

Abortion and the Biopolitics of Birth

Kayla Pincus

The New School for Social Research

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## **Abstract**

State intervention in abortion is a biopolitical maneuver and is never truly about the rights of the fetus or the rights of women. In America, claims that abortion is immoral are founded in religion. In France, the fight against abortion has become disorganized and ineffective because of its relatively honest recognition of the topic as a political issue that threatens population and, therefore, economic growth. This perspective proves Donna Haraway's notion of how fetuses act as secular symbols that veil the true economic motivations behind anti-abortion policy. She says that, "Reproductive politics are at the heart of questions about citizenship, liberty, family, and nation" (Haraway 189). Theories of social dominance add to this perspective in proposing that groups maintain their stability and social hierarchies through institutional discrimination (Sidanius).

## **History of Abortion**

Abortion is the medical procedure that ends a pregnancy before birth. Today, this procedure can be undertaken with a medication or an in-clinic surgery. Birth control is a method used in order to end a pregnancy before it begins. This method can be undertaken through the use of condoms, a daily pill, or a range of other processes. In Europe and the U.S., birth control forms are considered legal and generally not up for severe moral question today.

Abortion, however, stands as a moral and legal question. Historically, the Bible refers to abortion but only in relation to property loss as opposed to the sacredness of the fetus' life. Abortion was accepted in Ancient Greece and Rome. Arguments opposed to abortion stemmed primarily from a father's feeling of deprivation as opposed to protecting the rights of the unborn

child. Aristotle said, "...when couples have children in excess, let abortion be procured before sense and life have begun; what may or may not be lawfully done in these cases depends on the question of life and sensation" (Aristotle 295). Dissenting views were developed along the lines of when said "sense and life" begin.

In France, abortion became legal in 1975. Beforehand, abortions were only legal in the case of the mother's life being seriously endangered. The early 1900s was the beginning site of reproductive freedom in France with feminist activist Madeleine Pelletier who published a brochure on abortion. After the first World War, France instituted pro-birth policies that paid citizens to reproduce in order to re-populate the nation. Prison penalties were implemented for the use of contraception. Mothers with large families were awarded medals. In 1943, Marie-Louise Giraud -- the last woman in France to be guillotined -- was executed for performing abortions. In 1946, 5,251 people were prosecuted for having or performing abortions. It was only in 1967 that contraception was legalized (Breton).

In 1975, the Veil Law was passed and abortion was legalized in France. Abortions could not take place after 10 weeks and the law placed heavy confines on the women and doctors, such as requiring a period of 8 to 11 days for 'reflection'. In 2001, a law was passed that extended the period of time between conception and abortion to 12 weeks, allowed for anonymity and removed abortion from the criminal code (Breton).

## The Manifesto of the 343 and The Manifesto of the 331

On April 5, 1971, 343 women signed a manifesto stating that they had had abortions and published it in the magazine *Le Nouvel Observateur*. Written by Simone de Beauvoir, it included the following passage as well as an outline of their resistance to legal reproductive control:

*"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. We are 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" (L'Obs).*



*Le Nouvel Observateur, 1971*

This public declaration exposed all 343 women to criminal prosecution and caused uproar. That week, French satirical magazine *Charlie Hebdo* released their weekly piece with the cover done

by Jean Cabut: “Qui a engrossé les 343 salopes du manifeste sur l'avortement?” The English translation is: "Who got the 343 sluts [bitches] from the abortion manifesto pregnant?"



*Cabut, 1971*

This gave the manifesto the nickname “Manifesto of the 343 Bitches” or “Manifesto of the 343 Sluts”, which became a phrase of endearment. It was a point of calling out the men in government who both make decisions for society as well as exist as the sexual counterparts to women who have said pregnancies and abortions.

In response to this action, two years later on February 3, 1973, 331 doctors signed a manifesto in opposition to legal reproductive control:

“We want freedom of abortion. It is entirely the woman's decision. We reject any entity that forces her to defend herself, perpetuates an atmosphere of guilt, and allows underground abortions to persist” (L’Obs, 1973).

\* Voici le texte que 252 médecins, parmi lesquels 22 agrégés, ont déposé signé. Ils invitent tous les médecins qui l'approuvent à se joindre à eux.

