *Ne Nous Libérez Pas, on s'en Charge*).

<sup>110</sup> Conseil d'Etat, ASSEMBLEE, du 21 décembre 1990, 111417, statuant Au contentieux.

<sup>111</sup> Pavard, Rochefort, and Zancarini-Fournel, *Ne Nous Libérez Pas, on s'en Charge*.

<sup>112</sup> Loi n° 93-121 du 27 janvier 1993 portant diverses mesures d'ordre social.

<sup>113</sup> Loi n° 93-121 du 27 janvier 1993, Article 37.



point in the societal perception of abortion, with it being recognized as an Individual and private matter and the decision of the woman alone.

In 1995, the political context in France was very unfavourable to women's rights; according to *Les Echos* (1995), on 17 January 1995, Simone Veil, Minister of Social Affairs, Health, and the City, believed in *Le Monde*<sup>114</sup> that “abortion no longer represents a political issue in France,”<sup>115</sup> twenty years after the law was passed. The same day, the Conference of Bishops of France reiterated its opposition to abortion, described as a ‘denial of humanity.’ Then after, on 25 March 1995, Pope John Paul II published the encyclical *Evangelium Vitae*,<sup>116</sup> which condemns, in particular, the legislation on abortion and euthanasia and the States which legalize these practices, “violating the right to life.”<sup>117</sup> <sup>118</sup>

As a result, the CADAC organized an impressive demonstration in defence of the right to abortion, bringing together 30,000 people on November 25, 1995; it was followed in 1996 by creating the National Collective for Women's Rights (CNDF)<sup>119</sup> to coordinate the action of feminist associations.<sup>120</sup> At the origin of the Cadac and the CNDF are long-time activists. The careers of Maya Surduts and Suzy Rojtman, who constitute the most active core of CADAC and CNDF activists, exemplify this, whose feminist commitment is therefore characterized by remarkable continuity.<sup>121</sup>

Under the titer “The morning after pill can no longer be administered by school nurses” on July 01, 2000, *Le Monde* reported the judgment of the ‘Conseil d’État’ annulling a circular authorizing school nurses to issue NorLevo (the morning after pill) to minors on June 30, 2000, judging that it contravenes the Neuwirth law of 1967, which constrained the sale of contraceptives in pharmacies on medical prescription or approved family planning centers.<sup>122</sup>

Therefore, associations for women's rights were eagerly awaiting the first concretization of the government promises made in July 2000: presentation to the Council of Ministers by Martine Aubry, Minister of Employment and Solidarity, on 4 October 2000, of the bill on

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<sup>114</sup> *Le Monde* is a French daily afternoon newspaper.

<sup>115</sup> *Les Echos*, *Simone Veil va donner un «vrai statut» aux médecins pratiquant l'avortement.*

<sup>116</sup> *Evangelium vitae*, translated in English as ‘The Gospel of Life,’ is a papal encyclical published on 25 March 1995 by Pope John Paul II.

<sup>117</sup> la culture de mort.

<sup>118</sup> For the benefit of doctors, parliamentarians, and health personnel, the encyclical advocates an absolute right to conscientious objection to opposing ‘the culture of death.’

<sup>119</sup> Le Collectif national pour les droits des femmes (CNDF)

<sup>120</sup> Pavard, Rochefort, and Zancarini-Fournel, *Ne Nous Libérez Pas, on s'en Charge.*

<sup>121</sup> Both became involved in the 1970s on the far left and then in the Movement of ‘class struggle’ feminism. Mava Surduts is, first of all, an activist of the group Révolution before being very involved in the Movement for the Freedom of Abortion and Contraception (MLAC). Militant in the Communist League, Suzy Rojtman, initially, with others, from a women's group in Montreuil in 1974, joined the Pétroleuses. Both participated in founding the Collectif féministe contre le rape in 1985 (Pavard, Rochefort, and Zancarini-Fournel, *Ne Nous Libérez Pas, on s'en Charge.*)

<sup>122</sup> *Le Monde*, *La pilule du lendemain ne peut plus être administrée par les infirmières scolaires.*

contraception and voluntary termination of pregnancy, reforming the Neuwirth laws on contraception (1967) and Veil on abortion (1975), extending the legal period from 10 to 12 weeks of pregnancy and relaxing the conditions of access to contraceptives and abortion for minors.<sup>123</sup>

Eventually on 13 December 2000, the promulgation of the law on emergency contraception, which accordingly the morning-after pill has been available for free to women under 18 years old.<sup>124</sup>

In 2001, a new law<sup>125</sup> was passed that further improved abortion conditions, such as increasing the time limit (Up to 12 weeks)<sup>126</sup> for abortions as well as making abortion free for minors,<sup>127</sup> which means the state fully covered it. In addition, the 4th of July law allows minors to terminate a pregnancy without parental authorization, authorizes city doctors to perform medical abortions, and imposes the obligation for public health establishments with beds and places in obstetrics, gynaecology, or surgery to perform abortions. Moreover, the Neiertz Law of 1993, which established the offense of obstruction to abortion as mentioned above, was also expanded to any moral or psychological pressure put on a person concerned by abortion from relatives by the law of 4 July 2001.<sup>128</sup>

