

CATHOLIC UNIVERSITY OF LOUVAIN

# ABORTION

A POLITICAL APPROACH

by

**Michel SCHOOYANS**

Professor at the University

Translated by

Mrs M.A. BARTON and Mr P. NGUYEN

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Such is the effect of bad laws that even worse are needed to check the evils of the first.

Montesquieu.<sup>1</sup>

1. *Dossier de l'esprit des lois*, I, IV, 1 ; in *Oeuvres complètes*, R. Caillois publ., Bibliothèque de la Pléiade, Paris, 1951, vol. II, p. 1011.

## FOREWORD

*The present study sheds new light on several works that I have previously published on the subject of liberalization of abortion. This study was completed in January 1979. The interest which has arisen in various circles, stirred by the ideas set out in this study, has encouraged me to publish it as it is, privately printed in a limited edition. The original French text was printed by the CIACO at Louvain-la-Neuve. (Belgium) in January 1980.*

*The warm welcome which the French edition has met, and repeated requests of a number of friends, induced me to give an English translation of my study. This translation was carried out by Mrs Mary A. BARTON and Mr Pierre NGUYEN. I am most grateful to them for their competence and the great care they have taken in doing this work.*

*Finally, the publication of both French and English editions could never have been achieved without the active collaboration of a group of students, whose efficiency was comparable to nothing but to their free commitment. I wish to express to them my heart-felt gratitude.*

M.S.

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## CHAPTER I. DIFFICULT INNOCENCE

The comparative study of civilisations as well as the history of the West show that the practice of abortion is closely linked to economic and social conditions. Particularly in the West, recourse to an abortionist has often been the last resort of a poor couple in despair at the prospect of another mouth to feed. Today this motive has by no means disappeared, but it is not central to current debate. In these discussions, two groups of facts deserve special attention. First, the evolution of obstetrical techniques has provided much material for discussion in the field of therapeutic abortion. Next, since contraceptive methods have made rapid and spectacular progress, the whole question of abortion has rapidly come to the fore : should it be an additional method of preventing births ?

*Beyond Casuistry*

These two considerations are incorporated in a particular global context, and this encounter, in our opinion, determines the present problematic. To understand the unusual nature of this problematic, it is basic to take account of the general ethos out of which, for us, the problem of abortion arises. In addition, we hope to show that the problem of abortion is part of a world society where poverty and riches, penury and waste, dependence and domination rub shoulders and interact.

The limits of our problem can be defined at the outset as an approach to the problem of abortion from the political angle. Negatively, this means that it must

extend beyond a problematic fundamentally centred on the affirmation and glorification of the adult individual. Of course abortion is first of all an individual problem, but because of its scope, it is not limited to them. It cannot be reduced to a question of personal conscience. Were this so, current discussion would perhaps be of interest to the moralist, but not the politician.

Our intention is to explain precisely how abortion concerns the political community as such. And by the political community is meant, not only the nation or the region. What is meant is the whole of human society, in so far as it aspires to better integration, better organisation, a new international order. As to one's conception of the relations between individual members of such a society, what does the liberalisation of abortion imply? What about international relations? Would this liberalisation bring about radical changes in the definition of duties within society? Does not the debate challenge the conception and role of politics, law, medicine and morals, as well as their relationship with individual members of society?

A synthetic approach, which many either fear or reject, is all the more opportune because recent discussions give the impression that we are aware of floundering in out of date and endless casuistry. Abortion calls for a many-sided approach; its study should be inter-disciplinary. Yet it is too often the case that attention is so fixed on the mother's point of view, that the role of the father, the point of view of the child and that of society are neglected or forgotten. Such a discipline, whose method purports to exhaust the complexities of the problem, raises pretensions to scientific imperialism. In such matters, neither the point of view of the doctor, nor that of the socio-

logist, not even that of the moralist is sovereign. Over and above the specialist, every one of us is called upon to declare his position. Unless these rules of method are observed, there is little hope of discussion leading anywhere.<sup>1</sup>

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1. There are numerous publications of a general nature on liberalisation of abortion and we do not intend to propose here even a selection of books. However, it seems to us absolutely necessary to recall to the memory the following :

Acta of the Hot Springs Conference (17th-20th November 1968) organized by the Association for the study of abortion and published under the general title *Abortion in a changing world* - Columbia University Press, New York, 1968 (reference book) ;

*L'avortement. Actes du Xe Colloque international de Sexologie*, 2 vol., roneotyped, Louvain, Centre International Cardinal Suenens, 1968 ;

*L'avortement spontané ou provoqué. Rapport technique 461*, by a scientific group of the World Health Organisation, Geneva, 1970 ;

*Avortement et contraception. Actes du Colloque des 11 et 12 mars 1971*, coll. Sociologie du Droit et de la Justice, Institut de Sociologie, Université Libre de Bruxelles, Brussels, 1972 , S.C. VERSELE Publisher ;

The study *Angoisse démographique. Avortement et natalité*, in *Le Monde Diplomatique*, November 1973, n° 236, pp. 15-21.

As far as France is concerned, the widest outlook on positions on abortion was prepared by H. BERGER in his *Rapport d'information*, on behalf of the Commission for cultural, family and social affairs, on the problem of *induced pregnancy interruption*, National Assembly, doc. n° 930, Appendix to the minutes of the meeting of 25th January 1974, Paris, 1974.

Emily CAMPBELL MOORE-CAVAR, *International Inventory of Information on Induced Abortion* (division of social and administrative sciences - International Institute for the Study of Human Reproduction), Columbia University, New York, 1974. This work was partly financed by grants from the Ford Foundation and the Agency for International Development. To complement this copious information source, see also the important work of Christopher TIETZE and Deborah A. DAWSON, *Induced Abortion. A factbook*,  
.../...

### *Hidden Pressures*

Now man, whoever he may be, is always in a context. It is particularly important to remember straight away that the scientist can be *made use of* in many ways. This thesis can be illustrated by briefly calling various examples to mind. Take the philosophers. It is not uncommon to see them priding themselves on living in an ivory tower, on being sheltered from external conditioning. Nevertheless, in their proceedings, they are often well and truly biased by the influence of their environment. Thus, they sometimes transform themselves into the legitimisers of, or the theoreticians behind a particular regime to which they may open the way. Hegel, who laid the foundations of communism, of nazism, of fascism, of contemporary imperialism, is no political innocent. And was not Gentile, the Italian philosopher, turned into the theoretician of the Fascist movement ?

It is the same elsewhere as in the field of philosophy. In the case of a *revolution* or a *coup d'Etat* it is not at all uncommon to see jurists become defen-

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.../... in *Reports on Population/Family Planning*, n° 14, Dec. 1978, edited by the "Population Council", New York, and Christopher TIETZE, *Induced Abortion, 1977, Supplement, id.*, n° 14, Dec. 1977, *id.*, *ibid.*

In French, Francisco MUNOZ-PEREZ gave a good stand of the problem in *L'avortement provoqué légal dans le monde*, in *Population*, 1977, n° 1, pp. 175-184.

The silence should also be broken about the Vranckx Report, edited by the Ministry of Justice (Belgium) under the title *Eléments d'information sur le problème de l'avortement*, (no place indication) - [Brussels], 1972.

To be complete, see also the pamphlet edited by a lawyers, practitioners, politicians, academics etc. commission : *L'avortement devant le Parlement*, (Centre d'études familiales), (no place and date indication), [Brussels, 1978].



ders of totalitarian regimes. Whether it is an individual or a group that gains control, no matter whether by force or cunning, compliant jurists are there, setting to work to produce a draft constitution suited to the requirements of their new masters. They bring *foundations* and *justifications* both *legal* and *constitutional* to the new regime.

These examples are not at all exceptional and observation of the activities of sociologists, economists, physicists, chemists and engineers leads to the same conclusion.<sup>2</sup> It is even noticeable that the more advanced a discipline is technically, and the more finely it is specialised, the greater the danger for those who exercise it to be manipulated, to be uncritical of influences which may alter their outlook and are outside their control.

As the study of abortion calls for very varied disciplines which the political approach must attempt to synthesise precisely, we will now proceed to define the bearing and extent of these mere remarks.

### *Strong Hypothesis*

So that the political stake in the problem can be seen clearly, its most acute formulation will be considered. This can be summarised in a question: "Can abortion be liberalised?" or again "Can one commit oneself to a course which undoubtedly leads to abortion on demand?" In the West, these questions have been asked for several years. Britain, the U.S.A., the Scandinavian countries, the Netherlands, Germany,

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2. Gérard FOUREZ wrote about *la Science partisane*, an *Essai sur les significations des démarches scientifiques*; coll. *Sociologie nouvelle, Théories*, 10, Gembloux (Belgium), 1974.

France and Italy have all adopted legislation which permits abortion more or less easily. The debate is not finally over : partisans and adversaries continue to confront each other. Information is so plentiful that one sometimes feels assaulted by it. Court cases, often distressing, add yet more facts to those underlying the problem. Debate is always open, always impassioned.<sup>3</sup> Those who lead the campaigns against war and the death penalty support the right to have an abortion freely and without cost in the same militant spirit. Feelings run high, and see quick, sometimes radical, solutions.

We will therefore consider the *strong hypothesis*, that is to say, complete liberalisation. In fact, the example of Western countries shows a rapid transition from permissive legislation to practically complete liberalisation. It is common knowledge that in France it is virtually impossible to control the enforcement of the Veil Law effectively. There are even serious reasons for believing that the liberalisation of abortion leads to an increase in their numbers, and yet illegal and clandestine operations do not for that reason disappear. Liberalisation of abortion, then, does not remedy the evil which it hopes to stem ; it

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3. Attention should be drawn here to a number of easy-reading, striking, well documented and specifically sound works. These books will be of great use to those who are involved in debates on abortion : firstly, the document drawn up by a lawyers, practitioners, local elected members and academics commission on *Le permis légal de tuer ou l'avortement devant le Parlement*, coll. SIDEF, Paris, no date [1971?]; and secondly Dr & Mrs J.C. WILLKE, *Handbook on abortion*, Hayes Publishing Co, Cincinnati, Ohio, 6th ed., 1979; J. TOULAT, *L'avortement, crime ou libération ?*, Paris, 1973.

increases it.<sup>4</sup>

Even more astonishingly, the report of INED (National Institute of Demographic Studies) on the regulation of births in France (1966),<sup>5</sup> which served as a basis for the Neuwirth Law on contraception (1967) and for the Veil Law on abortion (1974), is marred by serious methodological flaws discovered by R. Bel.<sup>6</sup> This expert has established that, in consequence of errors about whose origin there is concern, estimates relating to abortions brought about in France before the Veil Law were strangely swollen. Now it is known that the impact of the level of the numerous resultant clandestine abortions is a determining factor in a vote on any law liberalising abortion.

At the same time, statistical facts are few and not very reliable. However, they give some idea of scale. Thus, it is estimated that in the world there are between 40 and 55 million abortions a year<sup>7</sup>; that

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4. On all these problems, it is necessary to refer to the essential book of Prof. J.H. SOUTOUL : *Conséquences d'une loi. Après 600 jours d'avortements légaux*, Paris, 1977. Prof. Soutoul drew up this reference book with the collaboration of several professors of gynaecology/obstetrics and the participation of several doctors. Foreword by Dr Lagroua Weill-Hallé.
  5. See the *Rapport de l'Institut National d'études démographiques à Monsieur le Ministre des Affaires sociales sur la régulation des naissances en France*, in *Population*, 21st year, n° 4, July-August 1966, pp. 645-661, (on abortion in France, see pp. 651-661); see also G. CALOT, *Le nombre des avortements provoqués*, in *Population et Sociétés*, n° 69, May 1974 (Off-print).
  6. See *Un rapport mal fait ! Recherches critiques sur le Rapport ...* (above mentioned in note 5), 56 pages, roneotyped, no place indication (1976).
  7. According to a UN Report by Lester BROWN & Kathleen NEWLAND, reported by *Le Monde* of 16th March 1976.

there is one abortion per 2.8 births.<sup>8</sup> In France, a few months after the promulgation of her law, Madame Simone Veil informed the Council of Ministers at their meeting on the 13th October 1975, that 20,000 abortions had been carried out in public hospitals.<sup>9</sup> In Paris, in 1976, 7,300 abortions were carried out by Public Assistance.<sup>10</sup> In France, "Officially, 64,780 abortions were recorded in the first half of 1976 ; the actual figure would be markedly higher".<sup>11</sup>

According to Dr Soutoul, 'After 18 months of inconsistent application of the law, between 45,000 and 60,000 abortions at official centres were notified in 1975, then 135,000 in 1976 and about 150,000 in 1977". And he notes that, "The real number of abortions in France in 1975 and 1976 must have reached 400,000 to 500,000 : this would accord with a classic increase since liberalisation, from 250-300,000 before 1975".<sup>12</sup>

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8. According to the study *Abortion under Attack*, edited by *Newsweek*, 5th June 1976, pp. 28-38.

9. *Le Monde*, 15th October 1977.

10. *Le Monde*, 19th-20th January 1977.

11. *Ibid.*

12. *Conséquences d'une loi en vigueur en France depuis trois ans. Analyse actualisée en mai 1978 et propositions d'avenir, (pro manuscripto)*, no place & no date, [Tours, 1978]. This text underlines several data published by the same author in his book entitled *Conséquences d'une loi*. - Chantal BLAYO closely considered the procedure to follow for the *Enregistrement de l'avortement provoqué en France*, (registration of induced abortion in France), in *Population*, 1977, n° 4-5, pp. 977-985. The author examines the data available for 1976, as well as a map of induced abortions in France in 1976. See also in the study on *La situation démographique de la France*, the chapter on induced pregnancy interruptions, in *Population*, 1976, n° 2, pp. 295-297.

The fact is that the *experiment* of liberalising abortion which has taken place in several countries gives rise to as much if not more discussion than the debates which preceded its legalisation. More than ever before, this problem raises grave questions and much anxiety.

A consideration to which up until now too little attention has been paid should be added to the already quite complex record. Properly speaking, it is not a question of adding a new item, still less of recapitulating the general debate in which there is the risk of being bogged down. On the contrary, it is more worth while to go back to current discussions in order to relativise them, that is to say, to show that they relate to a given state of society.<sup>13</sup>

#### *Of the Constraints of Poverty and Plenty*

Our society is in fact based on the close alliance between scientific discoveries, productivity and production, publicity, consumption and waste. Marcuse and McLuhan, among others, have thoroughly analysed the mechanisms which condition our assent. Freed from the bonds of poverty, man in the developed world finds himself bound with the ties of plenty. He used to see in science and technology an instrument of liberation, but now he makes himself their subject. Thus the control of technology reveals its ambiguity ; either it allows responsible creativity to blossom, or the promethean fascination which it exercises ends by con-

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13. To cut short any misunderstandings, we explicitly state that we have totally left aside the debate on therapeutical abortion.

suming liberty.<sup>14</sup>

In this context, the range of personal choice dwindles daily. The pressure of publicity leads to a smug rationalisation of the practice of aggressiveness. The domination of others is competition, the domination of nature is scientific progress. The rational means of controlling aggressiveness are thereby inhibited, so that the people of developed countries become like sheep, but dangerous sheep, blind followers. They are so dazzled by the longing for consumption that they will do anything, even make war, to avoid unemployment. They briskly internalise the ideologies which appear to legitimise the system on which they have embarked.

These ideologies are founded on the postulate of maximum hedonism. It is accepted that every individual has the unconditional right to seek the greatest possible subjective pleasure. In this rat race, it is a disaster that ideologies activate aggressiveness. Aggressiveness comes to be embodied in behaviour and institutions and to condition law and politics, medicine and science, morals and theology, and relations between individuals, between social groups, and between peoples.

Here, the debate on abortion faithfully reflects the social climate in which we live. The principles and ideology of the consumer society have been instilled in each of us in varying degrees. Thus, for example, the demands of consumption postulate a limitation

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14. See *L'avortement de Papa. Essai critique pour une vraie réforme*, of Dr LAGROUA WEILL-HALLE, Paris, 1971. In this pamphlet, Mrs Weill-Hallé emphasizes the responsibilities involved in the decision to get an abortion. This study, whose conclusions we do not totally endorse, is a short manual of deontology and epistemology.

on the number of those who share available goods. The interests of those who at present benefit from these goods must be given priority. Next, and here even more than in other fields, scientific and technological control risks inhibiting the exercise of liberty : it encourages a reduction in education in responsibility. It gives authority to the idea that might is right, as can be seen in the relations between rich countries and the Third World. This double control gives man the impression of being his own master, and *for that matter*, the master of others.

## CHAPTER II. THE HONOUR OF MEDICINE

*New Mercenaries ?*

For obvious reasons, it is plain that the doctor is in the front line when the question of the liberalisation of abortion is being considered. It would be impossible for him to remain indifferent to this drama since he is always face to face with human misery. Yet in our society, doctors are subject to the same pressures of propaganda as everyone else. The doctor's temptation to allow himself to be led into advocating the liberalisation of abortion is all the more to be feared since it may seem to be justified by the wish to save someone from distress.

Pro-abortionists always have recourse to an extremely subtle form of flattery to rally doctors to their cause. In a secularised society, no one could pretend that it was not tempting for doctors to inherit the mantle of the seer of olden times. Besides, they rejoice in a privileged status. Are they not, to some extent, set apart, and does this not protect their aura of mystery ?