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Il y a en France, selon les estimations les plus courantes, 250 000 avortements par an, effectués dans des conditions dont la sécurité ne dépend pas des possibilités financières. Cela en dépit d'une législation qui fait de l'avortement un délit. C'est dire de quel point l'avortement est un droit pour lequel les femmes se battent, qu'on le veuille ou non, prononcées dans les faits. Cela, notre expérience quotidienne nous l'interdit de le nier.

*discrimination fondée sur l'argent, nous nous rendons coupables de « non-existence à personne en danger ».*  
*C'est là que, pour nous médecins, réside le problème moral.*

*C'est pourquoi, au nom de notre responsabilité médicale, nous nous dressons contre une loi incohérente.*

*C'est pourquoi, au nom du respect des libertés individuelles, nous nous prononçons pour la liberté de l'enfermement.*

Bernard ARMANDO  
Jean-Yves ACHILLE  
Jean-Pierre AMER  
Leslie Ann ANGLADE  
Jean-Marie ANDRÉ  
Claudio ARZU  
Roy ALLAN  
Renée ALLAN  
Claude ARZU  
Jean AYME  
Danièle BAICH  
André BAICH  
Laurence BAICH  
Claudio BASCHET  
Jean Pierre BAUDRY  
Pierre BERRIGNON  
Jean BILAU  
Albert BENESSA  
Albert BENESSA  
Norbert BENARD  
J. BINDER  
Richard DE BONICIS  
Claude BERSAY  
Marion BERTHELE  
Eric BERRARD  
Jean BIGNON  
Jesse BIRDS  
John BLOCH-JACHEL  
Philippe BO  
Gérard BOVIN  
Julien BOUENS  
Jean BOUEN-GRIVY

Jean BOURGAIN  
 André BOURGAIN-LONDON  
 Fabrice BROUSSARD  
 Steve BRIDGEMAN  
 Allen BRISQ  
 Ulfarur BROUD  
 Philippe BRUN  
 Mathieu de BRUNHOUT  
 Jean-Benoît BRUNEAU  
 Raphaële BRYL-GOREL  
 Michel CAMBAUS  
 Pierre-Claude CASAN  
 Jean-Paul CATHÉRIE  
 Isabelle CAUBERRE  
 Dorcas CAUBERN-JUIN  
 Gilbert CHAGNIN  
 Claude CHAGNIN  
 François CHAMPRED  
 Geneviève CHATELAIN  
 Béatrice CHENEMIA  
 Alice CHENIER  
 Claude CHENIERE  
 Denis CHICOT  
 Jean-Claude COIS  
 Suzanne COFF  
 Georges COHEN-SOLAL  
 Jean COHEN  
 Alice COTTANGE-WATTEHOUSE  
 Jean COURNUT  
 Monique COURNUT  
 Pierre CROISSANT

[illegible]

Eric LEVINSKY  
 Raymond LEVINSKY  
 Mikhail LEVINSKY  
 David LEVINSKY  
 Principis LEVINSKY  
 Vito LEVINSKY  
 Andrew LEVINSKY  
 Pierre LEVINSKY  
 Justin LEVINSKY  
 Harbison LEVINSKY  
 Michael LEVINSKY  
 Anthony LEVINSKY  
 Jean-Paul LEVINSKY  
 Francis LEVINSKY  
 Alexander LEVINSKY  
 Nicolas LEVY  
 Paul LEVY  
 Steven LEVINSKY  
 Frederick LEVY  
 Christian LEVINSKY  
 Lucien LEVY  
 Albert LEVY  
 Pierre LEVINSKY  
 Daniel LEVINSKY  
 Maurice-Thomas LEVY  
 Daniel LEVINSKY  
 Vito LEVY  
 Jean LEVINSKY  
 Jean-Pierre LEVY  
 Jean-Christophe LEVINSKY  
 Philippe LEVINSKY

[illegible]

Bernard JARED  
 Claude JULIAN  
 Michel MAILLONDEAU  
 Gilbert THORCHON  
 André-Jean THÉRIOT  
 Suzanne THÉRIOT-CHEN  
 Michel TOFFIOLANS  
 Eugène TOULON  
 S. TROUSSARD  
 René TROUSSARD  
 Anne TUNST  
 Claude VALLE  
 Bruno VALLAT  
 Jean-Claude VERNANT  
 Jean-Paul VERNHAT  
 Yves VIGNAT  
 Y. VILLETCHOUX-BONHAFTE  
 Catherine VINCENT  
 Christine VIRGILIUS  
 Michel VOGLER  
 François VOISIER  
 Odette VUJIC  
 Marceline VUJIC  
 Monique WAGELER  
 Claude-André WARMANES  
 Daniel ZUCKER  
 Joseph ZIGAL  
 Jean ZUCKMAN