Later, the law of 9 August 2004<sup>9</sup> authorizes midwives to prescribe hormonal contraception after childbirth or after a voluntary termination of pregnancy.<sup>129</sup> And the law of 19 December 2007 on financing social security for 2008 extends the practice of medical abortions to planning centres and health centres.<sup>130</sup>

There were still debates and oppositions; a campaign on the right to abortion angered the Church, the 20Minutes (2008) reported.<sup>131</sup> In a press release published on January 21, 2008, the bishops of the province of Île-de-France spoke out against the campaign “Sexuality, contraception, abortion: a right, my choice, our freedom,” launched on January 18 by Family Planning of Île-de-France and financed by the regional council. “To promote abortion is to renounce our responsibilities,” they lament. Furthermore, they wonder about the ‘responsibility’ of elected officials who support such a campaign promoting abortion.

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<sup>123</sup> Kremer, *Martine Aubry précise le contenu de la réforme de la loi sur l'IVG*.

<sup>124</sup> “Pharmacists and school nurses are authorized to distribute the pill without a prescription or informing parents. The pill can prevent pregnancy by stopping implantation of the embryo, known as a contragestive effect” (Loi n° 2000-1209 du 13 décembre 2000 relative à la contraception d'urgence).

<sup>125</sup> Loi n° 2001-588 du 4 juillet 2001 relative à l'interruption volontaire de grossesse et à la contraception (LVG)

<sup>126</sup> Loi n° 2001-588 du 4 juillet 2001, Article 1.

<sup>127</sup> Loi n° 2001-588 du 4 juillet 2001, Article 20.

<sup>128</sup> Section 17 - Article L. 2223-2 of the Public Health Code.

<sup>129</sup> Loi n° 2004-806 du 9 août 2004 relative à la politique de santé publique.

<sup>130</sup> Loi n° 2007-1786 du 19 décembre 2007 de financement de la sécurité sociale pour 2008.

<sup>131</sup> 20minutes, *Une campagne sur le droit à l'avortement fâche l'Eglise*.

Moreover, the publication of the Instruction ‘Dignitas Personae’ by the Congregation for the Doctrine of the Faith,<sup>132</sup> recalling “The dignity of the person must be recognized in every human being from conception to natural death.”

## ***Modernization Era in French Health System***

In modernizing the health system, Instruction No. DGOS/R3/DGS/2012/265 of July 3, 2012, relating to the management of abortions during the summer period, reminds regional health agencies (ARS) to ensure the proper functioning of hotlines and regional information hotlines on abortion and contraception.<sup>133</sup>

With effect from March 31, 2013, a decree<sup>134</sup> established 100% reimbursement of abortion as well as free medical contraceptives for minors over the age of 15, in fulfilment of one of François Hollande's election campaign promises.<sup>135</sup>

In August 2014, the Promulgation of the law for equality between women and men aimed to combat gender inequalities in the professional, public, and private spheres.<sup>136</sup> By virtue of Article 24 of the Law, the reference to ‘distress’<sup>137</sup> that emphasized the exclusion of abortion was removed. In the first clause of Article L. 2212-1 of the Public Health Code, the phrase ‘who is in distress’ has been changed to “who does not want to carry on with her pregnancy.” This provision, adopted by way of the amendment at first reading in the National Assembly, aims to make access to abortion a right in its own right - and not a concession to the respect for life laid down by the Veil law - by no longer forcing the woman to justify her choice. It was one of the recommendations adopted by the “High Council for Equality between Women and Men”<sup>138</sup> in its report on access to abortion published in November 2013.<sup>139</sup>

Later, on November 26, 2014, on the occasion of the 40th anniversary of the law on abortion, a resolution is presented to the National Assembly reaffirming more than ever abortion as a fundamental and unconditional right of women, essential to their freedom and equality.<sup>140</sup>

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<sup>132</sup> Fidei, *Instruction Dignitas Personae Sur Certaines Questions de Bioéthique*.

<sup>133</sup> Sénat, *Projet de loi de modernisation de notre système de santé : Femmes et santé : les enjeux d'aujourd'hui - Sénat*.

<sup>134</sup> Décret n° 2013-248 du 25 mars 2013 relatif à la participation des assurés prévue à l'article L. 322-3 du code de la sécurité sociale.

<sup>135</sup> De La Hougue, *The Deconstruction of the Veil Law on Abortion*.

<sup>136</sup> Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes.

<sup>137</sup> The Veil Law originally only allowed women "in distress" to have an abortion in France.

<sup>138</sup> le Haut Conseil à l'Égalité entre les femmes et les hommes (HCE|fh).

<sup>139</sup> Rapport n° 2013-1104-SAN-009 (2013).

<sup>140</sup> TEXTE ADOPTÉ n° 433, RÉOLUTION (2014).

On January 16, 2015, the French Minister of Health, Marisol Touraine, presented her national action plan for expanding access to abortion,<sup>141</sup> improving women's information on their rights, facilitating, and enhancing the path for women who wish to have an abortion and guarantee a diversified offer throughout the country.

