

Women's Right to Abortion: A Comparative Study of The United States and France

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Abstract. This paper is a comparative examination of abortion rights in the United States and France, focusing on their contrasting socio-political, legal, and cultural landscapes. The U.S system highly polarized and shaped by the 1973 Roe v. Wade decision initially guaranteeing abortion rights under the right to privacy. However, the recent 2022 Dobbs v. Jackson Women's Health Organization ruling overturned Roe, returning abortion regulation to individual states and leading to a patchwork of restrictive and permissive laws a shift that intensified women's reproductive rights debates among religious and conservative movements. Contrastingly, France's Veil Law of 1975 legalized abortion marked a significant women's reproductive autonomy. France has gradually expanded abortion access, with the legal limit extended to 14 weeks in 2022. The country's secularism approach as minimized the influence of religious ideologies on abortion policy, and feminist movements readily securing these rights. This comparative analysis establishes the impact of legal frameworks, political environments, and cultural contexts on women's access to abortion services, implications for reproductive health, autonomy, and social justice.

Keywords: Abortion rights; reproductive health; legal framework.

1. Introduction

Abortion rights remain one the most hotly debated aspects in global society with many nations having had different legal, social, and political stances on the aspect as to its address the ethical and moral dilemmas [1,2]. With brewing conflicts between social rights and religious ideologies, abortion remain contentious to contrast the one's especially women's right against religious and cultural considerations. In most cases abortion has been practice in life saving circumstances despite stringent legal implications. Societies such as the United States and France have witnessed massive evolutions on various social rights. The Bill of Rights has been in center stage with each nation interpreting its elements differently. In the US following the 1973 Supreme Court's 7-2 decision in *McCorvey's* favor holding that the Due Process Clause, the Fourteenth Amendment to the United States Constitution established the fundamental "right to privacy", and protected pregnant woman's right to an abortion [1]. Consequently, in France the statutory law of 1975, the Veil Law (*Loi Veil*) legalized and regulated abortion [3]. This essay explores the contrasting approaches to abortion rights in the United States and France, two countries with distinctly different socio-political landscapes. While the United States has witnessed intense polarization around abortion rights, France has generally maintained a more consensual approach, despite its own challenges. This essay argues that both countries' legal, political, and cultural environments have shaped their divergent paths, illustrating broader issues of women's rights and autonomy.

2. Historical Context

2.1. United States

Historically Abortion rights in the U.S have been subject of medical and legal development from the 19th Century. Establishment of the American Medical Association in 1847 saw the development of assertive reproductive health authorities. The organization, in the criticism of male domination launched the criminalization campaigns against abortion and scrutinize the practices of midwives and female healthcare providers who had historically provided reproductive care thus, a widespread

abortion restrictions and states only permitting the practice on the necessity of saving patient's life or health.

With increased criminalization, abortion was stigmatized with societal shame and control over women's reproductive autonomy. The 1960s and early 1970s Feminists and New-right Movements sparked a change for abortion rights. The Supreme Court's decision in *Roe v. Wade*, which legalized abortion nationwide became monumental with a position that a woman's right to an abortion was constitutionally protected under the right to privacy, allowing for abortions up to the point of fetal viability (approximately 24 weeks). The decision spurred a political and cultural firestorm, with distinct camps of opposers: the pro-life movement, advocating for the rights of the unborn, and the pro-choice movement, defending a woman's right to control their body.

The *Roe v. Wade* case has however, been challenged over the years. For instance, the 1992, *Planned Parenthood v. Casey* reaffirming the constitutional right to abortion but introduced the "undue burden" standard, further strengthened abortion restriction without as without proof of imminent danger on the life of woman seeking abortion being outlawed.

Further, in 2022, the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, to reinstate abortion regulations to the states. The decision has further, patched abortion laws across the country, with states like Texas and Alabama enacting near-total bans, while others, such as California and New York, uphold access to abortion services. Hence, U.S. has polarized abortion debate, with significant implications for women's reproductive health and autonomy.

