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ABORTION: THE BOBIGNY AFFAIR, A LAW ON TRIAL

English Translation, Beryl Henderson, Wild & Woolley, Sydney, 1975; paperback, 175 pages, recommended price \$4.95.

Marie-Claire, a schoolgirl, sixteen years old, was the eldest of three daughters of Madame Chevalier, an unmarried mother and an employee of the Paris Métro. The family lived in a flat in a high-rise housing estate in a suburb of Paris, and the life was one of hardship, struggle and poverty. In August, 1971, as a result of a virtual rape, Marie-Claire became pregnant. Madame Chevalier was willing to help her support the child, but Marie-Claire did not want the infant which had been conceived in such a way, nor did she want her own life to follow the pattern of her mother's. Madame Chevalier therefore searched for someone who would perform an abortion at a price that she could afford. Through two fellow women employees of the Métro she found Madame Bambuck, a secretary, who had learned how to do abortions by having to perform them on herself. Madame Bambuck agreed to do the operation for a reasonable sum. After five separate insertions of a home-made probe over a few days, Madame Bambuck induced a haemorrhage, and Madame Chevalier took Marie-Claire to a nursing home, where the miscarriage was safely completed. However, after being informed by the young man responsible for the pregnancy, the police began an investigation, and on 11th October, 1972, Marie-Claire answered a summons to appear before the Juvenile Court of Bobigny, charged with having had an abortion. She was acquitted on the grounds of having been "subjected to pressures of a moral, family, and social kind that she was not able to resist." The book under review gives a brief account of Marie-Claire's hearing and a full transcription of the subsequent trial of Madame Bambuck, Madame Chevalier, and the latter's two Métro informants.

The book has several levels of interest apart from the central abortion-issue. First, it provides a fascinating glimpse of the life-style of working-class Europeans - a life-style which the middle-class Australian tourist can often only imagine. This glimpse comes in the hearings of the four women accused and in the testimonies of some of the non-expert witnesses for the defence, especially those of the single mothers, Claudette Pouilloux and Claire Saint-Jacques. Their accounts of the "Public Assistance" available in France to unmarried mothers and their children are a convincing condemnation of the welfare system. One can only hope that things are better in France now than they were in 1972. An enquiry into the provisions made for unmarried mothers in Australia might be a worthwhile project.

The defence also assembled an impressive group of "expert" witnesses, among them two Nobel Prize winners, Simone de Beauvoir, Francoise Fabian, distinguished politicians,

physicians, and writers. Most of the women stated that they had had one or more abortions, and several of the male physicians admitted to having illegally terminated pregnancies. Some of the witnesses were in fact experts, providing statistical, medical and psychological facts hitherto unknown, at least to this reviewer.

The publishing history of the trial transcript is fascinating in itself. Association *Choisir* broke the French censorship law to issue *L'affaire de Bobigny* in 1973. The present translation into English was done in Australia by various members of WEL and Women's Liberation. The book has obvious significance in this country, where the law against abortion, however battered and however ineffective, still stands.

The case put by the book for the repeal of abortion laws in every country is one which must compel every unbiased reader. During the trial the point is made unanswerably, time and again, that the law is totally unjust in its application. While it has no effect on middle and upper class women, who can afford to pay for safe abortions, it forces working-class women to apply to unskilled low-priced abortionists. Beyond any monetary loss, the cost for these women is inevitably intense anxiety and guilt, often sterility or chronic ill-health, and too often death. Before the repeal of the abortion law in France, in November 1974, women of social standing were never prosecuted under the act. I suspect that the situation is the same in Australia today.

The account of the Bobigny Affair contributes to more than the social and legal aspects of the abortion debate. It also provides some answers for those women to whom abortion is still a question demanding anguished examination of conscience. Particularly relevant to this aspect is the testimony of Professor Jacques Monod, winner of the Nobel Prize for Physiology and Medicine, that, anthropologically and biologically speaking, a foetus of a few weeks old is not a human person. Professor Monod, in his evidence, equated the existence of human life with cerebral activity and pointed out that such activity cannot be detected (by electro-encephalograph) in the foetus before the formation of the central nervous system, that is, not before the fourth or fifth month. Any humanist must accept this as a convincing moral argument for abortion, although it could not be expected to influence much those whose objections are theologically based.

Bound up with the abortion-issue is the whole question of women's position in western society, a connection which was not lost on the feminists who transcribed, published, and translated the *Affair*. In her introduction, Simone de Beauvoir argues that men romanticize motherhood and child-care as the chief means of keeping women at home, out of competition with them, docile slaves dedicated, unpaid, to *Kinder: Küche: Kirche*. Some readers might object that this view is paranoid, or over-simplified. At the very least, however, it is a possible interpretation of the sexual distribution of labour in western countries. It is clear that women cannot be fully self-determining human beings until they have gained both complete awareness of the limitations imposed by motherhood and the domestic rôle,

and complete control of their own fertility. Although *The Bobigny Affair* admittedly puts the feminist case, it indulges in remarkably little false pleading. It deserves the attention of everyone concerned with abortion as a legal or personal issue.