Eventually, the Law of January 26, 2016, on 'the modernization of our health system,' an extension of the national health strategy launched by the government in 2013, was promulgated and abolished the minimum period of reflection of one week for abortion;<sup>142</sup> allowing midwives to perform medical abortions,<sup>143</sup> health centres to perform instrumental abortions,<sup>144</sup> and school nurses to deliver emergency contraception.<sup>145</sup> As a result, the monopoly that doctors and hospitals once held over the protection of women has been ended. In addition, new reimbursements have been provided for voluntary termination of pregnancy (abortion) as part of the law to modernize our health system; The course of abortion, all the acts associated with abortion (biological examinations, ultrasounds, consultation to obtain consent, etc.),<sup>146</sup> has been fully reimbursed since April 1, 2016.<sup>147</sup> This utterly free abortion process allows better patient care and guarantees access to abortion for all women.

On March 20, 2017, the law extending the offense of obstructing abortion to new virtual practices, Promulgated.<sup>148</sup> It punishes two years' imprisonment and a fine of 30,000 euros for preventing or attempting to prevent practicing or obtaining information about voluntary termination of pregnancy by any means, including electronically or online. As a result, The act of preventing legal abortion is clearly defined in Article L. 2223-2 of the French Public Health Code.<sup>149</sup> Furthermore, according to Article L. 2223-1 of the same code, "any association that has been registered for at least five years and whose statutory purpose is to defend women's rights to access contraception and abortion has the right to claim damages."

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<sup>141</sup> *AMELIORER L'ACCES A L'IVG : Programme National d'action.*

<sup>142</sup> The mandatory "cooling-off" or "reflection" period of seven days between requesting and having an abortion was abolished.

<sup>143</sup> Article. 127, amending Articles L. 2212-2 and in accordance with the French Code of Public Health.

<sup>144</sup> Article. 77, amending Article L. 6323-1 of the French Code of Public Health.

<sup>145</sup> Loi n° 2016-41 du 26 janvier 2016 de modernisation de notre système de santé.

<sup>146</sup> Although the use of abortion was legalized in 1975 by the Veil law, it has only been reimbursed since 1982. The social security financing law for 2013, implemented by a decree of March 2013, provides for full reimbursement of recourse to abortion. Previously, health insurance covered 100% of abortions for insured minors and between 70% to 80% for insured adults.

<sup>147</sup> Rapport d'information n° 3343, Assemblée Nationale, 16 septembre 2020.

<sup>148</sup> Loi n° 2017-347 du 20 mars 2017 relative à l'extension du délit d'entrave à l'interruption volontaire de grossesse.

<sup>149</sup> Article L2223-2 : "It is punishable by two years' imprisonment and a fine of 3,000 euros to prevent or to try to prevent the practice of or access to information on the termination of a pregnancy or the acts initially provided for by Articles L. 2212-3 à L. 2212-8:

- either by obstructing in any way whatsoever access to the institutions mentioned in Article L. 2212-2, the free movement of persons within those institutions or the conditions of work of the medical and non-medical employees;
- either with moral or psychological pressure, threats or any other act of intimidation against medical or non-medical employees of these institutions, women who come for voluntary interruption of pregnancy or for information about it or their relatives.

On the night of July 31 to August 1, 2020, the amendment was adopted in the middle of the night as part of the bioethics bill, specifying that the ‘psychosocial distress’ of women must be taken into account in medical termination of pregnancy<sup>150</sup> (IMG); the IMG should not be confused with the IVG, it, can be practiced without medical motive until the twelfth week of pregnancy, Collective (2020) reported.<sup>151</sup> Following the adoption of this bioethics bill, the pro-life associations were indignant, which shows that the debates around abortion never will be ended, even in the 21st century.

## **5.5. Phase 5: Evaluation**

*The final phase is to evaluate the impact of the changes made and make any necessary adjustments; evaluation is an integral part of the Spiral Model, as it enables stakeholders to assess the impact and effectiveness of the changes implemented. In the case of abortion legalization in France, evaluation involved monitoring and analyzing the outcomes of the new laws. This phase examined factors such as the accessibility of abortion services, the reduction of unsafe abortions, the impact on women's health, and societal attitudes toward reproductive rights. The findings of the evaluation process provided valuable insights for further improvements and adjustments to ensure the continued progress of abortion right for women.*

### ***The era of Covid-19; Time for adjustments and evaluation!***

Many rights advocates expressed concern about the difficulties of obtaining abortions during the Coronavirus Pandemic, citing hospital overcrowding and patient requests to stay home. “The worry was that women were waiting until past the legal date to access abortion.” Moreover, to address the increased demand for abortions among French women, the French Minister of Solidarity and Health urgently requested the French National Health Agency (HAS)<sup>152</sup> to devise measures. As a result, the HAS advised that medical abortions (MA) be carried out at home between 7 and 9 weeks of gestation (WG) and that MA consultations be conducted via telemedicine (TM);<sup>153</sup> this initiative had the dual goals of preventing the legal abortion time restriction from being exceeded, lowering the risk of women and healthcare workers contracting COVID-19, and maintaining the medical capacity of healthcare facilities.

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<sup>150</sup> The medicalized termination of pregnancy (IMG).

<sup>151</sup> Collective, *IMG Jusqu'au 9e Mois Pour Détresse Psychosociale: Le Danger d'un Motif Imprécis*.

