

# The French are enshrining the right to abort in their constitution.

They call it “historic” but there is no reason to be proud



Sure, if somewhat perplexed...



As a French citizen of German origin I've been living in “le Hexagone” for over 40 years. Notwithstanding my perfect “intégration” (not “assimilation”, sorry!) some cultural gaps remain wide open.

Take abortion rules, the big topic in the French news media these days. France is now the first country in the world to have enshrined in its constitution the right to abort. They say it's historic. Even better, they say it's “a message sent to 'all women of the world” (*Le Monde*). Unsurprisingly, there is lot of *cocoricoing* in the air. So far, so French.

The French president, hailed the decision as a "French pride" and confirmed that a public ceremony to seal the Constitution would take place on Thursday, March 8, the date of International Women's Day. The event will be held at Place Vendôme in Paris and will be open to the public. The Paris populace will attend by the tens of thousands, with lots of ‘tricolores’ (and red flags) and noisy chanting of the “Marseillaise”. The evening news outfits will leave no room for other topics.

The surprising (and very un-French) consensus (strong supporters of the legal right to abortion, a large majority of the French support the step) leaves me puzzled. And the unanimous flag-waving across the aisle has triggered my private alarm bells. What's wrong with me? Why can't I join in the patriotic choir?

I gave these questions some thought that I want to share with you in this first editorial of mine, modest thoughts and, more importantly, a couple of hard facts you might not have come across so far.

## A philosophical commonplace of modernity

The thing is, enshrining in the constitution the French women's right to abort – be it for the benefit of all women of the world - actually won't change anything because the text of the constitutional revision simply states what is:

“The law determines the conditions under which the guaranteed freedom for women to have access to voluntary termination of pregnancy is exercised”.

“In other words, and contrary to what is read or heard in some comments, it is not the right to abortion or women's right to control their bodies that has been constitutionalized, but rather the freedom of the legislator to regulate access to abortion. All the arguments put forward to justify this revision fall flat: if in the future there was a "reactionary" majority to vote for more restrictive conditions on the freedom to abort, the process would be perfectly constitutional.” \*

Which reminds us of a philosophical commonplace:

“In order to remind us that nothing is eternal, Michel Foucault pointed out that there are no eternal ideas. Ideas are born and die. The idea that there are eternal ideas was born. With the end of metaphysics, it died. This observation has greatly informed the post-metaphysical character of postmodernity.” \*

Let's be clear about it: the French Congress was convened not to *legalize* abortion, but to *make this legalization irreversible*. The nuance is important. It means that the Congress was not convened to pronounce on abortion. *The aim*

*was to make a law a non-negotiable principle.* Unfortunately such a desire belongs to the realm of dreams. We would all like certain rights and certain laws to be non-negotiable. But this has never existed and does not exist. \*

### **France has the highest abortion rate among Western European countries and the numbers are raising**

Two hard facts that neither French politicians, nor the French media were ready to share with us during the national debate on the constitutionalizing of abortion are easy to find in the internet. Here are two of them:

1. France has the highest abortion rate among Western European countries:

“According to Eurostat, France holds the record in the European Union for the number of abortions performed each year. In 2022, there were 320 abortions per 1000 births according to DREES (2023), placing France at the top of European countries, well ahead of Germany or Switzerland, which had 129 and 125 abortions per 1000 births respectively (Eurostat, 2020).” \*\*

320 abortions per 1000 births? Sorry but this seems quite a performance! And a noteworthy piece of information, right? It means we are Western European champions in the discipline of abortion rates! Hence, let's (for once) agree with our president and let's be proud of it! What a shame it's not an Olympic discipline. A gold medal this summer in Paris would be within reach. “Allez les Bleus”.

2. In most all countries these rates are falling. In France, in contrast, they are raising.

If you do some more Googling, you will find out that abortion rates have significantly decreased in most of Europe. “According to the latest available Eurostat data, they are falling in all European countries except France, the United Kingdom, and Spain. This decrease is not solely due to population aging because the abortion rate per birth has decreased significantly.” \*\*

### **What about the material reality of abortion? What about its victims?**

Having observed the debate on the constitutionalizing of abortion closely, I would say that it was strangely beside the point, as if the essential questions were not to be asked. What was totally overlooked was “the very fact of abortion and the object that is its victim” \*, which is strange because as everybody knows, an abortion is far from being a walk in the park. This often sad reality of abortion, it is agreed upon not to speak of it. It's a French taboo. The debate also overlooked the material reality of abortion, which we should nevertheless be able to face: what are the causes and consequences of abortion? And what about our situation compared to other European countries? If we dare ask all these questions, we will see that, sure, France stands out (as always), but for the worse (as often).

### **Why hundreds of thousands of French women are resorting to abortion each year?**

There is no doubt one reason of France's high abortion rates – one more “exception française” - is female poverty. You can find evidence of it in almost all sociological studies: the poorer and more isolated a woman is, the more she is exposed to the risk of undergoing an abortion.

But think twice and you'll see a problem with this (social) argument. The problem is logic: since in all poorer European countries the abortion rate is lower than in France, there *must* exist some specific reasons for our national record numbers.

So why? I'm generalist, not a specialist. So I don't know. Over the time of more than 25 years of teaching weekly international press revues - and still these days as a retiree and incurable press addict - I never came across interesting articles questioning this inglorious French exceptionalism. Why is this? The fact, I guess, is: nobody cares. But why does nobody care about questions that involve the life of hundreds of thousands of women? Are we too busy cleaning up the “culture du viol” in the milieu of middle aged formerly famous actresses?

### **You have to break eggs to make an omelette (i.e.: Revolutions come at a cost)**

In the eyes of my (wokish) former university students, I'm just an old white man. As such, my naive commenting on “progress” in the field of abortion is nothing but a crime against humanity. Nonetheless I'm foolish enough to take the risk of sharing with you my hypothesis about the unexplained “je-m'en-foutisme” of the French, an hypothesis to be further explored.

Here is it: in this country, the abortion rights issue is part of a the glorious (and very French) narrative of heroic revolutions that granted its own people with happiness and were passed on “to all mankind” as a gift: “France is the fatherland of human rights”, they say (no kidding).

For Monsieur Dupont, the details of these revolutions are but collateral damage and are hardly worth mentioning. You have to break eggs to make an omelette, n'est-ce pas? Don't dig deeper, just be proud! And feel superior to your neighbors. Cocorico!

**Note:** If Monsieur Dupont (and my former students) knew what your blogger knows about the German abortion rules, and if they knew that he deeply agrees with them (as do most of the German, women and men), they would be first bewildered, then red with anger at the “reactionary” German people as a whole who still insist protecting the “nasciturus” (one who is to born). So you better abstain from Googling it (in case you can't resist, look it up on Wikipedia: “Abortion in Germany”. It's available in French).

\* [Inscription de l'IVG dans la Constitution : les illusions \(démocratiquement\) dangereuses | Atlantico.fr](#)

\*\* [Nombre d'IVG : la France en tête des pays européens \(eclj.org\)](#)

Translations from French into English by Chat GPT 3.5