2.2. France

Contrastingly, France legalized abortion in France 1975 with the passing of the *Loi Veil* (Veil Law), named after Simone Veil, a Holocaust survivor and minister of health, who championed the legislation [3]. The law legalized abortion up to 10 weeks of pregnancy (later extended to 12 weeks and then to 14 weeks in 2022) on the brinks of a heated national debate. While conservative and religious forces, particularly the Catholic Church, opposed the law, the French feminist movement have steered the for its passage. Significantly, French's secularism approach has further wanned the Catholic's church influence on the subject.

French's abortion law has progressively been reformed and liberalized. In 1982, the France's national health insurance system covered abortion costs and in 2001, the legal period for abortion extended from 10 to 12 weeks of pregnancy. Similarly in 2014, the requirement for women to prove they were in distress to obtain an abortion lifted, to affirm the right to choose in the subject.

In 2024, in the Woman's celebration, French President Macron announced the making of abortion a guaranteed right prescribed in the constitution [4]. The country hence, on its way to become the first explicitly guarantee abortion as a constitutional right. Therefore, abortion in France remain conventionally uncontroversial compared to the United States. French's public opinion has also supported a woman's right of choice with bipartisan political landscape consensus on maintaining access to abortion services. However, limitations, such as mandatory waiting periods and counseling, are enforced. France's legal and cultural environment has contributed to a relatively stable framework for abortion rights, with limited moral and political confrontations.

3. Legal Frameworks

3.1. United States

For decades the 1973 Supreme Court decision in *Roe v. Wade* has shaped the U.S abortion legal framework recognizing the right to abortion under clause of the 14th Amendment. The court positioned that woman's pregnancy termination are inscribed within her privacy rights. The law structured a trimester framework, limiting states on not to restrict abortions in the first trimester, with regulations in the second trimester in the event of maternal health. The state also could prohibit the third trimester abortion except in cases where the mother's life or health was at risk. This became a

national standard that superseded state laws banning or heavily restricting abortion. The Roe v. Wade decision emphasized balancing the state's interest in protecting both the life of the mother and the potential life of the fetus, setting the stage for ongoing legal and political battles over the scope and limits of abortion access in the U.S. It served as a federal standard until challenged by subsequent cases, such as Planned Parenthood v. Casey in 1992, which modified the Roe framework but upheld the basic right to abortion [2].

It is significant to mention that the legal position changed significantly after the Dobbs v. Jackson Women's Health Organization in 2022. The Supreme Court decided that neither the constitution is protection for the women to procure an abortion and thus the states have the power to decide on this matter. This has produced an extremely large variation in the laws governing abortions in different states of the U. S. while some states have enacted strict bans on abortions others are protecting this right. The current legal status of abortion is especially considered as a rather sensitive and disputable issue as the discords and litigations in the USA continue, regarding the rights of women in the country.

Post-Dobbs, the legal landscape has shifted dramatically. Restrictive abortion laws, such as "heartbeat bills" have been passed by several states. These laws forbid abortions after six weeks of pregnancy, when many women are still unaware that they are pregnant [5]. Within days following the Supreme Court decision, statutes that had been suspended were reinstated in Ohio, South Carolina, and Tennessee. After Roe put the laws in place in about a dozen other states, Texas was the first to effectively enact one of them. At least four other states have legal actions pertaining to similar statutes. On the other hand, states like New York have passed laws explicitly protecting abortion rights, creating a profound legal divide within the country thus, significant implications for women's access to reproductive healthcare, especially the economically disadvantaged or conservative regions.

3.2. France

Abortion laws in France can be described as dynamic since the laws have been reformed from time to time. Abortion first legalized in 1975 under well-known "Veil Law", the procedure was legal until the first ten weeks of pregnancy. This limit got increased 12 weeks in 2001 and further to 14 weeks in 2022. French national health insurance also pays the expenses of an abortion; therefore, it is available for all the women in France. France became the first countries to legalize the use of Mifepristone which is a medical abortion pill and improved accessibility to safe abortion [6].