<sup>152</sup> Haute Autorité de Santé (High Authority for Health).

<sup>153</sup> See [https://www.has-sante.fr/upload/docs/application/pdf/2020-04/reponse\\_rapide\\_ivg\\_09\\_04\\_2020\\_coiv8.pdf](https://www.has-sante.fr/upload/docs/application/pdf/2020-04/reponse_rapide_ivg_09_04_2020_coiv8.pdf)

Furthermore, following a final vote by the National Assembly, parliament on February 23 adopted a cross-partisan bill extending the timeframe for legal abortion from 12 to 14 weeks.<sup>154</sup> It is essential, according to the health minister Olivier Véran, “to end the distress of the thousands of women who have to travel abroad” for abortions.<sup>155 156</sup>

Albane Gaillot, a politician who split from Macron's La République En Marche party, was the one who first proposed the revision to France's abortion time limit. *It was a ‘step forward’ for women*, she said and the law co-wrote Socialist politician Marie-Nolle Battistel, who called it “a big day for women's rights.”<sup>157</sup> Although, in an interview with Elle magazine in the summer of 2021, Macron stated his objection to raising the abortion time restriction to 14 weeks, claiming it was ‘more traumatizing’ for women to abort their pregnancies later.<sup>158</sup> *Versus*, Former Socialist minister for families, Laurence Rossignol, claimed to the Senate that Macron was stuck in an outdated stereotype of the severe effects of illegal abortion. Since abortion became legal in France in 1975, she claimed, times have changed, and women should no longer feel guilty or like failures if they choose to terminate a pregnancy. She addressed the Senate, “I had an abortion, and I am not traumatized,” as another senator rose and said the same.<sup>159</sup> As a result, even though changing the abortion time restriction was not a government project, MPs from Macron's party decided to support the measure and push it through parliament regardless of Macron's views.

Another favourable development is the decree from February 19 that permits medication abortions up to the seventh week of pregnancy via telemedicine rather than necessitating visits to medical institutions.;<sup>160</sup> this practice, temporarily employed during the Covid-19 pandemic, reduces the pressure on health services and makes abortion more accessible to people who have difficulty getting to medical facilities, such as those who reside in rural areas or fear stigma.

Women can now receive safe abortion care from the comfort of their homes rather than visiting medical offices and enduring waiting periods; however, there are still challenges to access. Despite efforts by policymakers, some medical personnel can deny providing abortion based on their religious or personal beliefs;<sup>161</sup> “*Left-leaning legislators voiced disappointment at their failure to eliminate a specific provision allowing French medical professionals to refuse*

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<sup>154</sup> Loi n° 2022-295 du 2 mars 2022 visant à renforcer le droit à l'avortement.

<sup>155</sup> Many women had to travel outside of France each year to countries such as the Netherlands, Spain, or England., to have legal abortions due to France's 12-week time limit on abortions performed upon request.

<sup>156</sup> Margolis, *France Expands Abortion Access in Two Key Moves Positive Steps : Advance Reproductive Rights*.

<sup>157</sup> Chrisafis, “France Extends Abortion Limit after Year of Parliamentary Rows.”

<sup>158</sup> Vizzavona, *Tribune* : «*Monsieur le président, votre opinion sur l'IVG est hautement culpabilisante*».

<sup>159</sup> Chrisafis, *France Extends Abortion Limit after Year of Parliamentary Rows*.

<sup>160</sup> Décret n° 2022-212 du 19 février 2022 relatif aux conditions de réalisation des interruptions volontaires de grossesse par voie médicamenteuse hors établissements de santé.

<sup>161</sup> Under a ‘conscience clause,’ which is not strictly defined enough not to be a barrier for women seeking abortions.

*to conduct an abortion for moral reasons by claiming that this provision fuelled the stigma against abortion. They declared they would keep fighting to remove the clause.”<sup>162</sup>*

Nevertheless, France's government is making strides toward removing barriers to safe and legal abortion, which is a positive step compared to other European countries limiting reproductive rights. France's support for abortion rights demonstrates its commitment to progress for women's rights and the recognition of the importance of access to abortion for the health and safety of pregnant individuals globally.

### ***The beginning of a protracted and uncertain legislative battle, Evaluation would not be stopped!***

On 24 June 2022, the US Supreme Court overturned *Roe v. Wade*, the milestone piece of legislation that gave abortion a federal right in the United States. The decision disassembled “fifty years of legal protection and paved the way for individual states to shrink or outright ban abortion rights.”<sup>163</sup> In consequence, lawmakers in France's lower house of parliament, the National Assembly, voted for the bill<sup>164</sup> to enshrine abortion rights in the constitution;<sup>165</sup> this was just the beginning of a protracted and uncertain legislative battle.<sup>166</sup>

The left-wing coalition authors of a proposal argued that it was designed to protect and ensure “the fundamental right to voluntary termination of pregnancy” in France, which is not explicitly guaranteed by the constitution. Mathilde Panot, the head of the far-left France Unbowed party at the National Assembly and co-signatory of the proposal, also stated that “they intended to leave no room for those opposed to the right to abortion, so the aim is to prevent any regression.”<sup>167</sup> Panot also mentioned, “The assembly is speaking to the world, our country is speaking to the world,” dedicating the vote to women in Poland, Hungary, and the United States.<sup>168</sup>

Several conservative and Catholic politicians have expressed misgivings about the proposed abortion change, arguing that it is unnecessary since legal protections are already in place. Marine Le Pen, leader of the far-right National Rally, the largest opposition party in parliament,

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<sup>162</sup> Chrisafis, *France Extends Abortion Limit after Year of Parliamentary Rows*.