A doctor needs a great deal of scientific and moral discipline to avoid submitting to the spell of an out of date scientism which improperly links professional competence with moral authority.<sup>1</sup> Yet it is by virtue

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1. Why do we find such a relatively high rate of practitioners favourable to abortion among psychiatrists? Read on the subject the humorous conclusions of an American psychiatrist, Dr Samuel A. NIGRO. They are .../...



of this insidious but grasping scientism that some people want doctors to have rights over life and death, and that some doctors jealously claim this outrageous prerogative.<sup>2</sup> To be a *scientist*, must the scholar set himself beyond good and evil? Does he never come up against an impasse in his scientific research?

The doctor must therefore be on his guard, at least to the same extent as any other citizen, against the pressures of propaganda and ideological conditioning, against everything that is said and spread abroad in the world about abortion.<sup>3</sup> The risk of being manipulated to which he is exposed has to be spelled out. The greater the authority which he enjoys in society, the greater the risk. Now this authority is certainly linked to his knowledge and ability, but it is also linked to a long and great moral tradition centred on unconditional respect for human life.

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.../... presented in "News Exchange" of the World Federation of Doctors who respect human life (Ostend, Belgium), 4th year, vol. 6, March 1978, p. 51, under the title *Oh, Doctor, you're in trouble!*; the same text was first published in *Humanity*, New Zealand monthly magazine for life (Epson, Oakland), vol. 1, n° 8, December 1977.

2. The best juridical study on abortion is probably that by Marie-Thérèse MEULDERS-KLEIN, *Considérations sur les problèmes juridiques de l'avortement. Droits de l'Homme, Droit belge, Législations étrangères. Bilan des expériences étrangères*. This remarkably documented study was published in the *Annales de droit* (Louvain), 31, 1971, n° 4, pp. 425-522. It would be necessary to re-publish the whole issue, which deals with abortion: *Aspects médicaux, moraux et juridiques*. About the rights and plights of practitioners, see on pages 491 to 499. Let's also mention J. FERIN, C. LECART, V. HEYLEN, M.-Th. MEULDERS, *Libéraliser l'avortement?*, coll. *Parents d'aujourd'hui*, Gembloux, 1972.
3. The problems practitioners face because of abortion liberalisation have been dealt with on the occasion .../...

Moreover, when a doctor supports a proposal for the total liberalisation of abortion, even more so if his attitude results in abortion on demand, he renounces the liberal character of his profession to put himself at the service of the consumer society. He becomes one of its servants, one of its mercenaries.

Already in some foreign (including teaching) hospitals there is no conscience clause. Even if gynaecologists and surgeons reject abortion on grounds of conscience, they are obliged to take part in it on pain of dismissal. Students have to do likewise on pain of failing their final examinations.

Elsewhere, the history of a certain section of medicine under the Nazi regime as well as what is manifestly happening in some Soviet psychiatric hospitals confirms that doctors would be wrong to underestimate the hidden influences which could affect them.<sup>4</sup>

From time to time, therefore, doctors must examine critically the direction of their activity. What conditioning are they exposed to or subject to? Of course everyone knows that *appeasement* tactics pay in the long run. Employed in a masterly way by Soviet diplomacy, this method consists of getting an adversary to concede little by little what he would refuse to concede as a whole. Thus, from concession to concession, degree by degree, the risk for doctors of having their

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.../... of an enquiry in the departments of Rhône et Loire by Drs G. VEDRINES & M.-F. BORREL : *La loi Veil ou la détresse des médecins*, Lyon, 1976. See also *Le danger de naître*, by Dr Claude SUREAU, Paris, 1978.

4. See the works of Drs Y. TERNON & S. HELMAN, *Histoire de la médecine SS. Le massacre des aliénés. Les médecins allemands et le National-Socialisme*, Tournai-Paris, 1971-1973. For not having been a prophet, Hitler was surely a pioneer !

ideas *reconditioned* can be considerable. At the end of such an attack, they are liable to become the tools of those in power.

### *Luxury Medicine*

If it is true that medicine is par excellence the guardian of human life, then one must recognise that our society is on the brink of a strange revolution. There are doubts about the expedience, in certain cases, of systematic recourse to a type of medicine which is ultra-expansive in personnel and equipment. There are complaints, too, of unbridled over-consumption evident in everyday medical and pharmaceutical practice. Now alongside the spectacular achievements and the spiralling consumption, rudimentary medical problems continue to exist among the masses, both here at home and in the world at large, and they are not being solved. At the level of the public health infrastructure, of hygiene and prophylaxis, medicine is scarcely profitable.

In this context, liberalisation of abortion appears as a supplementary form of luxury medicine, diverting personnel and resources from more specifically medical tasks and depriving the mass of the population even more of simple and efficient measures which are neglected today simply because they do not pay well.

What used to be the dismal prerogative of the unqualified abortionist is now claimed by some as the exclusive right of the medical profession. This is the extent of medical over-consumption ! To sum up, the problem is who has the legal right to exercise, in the antiphrase, the *art of healing*. One might conclude that some doctors want to profit from their academic status by taking the bread out of the mouths of

unqualified abortionists.<sup>5</sup> In any case, the sordid greed of doctor abortionists leads one to believe that some members of the medical profession are susceptible to the lure of new and abundant profits. Medicine reached a decisive stage in its history when surgery was separated from the barber's trade. The fact that unqualified abortionists do not know the techniques of their calling is not a good enough reason for re-opening the question of such a rational division of labour.

The subject is less ironic than one might think. Already grim, it is about to become macabre. The English have unsuspected forms of humour. On the sixth floor of a specialised clinic in London, doctors, strongly supported by ultra-modern techniques, are busy saving the lives of premature babies. At the same time, two floors lower down, their colleagues manipulate the cannula and the aspirator. Witnesses report that by the end of the day there are bucketfuls of foetuses and human debris.

In any case, one would wish that pro-abortionists, when they hold news and propaganda meetings, would have the courage to show the public some of the anatomical scraps or murdered foetuses before they are sent to the refuse-destroyer. This cruelly genuine

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5. *Le Monde*, who otherwise never dissimulated its favouring of abortion liberalisation, published a frightening study on the enforcement of the *loi Veil* of 18th January 1975. This courageous and lucid stand of the question was written by Mrs Claire BRISSET under the general heading *L'avortement légal et sauvage*, and the enquiry was published on 16th, 17th, 18th and 19th November 1977. The second series, which was brought out on 17th November, was entitled: *Une source de profit*. - See also the press article on *Les risques et les suites de l'avortement*, in *Le Monde*, 29th September 1976.

evidence would tell a different tale from the reassuring liquid extracted by the Karman aspirator. There is no doubt that the shock to the general public caused by this sight would rudely test the credibility of the pro-abortion lobby. However, there is little chance that this challenge will be accepted.

### *Degrading Occupations*

In olden times, the executioner was set apart from society. He caused both governors and governed to have bad consciences. But he has his status, his establishment, his fees. The ills of torture, and the death penalty were regulated ... a lesser evil. This precedent is very suggestive. Indeed where abortion is liberalised, the Dutch solution of recognising a limited number of licensed clinics is inadequate. Only one measure can reconcile the requirements of asepsis and the honour of medicine. This would be to detach from, and even set outside the medical profession, those who do business in mutilation and death.<sup>6</sup> They would have the strictly controlled monopoly of degrading work : of sterilisation, of abortion and of euthanasia.<sup>7</sup> They would be authorised to begin their work when, having regard to the actual state of medicine, the patient was declared incurable and under sentence of death. From that moment, these gentlemen would take over from the doctors who withdrew. Moreover, when the Leviathan

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6. This is in short the recommendation of the (French) National Council of the *Ordre des Médecins*, as it was issued in its Communiqué of April 1973. According to the Council, practitioners should refrain from inducing complaisance abortions, even if they were authorized by law to do so.

7. Dr Alan GUTTMACHER, a member of the Board of the Planned Parenthood - World Population, was also a member of the Board of the American Euthanasia Society.

State required it, they could be charged with carrying out torture and capital punishment. Fiction? Not at all. The advance guard of this *Death Guild* already exists. In a certain Latin-American country, some doctors have prostituted themselves to dictatorship. These intrepid men supervise the scientific aspects of torture. Perhaps they are pioneers.<sup>8</sup>

### *Outside Interference*

In short, it is extremely worrying from the medical point of view to see that there is outside interference in the complexities of the problem. This is why the question of abortion is of concern not only to obstetricians and gynaecologists, but the medical profession as such. Indeed, in our cultural tradition, the medical profession is par excellence the guardian of life. By definition, the whole of a doctor's activity is directed to the protection of existence of someone other than himself.

At this point, the problem of whether doctors will agree to be at the service of Moloch the State, whatever its form, however it is disguised, will present itself quickly and much more acutely than at present.

No one here can pretend that he is not concerned, more especially as it is easy to be compromised, if only by omission. The example of certain doctors, like that of some lawyers, should put the whole medical profession on its guard. It must redouble its vigilance,

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8. It is known that "Amnesty International" has created a "Medical Commission" in Paris in 1977. With this new commission, Amnesty International, which is heedful of all aspects of human rights problems, will be able to contribute efficiently to the fight against abortion liberalisation.

because although it is lawyers, demographers, sociologists, moralists etc. who *discuss* abortion and other doubtful procedures, *carrying them out* may one day fall to doctors.

In short, the practice of medicine is neither neutral nor innocent. It is sustained by support for a certain concept of man, the same concept whose development in our civilisation jurists and politicians intend to encourage.

### CHAPTER III. OF THE INEFFECTIVENESS OF LAW

The consumer society not only expects to have doctors and lawyers in its pay, but also jurists and legislators.<sup>1</sup> No doubt no actual system of law is an exact reflection of a particular ethic, but neither is it a purely conventional structure.<sup>2</sup> Yet this is what some would have us believe in connection with the total liberalisation of abortion.

#### *The Law and its Ambiguities*

In certain discussions the legal approach to abortion is presented in such a way that it appears to be solely a question of actual legislation. Now if that were the case, an indefinite number of solutions could be envisaged. If it were a simple problem of legal technique and draftmanship, a priori all solutions would be possible. But if this is the limit of one's outlook, then quite simply, the *opinion* which obtains

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1. As to the study of abortion from the viewpoint of compared law, see M.-Th. MEULDERS-KLEIN, *Considérations ...*, *passim*, and especially on pp. 507-519. See also *La législation de l'avortement dans le monde. Aperçu des lois et règlements en vigueur*, a report published by the World Health Organization, Geneva, 1971.
  2. Some comments on the relationship between law and ethics in M.-Th. MEULDERS-KLEIN, *Considérations ...*, pp. 452-456. See also D. CALLAHAN, *Abortion: law, choice and morality*, London-New York, 1970 ; R. BOYER, *Légalité et moralité face à l'avortement*, in *Lumière et Vie*, 21, n° 109, August-October 1972, pp. 45-56 ; Ch. ROBERT, *Le légal et le moral*, in *La Documentation catholique*, n° 1662, 20th October 1974, pp. 883-890.



the most votes will carry the day. Then the law is considered purely as a question of agreement, of majority -- if one may use the expression -- of force. Justice is reduced to actual laws and is defined by the party able to exercise decisive pressure on the rest. Here one is holding to a purely positivist conception of law. The law of statistics leads to a legal norm. Then again, it is considered, in a more or less simplistic way, that the principles of action are based on facts. In this view, law ends by being absorbed by sociology, a system with which Comte was markedly sympathetic.

However, even in the radical attitude just encountered, legislation necessarily implies a certain conception of man and politics. Beyond the variety of formulations, fundamental questions relating to individuals and society are at stake. Is it *I, myself* which constitutes *the other* dependant on my consent, and conditioned by the recognition which I give or withhold? Can I refuse to take note of his existence? It is impossible to avoid this problem of intersubjectivity. Either, from the outset, I adopt an attitude of recognition, welcome, indeed sympathy vis-à-vis *the other*, even if that person is not yet the term of a fully personal relationship, even if he is seen as somewhat anonymous. The recognition of *the other* is then the supreme act of human liberty upon which, in the ultimate analysis, a society of liberty, equality and fraternity is based. Or else I erect my subjectivity into sovereign authority, which must decide who shall be friend, who enemy, reserving to myself the right to welcome or not. These are broadly two different ways of looking at human relationships. From these there flow two necessarily different types of State and legislation, democratic in the first case,

totalitarian in the second.

Now the whole legal and political tradition of the West reflects a constant effort to instill a certain rationality into human relations and to remove these from the caprice and arbitrariness of individual subjectivity. Except in the case of dictatorial regimes, it will be noted that unconditional respect for others underlies this tradition. In this sense, it is characterised by a concern for *objectivity* which contrasts strangely with the irresponsible caprices of all despotisms.

In this *objective* view, it is therefore of the first importance to know whether or not the unborn child is a human being. Discussions on this topic sometimes recall medieval arguments. The refinement of research techniques allows the fact of conception to be discovered earlier and earlier. Those common criteria, such as those which take into account the mother's perception of foetal movements, belong to a different age. In the same way that a cancer or a blood disorder are detected before the patient is aware of his illness, it is natural that the being which has been conceived should be recognised and protected as soon as available techniques have discovered its existence. Behaviour towards a human being ought not to be dependent on its size. It would also be normal practice to take account of biological facts. They show that the new being, from the moment of its conception, has a genetic code different from that of its parents ; this being is distinct from its mother.<sup>3</sup> Again, the *biological uni-*

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3. See the communication presented by Prof. J. LEJEUNE on 1st October 1973 to the Academy of Moral and Political Sciences under the heading *Le début de l'être humain*. See also Dr Edmée CABEAUX, *Considérations .../...*

queness of the individual has recently been publicly

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.../... médicales sur l'avortement, in *Annales de Droit*, 31, 1971, n° 4, pp. 357-361. A colleague of ours, Dr Georges MARECHAL, Professor at the Medicine Faculty of the Université Catholique de Louvain, to whom this text was submitted, was very keen on illustrating our proposition by the following information and references :

At the first international conference on abortion (Washington DC, October 1967), a group of Doctors in Medicine, among which biochemists, gynaecologists and geneticists, adopted by 19 votes against 1 the following conclusion : "The majority of our group could find no point in time between the union of spermatozoid and egg or at least the blastocyst stage and the birth of the infant at which point we could say that this was not a human life. The changes occurring between implantation, a six week-old embryo, a six-months foetus, a one-week child, or a mature adult, are merely stages of development and maturation".

It should be noted that only 20 % of these scientists were catholics. Dr Liley, the discoverer of blood transfusion *in utero* says : "The foetus is the very child we care for after its birth; it can get ill and may need a diagnosis and medical cure, as any other patient", in *A case against abortion*, Withcombe & Tomb, 1971. Prof. G. MATHE wrote in *Le Figaro* of 31st May 1973 : "Birth is nothing but a physiological event, which is by no means more important than others like puberty, fecundation or pregnancy. It goes on without discontinuity till death".

Basically the same idea appears from the editorial *A New Ethic for Medicine and Society* of the California Medical Association, an organisation very in favour of abortion, in *California Medicine*, vol. 113, 1970.

A report of the distinguished NY Academy of sciences entitled *Fetology : the smallest patients* states : "the foetus may be the littlest of all patients, but he is by no means the least", in *Sciences*, October 1968. This fact is generally not denied by abortion supporters. For instance, Alan GUTTMACHER, abortion favourable manager of the Planned Parenthood - World Population, says that a new baby gets born at the very moment of conception, in *Having a Baby*, Signet Books, New York, American Library, 1950. The quotations list could be extended, e.g. : B.M. PATTEN, *Human Embryology*,

.../...

discussed.<sup>4</sup>

For a long time, Western legal and political tradition has come down heavily on the side of recognition of the human character of the unborn child.<sup>5</sup> That this position is well founded is widely confirmed by contemporary biology and medicine. After all, whatever position they may take towards abortion, the vast majority of scholars do not call into question the human character of the child in the womb. It is not on that precise point that the debate turns.

Most Western systems of law, and those that they inspire, translate this unconditional respect for the unborn into provisions of the first importance for our topic.<sup>6</sup> They recognise that the child to be born

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.../... McGraw Hill, 1968, p. 41 ; C.B. AREY, *Developmental Embryology*, William & Wilkins, 1969, p. 3 ; L.B. SHETTLER, *Ovum humanum*, Hafner, 1960 ; J.DAVIES, *Human developmental anatomy*, Ronald Press, 1963, p. 3 ; G.D. DODDS, *The essential of human Embryology*, Wiley, 1964, p. 2. Some other references can be found in : *L'avortement devant le Parlement*, p. 10 and foll.