*Les signataires peuvent dire  
 simplement ou durement  
 oui ou non à l'avis de la  
 Délégation, l'ordre-à.*

This manifesto was published in *Le Nouvel Observateur* as well. Among those who signed the manifesto were members of the Groupe Information Santé (in English, the Health Information Unit). This group consisted of doctors, philosophers and sociologists. Foucault, himself, was the only named contributor of their outlined terms. This group self-identified as:

“The GIS has set itself the task of developing an intolerance for the health system in France, both unblocking and correcting information regarding health problems, and struggling against false propaganda that confuses an increase in medicine consumption with an improvement in health conditions” (Groupe Information Santé 1974).

The group aimed to bridge the gap between expert knowledge of specific areas and those with less expertise but who are affected by that knowledge (i.e. bringing the gap between doctors and patients). They also claimed that the ownership of medical knowledge reflects a struggle of class and is not neutral (Groupe Information Santé 1974).

## **Biopolitics and the Criticism of The Manifesto of the 331**

The theory of biopolitics originated with Michel Foucault in the mid-20th Century. It can be defined as the following:

“To say that power took possession of life in the nineteenth century, or to say that power at least takes life under its care in the nineteenth century, is to say that it has, thanks to the play of technologies of discipline on the one hand and technologies of regulation on the other, succeeded in covering the whole surface that lies between the organic and the biological, between body and population. We are, then, in a power that has taken control of both the body and life or that has, if you like, taken control of life in general – with the body as one pole and the population as the other” (Foucault 1978, 252).

Biopolitics is the power and structures that are created in order to optimize populations, but that additionally and often instead impose external, detrimental and un-human controls over those populations. Abortion as a political topic is inherently biopolitical: it is the politicization of a biological process. As Foucault and the GIS put it, the men in the medical and political spheres had come to play too big of a role in France’s abortion structure, where the women’s bodies were those affected but not those in control.

The question arises on the role of others in deciding abortion. In response to the Manifesto of the 343 and the Manifesto of the 331, Minister of Health Jean Foyer said, “it is deplorable that a political operation be launched on such a serious problem during an election” (Pol Echevin). This perspective exemplified the disconnect between the people and their representatives- it illustrated the additive (in contrast to deductive) power of the state and its dominating force over those it was supposed to be representing. A democratic election is useless if it does not address the concerns of those being governed.

## Pro-Life Arguments

France is a notoriously secular nation. In its Constitution, it states that “France shall be an indivisible, secular, democratic and social Republic” (La Constitution). It can be said that:

“While France formally enshrined *laïcité*, a rigid brand of secularism premised on liberal notions of French nationalism, as its comprehensive doctrine, the American First Amendment is distinguishable because it does not operate as doctrine, but rather as a doctrinally neutral platform ensuring its citizens the right freely to exercise any religion. Hence, because secularism functions as France’s guiding comprehensive doctrine, to the exclusion of a panoply of other worldviews adhered to by its citizens, an overlapping consensus of just governance cannot be had, while the American model of neutrality accords with Rawls’ notion of justice as fairness in a pluralistic society” (Beydoun 191).

Therefore, the arguments opposing abortion have been limited in their scope. In the United States, using religion as the grounds for abortion has been tolerated and, at many times, accepted into the formation of law. In France, however, this logic does not hold up. As discussed previously, the primary explanation for France’s anti-abortion policy was to expand the population after the first World War. Their motivations were economically-based and therefore not as organized or effective as that of the U.S.’s anti-abortion advocacy groups.

Foyer, by stating that the topic of abortion should not be discussed during an election, shows just how relevant the state is in this matter one way or another. On the one hand, it has been postulated that the state implementing a cultural acceptance of abortion has led to racial sterilization. On the other hand, the state’s interference in a woman’s control over her body also speaks to a coercive and inappropriate role of the state. To the former argument, women of color in the U.S. are five times as likely to have an abortion as white women (Dutton):

“In the United States, women and girls who were welfare recipients [...] were sometimes coerced into using Depro-Provera or Norplant. Each of

these intrusions obviously focuses on a woman's (or girl's) reproduction, or its nullification. In these cases, the ordinary privacy expected to accompany sexual intimacy becomes a matter of government notice, regulation, and control, which are attached to particular bodies. This loss of privacy seems unique to women and specifically attached to their reproductive potential" (Holloway 53).