<sup>163</sup> Housman, *Roe v Wade Overturned: What It Means, What's Next*.

<sup>164</sup> Proposition de loi constitutionnelle n°293 visant à protéger et à garantir le droit fondamental à l'interruption volontaire de grossesse et à la contraception, 2022.

<sup>165</sup> The bill was approved by 337 deputies voting for and 32 against in the 557-member National Assembly.

<sup>166</sup> Any modifications to the constitution must first be approved by the majority in the National Assembly and the upper house, the Senate, followed by a nationwide referendum.

<sup>167</sup> Corbet, *France Takes 1st Step to Add Abortion Right to Constitution*.

<sup>168</sup> France 24, *French Lawmakers Approve Bill Enshrining Abortion Rights in the Constitution*.

has also criticized the proposal, calling it ‘totally misplaced.’ She argues that abortion rights are not threatened in France, so the proposal is unnecessary. Panot asserted that adding the legal ‘right to abortion’ to the constitution will strengthen this protection and make it more difficult to repeal in France.<sup>169</sup>

On 24 November 2022, The National Assembly passed the bill by striking a deal on the wording of the new clause;<sup>170</sup> “The law guarantees the effectiveness and equal access to the right to voluntarily end a pregnancy,” reads the proposed constitutional addition to Article 66 as Article 66-2,<sup>171</sup> and eventually sent it to the Senate, where Republican Senator Philippe Bas rewrote it.<sup>172</sup>

After much discussion, the French Senate voted<sup>173</sup> on February 1st, 2023,<sup>174</sup> to add the right to abortion to the constitution, allowing the process to proceed with certain modifications.<sup>175</sup> Article 34 of the Constitution,<sup>176</sup> which protects fundamental civil rights, is amended in the Senate draft by adding the phrase “*freedom* for a woman to end her pregnancy.”<sup>177</sup> However, the text proposed by the National Assembly amends Article 66, which protects personal freedoms and would also protect the ‘*right to voluntarily end a pregnancy.*’ RFI (2023) reports that most of Bas' party's senators opposed his measure, arguing that it was unnecessary to modify the French constitution because there was no threat to women's right to abortion.<sup>178</sup> Followed by the Senate Republicans' president Bruno Retailleau's statements, “*The constitution is not made to send symbolic messages to the entire world.*”<sup>179</sup>

After the Senate voted in favour, all eyes are on the French government, so on February 2, 2023, this text was transmitted to the National Assembly for a second reading.<sup>180</sup> If MPs agree on the wording, the bill could be submitted to a referendum.<sup>181</sup> However, proponents want a government bill that would avoid going to the polls., but as Darame and Cordier (2023)

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<sup>169</sup> Ibid.

<sup>170</sup> Proposition de loi constitutionnelle n° 34, 2022.

<sup>171</sup> Le titre VIII de la Constitution est complété par un article 66-2 ainsi rédigé :

« Art. 66-2. – Nul ne peut porter atteinte au droit à l’interruption volontaire de grossesse et à la contraception. La loi garantit à toute personne qui en fait la demande l’accès libre et effectif à ces droits. »

<sup>172</sup> Rfi, *France a Step Closer to Adding Abortion Rights to Constitution.*

<sup>173</sup> The Senate adopted the bill at first reading by 166 votes for, 152 against, and 23 abstentions.

<sup>174</sup> Public session of February 1, 2023 (afternoon), available on [https://videos.senat.fr/video.3232891\\_63da57814c501?timecode=14789000](https://videos.senat.fr/video.3232891_63da57814c501?timecode=14789000)

<sup>175</sup> Proposition de loi constitutionnelle n° 48, 2023.

<sup>176</sup> The 1958 Constitution of France.

<sup>177</sup> ‘La loi détermine les conditions dans lesquelles s'exerce la liberté de la femme de mettre fin à sa grossesse,’ Sénat, “Proposition de loi constitutionnelle visant à protéger et à garantir le droit fondamental à l’interruption volontaire de grossesse.”

<sup>178</sup> Rfi, *France a Step Closer to Adding Abortion Rights to Constitution.*

<sup>179</sup> Ibid.