4. The theme was developed and brought to light by Prof. Jean DAUSSET, on 28th April 1978, on the occasion of his opening lecture at the Chaire de Médecine Expérimentale du Collège de France. Subject of this lecture was the "biological singularity of the person". Report in : *Le Monde* of 30th April to 2nd June 1978. - Even if there were any doubts about the human and singular nature of the embryo, the attitude to adopt would have to be the presumption favourable to the human being conceived, just as it is presumed that there could be survivors in case of an avalanche or a landslip.
5. This tradition could perhaps be linked to the Far-East practice to give the new-born child one year of age.
6. On this question, see P.E. TROUSSE, *La proposition de loi n° 280*, in *Annales de Droit*, 31, 1971, n° 4, pp. 412-417. - Abortion liberalisation entails an odd legal contradiction, for on the one hand, the unborn child can be entitled to rights and indemnities and may inherit, whereas on the other, he could be killed.

can have rights. It can receive a gift or succeed to an inheritance. This provision goes back to Roman law: "Infans conceptus pro nato habetur quoties de eius commodis agitur".<sup>7</sup> It should be noted that there it is not only a question of the rights of the unborn, but also of its interests. In addition, recent judgements, particularly in Australia and Germany recognise its right to damages in a case where it might suffer an injury caused by an accident to the mother during pregnancy.

Besides, it is by virtue of these same premises that the struggle for liberty, equality, and for the participation of all in political economic and cultural life has been carried on. If this firm foundation is removed or even weakened, the Western legal system quite simply loses all meaning, and statute law its reason for existence.

In a way, the actual system of law is above and beyond the members of the existing political community. In this way, the law can play an important part in educating the citizens of today. But this is not the limit of its transcendence, because the law also assures the continuity of the body politic. Besides, legislating means drawing up a plan and recognising, even for future citizens that they are fully capable of rights and duties.<sup>8</sup> In short, because law is found-

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7. See e.g. GAIUS, *Institutes*, 3rd Commentary, 4, Belles Lettres, Paris, 1965 ; ULPIANUS, *Commentaire sur l'Edit*, D.37, 9. Cfr J. GAUDEMET, *Le droit privé romain*, Paris, 1974, p. 301. See also PAUL, D, 1, 5, 7.

8. E. LEVINAS has developed this theme on various occasions. See particularly : *En découvrant l'existence avec Husserl et Heidegger*, Paris, 1967, p. 901 ; *Humanisme de l'autre homme*, coll. Fata Morgana, Essais, Montpellier, 1972, pp. 40-44.

ed on reason, it has an irreplaceable educational function, and it aims, amongst other things, to protect the weak from the powerful.

### *Hybrid Law*

It is now possible to see the reason for and the limits of a comparative study of abortion legislation. Comparative studies of law often pay too little attention to the fact that the principles of law may vary considerably according to code, country, or type of regime. Yet the examination of these principles is especially important for the comparative study of abortion legislation. In effect, what is important is not so much whether abortion is legally permitted here from 4 to 10 weeks, there from 5 to 15 weeks. What counts is the basic attitude to the unborn child. Only superficial comparisons can be made without going back to these principles. Unless this is done, the basic meaning of laws treated as similar is obscured and the comparisons lend themselves to very varied conclusions.

It follows that a hybrid system has been established in countries which have a democratic tradition and where abortion has been legalised. There is a deep inconsistency at the heart of some constitutions.<sup>9</sup> On the one hand these commit themselves to respect and even protect the unborn ; on the other hand, they re-establish the right (which was gradually being abolish-

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9. This inconsistency even appears in the famous Loi Veil, n° 75-17 of 17th January 1975, whose Article 1 states, not without certain cynicism : "Law guarantees the respect of every human being, as from the start of his life. No one could interfere with this principle, except in case of necessity, according to the conditions fixed by the present law".

ed) of the head of the family over life and death ; they even widen it, to the point of extending its scope to the unborn child. Moreover, this right is granted to the mother, the doctor, the psychiatrist, the demographer, and soon, no doubt, to the technocrat.<sup>10</sup>

### *Fact and Law*

It is therefore a whole conception of law and the legal system which is in question here. Law, for the jurist, is not what it is for the sociologist. Of course to a certain extent the law always takes account of moral custom. But if the legislator were to confine himself to observing, describing and understanding social facts, and giving these the sanction of law, he would differ in no way from a sociologist. If this idea were carried to its limit, sociology would render law superfluous and pointless.

This confusion between social fact and legal norm is now so widespread that it may be found in the words of the highest political authorities. For in the end, to pretend that legislation on abortion has become *obsolete, inappropriate* and that this is proved by its *numerous breaches* is to give way to an abominable confusion between fact and law. It is not admitted, but this is cheap demagogy. Yet in reality, by declaring the citizens permanently unfit for rights and duties, they are insulted. It should be noted at the same time, that this also challenges the basic principle of all democratic institutions.

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10. On *patria potestas*, see J. GAUDEMET, *Le droit privé romain*. The *jus vitae necisque* notably evolved under the Roman emperors Hadrian, Antoninus the Pious and Constantine. Last named penalized infanticide.

If the inappropriateness of a law is demonstrated by the numerous breaches recorded, in effect that proves it a bad law. It must be made stricter, and especially, be complemented by social measures. Should one conclude that less harsh laws are needed because of the increase in the number of holdups or the taking of hostages ? Should the widespread practice of tax frauds encourage inspectors to be more lenient ? One could give many examples demonstrating the confusion of principles cited in this or that case. If this law is broken, it is because it is too harsh or inappropriate ; if that one is, it is too lenient. One might as well recognise straight away that principles are chosen to suit the argument put forward and to flatter the electorate.

In short, the argument that "law follows custom" is far too weak to provide a premise for the liberalisation of abortion. Should slavery not be contested because it was allowed in Rome ? Conversely, moreover, the law may encourage certain types of conduct ; the proportion of divorces varies according to the provisions of relevant legislation. A law liberalising abortion necessarily leads to conduct culminating in abortion actually taking place.<sup>11</sup> This is one of the reasons why those who, on the one hand, protest repulsion for abortion, and on the other recommend its liberalisation have little credibility.

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11. Cfr J.H. SOUTOUL, *Conséquences d'une loi*, p. 46 ; p. 214 and foll. ; R. BEL, *Un rapport mal fait, passim*. As far as Britain is concerned, see *L'avortement devant le Parlement*, p. 5 and particularly R. BEL, *Quelques éléments de la situation en Angleterre depuis la libéralisation de l'avortement (1967)*, (roneotyped study), 10 p., no place (1976).



*The Trapped Legislator ?*

The problem here is knowing whether the legislator will allow himself to be trapped into succumbing to a particular prevailing atmosphere and giving way to the pressures surrounding him. He can demonstrate his pusillanimity or the measure of his courage. The legislator is here faced with a real challenge : either to allow himself to be conditioned, like certain doctors, or to believe that the law ought to make a certain degree of rationality prevail over passions and instincts, that the law should define positively a field of action for liberty.

In the first case, however, let the legislator beware of the precedents he follows. He is abandoning the irreplaceable educational function of law. He is endorsing with his authority the right which some people wish to arrogate to themselves, the right to dispose of human life at its inception. Above all, in giving the people the false illusion of total liberty, he is increasing the hold of the conditioning to which the people have already fallen victim. He is making them more vulnerable to totalitarian ideologies, both pro-Fascist and other, which are only waiting for liberty to be murdered to unmask themselves.

Moreover, education and repression are not the only functions of law. It also has a preventive function. Society certainly has the right and even the duty to protect itself against the agents of disintegration, against anything which could unleash aggressiveness.<sup>12</sup> There is no need to wait for confirmation

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12. Such is the usual object of the laws on social defense. Cfr M.-Th. MEULDERS-KLEIN, *Considérations* ..., pp. 439-441 ; p. 489 and foll.

of the existence of abuses which force society to take repressive measures. In the short term, preventive measures and restrictive regulations may give the impression of reducing the field of political liberty, but in the medium and long term, such measures are shown to be highly beneficial to individuals as well as to society.

A good example is the well-known Vandervelde law which regulates strictly the sale of alcoholic drinks in Belgium. This law prevented abuses suffered by workers and still more by their families. Certainly it limited the liberty of consumers and vendors of alcohol, but it protected families and society from the scourge of drunkenness and put both vendors and consumers on their guard against abuses which the social climate could not contain unaided. It is by virtue of these same principles that psychopaths are confined, that there is a speed limit on the roads, and that the arms trade is regulated.

## CHAPTER IV. THE RETURN OF LEVIATHAN

The preceding reflections have inevitably led us to go beyond the problematic of a particular law. In effect, every Bill or legislative proposal for liberalising abortion contains a trap which must be vigorously exposed. One might believe that the object of the debate is simply limited to a change in or repeal of a statute. This statute is no doubt fairly complex, but its application seems strictly limited to a precise problem, abortion. One might imagine that the only question was the "voluntary termination of pregnancy".

*High Stakes*

In reality it is nothing of the kind and the real stakes are very high. There is no way of separating the debate on abortion, not only from that on constitutional law and its foundations but also from the general theory of the State. "A little change in civil laws", comments Montesquieu, "often produces a change in the constitution. It looks small and has vast consequences".<sup>1</sup>

The examination of any Bill or legislative proposal seeking to liberalise abortion has inevitable implications for democratic institutions and the identity of our political society. That is why, in this area,

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1. MONTESQUIEU, *Matériaux pour "L'Esprit des lois", extraits de "Mes Pensées", n° 414, ed. cit., vol. II, p. 1112.*

compromises and half measures are capitulations with irreversible consequences. When abortion is debated, the legislator cannot avoid calling our political society into question. It is on its nature that they must inevitably make decisions. This can be shown by a short examination of the relationship between the legal system and actual law, the separation of legislative and judicial functions, and the concept of the State.

It must be admitted at once that actual laws can be unjust and that therefore lawfulness does not exhaust the requirements of justice. Manmade, laws are capable of improvement.<sup>2</sup> In a given historical context, the law attempts to guarantee the indispensable conditions required for men to live together and exercise rights. These rights are translated more or less satisfactorily into actual law, but they antedate codification and do not depend on legislative sanction. They are revealed, proclaimed, recognised. They are neither assigned nor granted, nor conceded. They are inalienable and indefeasible.<sup>3</sup>

All the great protest movements have emphasized real rights which were unrecognised by actual authority. All the great historical revolutionary movements

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2. Under the light of the Heideggerian theme of historicity, the problem of human rights inspired several important authors, among others : W. MAIHOFER, *Recht und Sein. Prolegomena zu einer Rechtsontologie*, Frankfurt a/M., 1954 ; A. KAUFMANN, *Naturrecht und Geschichtlichkeit*, Tübingen, 1956. - See also in J. LADRIERE, *Vie sociale et destinée*, Gembloux, 1973, the chapter on "Les droits de l'homme et l'historicité", pp. 116-138.
  3. This problem has been widely dealt with in the documented study of A. VERDOODT, *Naissance et signification universelle des droits de l'homme*, Louvain, 1964.

set themselves *against* political institutions which prevented their assertion. Remember, for instance, *Magna Carta* (1215), the *Petition of Rights* of 1628, the *Bill of Rights* (1689) and the United States *Declaration of Independence* (1776).<sup>4</sup> It was in the name of these rights that the French Revolution occurred and ordinary people proclaimed the denials of justice of the *Ancien Régime*. It is in the name of these same practical principles that most socialist movements have struggled for the liberation of the proletariat.<sup>5</sup> Nearer home, these same principles have inspired the struggles for independence in former colonies.

#### *The Historic Foundations of Justice*

These rights are neither the result of simple thought by philosophers, nor of the perspicacity of jurists ; they constitute the subject of a progressive awareness over the course of centuries. At the same time, this awareness may be very unequal, depending on the socio-cultural milieu.

The recognition that every human being is capable of liberty is a response to the well-defined experience of history which gives this recognition a certain experimental basis. Historic experience shows that

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4. These texts have been collected by M. DUVERGER in *Constitutions et documents politiques*, coll. *Thémis*, Textes et Documents, Paris, 1964, pp. 309, 311, 314 and 289 respectively.
  5. Karl Marx so stigmatizes the abusive identification between bourgeois and man, in : *La Question juive*. Text in : *Pages de Karl Marx pour une Ethique socialiste*, M. RUBEL publ., vol. I : *Sociologie critique*, Petite Bibliothèque Payot, 166, Paris, pp. 281-283.

people *become* aware of behaviour and institutions of which they had not at first been conscious. It was only gradually that the institution of slavery was seen to be abnormal, immoral and unjust. The evils of colonialism and of the subjection of women, and the fact that people have inalienable and indefeasible rights, were only perceived little by little. The immorality of torture has been uncovered in the course of centuries, but it is still not completely exposed.<sup>6</sup> The same applies today to racism and every kind of discrimination. Little by little the right to participation together with its varied implications is brought into the open. These fragile discoveries of history show that justice is a historic institution in human society. Justice does not emerge ready made from the minds of philosophers, moralists and jurists. It is founded in human history, a history made up of repeated criticisms whose objective is to condemn unjust behaviour because men have suffered from it.

There is a dialectical relationship between reflection on the rights of man and historical experience ; the one re-echoes the other and illuminates it.<sup>7</sup> This converging effort culminates in a specific cultural achievement ; in fact, in the course of centuries, human endeavour has sought to perfect declarations of human rights, such as the *Declaration of the Rights of Man and the Citizen* of 1789<sup>8</sup> or the *Universal Decla-*

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6. As the problems are to be distinguished, we have deliberately left aside the debate on death penalty. Let's just say that the basic argument of abolitionists to defend the criminal's life is the same that the one which pleads in favour of the unborn child, i.e. the unconditional respect of the other person.

7. See on this subject E. WEIL, *Philosophie politique*, Paris, 1956, p. 39.

8. In : M. DUVERGER, *Constitutions ...*, p. 3.

ration of Human Rights of 1948, to which was added in 1959 the *Declaration of the Rights of the Child*.<sup>9</sup>

Sometimes the statement of these rights is incorporated in a constitutional text such as the *Bill of Rights* of 1689.

These declarations allow us to grasp the importance of the distinction between human rights and actual legislation. Rights are not at all to be regarded as actual laws, nor do such declarations make people capable of right. They simply make explicit the awareness of certain rights to which everyone was entitled before any declaration was made. They set out the inalienable rights of which States and legislation must take account, must respect, and make respected.

From this point of view, the State is presumed to recognise the existence of an entitlement to rights which antedates its own foundation. The State, therefore, is not the ultimate source of the politician's authority. It (that is, the State) has no basis, or rather no legitimacy, except in so far as it is supported by a free consensus emanating from the free wills of the members of civic society. These members have united in a political society precisely because, beyond their differences, indeed their conflicts, there exists among them a fundamental agreement on certain rules of life, such as that which forbids murder, or recognises that each person is entitled to rights. If this consensus is undermined, it is the quality of the regime

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9. See R. SAUNIER, *L'enfant et ses droits*, coll. Psychologie et Education, 14, Paris, 1970. We find a.o. in this statement: "In consideration of their lack of physical as well as intellectual maturity, children do need special protection and care, especially adequate legal protection, before and after birth".

which is itself challenged.<sup>10</sup>

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10. Mrs Simone VEIL has dealt with various aspects of the problem examined here in her *Exposé* to the 1977 Mexico Congress (we simply quote *Exposé*). The entire text can be found in vol. 4 of this Congress Acta, publ. under the title : *Mexico 1977. International Population Conference - Congrès International de la Population. Proceedings*. Paperback publ. by the International Union for the Scientific Study of Population (IUSSP), Liège, 1978, pp. 591-602. An English translation of this text by David B. DOTY was published in *Population and Development Review*, vol. 4, n° 2, June 1978, pp. 313-321.
- In her *Exposé*, Mrs VEIL confronts two types of rights : on the one hand, the "basic political rights", issuing from a "passive conception of human rights altogether", whose extension gave in fact birth to a "whole gamut of new rights, often defined as social rights, or rights "to obtain something", as opposed to the "rights to do something". Hence, each and every human being comes to the world with a certain number of credits on the State". She surprisingly concludes by saying that "the more you deviate from the basic rights, which are so to say truisms, the more you have to rest upon a necessarily contingent value system" (p. 597). - The most troubling fact in this position is that Mrs Veil is questioning the living and actual reference to "basic rights", and by doing so, she is also questioning the foundations of our political society. For this reference to "basic rights" precisely fixes in our societies imperative limits and objectives to the political and juridical practice. These "basic rights" are however of a metaphysical nature and they refer to values. The values aimed at are devised in a sufficiently supple manner, so that they could be subject to a wide consensus. But at the same time, they are sufficiently precise, so as to reject straight off any high-handedness or totalitarian project. Of course, the various particular *systems* explaining the foundations of these values are historical, but the *values* dealt with are not contingent for all that. Similarly, the basic rights expressed by positive law are in this respect historical, though in no way contingent. Positive laws and their contents are indeed always determined by reference to the original intention. Certainly, the "social rights" are really a genuine innovation with respect to the "basic rights", but  
 .../...



Consequently, the cry of "popular sovereignty" or "majority rule" to justify the liberalisation of abortion should delude no one. From the moment it is established that the child in the womb is human from its beginning, the liberalisation of abortion involves of itself a radical challenge to one of the major principles which political society was formed to defend. If this is so, there are good grounds for saying that *objectively*, the political and legal orders are being undermined. Democracy has begun to head for suicide. From this point onwards, civil disobedience will be justified and resistance will become a duty.

