

French essays - abortion laws in france



**ASSIGN
BUSTER**

Abortion laws in France – does the system support a pro-choice or pro-life ideology?

The way in which abortion has been viewed culturally has changed dramatically over time. Since the beginning of the twentieth century, attitude change began to liberalise alongside the social and cultural changes spreading through Western Europe. A number of factors have been presented in the literature as contributing to the 'wave of change' evident in contemporary feelings towards abortion. Approximately 50 million abortions are currently carried out worldwide regardless of the differences in laws between countries. More than one-third of these procedures are performed illegally (mainly in the developing world) with nearly one-half taking place outside the health care systems.

Once deemed a sin punishable by death, with more relaxed and liberal attitudes towards sexuality and reproduction, the act of aborting a foetus is now seen by many as a woman's right. Often classified under the title of a 'pro-choice' standpoint, the decision of whether to continue with a pregnancy is seen to rest with the individual, and Governments following this perspective should thus offer the procedure in a safe and supportive environment demonstrating their recognition that a woman should have the right of control over their own fertility. Around two-thirds of the world's women live in such countries, where abortion can be carried out on request, or for a range of reasons. Such laws have led to the development and rise of safe and legal abortions, leading to the rates of pregnancy-related complications such as death for mother or infant, to decrease.

The pace of such liberalisation is however not constant across continents and countries, and laws differ in whether reasons need to be given in regards to the request of the abortion, conditions involved in obtaining treatment, and lastly whether consent of some form, other than that of the female is required. Different levels of explanation required before the abortion is provided can vary from physical and mental health risks to the mother and foetus, to socio-medical or socio-economic reasons, to abortion upon request (predominantly within first trimester). Also, consent in some countries is required for minors (under 16 years, UK) or in more restrictive nations from the spouse of married women (Japan, Turkey). Countries that have more stringent and restrictive conditions have contributed to the slowing in abortion law reform, with restrictions actually increasing within the legal systems of some places. Often classified as a 'pro-life' perspective, such countries view the right of the foetus to life from conception, irrespective of the wishes of the mother. Countries that clearly fall into this category include the United States, where further liberalisation of abortion through changes to the law, have been blocked.

Abortion laws in France currently allow women to have an abortion up to 12 weeks into pregnancy; however there are a number of processes that women must comply with in order to get the procedure authorised. Not only do French women wishing to get an abortion have to attend mandatory 'pre-abortion counselling' but they also need to adhere to a seven day cooling-off period after the counselling before the abortion can take place. France had in earlier time been especially restrictive in its allowance of abortion; during Nazi occupation in 1940-1941 abortion was a criminal offence, and those

practicing in providing abortions could be punished by death if convicted – a lady who had performed a number of illegal abortions around this time was executed in 1942. Although the death penalty was dropped in 1944, abortions were still performed in secret up until the 1970's when French law was relaxed in order to allow women to have an abortion up to tenth week of pregnancy (Law No. 79-1204 of 31 December 1979) and this was then increased in 2001 to be available up to week 12. After this time the agreement of two physicians stating the health of the woman is endangered is required in order to allow an abortion to be performed.

The implications of these requirements can mean a number of things for women. The time limit within French laws often mean that French women wanting to terminate their pregnancy after the twelfth week are required to travel elsewhere (such as the UK) in order to get the treatment. This itself can incur financial consequences through cost of travel and possibly prolonged time off work, but also psychologically as their support systems may not be accessible when abroad, and the stress of travelling to a foreign land with a different language may also add considerably to an already distressing situation. In cases where a woman is within the timeframe to get the abortion in France, so-called counselling sessions are often biased towards getting the female to keep the baby and can thus prove emotionally and psychologically challenging and upsetting, whilst the waiting period can prolong stress and distress levels with having to wait for the procedure to take place. Such actions can therefore severely interfere with the woman's decision making process, which ultimately has the potential to lead to a decision being made that will later be regretted. The time limit of twelve

weeks thus limits women's choice to have an abortion, and when the limit is missed can either lead to an unwanted child or the instigation of an illegal abortion that is likely to be under less safe, with greater health risks than regulated abortions, or where the woman is required to travel outside the country with the associated stressors of doing so, to have the procedure completed.

As to whether French laws are thus consistent with a pro-choice or pro-life approach, the distinction in this country is not clear cut. The fact that women (over 16) may opt for an abortion on request without specific reasoning given, without consent from another required, appears to be consistent with the liberal pro-choice perspective. However the relatively strict time limit imposed, coupled with the enforced and often biased 'counselling' and set waiting period before the procedure can be performed does appear to attempt to make it as difficult as possible within the framework of French law, for the woman to terminate her unwanted pregnancy. French law can therefore be seen to be more pro-life than other similar western European countries such as the UK where counselling is not mandatory, and abortion can be performed up to 24 weeks into pregnancy.

French law may in light of the points discussed, be seen to fall within some median point on the continuum between pro-life and pro-choice ideology, which may seem to benefit from giving the unborn foetus a degree of right to life, and yet also be seen to be restricting women in respect to their own reproduction capacity, in comparison to similar European countries, which may anger many in our culturally liberal modern day society.

ESSAY PLAN: ABORTION LAWS IN FRANCE: DOES THE SYSTEM SUPPORT A PRO-CHOICE OR PRO-LIFE IDEOLOGY?

INTRODUCTION

What has the background to abortion laws been, and how has mood and societal reflection on the topic changed over time...

PRO-CHOICE & PRO-LIFE EXPLANATION

What are the pro-life and pro-choice movements, and what does each of these perspectives involve....

THE LAWS IN FRANCE

Current laws and requirements for abortion to be granted

IS FRANCE PRO-LIFE OR PRO-CHOICE?

Are French laws consistent with a pro-life or pro-choice ideology?

CONCLUSION OF THE POINTS

REFERENCES

Abortion in Law, History and Religion (1995) Childbirth by choice Trust

' Abortion Policy: France' The Population Policy Data Bank: Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat

Gearty, C (2004) ' The politics of abortion' The Tablet

Latham, C ' Policy networks and reproductive rights in France and Britain'

BRIEFING PAPERS

' Crafting an abortion law that respects women's rights: Issues to consider'

(2004) Center for Reproductive Rights

' Safe and legal abortion is a woman's human right' (2004) Center for

Reproductive Rights

INTERNET RESOURCES

<http://cyber.law.harvard.edu/population/abortion/France.abo.htm>

<http://www.protectchoice.org/>

<http://www.abortionfacts.com/>

<http://www.prochoiceforum.org.uk/all1.asp>