<sup>180</sup> Sénat, *Proposition de loi constitutionnelle visant à protéger et à garantir le droit fondamental à l’interruption volontaire de grossesse.*

<sup>181</sup> Before the text is submitted for a referendum to become part of the constitution, both houses (The National Assembly and the Senate) must agree.



reports, proponents want a government bill that would avoid going to the polls.<sup>182</sup> Therefore, On the occasion of the national tribute to Gisèle Halimi, a feminist activist and pioneer for reproductive rights, held Wednesday, March 8, 2023 in the courtroom of the first chamber of the Paris Court of Appeals,<sup>183</sup> the Head of State, Emmanuel Macron, announced of a bill preparation, in the coming months, which “*will enshrine the freedom of women to choose abortion and be a solemn guarantee that nothing can ever limit or abolish this right because it will have become irreversible,*” he said.<sup>184</sup> “*The rights of women are always a fragile conquest,*” Macron said.<sup>185</sup>

As mentioned before, there is debate on safeguarding abortion rights through an amendment to the Constitution in the National Assembly and the Senate; both have backed the Idea but with different wording. Nevertheless, “*By committing to the inscription ‘in our fundamental text’ of ‘this freedom,’ the President left no question about his preference for the Senate’s wording,*” Cordier (2023) said.<sup>186</sup>

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<sup>182</sup> Darame and Cordier, *Constitutional Right to Abort: Eyes Are on French Government after Sénat Votes in Favor*.

<sup>183</sup> At the same time, feminist activists gathering in Paris' Place de la République and other French towns for International Women's Day processions appealed for the conservation of this essential human right, abortion right, which is used by an estimated 220,000 women in France each year.

<sup>184</sup> Afp, *Macron Pledges to Make Abortion a Constitutional Right within Months*.

<sup>185</sup> Ibid.

<sup>186</sup> Cordier, *Macron’s Promise to Include Abortion in French Constitution Is Welcome, but the Terms Are Worrying*.

## **6. Discussion**

### **6.1. Achieving the victory of the feminist movement through two key phases: Consciousness-Raising & Policy/Law Reform**

In 1970, feminist movements in France experienced a notable surge, emphasizing the legalization of abortion and persistently advocating for women's freedom to choose and unrestricted access to abortion services. The primary aim of the feminist movement was to achieve the legalization of abortion, along with readily available and accessible services. The pro-choice movement in France emphasized the importance of women's voices and collective action in achieving social change; one of their critical arguments was the importance of bodily autonomy and women's right to control their bodies. In addition, they highlighted the need for safe and legal abortions as a critical aspect of women's health and well-being. The feminist movement also played a significant role in challenging the patriarchal views held by opponents of abortion, including the Catholic Church. They argued that these views sought to limit women's agency and control over their bodies and that reproductive rights were essential to women's empowerment and gender equality. Their activism helped pave the way for the legalization of abortion in the country by raising awareness of the issue through consistent protests, demonstrations, petitions, and letters to newspapers; It worked to build public support for the pro-choice movement. Eventually, the Veil law passage in 1975, legalizing abortion in certain circumstances, marked a significant victory for French feminists and the pro-choice movement; this demonstrated the power of collective action and advocacy in achieving social change and highlighted the importance of challenging outdated laws.

On the other hand, it should be said that the Veil law would have been impossible without the struggle of the French Feminists of the 1960s and 1970s for the legalization of contraception and abortion; however, the impact of feminist movements and women's rights activists on the legalization of abortion in France could be analyzed through various theories. This study suggests that the role of social movements and political opportunity structures is one such framework that suggests that social movements are shaped by the institutional and political context in which they operate, and their success depends on the degree of openness or closure

of the political opportunity structure. In the case of France, this thesis shows feminist movements and women's rights activists have been advocating for the legalization of abortion since the 1960s; however, it was not until 1975 that the French Parliament passed the Veil Law that decriminalized abortion and allowed women to have access to safe and legal abortions. The Veil Law's passage resulted from a long and arduous struggle by feminist movements and women's rights activists, who faced opposition from conservative politicians, the Catholic Church, and other social forces. However, the political opportunity structure at the time was relatively open, with a socialist government in power, a growing feminist movement, and a favorable international context emphasizing human rights and women's empowerment.

## **6.2. Parallel progress: the synchronization of laws and mindsets in response to two key phases - Mobilization and Implementation**

The mobilization and implementation phases of the Spiral Model have played a critical role in the legalization of abortion in France and the establishment a more inclusive and equitable society for women. Feminist movements and women's rights activists have collectively pressured policymakers and lawmakers to recognize abortion as a fundamental right, leading to a greater acceptance of the practice in society. Consequently, opposition to abortion, discouragement of its use, or refusal to perform it have become less legitimate. The measures described in the 'implementation phase' reflect not just the acceptance of abortion as a medical act but also the societal desire to make it safer and less traumatic. As a result, there has been a significant change in attitudes towards abortion in France over the last 50 years, with more people considering it an ordinary and necessary practice; this has resulted in greater freedom and choice for women regarding their reproductive health.

The synchronization of legal reforms and changing mindsets has enabled women to exercise their reproductive rights and has established a framework that respects their autonomy and decisions regarding their bodies. Consequently, France has become a model of progress in providing comprehensive reproductive healthcare and ensuring women's agency in making choices about their pregnancies. The convenience with which women can access abortion services in France and the fact that it is free of charge to demonstrate the success of the laws

and policies that have traditionally determined abortion access in reaching their ultimate purpose.