#### *Human Rights and Actual Legislation*

The democratic State is obsessed by respect for the differences between men, by otherness ; this is the co-existence of freedom.<sup>11</sup> This explains why democracy is not possible without conflict ; as soon as respect

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.../... this innovation locates itself in the continuity of and in adequation with the original intention. In this particular sense, the most radical way to challenge the "participation right" - whose different aspects are covered by the expression "social rights" - would be to declare it contingent and to dissociate it from its compulsory reference to the "basic rights".

Those questions inevitably relaunch the problems of nature of the State and of the foundations of power. - See *infra*, p. 46, n° 18.

11. "Therefore, it can be understood why humanity came only lately to democracy (because the democracies of the ancient cities were not genuine democracies, for they were based upon slavery, getting by this means rid of their biggest and most distressing problems). Of all political conceptions, democracy is the most remote from nature, the only one that transcends - at least at the level of intentions - the conditions of a 'closed society'". H. BERGSON, *Les deux sources de la morale et de la religion*, in *Oeuvres*, Editions du Centenaire, p. 1214 (= 229), Paris, 1959.

for anything unusual is mentioned, conflict is virtually certain to follow. At the same time, in traditionally democratic and liberal societies, a very different attitude from that in totalitarian countries is adopted. The latter attempt to reduce the "other" to the "same". The only choice open to the deviant, the objector, the opponent, is to allow himself to be "re-educated", ostracised, imprisoned, etc. or else to accept death, whether physical or psychological in the ward of a psychiatric hospital. In Marcuse's phrase, it will be a case of dealing with a society of "unidimensionalists".

This is why totalitarian states, without exception, suppress the distinction between human rights and actual legislation ;<sup>12</sup> in their view, actual legislation defines justice. At first sight, total liberalisation of abortion slightly distorts this distinction. This distortion is accepted all the more easily because it can take advantage of the quibbling of psychiatric, sociological, philosophic or theological authorities on the human character of the unborn child, the convenience of the woman, the family or society. In fact, instead of a distortion of limited scope, there is here a thoroughgoing qualitative modification which profoundly affects our conception of law.

In democratic regimes, it is not for the legislator to decide upon who is entitled to rights. In liberalising abortion, however, he is arrogating to himself two excessive prerogatives : deciding who should be entitled to rights, and *defining* what those rights are. Now

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12. See for example how HOBBS imagines the liberty of the subjects and the relationship between natural law and civil law, "containing each other and being of equal size". In *Leviathan* : see resp. Part II, Chapter 21 and Chapter 26.

most Westerners would think that to kill a neighbour in cold blood for a trifle would be a crime even if, by some incredible omission it were not so defined in the penal code and were not penalised. And the legislator is not entitled to decide according to his own taste that killing of such a kind is not a crime or that stealing is not an offence. On the contrary, he ought to prevent and suppress crimes and misdemeanours. Neither does the State have the right to permit abortion : on the contrary, it should prevent it, forbid it and repress it.

Yet powerful forces have constantly dreamt of usurping prerogatives like these, and the history of political and legal liberties in the West, as much on the national as the international plane, is the history of untiring opposition of these totalitarian pretension. Socrates died for this ideal, knowing clearly that he was obeying an order which was legal but immoral, an ideal which we have been safeguarding, after a fashion, for centuries.<sup>13</sup>

This distinction between human rights and actual law, between the individual and the citizen is undoubtedly the major idea developed during the history of political thought in the West. It is the tenet most constantly threatened. Hallowed in modern times by written constitutions, expressed in civil and penal codes, this distinction is the surest guarantee of public and private liberties, the most certain driving force of social and political progress. It permeates all the political institutions of modern democratic States which accept the principles of the separation

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13. The distinction between Justice and Lawfulness was apparently set up previously by Hippias (see XENOPHON, *Memorables*, II, 4, 12).

of legislative and judicial functions and of the limitation of State, that is to say, executive power.

### *The Separation of Powers*

Where human rights and actual law coincide, there is little need for the judicial function in the sense that is meant here. The judge ascertains the divergence between individual conduct and legal requirements and penalises disobedience. Since personal morality is identified with keeping the law, the judge must not trouble himself to enquire into and understand attenuating circumstances or subjective motivation. The judicial function is reduced to one of ascertainment, similar to that of the policeman who notes a breach of traffic law and swears to the contravention. Consequently, the judicial power's first duty is to actual law ; it makes known what the law requires and punishes actual violations. The judiciary tends therefore to be an adjunct to the legislature and the executive.

In Western law, the distinction between the rights of the individual and actual law makes it possible to limit legislative power and to prevent its arbitrary exercise. The legislator attempts to formulate just laws, that is to say, laws which respect inalienable human rights. It sets out rules of compulsory social conduct and the penalties which punish infringements. Legislative activity therefore, takes place at such a general level that it gives a transpersonal character to actual legislation. It is not for the legislator to apply the law ; that role belongs to the judge. It falls to the judicial power to evaluate the subjective responsibility of those who are accused of objective breaches of the law. The judge does not deny the reality of the crime, but in passing sentence he will take account of both aggravating and mitigating cir-

cumstances. Those who legislate for particular cases, whether groups or individuals, show themselves to be partial, inequitable and arbitrary. But the judge who limits himself to mechanical and blind application of the law will end by being arbitrary and unjust. It is therefore of capital importance to maintain carefully the separation of powers so that the legislator does not enlarge his bounds of action and the judge does not stoop to becoming the mere executor of the more or less arbitrary decrees of the legislature.

Thus it is no longer because the legislator has determined and decided that "abortion is no longer a crime or an offence" that it thereby ceases to be so.<sup>14</sup> Legislative activity, in the same way as judicial and executive to which it is closely linked, is regulated by the defence and promotion of human rights. It does not define justice, it gives it its place in history. If it is the case that the legislator gives way in the face of such and such a crime or offence to the extent of denying them the legal status of crime or offence, then surely he is misusing his lawful power and encroaching on the judicial function. Not only is the proposal which he sponsors anti-constitutional, but the government which sponsors it loses its legitimacy.

### *The Allpowerful State*

We are thus led to consider one last constitutional and political implication of the liberalisation of abortion. In embarking on a process which ends with a dispute over the separation of judicial and legislative powers ... to the advantage of the legislative ...

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14. Mr FAVRE's proposals go into this direction : see *Un crime de moins*, La Chaux-de-Fonds, 1971.

another dispute, this time over the separation of legislative and executive powers is begun ... to the advantage of the executive. To be more explicit, this means laying the foundations of a State very different from the one we know now. This is a State which transcends its citizens, an absolute State.<sup>15</sup> The founding contract is thus broken.

The fact is that from the moment that the legislative power ceases to take account of entitlement to rights which antedate actual law and reserves to itself the right, in the last instance, to define crime, its power becomes the source of law, legitimacy and morals. A number of political philosophers from Machiavelli via Hobbes to Hegel, to cite only these classics, saw this clearly. At that moment, the legislature ceases to represent the citizens and relinquishes its mandate. At the very moment when it destroys itself, it establishes one and only one source of right.

Gathering to itself judicial and legislative prerogatives, with no provision for the division, sharing or equilibrium of powers, this New State has at its disposal an unlimited and uncontrollable power to do anything, even if, as a "good prince" it allows its citizens some rights. This is why some Latin-American lawyers, in defending prisoners accused of offences against the "security of the State", and subjected to torture in countries with a dictatorship, have some-

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15. A good illustration of all this can be found in HOBBS' works. See *Leviathan* : Part I, ch. 14 (on *contracts*) ; Part II, ch. 17 (on the *Republic*) ; ch. 18 (on the *Sovereign*).

times chosen to appeal to legislation protecting animals ...<sup>16</sup>

Thus those who ask the State *to remove guilt* from abortion show a disconcerting lack of thought. They see dimly that the State, as it is conceived in our culture, goes beyond the limits which have been set if it liberalises abortion. But they do not hesitate to ask the State to intervene in a way which not only increases the scope of its power, but leads to a profound change in its very nature. Only the Leviathan State could agree to their wish, and they are appointing the day of transfer of an inalienable responsibility into its hands.

*To "Willing Slavery"*

The establishment - even, and perhaps especially when painless - of this type of State completely upsets our idea of political life and particularly of democracy. The tension between Nation and State is brought to an end because the State identifies itself with the Nation and appears as the authentic and only spokesman of its interests. Consequently the Nation no longer has control of the institutions which the State has confiscated for its own advantage. In the same way, the individual is identified with the citizen and reduced to the status of an official. Here again the legitimate is identified with the legal.

Henceforward, whatever emanates from Leviathan's decision is just, whatever he defines as injustice is unjust. Good or bad citizens will be those the State

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16. Perhaps will the defenders of the unborn child soon have to call to the *Universal Declaration of the Animal Rights*, solemnly proclaimed by the UNESCO on 15th October 1978 !

classifies as such. "Raison d'Etat" becomes the absolute and unquestionable authority, so much so that the Rule of Law can no longer subsist. It is the Leviathan-State which decides what is good or bad, who deserves to be a citizen and who does not. An individual can only obtain rights if he satisfies *criteria* laid down by the State in accordance with the judgement, the will and the discretion of the masters of the regime concerned. From surrender to surrender, men cannot even see that they are continuing their slide down into "willing slavery".<sup>17</sup> Already they are asking the State for security, comfort, happiness.<sup>18</sup> Soon, they will ask what *is* their happiness, what *is* justice. The outcome is that the State is expected to "humanise" its subjects ... if it so wishes.

A quick glance at the customary daily paper is sufficient reminder that regimes inspired by these principles are not simply museum pieces ; as of now, they are much more numerous than those with liberal democratic traditions. In countries where abortion has been liberalised, it is those very principles which are invoked in the pleadings and judgements affecting abortion cases. In the courts, these are looked at more and more exclusively on the plane of legal positivism to the exclusion of any reference to a metalegal order. This has become apparent because the courts,

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17. See Etienne de la BOETIE, *Le discours de la servitude volontaire*, coll. Critique de la politique, Paris, 1976. See for instance the astonishing textes on pp. 179 and following.

18. Mrs. Simone Veil refers to a daring conception of the State, when she states that "*the State is responsible and answerable for the Nation in all its dimensions*, not only social, cultural and regional, but also historical" (extract from her *Exposé*, on page 593, quoted above, p. 38, n° 10). We did underline.



in giving reasons for their judgements, accord growing weight to the strictly positive provisions of legislations, at the expense of the "conscience clause" which seeks to safeguard the freedom of the medical professions.

Let us sum up. In the first stage, we saw that the liberalisation of abortion called upon the subjectivity which constitutes the *self*. In the second stage, which is considered here, this liberalisation calls upon the subjectivity which constitutes the State. Two major questions now await reply. First, what is the link between the constituent role of the *self* and that of the State? Then, *who* (or *what*) is hidden behind these anonymous structures of the State?<sup>19</sup>

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19. On this philosophical problem, see P. RICOEUR, *Science et idéologie*, in the *Revue philosophique de Louvain*, 72, May 1974, pp. 328-355, and in particular pp. 341 and foll.; A. DE WAELHENS, *L'idéologie et le sujet*, in E. CASTELLI (publ.), *Démystification et Idéologie*, Paris, 1973, pp. 325-333. Mrs Simone VEIL rightly notes that "when you speak about demographic policy, you just mean an interim objective, not an aim in se. Therefore this first question: is it legitimate for a State to concern itself with demography? What are the true objectives concealed by a series of demographic objectives? To what other objectives are they submitted?" In her *Exposé*, on p. 592 and foll., quoted above on p. 38, n° 10.

## CHAPTER V. MORALS AND IDEOLOGICAL JUSTIFICATION

Confronted with such serious basic questions, the failure of some moralists is even more astonishing than the inadvertence of some politicians and the inconsistency of certain jurists. Faced with the possibility of the liberalisation of abortion, two main attitudes can be seen : omission and justification. These two attitudes, however, lead to fundamentally similar positions.

*Morals à la carte*

Instead of showing that the field of liberty widens with scientific and technological progress, the first attitude, omission, appeals more and more to psychopathology, indeed to sociology to demonstrate that man is the prey of determinism over which he has little control. There is only one conclusion to be drawn from this, the knowledge that morals have no longer any clear aim, and the moralist is decidedly incompetent. This, in effect, is asserted in the injunction to "refrain from judging".

Consequently one should not be astonished at the trivial way in which human sexuality and problems of intersubjectivity are treated. Sexuality is reduced to a need of the self. It is no longer considered as a dimension of the person who wishes to meet, to share, to exchange, to give. From this one comes back to Wilhelm Reich and his conception of sexuality as pure need.<sup>1</sup> Furthermore, although contraceptive measures

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1. W. REICH, *La révolution sexuelle*, coll. 10/18, 481-482, Paris, 1968.

may bring security, the unexpected has to be faced, so why not envisage abortion ?

Nevertheless, it is far from being the case that this amoral attitude is shared by all those in favour of the liberalisation of abortion. Some moralists try and justify liberalisation in terms of two themes. One is based on the idea of the "wanted child",<sup>2</sup> the other on the "human/humanised" distinction.<sup>3</sup>

In the first case, the fate of the child depends on whether he is wanted or not. He exists, is in a certain state, in vain, unless his mother, his father, a third party allow him his right to continue to exist, and to be human, that is to say, to grow and develop. The child may continue to exist as long as it has a recognisable value *for someone else*. This other can take advantage of its adult status and the strength of its position to decide unilaterally for or against recognition, and still more, for life or for death. It is therefore with reference to someone else that the child is allowed to continue to be, or not. The "other-than-me" can continue to exist *if* I establish it as of value-to-me.

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2. How could it be denied that as a rule, the desired child is preferable to the undesired one ? It is so with *all* the human relations. Each of us dreams of only having to do with good, attaching, sympathetic people. We could imagine a world without black (or white) people, without Flemish (or Walloons), without Germans (or Latin people) etc... as may be.

But at the very end of this reduction of the OTHER to the SAME, we would find nothing but a mirror-like relation with ourselves. Indeed, the OTHER ONE becomes an obstacle to me, he interpellates me, he forces me to take side the moment he appears in my field of conscience.

3. See André LEONARD, *L'enfant à naître est-il déjà humain ? Le point de vue du philosophe*, in *La libre Belgique*, of 5th January 1979.

The value principle relied upon here goes beyond all consideration of the stage of becoming or the actual phase of existence. In general, "the other" is allowed to exist, on condition that I consent to its existence. Negatively, whether by my own effort or with help from someone else, "he" is in my power. "He" is in the course of being made in vain, unless I give him value-to-me. "He" is necessarily forced into the category of an antagonist and, in the final analysis, I have the right to suppress him.

The alternatives are strictly limited to friend or foe ; there is no third choice. *Homo homini lupus*. Hobbes made this aphorism the principle of his political thought and taught it. This is the principle made use of here, but after developing its implications. Man is presumed only to be able to affirm what he can also deny, and all human relations are governed by the regulatory categories of friend or enemy. This antagonism is carried to such an extreme that man becomes like a wolf towards his own child ... and there are no examples of such an attitude in the animal kingdom.<sup>4</sup>

The second argument is based on the distinction between the human and the humanised being. It conceals unpleasant traces of an old dualist anthropo-

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4. We are living in an era (among others) where for some people, the fool is the other one. Therefore, each one is defining his own system of rationality, and thus of foolishness. The era of the "big exclusion" goes then hand in hand with the era of the "big confinement". See on this question the works of Michel FOUCAULT, *Histoire de la folie à l'âge classique*, coll. Tel, 9, Paris, 1976 ; *Id.*, *Surveiller et punir. Naissance de la prison*, Bibliothèque des Histoires, Paris, 1975 ; Thomas S. SZAS (publ.), *L'âge de la folie. L'Histoire de l'hospitalisation psychiatrique involontaire à travers un choix de textes*, coll. Perspectives critiques, Paris, 1978.

logy. In this, the principles of recognition and reciprocity are left in abeyance. It would doubtless be difficult to deny that the relationship with and recognition of another person are decisive factors in constituting an individual. Only, the human/humanised distinction, in the way in which it is presented, is so clear cut and abrupt that it gives the idea that the development of a human existence is marked by an essential division.

Now this surreptitious transition from a distinction of reason to a distinction of fact is simply unwarranted. If the unborn child is humanised, it is because, from the outset, it is human. The most that can be said is that the distinction between the human and the humanised being results from analysing a single integrated process. But the division with which it is made to correspond is devoid of biological and anthropological foundations. In any case, beyond the embryo and the foetus can be seen the man whose development is interrupted, or, more exactly, terminated.

All in all, this line of argument rests on a clever ambiguity, the shift from distinction to division. In concrete reality, there is no line nor boundary marking the transition from "being human" to "being humanised". Postulating that a being is human is *ipso facto* postulating that he is being humanised. The separation of these two types of assertion will end in the juxtaposition of two propositions finally devoid of meaning.<sup>5</sup>

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5. Cfr E. POUSSET, *Etre humain déjà*, in *Etudes*, 333, November 1970, 502-519.

*Dust in the Eyes*

It is remarkable that the premises on which these two justifications are based are not only very different, but irreconcilable. In the first line of argument, the adult sets himself up as the standard of value, as a unique and exclusive point of reference. Thenceforward, considerations of the physical or psychological development of the other term of the dyad ... the unborn child ... are only of secondary if not negligible importance. The child's property of existing is not questioned, but the expediency of allowing this existence to take its course is left to the appreciation of an authority distinct from the child.