In March 2024, French Parliament decide to put rt to abortion in the French Constitution and thus becoming the first country to give constitutional right to abortion. This amendment was made in response to threats to reproductive rights around the world especially after the ruling by the US Supreme Court to overturn the Roe v. Wade. Hoping to protect the rights of women from being rolled back in future political decisions, this step was made. This was a victory for reproductive justice in France, but there are still structures preventing women from accessing abortion, which may include geographical location and social issues that continue to plague the societies across the world.

4. Cultural and Religious Influences

4.1. United States

Abortion rights discourse in the US is closely tied with culture, and religions right in 1980s. Evangelical Christians, together with conservative Catholics, led a struggle to put anti-abortion in the foreground of moral and political agendas, equating it with other ongoing cultural wars for "family values" and "Christian morality" [7]. This movement has effectively grounded itself in the political system of the United States and to influence policies and judicial and advocacy for anti-abortion legislation. Cultural and religious have defined abortion not as a legal matter but a sin against the preservation and sanctity.

Furthermore, religious right has raised issues of the church-government relations hence violating the American constitution as a state with a sovereign nation. U.S.Supreme Court Justice Amy Coney Barrett raised concerns on whether religious beliefs are being incorporated in the interpretation of

legal principles [8]. This is evidenced by the US's political culture where laws governing abortion are couched in religious sentiments particularly traditions of conservatism primarily in the Christian States. They figured in the ongoing debate on abortion to date, not only are the religious right bent on reversing the Roe v. Wade decision, they also actively lobby for change in state laws and ordinances contributing to the division in the American culture on the issue of abortion. The rise of social conservatism, particularly during the Reagan era in the 1980s, intensified the polarization of the abortion debate. Today, the issue remains a litmus test for political candidates, with the Republican Party, and is a focal point in broader cultural wars between progressive and conservative values [8].

4.2. France

The role of Catholic Church in the French abortion debate has become a very limited factor due to French legalism of secularism (*laïcité*) [9]. French culture does not address abortion in moral way but rather a healthcare way and the feminists have continued to fight for abortion [10]. France generally accepts woman abortion and there is no special vehement opposition like that evident in United States; however, there are certain sections of right-wing parties and far-right movements that from time to time try to curb the right of women to abort without much success. The absence of religion in the French Republic together with support to women's rights has given French abortion laws a stable platform of not so much resistance.

5. Impact of the Feminist Movements

5.1. United States

Feminist movements championed the instrumental in the fight for abortion rights leading the US supreme court ruling of Roe Vs Wade in 1973. The second wave feminism of 1960s and 1970s based in reproductive rights campaigned for keeping abortion as a pivotal part of women's fundamental entitlement to control over her body. Through, demos and lawsuits, feminists have protested against such laws by pointing out that criminalization of abortion prejudiced poor women and women of colour [11]. Thus, feminists associated reproductive freedom with the overall social justice agenda and created powerful alliances that forced modifications in legislation as well as shifted people's attitudes to accept abortion. Groups such as, the National Organization for Women (NOW) and NARAL Pro-Choice America has often mobilized to combat restrictive state laws and court rulings that undermine abortion access. feminist activists have used legal avenues, public advocacy, and grassroots organizing to continue the fight for reproductive justice to respond to more recent challenges, such as the 2021 Texas abortion law (S.B. 8) and the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization* (2022). These efforts highlight how feminist advocacy remains integral to shaping the legal and cultural landscape of abortion rights in the U.S.

5.2. France

In France, the feminist movement was instrumental in securing the passage of the *Loi Veil* in 1975. Figures like Simone de Beauvoir and feminist organizations like *Planning Familial* played a pivotal role in shaping public opinion and lobbying for legal reform. Feminist activism in France remains focused on expanding access to reproductive healthcare, including contraception and abortion, and ensuring that women's rights are protected against conservative backlashes.