### **6.3. The battle continues: evaluation will not cease!**

The continuation of the fight for women's rights, in general, demonstrates the importance of fighting to promote women's equality, even though abortion is now a protected right in France. Women's rights activists in France have made tremendous progress in securing reproductive rights, reducing the necessity for constant protests. However, such uprisings continue to occur because they show that change can be accomplished anytime, and women will continue fighting for their rights. Furthermore, this study shows that the COVID-19 pandemic has not halted pro-choice marches, resulting in France extending legal abortion periods and driving medication abortion more available to people who prefer it over surgical abortion; this demonstrates that France is continuing to make strides toward making abortion operations, regardless of technique, more accessible and affordable to all of its inhabitants, and illustrates the value of evaluating the current laws regarding free, legal, safe, and accessible abortion.

Moreover, as this study has demonstrated, France has not stopped at this point; the position presented here suggests that France has taken a very markable step toward adding abortion to the constitution. What is so significant is not whether this measure reaches success or not; on the other hand, the shifting of France's attitude to the issue of abortion is worth pondering, which is evaluating certain circumstances that could threaten abortion right given the current debates in the US. Accordingly, France's recent performance highlights important issues.

First, the evaluation phase does not always aim to adjust the existing law (its access, scope, provisions, and implementation) but sometimes to keep pace with and evolve social changes, which are dynamic in nature, the level of evaluation must also be developed, and this is precisely what has happened in France; Many members of the French parliament argue that now that abortion is legal, there is no threat to this right, while the counterargument, by considering the current progress as a result of a long and historical battle emphasizes on prevention from 'retrogression,' such as what the Us has finally been ended up. Therefore, in the evaluation phase of a social change, sometimes the protective framework of the law should be changed according to the upcoming needs and not just the scope of the existing law, such as the changes displayed in previous chapter.

Second, the evolution of Macron's position on abortion over the past two years highlights the changing political landscape around the issue. Macron's objection to raising the abortion time restriction to 14 weeks in 2021 signalled a conservative stance on the issue. However, in a more liberal position, in March 2023, he declared his intention to make abortion a constitutional right within months, paying tribute to Gisèle Halimi, a prominent feminist lawyer who played a crucial role in the legalization of abortion in France. Halimi's activism marked a significant turning point in the country's struggle for reproductive rights. Macron expressed *“hope that her legacy would inspire the French Constitution to recognize women's freedom to voluntarily terminate their pregnancies without obstruction or reversal.”*<sup>187</sup> Macron's reference to *“reactionary ideologues seeking to reverse progress on women's rights in other countries because of activists who once made them retreat”*<sup>188</sup> suggests a broader global context that may have influenced his position. The recent reversal of the Roe v. Wade ruling in the United States is a clear example of the ongoing political and legal debate surrounding abortion. Macron's commitment to protecting the right to abortion from ‘retrogression’ reflects the recognition that this issue remains contentious and the importance of safeguarding hard-won gains. Macron's shift in position could be attributed to a combination of the legacy of feminist activism in France and globally and the need to defend and expand reproductive rights in the face of opposition.

Overall, his statements illustrate the complex interplay between politics and feminist movements, as well as the importance of women's rights activists in shaping the discourse around abortion rights.

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<sup>187</sup> Cohen, *Macron Calls for Enshrining Right to Abortion in French Constitution*.

<sup>188</sup> *Ibid.*

## 7. Outcome & Conclusion

The case study of the evolution of the attitude toward abortion in France, from the era of criminalization to legalization, is an illustrative example of present-day perspectives on abortion. This historical account sheds light on why France's current abortion laws are structured as they are and how attitudes towards abortion rights have transformed over time, with continued evolution expected in the future. Consequently, understanding the history of women's and abortion rights in France is pivotal in comprehending the trajectory of this issue. Moreover, the legal record of activism reveals why abortion remains a contentious issue, even though it ought not to be, and underscores the need for continued focus on this subject globally. Finally, the analysis establishes that the substantial changes made abortion legal, safe, and accessible. France's success in achieving this outcome is partially attributable to recognizing abortion as a women's and health issue rather than a political or religious issue. Moreover, this success has been built upon the heroic efforts of feminist activists engaged in a prolonged and persistent struggle.

Accordingly, this study suggests that abortion is predominantly perceived as a health issue rather than a political or religious one in France. The country has established social systems to ensure women have affordable and safe access to abortion. Medical abortion has been legal in private practices since 2004 and in family planning facilities since 2009 and has been reimbursed by Social Security since 1982. Additionally, the country has implemented further facilitation during the Covid-19 pandemic. These measures reflect the French commitment to protecting women's health and safety by facilitating access to abortion. Despite limited information on current opinions, the punishment for abortion was not commonly enforced before establishing the Veil law, and social tolerance towards the practice increased. The increase in social tolerance led to the perception of abortion as a tolerated social issue rather than a criminal one, though it had remained illegal. Changes in laws and legislation in response to this increasing tolerance further emphasize France's view of abortion as a health issue rather than a political one. The principle of *laïcité*,<sup>189</sup> a fundamental aspect of French society, mandates the secularization of the state and the absence of any religious influence on public life or politics.<sup>190</sup> This principle influences the French perspective on abortion, viewing

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<sup>189</sup> The 1958 Constitution of France, the first paragraph of article 1.