The second justification questions the child's property of existence, thus authorising the adult to interfere. It is based on the incomplete development of the human being. The first justification is in line with the agreement of the strongest. In the second case, considering that the child is incapable of reciprocity or recognition, it is no more than a pre-personal being. It is not capable of being truly recognised until it achieves "humanisation".

Briefly, two lines of argument are presented, the first subjective, the second objective. The first justification allows the adult total and unconditional freedom to decide, whereas the second disputes and limits it with regard to the actual development of the child. But the second justification disputes the status of the developing child which is recognised by the first. If the supporters of the first justification were to give to the adult the role assigned by the supporters of the second, they could not logically envisage the liberalisation of abortion. But neither

could the partisans of the second line of argument were they to adopt the conception of the child held by supporters of the first.

At the very time when these two justifications, faced with each other, might be expected to corroborate each other, they show that in the last analysis they are founded on irreconcilable and incoherent premises; each dismisses the other's case. Their only meeting point is a proposition to be demonstrated at any price. The premises are constructed for the needs of the cause. It does not matter whether they are well-founded, or whether they are in harmony provided that they throw dust in the eyes and lead to the desired conclusion. In short, everything takes place as though certain moralists had assumed the role of inventing arguments which other sections of society need to justify themselves.

#### *To the Rescue of Victory*

Such rationalisations are particularly irritating when they shelter in the writings of certain moral theologians who are rushing to fall into step with their non-theological colleagues. Naturally it is not the first time that moral theologians have run to the rescue of victory. Both long ago and recently, more than one has been careful to flatter princes. Times have changed but the temptation to degrade the theological process into legitimising ideology is as seductive as ever. Christ himself knew this temptation in the desert. Whether this degradation is for the benefit of a prince, of a middle class intelligentsia, of consumers or would-be consumers, indeed of some imperial power makes no difference.

Certainly no one would hold it against the theologian for being attentive to the questions of contemporary society.<sup>6</sup> But this attention does not authorise him to abandon his proper procedure, nor to allow himself to change direction without prior criticism. The end result of such an abdication would be to sterilise the Gospel with all its intransigency. What distinguishes the moral theologian from the non-theologian moralist is the particular way in which he is supposed to be able to illuminate the moral problems of this time. Every era, every culture presses the moralist to re-activate the Gospel, that is to say, to bring its provocative, dynamic and prophetic witness to those prepared to listen.

But this re-activation cannot be undertaken regardless of cost. On the plea that the Church does not adapt its morality to the actual conduct of some Christians, it is regularly taxed with hypocrisy and inhumanity.<sup>7</sup> What would remain of the moral code of the

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6. One of the most interesting studies is Charles ROBERT's *L'interruption de grossesse*, in the *Supplément to Psychiatrie et Vie chrétienne* (Rennes), n° 12, no date (end 1971 ?), good documentation pp. 31-35. See also R. HECKEL, *Avortement. L'heure de vérité*, in *Cahiers de l'actualité religieuse et sociale*, n° 61,1 - 15th July 1973.

7. The Magisterium's position on abortion has been re-affirmed in several recent publications. Among the papal declarations, let's recall the *Allocution aux représentants de l'Ordre des Médecins des pays de la Communauté européenne*, in *La Documentation catholique*, n° 1622, 17th December 1972, pp. 1107-1108 ; *Allocution au XXIIIe Congrès national des Juristes catholiques italiens*, *ibid.*, n° 1623, 7th January 1973, pp. 4-5 ; *Allocution à un groupe de Savants*, *ibid.*, n° 1653, 5th May 1974, p. 406 ; *Allocution au Secrétaire général de la Conférence mondiale de la Population*, *ibid.*, n° 1652, 21st April 1974, pp. 355 ss. ; Letter from Cardinal VILLOT à l'occasion des journées médicales mondiales (Munich, 15-21 octobre 1973), 10th October 1973, .../...



Gospel if it were persuaded to take the conduct of Christians as its point of departure ? It is not really a question of preserving principles for the pleasure of getting them accepted. They are not an end in themselves, nor are they "abstract" as some would have us believe. They deal with the lives of human beings. It would be hypocrisy and bad faith if Christians, and especially moralists, were to change the principles

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.../... *ibid.*, n° 1646, 20th January 1974, pp. 60 and following ; Special mention should be made of : *Déclaration de la Congrégation pour la doctrine de la foi sur l'avortement provoqué*, *ibid.*, n° 1666, 15th December 1974, pp. 1068-1073. - Among the recent papal documents, we recall the following ones: PAUL VI, *Allocution du 23 avril 1977*, *ibid.*, n° 1720, 15th May 1977, p. 456 ; JEAN PAUL II, *Allocution aux médecins italiens*, *ibid.*, n° 1756, 21st January 1979, pp. 51-53. - Among the recent episcopal documents, let's recall the following : *Note doctrinale de la Commission épiscopale de la famille sur l'avortement*, published in Paris, in March 1971 ; the *Déclaration des Evêques italiens on l'avortement et la violence*, 19th February 1973, in : *La Documentation catholique*, n° 1627, 4th March 1973, p. 245 ; the *Déclaration de l'Episcopat belge sur l'avortement*, 2nd April 1973, Bruxelles, LICAP, 1973 ; the *Déclaration de l'Episcopat des Etats-Unis*, 29th November 1973, in : *La Documentation catholique*, n° 1646, 20th January 1974, pp. 70-72 ; the *Déclaration des Evêques d'Angleterre et du Pays de Galles*, of 4th April 1974, *ibid.*, n° 1654, 19th May 1974, pp. 483-486 ; *Note de l'Episcopat espagnol sur l'avortement*, *ibid.*, n° 1666, 15th December 1974, pp. 1074-1077, etc. - Some other documents, recently published are as follows : *Lettre des évêques suisses sur l'avortement*, *ibid.*, n° 1728, 16th October 1977, pp. 891-893 ; *Déclaration des évêques suisses sur l'avortement*, *ibid.*, n° 1725, 7-21st August 1977, p. 737 ; *Lettre des évêques belges sur l'avortement*, *ibid.*, n° 1723, 3rd July 1977, pp. 642 ff. ; *Les évêques italiens et l'avortement*, *ibid.*, n° 1721, 5th June 1977, pp. 523 ff. ; *Les évêques italiens et la loi sur l'avortement*, *ibid.*, n° 1714, 20th February 1977, pp. 194 ff. ; *La loi italienne sur l'avortement*, *ibid.*, n° 1745, 2nd July 1978, p. 632 ; etc.

guiding their conduct to accommodate behaviour which they would like to justify.

The Church cannot change the definition of sin at the wish of the Magisterium or of moralists, any more than the State can alter the definition of a crime or an offence to suit itself. If it raises pretensions to being the sovereign judge of good and evil, it will cease to be the witness and manifestation of God the Saviour. It will be reduced to a purely earthly historic reality. Its morality would become a positive system laid down in part at secular instance. The Church does not have the power of constituting sin, neither is it the author of creation, nor the final source of forgiveness and salvation. It would fall into sacrilege and perjury, it would be treated with just contempt if, usurping a power it does not possess, it were to use its authority to endorse the clamour for a certain "removal of guilt".

The distinction between the legislative and the judicial is therefore illuminating even for the Church. It recalls first of all the necessary distinction between Christian morality and sociology, particularly religious. It should also encourage Christians to distinguish carefully between the role of the moral theologian who makes known the requirements of the evangelical call to conversion and that of the confessor or spiritual adviser who particularises these requirements and brings forgiveness.

Requesting the authority of the Church to stand surety for positions to which it could not subscribe without compromising its identity, would, on the part of the theologians, be giving way to an extraordinary clericalism. The Christian message is not something to be cheapened and degraded by obscuring its requirements. The consumer society has its ideologists, but

it also has its theologians who are more reactionary than one might think. At a period when the poor are spoken of with so much respect, one is struck with dismay by the spectacle of certain theologians who naively allow their minds to be infiltrated by ideologies which they have not troubled to study in depth and which manipulate the Gospel for their own purposes.<sup>8</sup> Indeed, this is prophecy in reserve !

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8. So the distance can be appreciated between our position and the position of : Father L. BEIRNAERT, *L'avortement est-il un infanticide ?*, in *Etudes*, 333; Nov. 1970, pp. 520-523 ; of Father J. RAES, *À propos de l'avortement. Aveuglement arbitraire et occultation du problème*, in *La Revue Nouvelle*, 53, n° 1, Jan. 1971, pp. 82-92 ; of Canon P. DE LOCHT, in *Avortement : un moraliste s'interroge*, CEFA document, 22, Brussels, 1971; or in *Distinguer les plans*, publ. by *La Revue Nouvelle*, 57, n° 1, Jan. 1973, pp. 25-28 ; of Father B. QUELQUEJEU, in *La volonté de procréer. Réflexions philosophiques*, in *Lumière et Vie*, 21, n° 109, August-October 1972, pp. 57-71 ; of Father J.-M. POHIER, in *Réflexions théologiques sur la position de l'Eglise catholique*, *ibid.*, pp. 73-107 ; of Father P. RIBES, and the undersigned of the *Nouveau dossier sur l'avortement*, entitled : *Pour une réforme de la législation française relative à l'avortement*, in *Etudes*, n° 338, Jan. 1973, pp. 53-84 ; of Pastor Robert GRIMM, in *L'Avortement. Pour une décision responsable*, coll. *Alethina*, 6, Lausanne, 1973 ; of Father Ph. ROQUEPLO, in his declarations to the *Informations catholiques internationales*, n° 453, 1st April 1974, pp. 17-20 ; of Abbé Marc ORAISON, *Morale et Justice*, in *Le Monde*, of 31st October 1974, p. 10 ; and in *Les principes et les gens*, *ibid.*, 9th February 1979 ; of the co-editors of *L'avortement, Problème éthique ? Problème politique ?*, coll. *Recherche et Vie*, n° 12, CEFA, no place, no date indications (Brussels, 1977).

See also John Giles MILLHAVEN, *Vers une nouvelle morale catholique*, transl. by M. JOSSUA, coll. *Points chauds*, Paris, 1972, in particular the chapter entitled *Le débat sur l'avortement*, pp. 51-65 and the notes on pages 189-195. We are puzzled by certain positions taken by the *Revue du Centre Laennec*, 1979, 2-3, on the *Problèmes posés aux professions de santé face à la demande d'avortement*.

*A Quarrel without Cause*

In discussions on the liberalisation of abortion, Christians and particularly Catholics are not uncommonly reproached with wishing to impose their own views on everyone. Sometimes it is insinuated that Christians act in bad faith by concealing their true motives in the fight against abortion. A point is reached where the Church appears to be the only obstacle to the liberalisation of this practice.

These reproaches merit a rapid study, the more so as they are not without foundation. In effect, many movements which are openly Christian in origin speak out against the liberalisation of abortion particularly in the name of religious principles. It would be difficult to dispute the right to proceed in this way, but this argument can only have an "internal" effectiveness, since, to be credible, it presupposes acceptance of certain revealed truths, membership of the Church, respect for its Magisterium and so on. The Church certainly has something to say about abortion, and it says it. Nevertheless, non-Christians cannot be expected to give the same support to these declarations as is expected of believers.

Rather than casting doubt on the honesty of Christians one would wish for greater clarity on their part at the level of the method of approach. In effect, the liberalisation of abortion should not be considered as a primarily religious problem. As we have seen, it is primarily a philosophic, biological, political, legal and moral problem. It is on these aspects that discussion turns before and independently of any reference to religion. At this level, moreover, it can be clearly seen, and this has already been noticed,

that opposing positions, for and against, are not parallel with the division between Christian and non-Christian. The Christian positions in this matter are characterised by a certain pluralism whose roots, so far as they can be observed, are pre-religious, evidently the situation is similar with regard to the positions of non-Christians.

Having said this, it must be recognised that Christians have the right to see in abortion a dimension which makes it a religious problem as well. Christians have every interest in bringing out the specific character of their approach to the problem, which is founded on Christian anthropology. In the final analysis, the recognition of "the other" has its basis in the fact that our portion of existence has been freely bestowed on each of us. In proclaiming this, Christians bear witness to their faith in mankind. But three things must remain very clear. First, it is not in the least necessary to subscribe to this Christian anthropology to contest the liberalisation of abortion. Next, it is perfectly legitimate, and even indispensable to oppose the liberalisation of abortion by resorting to the resources of the social sciences, before producing arguments of a theological order. Finally, the arguments which are proper to Christians, far from being drawn from an arbitrary or obscurantist process, have such an intrinsic value that they are worth the careful and attentive consideration of non-believers.

By respecting this distinction of methods, Christians will avoid confusing the problems. In fact, such widely different problems as abortion and contraception can neither be approached in the same way, nor considered on the same level.

Provided that these elementary rules of method are respected, the discussions on the liberalisation of abortion will not degenerate into a conflict between Church and State, which, no doubt, some would like to see. It will also be possible to give Christians the right, equally with Jews, Freemasons or Party members to make known their views on a complex problem without using such an occasion as a pretext for unfounded accusations and quarrels without cause.

## CHAPTER VI. PROMOTHEUS UNBOUND

The preceding reflections lead to one and the same conclusion. Whether it is approached from the angle of medicine, law, morals, politics or theology, the debate on abortion inevitably comes back to fundamental philosophic problems.<sup>1</sup> Each of these approaches brings us back to the centre of a debate which continually obsesses the history of human thought and presents itself as a perpetual challenge.

*Justice and Legality*

Platonic and Aristotelian tradition has been characterised from its beginning by a radical realism which has moulded the whole of Western civilisation. This submission to the real is found in all its cultural activities. It made possible the birth of the natural sciences ; it is the cornerstone of our law. It is translated into two particular forms of respect, the search for justice and the concern for accuracy.

Thus, for Plato, ideas are realities in the highest sense of the word. Whether mankind reflects upon them or not, they are. Plato did not limit himself to

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1. In order to investigate more deeply the philosophical approach of the problem of abortion, see I. GOBRY and H. SAGET, *Un crime. L'avortement*, Paris, 1971. Dr SAGET essentially examines the problem from a medical point of view. Chapter I and IV, which concern us more directly and which are remarkable, have been written by Prof. GOBRY.

exposing the cupidity of the sophists, their trade in the techniques of success, their sordid demagoguery. Opposing them and their excesses, he declares that all things are not relative to man. On the contrary, it is for man to submit to realities which he did not himself construct, which he recognises, upon which he can meditate ... ideas. Aristotle adopts the same attitude towards unilaterally empirical trends. The existence of nature is not dependent on man's perception of it. There is no knowledge which is not tested against perceived reality.

It is true that Socrates opened the way to both the one and the other. For him, man is neither the ephemeral reflection of an ever changing nature, nor the yardstick against which all things are measured.<sup>2</sup> Besides, irony shows him the opaqueness of the world ... and his own finite nature. To know oneself ! To seek the good, not among externals ... power, money, force ... but in itself. To be sincere : to seek to know the good and act accordingly ... To get inalienable human rights accepted while declaring, with Antigone, that there is no necessary harmony between human and moral laws, between legality and justice, and that unwritten laws are as binding on magistrates as on citizens.<sup>3</sup>

Is it necessary to add that the Bible and Christian tradition, even considered simply as cultural products, have, through the doctrines of creation and salvation, considerably strengthened this realism of principle ?

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2. On the famous expression of Protagoras, see e.g. PLATO's *Cratyles*, 386 a ; *Theetetes*, 152 a ; ARISTOTLE'S *Metaphysics*, A,1, 1053 a 35 and particularly K,6, 1062 b 12-15.

3. Let's recall SOPHOCLES' *Antigone*, verses 446 and ff., *Oedipus King*, v. 863 and ff. ; and of course Socrates' *Apology* by Plato.



*Man, the Universal Yardstick*

Now according to whether or not one admits that man is the yardstick, one arrives at very different conceptions of society and civilisation. If everything is to be measured against me, that could mean that I am erecting my subjectivity into a principle of absolute value. With the sophists, Gorgias, Callicles or Thrasymachus, I could canonise force, with Protagoras, pleasure.<sup>4</sup> With Bentham I will canonise utility, with W. James, efficiency, with Adam Smith, profit, with Comte, science and technology. It would even be permissible to decree the superiority of a group, to define an elite, to privilege a race, to assign a messianic role to a particular nation.<sup>5</sup> I could even, with Nietzsche, proclaim the death of God and the birth of a superman who at once sets himself above good and evil. At last, I will discover, with Sartre, that I am my own creator and that I promote myself committing myself, and even destroying. For, if man is the measure of existence, he is also the measure of nothingness.

This promethean anthropology naturally colours relations with others in a very social way. First, by its radical pessimism it sets up fear as the inevitable and dominating characteristic of relations

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4. See PLATO's *Republic* : I, 332 a and d : Simonides; I, 338 c and 339 a : Thrasimachus ; *Gorgias* : 483 b-484 c: Callicles ; *Protagoras* : 333 c and 353 c.