If abortion is used in this way, it is extremely harmful to the democratic society, because it seeks to depopulate a specific group. This can be compared to Giorgio Agamben's state of exception of the notion of refugees: people who are not fostered by the system. Additionally, it takes the rights of reproductivity away from the woman.

If state intervention is used to withhold abortion rights from a woman, that too is harmful to a democratic society, because it takes away a woman's rights to her own bodily functions. In France, abortion was not allowed but was only prosecuted in 10% of cases that involved a woman traveling to the United Kingdom for her abortion (Groupe Information Santé 1973). In effect, this made it so that only those with enough financial means to travel could have abortions. Jean Foyer said, "The vices of the rich should not become the vices of the poor" (Rosenberg-Reiner). French politicians had the leeway to make this argument because, unlike Americans, they were not arguing on moral grounds, but on the grounds of population expansion. The French, in this way, were more honest about the economic motivations for their political stance against abortion. This is a confusing connection to Donald Trump's statements about the overturn of the Supreme Court decision in *Roe v. Wade* and women being allowed to get abortions in another state if their home state outlaws abortion (de Vogue). This method enables the upper class and disables the lower class.

A citizen's control over their own body is a threat to the biopolitical structure of a nation. If a member of society has the right to the functioning their own body, they become an owner of an entity and not an owned entity by the state. Abortion is therefore immoralized and the veil of religion is placed over the issue in order for the state to regain its control over the population.

Foucault said:

“Beneath that great absolute power, beneath the dramatic and somber absolute power that was the power of sovereignty, and which consisted in the power to take life, we now have the emergence, with this technology of power over ‘the’ population as such, over men insofar as they are living beings. It is continuous, scientific, and it is the power to make live. Sovereignty took life and let live. And now we have the emergence of a power that I would call the power of regularization, and it, in contrast, consists in making live and letting die” (Foucault 1976, 247).

Motivations for the U.S. anti-abortion campaign are put into question when dealing with the well-being of a life post-birth: which lives are fostered? Which lives are disallowed?

Conservative Americans both argue to foster the life of the fetus as well as to limit aid to and neglect humans in need as children or adults. When is a person or their actions the object of political subjection? Why is the rights of the fetus central to the anti-abortion rhetoric and the rights of the already-fostered human ignored? These arguments are contradictory and shed light on the logical fallacy presented.

Donna Haraway discusses the role in anti-abortion rhetoric of the fetus as a secular sacrum. “In many domains in contemporary European and U.S. cultures, the fetus functions as a kind of metonym, seed crystal, or icon for configurations of person, family, nation, origin, choice, life, and future... [T]he fetus functions as a modern ‘*sacrum*,’” (Haraway 175). This concept of the fetus as a sacred entity has been applied to actual religious arguments in

opposition to abortion, but serves as the previously discussed veil over the motivation of the state to limit citizens' self-control and maintain the state's control over the population. Haraway further states that, "Working uncritically from the viewpoint of the 'standard' [white and conservative] groups is the best way to come up with a particularly parochial and limited analysis of technoscientific knowledge or policy, which then masquerades as a general account that stands a good chance of reinforcing unequal privilege" (Haraway 197). This warns of the importance of vigilance in the face of conservative arguments that maintain state control over the individual.

## **Conclusion**

Biopolitics helps illuminate the issues inherent within the abortion debate in politics on a multi-national level. Social dominance theories indicate economic motivations as the cause for immoralizing abortion under the guise of protectionism. The Manifestos of the 343 and 331 represent an attempt to regain cohesion between the medical and the biological; the political and the population. Haraway's review of access to abortion and reproductive health by women with a speculum and Foucault's criticism of a secretive separation between medicine and citizens shows the alienation of the population from its supposed representatives. A technocracy is created in which only certain people have access to knowledge and power, rendering the rest of the population self-help-less. Further research should more deeply consider specific theories of social dominance and economics in relation to abortion policies and perspectives in order to more fully understand the dynamics operating in this biopolitical system.

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