6. Political Environment and Policy-Making

6.1. United States

In the U.S., abortion policy has become a deeply partisan issue, with Republicans generally opposing abortion rights and Democrats supporting them. The political environment has become

more polarized in recent years, with state legislatures enacting increasingly restrictive laws in conservative states and protective measures in liberal states. The Supreme Court's influence has been profound, especially with recent appointments of conservative justices who favor restricting abortion rights. Political campaigns often hinge on candidates' stances on abortion, and it remains a core issue in national elections.

6.2. France

In contrast, abortion policy in France enjoys broad political support across the spectrum. While conservative and far-right parties occasionally attempt to introduce restrictions, these efforts have rarely succeeded. France's centralized government structure and national healthcare system ensure that abortion services remain accessible, and recent policy changes, such as the extension of the legal time limit, reflect a commitment to maintaining women's reproductive rights. The political debate around abortion is far less divisive than in the U.S., and it is generally framed as a healthcare issue rather than a moral or ethical battle.

7. Socio-Economic and Racial Disparities in Abortion Access

7.1. United States

American legislators opposed to abortion have consistently created laws that make access to abortion care difficult or impossible. This tactic, which is layered on top of the health care and economic systems' failures to provide Black, Indigenous, and Latino communities, as well as communities living with low incomes, access to high-quality, affordable health care and safe and sustainable communities, has resulted in the enactment of more than 1,300 abortion restrictions since the 1973 *Roe v. Wade* decision. Therefore, while laws prohibiting abortion and other forms of birth control are bad for everyone who is pregnant or may become pregnant, they are especially bad for people who are already victims of systematic racism and economic injustice.

7.2. France

Unlike the USA, France's universal healthcare system covers the socio-economic disparities in abortion access. Despite the geographic barriers in rural areas, the overall accessibility of abortion services is much higher than in the U.S. The national health insurance covers abortion procedures, reducing the financial burden on women. In France in 2022, there were 232,000 voluntary terminations of pregnancy, often known as VTPs (interruptions volontaires de grossesse, or IVGs). Compared to 216,000 in 2021, this represented a significant increase following two years of stability. In 2022, the abortion to birth ratio was 1 to 3, compared to 1 to 4 in 2017. The majority of abortions included women between the ages of 20 and 34; however, within this range, the 25–29 age group has the highest rates [13]. Therefore, the age groups with the highest fertility rates are affected by the rise in abortion rates.

8. Recent Developments and Future Outlook

8.1. United States

The legal and political status of abortion in America is still unknown. After the *Dobbs* decision, more strict state level laws have become legal and many states have already or are in the process of implementing near-total abortion bans. On the other hand, some of the states responded by enacting protective legislation that affirms women's right to an abortion. The future of federal abortion policy may therefore be determined on the next elections and perhaps shifts in the Supreme Court.

8.2. France

Again, in France, the change in policy that has happened recently like the act of increasing the legal time limit for abortion from 10 to 14 weeks elucidate the fact that the French government is still not planning to withdraw its support to women's reproductive rights. Although some far-right political parties would most likely attempt to limit the access to abortion, the majority of people are still in favour of women's right to choose. For now, the French abortion policy seems secure for the future, however, people should not be careless about it, and fight against any attempts to deprive women of their rights.

9. Conclusion

Women's right for abortion is one of the integral parts of their rights and reproductive systems all over the world; the different approaches of the United States and France can be explained by the different legal, cultural and political systems of these countries. While the American opposition remained actively legal and socio-economic split and remained one of the most polarized in the Western world, France has further simplified the abortion legislation. Such differences clearly reveal the role of legal frameworks, political settings, and cultural perceptions in defining reproductive rights with far-reaching implications for women's reproductive health and reproductive freedom.

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