5. Thus, after M. STIRNER's integral selfishness, R. von JEHRING could appear as a lawyer to whom law is nothing else than the State's expression of the collective selfishness of a whole people. See *Der Kampf ums Recht*, Vienna, 1872.

with others.<sup>6</sup> Fear, in its turn, engenders the fear of liberty and inculcates a desire for authoritarian government. In addition, since I am the measure of others, I myself establish the term of the loving relationship. I objectify "the other". I construct "the other" to suit myself. "The other" is scarcely more than the image I project of myself. I reconstitute "the other" in my own image to adapt it to myself, to find myself at the end of a narcissistic detour. For this otherness threatens my identity; "the other" challenges me.<sup>7</sup> It shows me my humiliating finiteness. It is set as a limit to my creativity. If I fail to welcome "the other" for what it is, I must deny it, either physically or mentally. Whatever it may be, it is always challenge, danger, provocation, defiance for me. Consequently, "the other"

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6. MACHIAVELLI'S and HOBBS' works are both based upon the trinomial: "Pessimism/Fear/Authority". Hence the relation between ethics and law and power. See MACHIAVEL's *Prince*, Ch. 17, 18; *Capitolo "de l'Ambition"*. A Luigi Guicciardini. Text in *Oeuvres complètes*, Edm. Barincou publisher, Bibliothèque de la Pléiade, Paris, 1952, pp. 338-342 and 95-96 resp. HOBBS, *Leviathan*, I, 13; II, 27; see also Er. FROMM, *Escape from freedom*, New York, first edition in 1941. - The debates on abortion, "demographic fear and human pollution" can now be considered under the light of historicity, proposed by Jean DELUMEAU, in *La peur en Occident du XIVE au XVIIIe siècle*, Paris, 1978.

7. Such themes are copiously developed by J.-P. SARTRE, in *L'Être et le Néant. Essai d'ontologie phénoménologique*, Bibliothèque des Idées, Paris, 1955. See for example, pp. 127-139; 313-320; 431-503: "L'essence des rapports entre consciences n'est pas le Mitsein, c'est le conflit" (p.502); "... Si la néantisation est précisément l'être de la liberté, comment refuser l'autonomie aux passions pour l'accorder à la liberté?" (p. 519); 508-561; "L'ontologie et la psychiatrie existentielle ... doivent découvrir à l'agent moral qu'il est l'être par qui les valeurs existent" (p. 722); 711-722. - See also: *L'existentialisme est un humanisme*, Paris, 1954.

being a factor in personal insecurity, I must either eliminate it, or reduce it to what I am myself.

This depraving of the essence of the loving relationship, this sadism, to give it its correct name, is at its coldest and most cynical in the total liberalisation of abortion.<sup>8</sup> The child in the womb is not only a new sickness, it is also a new enemy. This is the outcome of the retrogressive decay of instinct and preservation.

This sadism is shown in arrogating to oneself the right to treat a human being as a possession, or rather to reduce it to nothingness when it is at the most tenuous stage of its existence. What brutality is this exercise of the will to undisputed power ! "Does not tyranny flatter the pride much more highly than doing good ? In a word, is not he who imposes more certainly the master than he who shares ?" The question was asked explicitly in the XVIIIth century ... by the Marquis de Sade.<sup>9</sup>

### *Suspended Values*

The anthropocentrism of the sophists and their numerous descendants therefore includes risks which must not be overlooked. This anthropocentrism becomes so pervasive that it discredits not only all moral philosophy but all intellectual and scientific discipline. It confers an absolute primacy on the subject-

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8. Cfr L. BEIRNAERT, *Irréductible violence*, in *A la recherche d'une théologie de la violence*, coll. Avenir de la théologie, Paris, 1968, pp. 53-70. See *infra*, p. 69, n° 12. Also refer to Erich FROMM, *La passion de détruire. Anatomie de la destructivité humaine*, Paris, 1976.

9. SADE, *Justine ou les malheurs de la vertu* [1791], coll. 10/18, 444, Paris, 1973, p. 170.

ive and uncommon experience. It discredits reason, empties history of its lessons. It leads to a theory of language where it is the convention to define good and evil according to what is expedient at the time.<sup>10</sup> Quite recently, this tendency reached its high point of expression in the "Vienna School".<sup>11</sup>

The only criteria which govern my behaviour are those which I set up and to which I commit myself with a forever deferred fidelity. If therefore I set up as my values the satisfaction of my instincts, money, force, technology, comfort, consumption, militarisation or anything which I happen to value at the moment, I could, without being answerable to anyone, weigh human beings against things. The child, the old, the sick, the stranger, the unwanted, the immigrant, or, more simply, someone else ...

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10. Here we can see the close link between the sense of the OTHER, the sense of history and language. On the destructive power of language, see PLATO's *Gorgias*, 466a-467b. For a more exhaustive study of the problems tackled here, it is necessary to refer to J. LARGEAUT, *Enquête sur le nominalisme*, Publications de la Faculté des Lettres et des Sciences Humaines de Paris-Sorbonne, Série Recherches, vol. 65, Paris-Louvain, 1971. As to OCKHAM in particular, see Arth. St. McGRADE, *The political thought of William of OCKHAM. Personal and institutional principles*, London, Cambridge University Press, 1974.
11. This is a wide field of passionate research work, in particular in the sectors of moral philosophy and political philosophy. A pioneer in this field : G.E. MOORE, *Principia Ethica*, Cambridge, 1st ed., 1903. - Also to mention : M. SCHLICK, *Fragen der Ethik*, Vienna, 1930, Engl. transl. by S. RYNIN, under the title *Problems of Ethics*, New York, 1939; W. KÖHLER, *The place of value in the world of facts*, New York, 1938; Ch. L. STEVENSON, *Ethics and Language*, New Haven, 1944 ; C.I. LEWIS, *An Analysis of Knowledge and Valuation*, La Salle, 1946. - Refer also to A. HÄGERSTRÖM, *Inquiries in the nature of Law and Moral*, Engl. transl. by C.D. BROAD, Stockholm, 1953, and V. GIORGIANNI, *Neopositivismo e scienza del Diritto*, Rome, 1956.

their recognition is hypothetical. Since I am a creator, nothing obliges me to recognise "the other" for what he is, nor to agree that he exists. If, therefore, the pleasure of possessions gives me more satisfaction than human intercourse, I could dominate or even do without others for the sake of possessions. Man is one commodity among others. Since value is essentially a function of the decision of the subject, the sphere of the non-self remains undifferentiated until I constitute what is of value for me. In that world, love no longer exists. There is nothing but appropriation, domination and reducing to nothingness.<sup>12</sup>

It is obvious that such an anthropology, where pride contends with savagery, requires an equally ruthless conception of medicine, economics, morals and theology. This anthropology provides each of these disciplines with the underlying principles on which they are founded, principles which identify might with right, good with pleasure, virtue with what is useful. Each of these disciplines runs the risk of becoming a more or less blind instrument subjected to a will for power, to a hedonist or opportunist ideal. Then medicine finds itself permitted, indeed invited, to eliminate the intruder. Economic activity obeys the iron laws of wages, competition, profit. Under the pretence of protecting national interests, the politician puts party interest first,

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12. To study the political consequences of this "sadism", it will be interesting to refer to two ancient and most controverted books : E.F.M. DURBIN and J. BOWLEY : *Personal aggressiveness and war*, London, 1933 ; Edw. GLOVER, *War, sadism and pacifism*, *ibid.* Complement with A. STRACHEY, *The unconscious motives of war*, London, 1957.

and the jurist protects the privileges of the powerful. To salve everybody's conscience, moralists find more or less convincing reasons which obsequious theologians ingenuously endorse.

### *Alienation and Liberty*

It has already been noted that the foundations of our legal system are quite different. The realism which characterises them is also the texture of our political institutions and of our economic and social structures. Without it, legal and political liberty disappear. The tensions and conflicts which are played out on the stage of political organisations assume the previous and unconditional recognition of *the other as different*. This is why it is essential, in the debate we are concerned with, to leave all sordid electoral and short term considerations on one side. What is at stake is neither more nor less than the principles on which our democratic regimes are founded, together with the ideals they seek, albeit by different routes.

It is no different in economic life. Here too, the ideal which directs all reforms is based on reciprocity of services and equal shares of available goods. In principle, material goods are the common patrimony of humanity. Man changes them by his work and may thus be recognised by others. When these goods become an instrument of power, such a situation is seen as immoral and contrary to their purpose. The requirement of reciprocity between people comes first, and this gives meaning and intention to its exercise. Again, it is in the same spirit that Kant recommends that man should never be debased by being treated as a means.<sup>13</sup> In addition, some of Hegel's heirs, delv-

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13. See KANT, *Fondements de la métaphysique des mœurs*, Section II.

ing into their master's thought, have vigorously exposed various forms of human alienation and thus revived the old call for liberty.

In a general way, institutions and culture are expected to bring people together and promote solidarity. Happiness without some kind of social harmony is inconceivable. All formalism which creates or shapes tensions is repugnant. Any mediation which does not allow for movement, thereby loses all significance and is unacceptable.

One might say that a major characteristic of Western civilisation is its ceaselessly repeated effort to make an ideal of recognition and reciprocity prevail over the eternal temptation to domination and destruction. In this civilisation, there is an optimism of principle as much towards "the other" as in respect of the natural world ; it contains a refusal to regard "the other" primarily as a threat to oneself.

Finally, all our institutions and cultural activities tend to promote this recognition and reciprocity. It is undeniable that both are burdened with a more or less considerable degree of ambiguity, that individuals and groups are always fascinated by turning in upon themselves, that desires and situations, plans and their execution, are to some extent out of step. How can history, in its ceaseless development, be denied !

This means that the moral conquests of the West contain a cultural element, and therefore, something precarious. In exposing one injustice, one inevitably becomes aware of others which have long been unnoticed. But the frontiers of progress are never fixed ; no conquest is irreversible. History has shown this

too. It shows equally, with no need to look to Hitler for example, that when a right, arduously discovered and recognised at the price of much effort, is challenged, the process of regression and collapse has already begun. In countries where little has been done to improve the lot of all without distinction, it is hardly surprising that arbitrariness, repressions and torture are practised. Conversely, it is not surprising that where arbitrariness triumphs, there is little concern for the improvement of the common lot.

Total liberalisation of abortion ? Either I myself am the measure of everything else, in my pressure group, in my party, in the State. Or I welcome "the other" for what he is, and make myself face the question of the meaning his existence has for me. It is for me, the party, the State to respect his existence and his rights. These are alternatives. There is no third way.

If the first possibility prevails, the West will have consented to the loss of its identity and subscribed to the wreck of its authenticity. And how can one doubt that some people wish this to happen ! Only the second possibility is part of the true thread of Western history. The challenge arising from this has already been encountered, but it must now be examined.



## CHAPTER VII. TOWARDS INTRA-UTERINE GENOCIDE

Given the fact that the liberalisation of abortion creates conditions favourable to a profound change in the nature of the State, does it necessarily mean that it would lead to the restoration of some totalitarian regime, such as Nazism? This is a possible, but not the only consequence. In fact, it is perfectly conceivable that actual laws are adapted to a certain incoherence in their fundamental principles. Actual law may consider that the power of the State is unlimited towards a newly conceived human being, but that there are reservations on this power in respect of a citizen actually born. Here are two weights, two measures, two irreconcilable views of the role and nature of the State. Can one nevertheless pretend, because of an actual situation, that one should make the best of such a hybrid mixture? This would be quite unacceptable, and to show this, it is necessary to go outside the "constitutional" approach to which consideration of the problem has up till now been limited. This means that everything that has already been said about the State can be taken as included in the broader approach.

*Ideological Colonisation*

The Nation State, as it is conceived in modern constitutions, has in fact ceased to be an instance of supreme power, the only and ultimate master of its decisions, the maker and unmaker of alliances to ward off the pretensions to hegemony of those who

are stronger. Times have changed. The rise of new imperial powers forces the nations of Europe to perceive, beyond what in other circumstances might have been considered as a simple internal problem of constitutional law, a problem of international relations. It is commonplace to note that both the U.S.A. and the U.S.S.R. seek to limit the sovereignty, not only of Third World countries, but also of others which are relatively developed. These are various ways of achieving this object. It might be possible, for example, to support a regime by strengthening the machinery of government or to call in the army. Though useful in the Third World, these methods can scarcely be recommended in Western Europe. Here, rather, ideological colonisation is the unspoken method. Its aim must be to get Western Europe to internalise the heteronomous place aimed at it by the dominating power.<sup>1</sup>

From the point of view of the U.S.A., Europe will have to "introject" the values of the consumer society as ingenuously as possible, but transmitted with much additional propaganda by multi-national corporations.

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1. In the discussions on demography and growth, scientific disciplines can quickly develop to become combat arms. In those particular fields, it is frightening to see the growing hold of North-American productions on Europe and on the rest of the world. Our countries are literally flooded by translations of North-American books and they are very quickly fascinated by their sophisticated scientific apparatus. Hence, to ingenuously endorse their conclusions and yield to their ideological colonialism, there's not many a slip. Here we can clearly define one of the present political roles and responsibilities of the European universities. - Isn't it significant that M.W. BEST, Executive Vice-President of the Planned Parenthood - World Population (NY) is a co-editor of the *Encyclopaedia Britannica* article on *Birth Control*, *Encyclopaedia Britannica*, vol. 3, Chicago, 1968, pp. 704-711 ?

From the point of view of the U.S.S.R., it will have to introject the ideal of State Socialism much praised by socio-communist parties. In both cases, through unequally perceptible means, this external stranglehold is a heavy burden on Western Society. "If despotisms are compared", wrote Montesquieu, "it will be seen that one will sustain itself the best which, so to speak, in refining its cruelty, finds the secret of making it excessive and thus, by multiplying the injuries it causes to human nature, it gives new foundations to the State".<sup>2</sup>

Here it is convenient to explore the potential link between plans to dominate Western Europe and the campaign to liberalise abortion. Very special attention will be devoted to the American point of view. At the same time, without purely and simply substituting the expression Soviet Union for the expression United States, what is said about the latter can be applied in the same proportion to the former. The reader will undoubtedly notice the disturbing convergence outlined in the course of the following pages.

### *Malthus and Empire*

For nearly a century the Anglo-Saxon powers have been constantly concerned to perfect programmes to control or limit the birthrate.<sup>3</sup> The first malthusian

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2. *Loc. cit.*, quoted ed., p. 1010.

3. There is a sort of vade-mecum for the supporters of the liberalisation of abortion, by Mr POTTS and Cl. WOOD : *New concepts in contraception. A guide to developments in family planning*, Oxford and Lancaster, 1972. Dr Potts was then Medical Director of the International Planned Parenthood Federation, which will be discussed further on. On the history, motivations and methods of family planning movements, see the introduction by Mr

movements were organised in England at the end of the XIXth century. Their arguments were made known and tested in India among other parts of the British Empire.<sup>4</sup> No doubt these malthusian proposals were for long regarded as tabu. Who, forty years ago would have dared to advocate the liberalisation of abortion when it was unseemly even to speak of contraception ! Even if the avowed aims were family, community and international well-being, even if they were eugenic, at the time, there was the possibility of being blamed for racism.

Now it is not a matter of chance that one of the forerunners of racism was an Englishman, Houston Stewart Chamberlain.<sup>5</sup> His arguments, more so perhaps

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.../... Potts in *Problems and Strategy*, pp. 1-15 ; and B. SUITERS, *The International Family Planning Movement : aspects of its growth and development (1881-1971)*, pp. 17-55.

4. On the question of demographic policy, refer not only to the publications of the Population Reference Bureau (Washington), but also to the bi-monthly *Bibliography of Family Planning and Population*, published by D. LINZELL, Simon Population Trust, Cambridge. See in particular Jacques VERRIERE, *Les politiques de population*, coll. *Le Géographe*, 26, Paris, 1978. - There are some elements for a bibliography in H. GERARD and G. WUNSCH, *Comprendre la démographie*, coll. *Mara-bout Université*, 240, Verviers, pp. 174-178.
5. The present day aspects of the problems tackled here are investigated more deeply in a dramatic study entitled "Morituri" - *Ceux qui doivent mourir. La délivrance par la mort, l'humanisme biologique et le "racisme scientifique"*, (roneo-typed), B.P. 178, 75564 Paris Cédex 12, 1974. This study can usefully be complemented by B. SCHREIBER, *The Man, Behind Hitler. A German Warning to the World. "Geheime Reichssache"*, 78139 Le Mureaux, publications La Haye-Mureaux, s.d. Apparently, the militant abortion supporters do not seem to be embarrassed to tread in the footsteps of Hitler who advocated and enforced theories basically

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than those of Gobineau, exercised a considerable influence in two worlds which were less strange to one another than might appear at first sight. On the one hand, in the Anglo-Saxon world, first in England but increasingly in America, Chamberlain's theories reinforced the classic malthusian arguments and suggested new fields of application. On the other hand, this same H.S. Chamberlain, who had become a German citizen, contributed powerfully by his Germanic racism to the revival of German nationalism (which can be traced at least to Fichte), to reactivating the hegelian idea of the imperial mission of which the Reich would be the heir, to consolidating faith in the Superman sung by Nietzsche and of which the pure Aryan would be the unique and model expression.