<sup>190</sup> According to Hennette-Vaucher (2017), *laïcité* as a legal principle, had fundamentally only been considered to create rights for private individuals and obligations for public entities for most of the 20th century. This understanding resulted in laws that mandated absolute religious neutrality for public authority while guaranteeing freedom of conscience and religion for private individuals.”

it as a health issue instead of a political or social issue. Understanding this concept is vital in comprehending the country's attitude to the abortion debate. The emphasis on separating public and private spheres has allowed for the implementation of social structures that provide women access to safe and affordable abortion. Additionally, the stance on abortion highlights the importance of keeping religious and political issues distinct, allowing for a more objective approach to health policies and decisions.

On the other hand, the recognition of abortion as a women's right and the intersection of Women's health and abortion law in France shows how far have France, the women's rights activists, and feminist movements come regarding the abortion rights debate and situation. In this regard, the study shows abortion is now viewed as a women's issue in France, and feminist activists and women's rights movements have worked to frame abortion as a woman's right. The right to abortion and contraception was claimed by Feminist movements in France during the 1960s. These movements aimed to shift the focus from viewing having children as a duty of women to a choice that each woman can decide to undertake. Recognizing the changes in women's societal roles, France has acknowledged the value of upholding abortion as a legal right to safeguard women through pregnancy. France's efforts have shown that criminal prohibitions on abortion are ineffective. Despite anti-abortion rhetoric intended to make women feel guilty for wanting or requiring an abortion, France has made abortion legal, safe, and readily accessible. The country recognizes the importance of prioritizing the lives of self-sufficient living persons over fetuses. To further understand France's abortion laws, it is also essential to consider women's health. France previously lacked accurate knowledge about women's health and reproductive healthcare like many other countries. Today, reproductive health is represented more accurately, and women are given autonomy over their bodies. In addition, the French health system recognizes the existence of abortion and its legality, promoting dialogues about its existence.

The intersection of healthcare in France highlights the need to recognize abortion as a human right worldwide. International human rights law guarantees the right to life and health, suggesting that women should have the right to terminate pregnancies for their health or to save their life. Criminalizing abortion does not lessen unwanted pregnancy rates, and unsafe abortions can cause potentially deadly effects. Acknowledging international human rights law is necessary to protect women and ensure their safety, health, and life. Governments worldwide increasingly acknowledge the need to prevent unsafe abortions to reduce maternal deaths and fulfill their obligations under human rights law, which could lead to significant changes in reproductive rights and medicine. Therefore, the shift in French abortion laws reflects progress

in human rights standards as it upholds reproductive autonomy, advances gender equality, protects women's health, and addresses social inequalities. France's commitment to recognizing and safeguarding women's reproductive rights is an model to other nations and contributes to the overall promotion and protection of human rights worldwide.

Finally, as discussed in the 'Evaluation' phase, the undertaken measures by France have gone so far as to the country is approaching enshrining the right to abortion in the constitution, which if so, France will be the first country in Europe which explicitly includes abortion in its constitution as a fundamental right. Hence, contrary to what some politicians and some researchers have explained, France has achieved a point where abortion activism is no longer required; however, this study suggests evolution would not be stopped, which is why this battle would not be stopped because dynamics are the nature of social issues. Therefore, the spiral approach to France's path to the legalization of abortion as a social change not only provided a comprehensive framework through which to find the connections between feminist movements, women's rights activists, and abortion laws in France but also shows why such an approach to the abortion issue is needed in general; the debate around the right to abortion is consistently evolving; on the other hand, as this study demonstrates, rights can be easily formed and taken away. Furthermore, the spiral approach to examining social change proves that the cycle does not stop after the fifth phase, evaluation; instead, it is a new beginning, an awareness of what has been done correctly or needs to be worked on more. Consequently, the consciousness-raising phase appears on a different level; this trend will continue in a dynamic and endless cycle as long as a society, its needs, awareness, and desire to evolve in humanity exist in this world; thus, it is not irrational that issue of abortion is considered as an endless battle.

## **7.1. Further Research**

This study has laid the groundwork for further research in the future, Firstly, the innovation of this thesis in applying the spiral model, including five phases to examining social change, which shows that “through the collective efforts of feminist movements and women's rights activists in each phase of the Spiral Model, they successfully pressured France to legalize abortion and created a more inclusive and equitable society for women,” can be developed in future studies, in addition, to apply this model on other countries' status or in general utilize this framework to other subject's examination.



Second, empirical research in the form of interviews with women who have had or requested abortions in France is necessary to analyze to what extent the concepts aligned on paper and within the legal framework with women's rights are also satisfactory in the heart of society.

Third, despite the potential success of adding the right to abortion to France's constitution in the future, recent debates around recognizing abortion as a *Right* or *Freedom* by the National Assembly and the Senate have sparked the necessity for research by the discourse analysis approach. Therefore, further research could investigate the role of these frameworks in understanding the impact of feminist movements and women's rights activists on abortion rights in France.

Moreover, other theoretical perspectives, such as intersectionality, gendered political economy, or critical legal studies, could provide valuable insights into the complex dynamics of the abortion rights debate in France. Further research could investigate the role of these frameworks in understanding the impact of feminist movements and women's rights activists on abortion rights in France.

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