In addition, Hitler had the merit, if one may say so, of seeing the necessary link between malthusianism and racism on the one hand, and the conception of the State on the other. For him, "Every time that the lesser number embodies the greater part of will and decision, the history of the world is determined by a minority".<sup>6</sup> The real architect of this history is the racist State which has to watch over the selection of its members. "*The racist State divides its inhabitants into three classes : citizens, subjects and foreigners. In principle, birth only confers the status of subject. The status of citizen will be given, and that in the most solemn way, to young men of good health and reputation on completion of military service ...*"<sup>7</sup>

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.../... similar to theirs. See for instance *Mein Kampf*.  
*Mon combat* translation by J. Gaudefroy-Demombynes  
 and A. Calmettes, Paris, s.d., pp. 133-138.

6. HITLER, *Mein Kampf*, edit. cit., p. 398.

7. Id., *ibid.*, p. 439 (underlined in the text).

Furthermore, thanks to its racist ideas, it will be for this State to bring a better age to birth. Then, men "will seek to improve the human race ; ... some, having recognised the truth, will deny themselves in silence, while others will give themselves joyfully".<sup>8</sup> Consistent with his own ideas, Hitler even advocated (and before, M. René Dumont) a "licence to procreate", indeed, even sterilisation<sup>9</sup> : "The State must inter-

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8. *Id.*, *ibid.*, p. 404.

9. See for example R. DUMONT, *L'utopie ou la mort*, coll. L'Histoire immédiate, Paris, 1973, pp. 47-51 and *passim*. "Authoritative birth limitation measures are becoming increasingly necessary, but they will be acceptable only *if they are started in the richer countries* and by the education of the other countries" (p. 49 s.) (underlined by the author). - Hubert GERARD states in a more nuanced, though perplexed manner that : "the action on fecundity and/or marriage-rate can resort to several strategies. These either require the free collaboration of the person to this end - or not be directly based upon this collaboration - or simply force the person. It is important at this stage to stress to what extent our conception of individual freedom and of offence to it can be ego and ethnocentric ; in other words, we always judge this problem in relation to our own idea of individual freedom. We still easily accept that a fairly high minimum age be fixed for marriage, to prohibit re-marriage of divorced women, even of widows, as the case may be. We could not so easily accept that only families with a maximum of 2 children benefit from family allowances. Further, to offer a transistor radio to people who accept sterilisation already seems to be rather a bad practical joke, but compulsory sterilisation after a given number of births, the necessity to get a procreation licence, the adding of sterilising agents in foods or drinks etc. ... seem to be completely unacceptable and fit only for a dictatorial state which has nothing much human about it, and yet ... ? Are these considerations and positions not mainly the product of our own vision of an expression of individual freedom ? Are these expressions absolutely necessary to that freedom ?". In *L'explosion démographique au crible des valeurs humaines et chrétiennes*, Colloques de la Faculté de Théologie, Université catholique de Louvain, 13th Dec. 1972, p.16.

vene, since it is the trustee of millions of future years in terms of which individual desires and egoism count for nothing ; ... it must use the most modern medical resources to illuminate its religion ; it must declare that any person manifestly ill or with tainted heredity has no right to reproduce himself, and the State must take away from him all possibility of doing so".<sup>10</sup>

It is well-known that among the hereditary taints as defined by the racist State being of Jewish race was prominent. It is also known that the Nazi regime pushed its infernal logic to the bitter end. It did not limit itself to sterilising the "intruders" ; it suppressed them in millions.

It is in the name of the principles imbuing the democratic traditions that these practices and the regime instigating them have been challenged. It is because the person comes before the citizen, the Nation before the State, that the right to be different has been claimed for the Jews. That is why yesterday in Nazi Germany, today in the Soviet Union, antisemitism, and even more broadly, all discrimination have been justly condemned.

### *Hitler's Foresight*

Whatever it may cost to affirm it, the U.S.A. today, as much by its racism which is little known except for demonstrations inside the country, and by its restrictive attitude to the birthrate, appears to be the direct heir of English malthusianism. The reciprocal influence exercised between it and the Nazi model can no longer be doubted. The master of the Third Reich did not de-

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10. HITLER, *op. cit.*, p. 404.

ceive himself in this. He made his thoughts on the "American Model" explicit before drawing lessons from it for Nazi Germany, and observed with praise that "there is in our time one country where at least tentative efforts (in eugenic matters) prompted by a better conception of the role of the State can be noted. This is naturally not our model German Reich ; it is the United States which is endeavouring to put the dictates of reason at least partly into practice. In refusing admission to immigrants in poor health and in excluding members of certain races from the right to naturalisation, they go a little way towards the racist conception of the role of the State".<sup>11</sup>

This text was written at a time when no one had yet sounded a warning against the P(opulation) Bomb, nor cried "halt to growth", that is to say, no one had yet recommended economic malthusianism.<sup>12</sup> Now if the fear of a population explosion was already apparent in Victorian England, its appearance now in the

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11. *Id.*, *ibid.*, p. 439.

12. These are respectively the titles of a book by P. EHRLICH, Paris 1972, and of the enquiry by the Rome Club, 1972. Numerous publications provide material for the debates on the limits of growth, but do not always throw a new light on it. Let us just consider some dyed in the wool non-conformist studies : L. PUISEUX, *L'énergie et le désarroi post-industriel. Essai sur la croissance énergétique*, coll. Futuribles, Paris, 1973 ; *Les objecteurs de croissance. Prospérité, oui ... mais à quel prix ?*, cahier n° 52 of *Le Nef*, n.s., September-November 1973 ; H. COLE, G. FREEMAN, M. JAHODA, K. PAVIIT, *L'Anti-Malthus. Une critique de "Halte à la croissance"*, translated by M.-H. Dubsky, Paris, 1974 ; Jacques ATTALI and Marc GUILLAUME, *L'anti-économique*, coll. Economie en Liberté, Paris, 1974 ; Alfred SAUVY, *L'économie du diable*, Paris, 1976.



U.S.A. is all the more understandable. Particularly since 1945, the nation of the Western world which has taken over imperialism from Albion has seen the political and economic importance of the population factor. The United States has never concealed this concern, which is the subject of many explicit declarations by American politicians and specialists.

There are many reasons for this policy, and this is not the place to discuss them in detail. Nevertheless, some of these reasons concern our argument directly.

No doubt it may be conceded that some Third World countries are at present underpopulated.<sup>13</sup> But even where the population density is low, the proportion of young people is high, as is the birthrate. From this, it is asserted that the rate of growth of these populations, which is much higher than that of rich

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13. It would be useful to recall some recent data now available. We first give the population density per square kilometre, then, between brackets, the percentage of young people under 15. Among the relatively little industrialised countries : Indonesia : 70.9 people per km<sup>2</sup>, (44 % less than 15 years of age) ; China : 89.1 (35.9) ; India : 185.6 (41.9) ; Algeria : 7.5 (47.1) ; Zaire : 10.9 (-) ; Peru : 12.5 (43.9) ; Brazil : 12.9 (42.2) ; Venezuela : 13.7 (35.1). - Among the industrialised countries : France 97.7 (22.6) ; United Kingdom : 229.2 (24.1) ; Federal Republic of Germany : 247.4 (23.2) ; Belgium : 324.1 (23.5) ; Netherlands : 331.1 (-) ; Canada : 2.3 (-) ; Japan: 298.7 (24.3) ; USA : 23 (28.6) ; USSR : 11.5 (30.9). According to the information given by the *Book of the Year 1978*, of the *Encyclopaedia Britannica*, Chicago, 1978. - On the other hand, if the world population were to be concentrated at the rate of about 1 sq. km. per inhabitant, those 4,124 million inhabitants (1977) could be concentrated on the Belgian province of Luxembourg (4,418 sq. km.) or on Corsica (8,722 sq. km.).

countries, threatens the whole world with a population explosion. This could result in various stresses and pressures with which rich countries could only cope by forgoing their present high standard of living.<sup>14</sup>

Up until now, programmes seeking to prevent this demographic "cataclysm" have turned on the various methods of preventing births and on sterilisation. In the opinion of their promoters, these campaigns are far from having yielded the expected results ; besides, experience has shown how uncertain in effect all demographic policies are.<sup>15</sup> Consequently, world opinion

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14. We would mention the remarkable study by P. PRADER-VAND, *Les pays nantis et la limitation des naissances dans le Tiers-Monde*, in *Développement et Civilisation*, n° 39-40, March-June 1970, pp. 4-40 (important bibliography). The role of the IPPF in this particular field has been analysed by Colville DEVERELL, in *The "International Planned Parenthood Federation". Its role in developing countries*, in *Demography*, 5, 1968, n° 2, pp. 575-577. - Dr WEILL-HALLE gives some precisions on the North American and Anglo-Saxon inspiration of the "family planning", in *L'avortement de Papa* (cited on page 10, n. 14), especially pp. 21-53. In particular she summarises the extravagant proposals of Dr Berelson to limit the birth rate in the (Third) World, pp. 31-41.

15. Evaluation and outlook in J. VERRIERE, *Les politiques de population*. Refer also to K.Y. LARRY (edit.), *The population crisis. Implications and plans for action*, Bloomington, Indiana University Press, 1970 ; Edw. D. DRIVER, *World Population policies : an annotated bibliography*, coll. Lexington Books, Lexington, Mass., 1972 (indispensable working instrument). Stand on the question by B. BERELSON (edit.), *Population policy in developed countries*, A Population Council book, New York, 1974. Panorama of the present situation by Dorothy NORTMAN and Ellen HOFSTATTER, in *Population and family planning programs. A Factbook*, n° 2, 8th edition, which appeared in *Reports on population/family planning*, October 1976, Population Council, New York. This publication follows the 7th edition which was published in 1975.

has to be "sensitised", to have "demographic fear" instilled into it.<sup>16</sup> In the Third World, it will be explained that a high rate of population growth is a decisive obstacle to economic take-off,<sup>17</sup> whereas rich countries will be given to understand that if they want to maintain and improve their standard of life, they must voluntarily stabilise their population, thereby setting an example to poor countries.

Yet an information campaign is by no means sufficient. Since the methods employed up until now have not led to the desired results, it will be necessary to accept means which not long ago were repugnant. Among these, abortion takes pride of place. In effect it seems that "no developed country has reduced its birthrate without considerable recourse to abortion, whether illegal or not ; and that no undeveloped country will be able to achieve its objective of fertility control without a major use of

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16. Birth rate limitation in its relations with development policy has been studied by P. PRADERVAND, under the title : *La peur démographique*, in *Economie et Humanisme*, n° 215, January-February 1974, pp. 61-71. This well-documented study leads us to wish the integral publication of the doctorate thesis of author, mentioned in note 21 : *Les politiques de population en Afrique francophone de l'Ouest : obstacles et possibilités*, Université de Paris, Ecole Pratique des Hautes Etudes, 1972-73, 2 vol. For Africa, see S.H. OMINDE and al., *L'accroissement de la population et l'avenir économique de l'Afrique*, studies sponsored by the "Population Council", New York, Fr. ed. acquired by G. Harcourt, Paris, 1974.
17. J. BOURGEOIS-PICHAT and S.A. TALEB, *Un taux d'accroissement nul pour les pays en voie de développement en l'an 2000. Rêve ou réalité ?*, in *Population*, 25, 1970, n° 5, pp. 957-974.

abortion, legal or otherwise".<sup>18</sup>

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18. M. POTTS, *Problems and strategy*, in M. POTTS and Cl. WOOD, *New Concepts ...*, p. 11 s. - It is true that some authors tend to diminish the importance of the relationship between abortion and a decline in the birthrate. Hubert GERARD writes on this subject : "Even if it is bound to entail rather depressing effects, abortion liberalisation does not seem to necessarily entail a fall in fecundity, nor even a noticeable persistent accentuation of the existing decline", in *Place de la répression dans la solution des problèmes démographiques*, an article which appeared in the *Revue de l'Université de Bruxelles*, 1975, n° 2-3, pp.248-265 ; the quotation is on p. 259. The quotation by Dr POTTS however demonstrates that abortion is on the whole a favourite (if we may say so) system among all the practices advocated by the anti-natalist movements, and this supposes the recognition of a direct relationship between abortion and birth rate decline. This relationship, reported by Dr POTTS, is clearly affirmed by most experts. See for example Emily CAMPBELL MOORE-CAVAR, *International inventory...*, p.640 : "Conceptually, abortion and contraception must be considered as complementary elements employed in a total system of birth planning and fertility control". And she specifies : "Abortion is often described as the most widely practiced form of birth control and possibly also the means by which the greatest numbers of births have been averted ... Induced abortion played a prominent role in the declines in fertility experiences in the developed world. Changes in abortion laws ... have been followed in some cases by dramatic declines in fertility" (p. 641). As to him, Prof. SOUTOUL asks : "To what level do people set the average Frenchman's intelligence rate to be so daring as to assure him with a certitude suspected of inconscience or insincerity that the hundreds of thousands embryos and foetus thrown away in the hospitals' and clinics' incinerators can be held of no account to maintain the birthrate ?". *Conséquences d'une loi*, p. 215 ; the author himself stressed the entire quotation ; see *Id., ibid.*, pp. 214-229.

### *Militant Birth Control*

In the eyes of the United States, pursuing a malthusian campaign is playing for high economic and political stakes. This is confirmed first of all by the unprecedented promotion of research into contraception and abortion by great American corporations. Malthusian propaganda highlights the possibility of enormous profits ... to which certain laboratories are not insensible, hence the traffic in fetuses. Thus, Upjohn Laboratories have undertaken unprecedented investment to perfect what is euphemistically called "post-ovarian contraception" (sic), "restoring normal menstruation" or "menstrual extraction" (resic), in other words, abortion.<sup>19, 20</sup> A decisive advance in research would guarantee them a quick amortisation of capital and substantial profits. Again, permissive legislation will have to be made general so that fetuses may be expelled as, with respect, a solitary worm is expelled.

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19. The abortion favouring literature abounds in euphemisms, periphrases, metaphors, antiphrases, etc. Last named is from Dr Karman - but reference is also made of *interception, menses induction, minisuction*, etc.
20. The Upjohn Company well justified their research programme in this field in a pamphlet to their employees. This pamphlet is entitled *Medical abortion: Upjohn presents view to employers. Abortion stand aired. Scientific role makes Upjohn non-political*. The pamphlet reads a.o. : "The Upjohn Company hopes that timely use of prostaglandins - *before a technically-defined pregnancy has occurred* - will virtually eliminate any need to consider an abortion" (we stressed). In brief, reference could not be made to abortion, as long as the pregnancy diagnosis was not positive. Abortion is made superfluous, owing to the timely use of prostaglandins, sold by Upjohn ! A good example of a "scientific" joke for the benefit of business !

But the interest taken in research and birth control campaigns stretches far outside the commercial laboratories : major financial groups support them directly or indirectly. The Ford Foundation and the Rockefeller Foundation, to mention only two, give generous support to organisations for making contraception known in all its forms.<sup>21</sup> The Population Council<sup>22</sup> founded by John D. Rockefeller III in 1952 and known for its work in Korea and Formosa, the Pathfinder Fund with headquarters at Boston, the Population Reference Bureau, the Population Crisis Committee and the International Planned Parenthood Federation (IPPF) with headquarters in London figure pro-

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21. We have denounced the influence of such groups *in tempore non suspecto* in our study *L'avortement, problème politique*, Université de Louvain, Département de Science politique, two printings, 1974 and 1975. The enquiry was continued by Dr E. TREMBLAY in *L'Affaire Rockefeller. L'Europe occidentale en danger*, no place, no date (Rueil-Malmaison, 1978), which groups together studies carried out in 1976 and 1977. Also a demograph, Dr Tremblay is at present preparing other works on the problems we are tackling here.
22. The Population Council disposes of such means in the fields of research and action, that it holds an exceptional position at the world level in the study of population problems. This institution is in a position to intimidate not only the demographic research centres, but also the governments and the international organisations. On its founder, see Frank W. NOTESTEIN, *In memoriam. John D. Rockefeller 3rd : A personal appreciation*, in *Population and Development Review*, September 1978, n° 3-4, pp. 501-508. - John D. ROCKEFELLER himself clearly exposed his leading ideas in a conference held in August 1974 in Bucharest, where he was the guest of the IUSSP. The text of this conference was published in *Population and Development Review*, *ibid.*, pp. 509-516, under the title: *Population growth : the role of the developed World.*

minently among these organisations.<sup>23</sup>

These institutions and the ideas which they champion are heavily supported in the U.S.A. financially, scientifically and politically. This is particularly the case with the IPPF with which the Belgian Association for Family Planning and the French Family Planning Movement are associated.

These bodies are supported not only by private foundations, but also by government organisations such as the National Institute of Health in the U.S.A. and U.S.A.I.D. (United States Agency for International Development).<sup>24</sup> If therefore public authorities in certain countries have rightly decided to start enquiries consequent upon the discovery of bribes paid by

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23. As regards the IPPF, ref. to M. POTTS and Cl. WOOD, *New Concepts* ..., which abounds in information wherefore no comments are necessary. The IPPF gathers organisations from a hundred odd countries. The Victor-Bostrom Fund alone, which was established in Washington, granted annually from 1968 to 1973 at least one million US dollars to the IPPF. This is explicitly stated in the pamphlet published by the Victor-Bostrom Fund for the IPPF, entitled *Family Planning : Improving Opportunities for Women*, Report n° 18, spring 1974, p. 2. - Other movements, among which Population Zero, Procréation planifiée, Sierra Club (after Dr and Mrs WILLKE, Handbook on abortion [quoted on p. 6 note 3], p. 183); Asia Foundation, Christian Aid, Church World Service, Commonwealth Fund, Josiah Macy Foundation (after P. PRADERVAND, *Les pays nantis* ..., p. 33, note 1), should be added to the above mentioned.

24. According to P. PRADERVAND, *Les pays nantis* ..., p. 33, note 1, among all those organisations, the US AID holds the lion's share and spends for birth limitations as much as all the other organisations together (i.e. 75 million US dollars for the 1969-1970 fiscal year).

Lockheed, they might well perhaps be inspired to investigate the real source of the funds available to the clamourously militant organisations favouring abortion.

The heterogeneous nature of the motives put forward by the birth control associations is in itself disquieting and revealing. These motives vary according to the audience, and, depending on circumstances of time and place, may be presented either in a scholarly or in a popular way. Sometimes there is a statement of eugenic considerations, sometimes an appeal to women's liberation, sometimes economic and social arguments are flourished.

It is well understood that in rich countries the main appeal has been to the liberation of women and its corollaries. The necessities of tactics require it. But since the sixties, birth control organisations have developed economic and social arguments strongly. In doing this, they attract attention and then obtain a hearing from government or international organisations worried about the world population explosion. The influence of malthusian ideas is increasingly marked in the various U.N. organisations ... the Commission on Population, the Economic and Social Council, the World Health Organisation, the International Labour Organisation, UNESCO, the International Bank for Reconstruction and Development.<sup>25</sup>

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25. See B. SUITERS, *The international family planning movement ...*, in M. POTTS and Cl. WOOD, *New concepts ...*, pp. 31 ff., 34-35. See also R. SYMONDS and M. CARDER, *The United Nations and the Population question*, Sussex University Press, London, 1973.



*From Imitation to Alienation*

There is now no difficulty in seeing that beyond the interpersonal or national problem, the liberalisation of abortion turns out to be an economic, social and political problem on a world-wide scale. On the level of relations between the West and the Third World, the consequences of the liberalisation of abortion are incalculable. Whether in Central Africa, the Near East, the Amazon Basin or South-East Asia, recent history provides too many well-known examples of ethnocide, genocide, extermination of all kinds for us to be able to feign ignorance with a clear conscience. One would wish man would become incapable of humiliating, exploiting, dominating, killing his own kind. But the facts bring us back to modesty and realism.<sup>26</sup>

Intellectually, our Western countries have allowed themselves to be unduly impressed by the ambiguous success of the American model. We have lost the initiative in politics. In consumption matters, we have given way too naively to American standards. In modelling its legislation on that of the Anglo-Saxon countries, especially the U.S.A., the West is giving up its moral autonomy for the benefit of the strongest.

Having reached the summit of its power, and in spite of its expressly liberal form of government, the U.S.A.

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26. The relation between violence and domination has been analysed in : Fr. WERTHAM, *A sign for Caïn. An exploration of human violence*, coll. Warner paperback Library, 2nd ed., NY, 1973. See in particular chapter VI : *The Malthus Myth*, pp. 93-113.

cannot prevent itself from behaving as the dominant power with respect to other nations. From these nations, it requires dependence, rather than sharing. All must bow before the Raison d'Etat : its interests make the law. "... As soon as force makes the law, its effect changes with the cause ; a force which overcomes the first succeeds to its rights. As soon as disobedience goes unpunished, it becomes legitimate, and since the strongest is always right, it is only necessary to behave in such a way that one is the strongest".<sup>27</sup>

And yet, quickly shaken by the arguments of authority, bemused by the computer "oracles", we become weaklings in the face of the masterly graphs of MIT, the cries of alarm of P. and A. Ehrlich and the scarcely veiled blackmail of Mr McNamara. Nevertheless, we scarcely wonder what deep motives dictate their parameters and selection of variables to the technocrats.<sup>28</sup> Even here, in Europe, how many remain calm in the face of a systematic bombardment of outlook and public opinion ?<sup>29</sup>

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27. J.-J. ROUSSEAU, *Le Contrat Social*, vol. I, Ch. 3, ed. of M. HALBWACHS, coll. Bibliothèque philosophique, Paris, 1943, p. 67.

28. Justice is made of some "pieces of evidence" or stereotypes in the relevant field, by F. BEZY, in: *Démographie et sous-développement. Propositions anti-malthusiennes*, Institut d'études des pays en développement, Etudes et Documents, 7404, Louvain, June 1974.

29. On the subject, we welcome the works of Alfred SAUVY, and in particular *Croissance Zéro ?* See in particular part II, on *Population*, pp. 77-163.

*Europe : Means of Domination ?*

If we are not very vigilant, the Western vassal will soon be called upon to co-operate in the greatest human hecatomb of all time. For fear that this might not suffice, "deferred infanticide" will be completed by some "anticipated infanticide".<sup>30</sup> To achieve this, Western governments, prompted by certain private associations, must first agree to legislate in accordance with the wishes of the "patron" State. Britain *had to* be a pioneer in the liberalisation of abortion (1976 Act of Parliament) so that its "example" could be more easily followed in the former empire, notably in India (1971 Act). Should France fall into step so that in due course the peoples of French speaking Africa, indeed Latin America or the Middle East, are persuaded to follow its example ? From this point of view, the liberalisation of abortion is the price which developed countries must pay to stem the tide of the Third World.

Thus, having internalised neo-malthusian ideology, Europe will be ready to support a policy which the Superpowers can spread in the Third World. Thus United States, especially, can quote its own example as authority. No doubt some European governments already contribute to family planning campaigns in the Third World,<sup>31</sup> but up until now they have done so fairly discreetly and sometimes with a guilty conscience.

However it is for quite other reasons that the U.S.A. is waiting for Europe to agree publicly, un-

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30. See G. BOUTHOU, *L'infanticide différé*, Paris, 1970.

31. See B. SUITERS, *The international family planning movement ...*, in M. POTTS and Cl. WOOD, *New concepts ...*, pp. 35 ff., 39.

conditionally and without reservations to radical methods of controlling life. These reasons are economic and financial. The fact that the population of Western Europe is ageing actually favours the long term investments made by the U.S.A. ... there is nothing like doing business with a senile and manageable debtor.<sup>32</sup> Then, Western European caution will favour American world plans. Europe, already dominated, will soon find itself the means of control. The United States will turn the suicidal practices which it introduced into Europe to its own account ; it will be able to invoke Western precedent, indeed claim its support in carrying out intra-uterine genocide wherever its interests require. The American way to world domination lies through moral conquest and intellectual control as much as through economic conquest.

If one allows oneself to be conditioned by the dominating ideology and fascinated by the model of development of former colonial masters it is easy to admit as obvious the need to control births, especially in the Third World.<sup>33</sup> Nevertheless, it is not dif-

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32. The Western demographers have not all Sauvy's clairvoyance and independence of mind when they tackle this problem. See in particular *Coût et Valeur de la vie humaine*, or the striking article on *Le seul ennemi, la Vieillesse*, in *Le Nouvel Observateur*, n° 592, 15-21st March 1976, p. 35.

33. During the first half of the eighteenth century, France was the most populated country in Europe. To some historians, this is one of the major reasons for the boom in agriculture, manufacturing and the economy generally, leading to the 1789 reforms. This thesis was brilliantly confirmed and precised by Kuznets' works. Contrarily to Malthus' assertion, this famous economist demonstrated that a demographic boom entailed an increase in wealth. See *Population, revenu et capital*, in the *Bulletin international des sciences sociales*, 1954, pp. 181-188 ; *Underdeveloped coun-*  
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ficult to understand that the U.S. guarantee is not sufficient to get the liberalisation of abortion accepted everywhere. Despite the pressures to which they are subject, many Third World countries see perfectly clearly the underlying reasons for recommending birth control.<sup>34</sup> To their honour, their vigour made them heard

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.../... tries and the pre-industrial phases in the advanced countries. An attempt at comparison (1954), in : A. AGARWALA and F. SINGH, *The economics of underdevelopment*, Oxford University Press, London, 1958, pp. 153 ff. - R.L. SASSONE comes to similar conclusions. See *Handbook of Population*, p. 115, qu. 524 ; p. 127, qu. 622 and Chapter VI on *Quality of Life*, pp. 120-122. See also P. SINGER, *Dinâmica populacional e Desenvolvimento. O papel do crescimento populacional no desenvolvimento econômico*, São Paulo, CEBRAP, 1971. Well documented popularisation file in Carlo M. CIPPOLA, *L'explosion démographique*, Bibliothèque Laffont des grands thèmes, no date & no place, (Lausanne - Paris, 1975).

34. This attitude of reticence clearly appears in M.V. DE ASSIS PACHECO, *Neocolonialismo e controlo da natalidade*, Rio de Janeiro, 1968 ; J.I. HÜBNER GALLO, *El mito de la explosión demográfica. La autoregulación natural de las poblaciones*, Buenos Aires, 1968. Refer also to P. PRADERVAND, *Les pays nantis ...*, and *La peur démographique*. - As a Brazilian expert puts it : "The (August 1974 Bucharest World Population) Congress was not seen without apprehension by a number of member countries. These are concerned about it being used as an additional means of birth limitation. According to the Brazilian government and many other national movements reflecting public opinion, including movements from the opposition parties, the present population growth pace - far from being harmful - is beneficial to development and it must be analysed along with other parallel criteria. In geopolitical terms, if a population numbering 200.000.000 inhabitants (which Brazil will probably reach on the XXIst century eve) does not make a big power of a country, the opposite is also true, and there is no big power without a numerous population" : J.C. BRANDI ALEIXO, *A política demográfica do Brasil. Considerações sobre sua natureza, implicações e consequências*, Fundação Universidade de Brasília, Série política, 1, Brasília, 1973,

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at the World Population Conference in Bucharest from the 19th to the 30th August 1974.<sup>35</sup> They know, better than any, that the United States has displayed its will to power too much for other countries to be willing to give up their systematic suspicions : the United States' aim of domination remains the same, but its methods improve. At the same time, there is no domination without control of people. War, ethnocide, abortion, are all tactics serving the same strategy. Supposing that abortion carries the day, then never will so many innocents be so useful ...

"What strange times we live in !" they sigh. But there is much more to it than this. The pro-abortionists have illustrious godfathers and even claim noble ancestors ! The Marquis de Sade, who, to be illuminist, was no democrat, was already warning his contemporaries about the seriousness of the demographic danger. He was quick to draw lessons from the French Revolution. "In France, where the population is much

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.../... p. 30. In 1971, Dr Han SUYIN, the famous expert on China wrote : "The exploited in the world are very conscious of the genocidal policies of racism. That is why in Africa many of the populations are hostile to family planning. They know that the population explosion theory is a racist invented myth. They know that they are under - not over - populated and that their poverty is not because of too many people, but that to be a minority is to be weak" (from : *Race relations and the Third World*, article of Race, 13, 1971, p. 9 ; quoted in Robert BENEWICK, R.N. BERKI, Bhikhu PAREKH (publ.), *Knowledge and Belief in Politics. The problem of ideology*, London, 1973, p. 24.

35. The acts of this conference have been published under the general title : *"The population debate: Dimensions and Perspectives. Papers of the World Population Conference, Bucharest, 1974, (Department of Economic and Social Affairs. Population Studies, n° 57), 2 vol., United Nations, New York, 1975, 676 and 726 p.*

too numerous, the number of children should be fixed and all the rest mercilessly drowned ... The government, master of these children and of their number will necessarily have as many supporters as it has brought up, and the State will not have to care for thirty thousand poor in the cities in time of famine. It is carrying respect for a little bit of fertilised matter too far to imagine that one could not, when necessary, destroy it before term or even much afterwards".<sup>36</sup> What an astonishing suggestion !

All in all, the present world campaign for the liberalisation of abortion draws freely from the classics of domination. It can be seen as a gigantic hoax, for the beneficiaries of a campaign of this sort ... if it

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36. *Les prospérités du vice*, p. 55. - In the opposite direction and from a contemporary, see Saint-Just, *Écrits posthumes*, 2 : *La société*, in "*Oeuvres choisies*", J. Gratiën publisher, coll. *Idées*, Philosophie, 159, Paris, 1968, pp. 312-319. - See also the astonishing passage of the *Exodus*, 1, 8-22 : "Now there arose up a new king over Egypt, which knew not Joseph. And he said unto his people, Behold, the people of the children of Israel are more and mightier than we : Come on, let us deal wisely with them ; lest they multiply, and it come to pass, that, when there falleth out any war, they join also unto our enemies, and fight against us, and so get them up out of the land. Therefore they did set over them taskmasters to afflict them with their burdens. And they built for Pharaoh treasure cities. But the more they afflicted them, the more they multiplied and grew. And they were grieved because of the children of Israel ... And the king of Egypt spake to the Hebrew midwives, .... And he said : When ye do the office of a midwife to the Hebrew women, and see them upon the stools ; if it be a son, then ye shall kill him : but if it be a daughter, then she shall live. But the midwives feared God, and did not as the king of Egypt commanded them, but saved the men children alive... Therefore God dealt well with the midwives : and the people multiplied, and waxed very mighty".

is to succeed ... would be the present day empires, and not the nations of the Third World, nor of Western Europe. The birth control recommendations addressed to the Third World are frequently high comedy since, by comparison with rich countries, they are often underpopulated, consume less, waste less, pollute less, eat less ... and their people have a lower expectation of life.<sup>37</sup> The comedy becomes somewhat bitter when one is aware that the grants for what is euphemistically called family planning are very often charged to the budgets for aid to public health, medical services, education and nutrition. What fine hypocrisy it is to cut down on caring, feeding, teaching, so as to finance sterilisation and abortion.

On the other hand, for Europe, liberalising abortion means anticipating the wishes of the U.S.A. and theirs above all. From the point of view of mainland America, the dominating desires, whether of poor countries or of Western Europe are the same. Whether the latter is lured by the spell of consumption, or the former subdued by a regime of force is simply a question of convenience.

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37. If we assume as a game that a US citizen consumes on an average as much as 15 Chinese, 20 Bolivians or 25 Congolese, we could, starting from this hypothesis, theoretically conclude two things :  
 First : if we eliminate one North-American citizen, we free enough goods to meet the consumption needs of 15 Chinese, 20 Bolivians or 25 Congolese.  
 Second : The absolute volume of the goods consumed remaining equal and constant to its present situation, the population of the United States could be multiplied by 15, 20 or 25, provided the Americans accept to live on the Chinese, Bolivian, or Congolese standards !



### *Borrowed Spectacles*

The U.S.A. is perfectly aware that Europe and only Europe can challenge the American model of development and invent a new style of relationship with the Third World. It is evident that the power and the economic, scientific and political potential of Europe are of a kind to which American ambitions are sensitive. It follows that it is in the interest of the U.S.A. for the European population to stagnate or even diminish.<sup>38</sup> M. Giscard d'Estaing himself has sounded the alarm : "Decadence in the West can have only one cause ... population. As of now, the population of Europe is scarcely increasing".<sup>39</sup> The centre of imperial power could not allow a European confederation which it does not control to assert itself, as otherwise this confederation could checkmate the empire or dispute its aims.

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38. The bibliographic notes given *passim* on the subject can be complemented by some works. On demographic conjuncture in Europe, see *La conjoncture démographique en Europe*, in *Population*, 28, November-December 1973, n° 6. - On world population, see e.g. *Et demain, combien ?*, in *Le Courrier de l'UNESCO* (27th May 1974) on the occasion of the *World Year of Population* ; J.-M. POURSIN, *La population mondiale*, Paris, Seuil, 1971. As far as France is concerned, see D. NOIN, *Géographie démographique de la France*, Editions de l'Université de Rouen, Paris, 1973. - To get an idea of the gravity of the demographic problem in Belgium, it should be interesting to glance at the liminary charts published in the *IIInd Annual Report* of the Fédération des Entreprises de Belgique, under the heading, *L'Entreprise et la Société belge d'aujourd'hui*, Bruxelles, juin 1974. Read also the frightening study on the *Profil de la population belge*, pp. 3-51.

39. Answers to Mr J.-L. SERVAN-SCHREIBER on the broadcasting of 16th October 1978 of TF 1.

An exhaustive debate on abortion cannot treat these aspects of the problem by simple preterition. A priori, neither the good faith, nor the honesty of intention, nor the respect for human suffering which inspire many of those who support the liberalisation of abortion can be challenged. It is none the less true that one trembles at the idea that, without being clearly aware of it, they might fall into formidable trap of ideological colonisation by the Superpowers. Do its supporters count the cost, appreciate the implications and political consequences of their claims ? Do they not see the West and the Third World through borrowed glasses? Force is extraordinarily fascinating when its true face is concealed beneath the lying veil of service and compassion? It is impossible not to fear a certain obsequiousness towards the great and capitulation to challenge. Strangely the exceptional challenge which questions our independence, our autonomy, our values, our world-wide audience, is hardly mentioned in the debate. Yet Rousseau has warned us : "The strongest is never strong enough to remain the master unless he transforms force into law and obedience into duty".<sup>40</sup>

#### *A Privileged Variable*

It is a priority task to expose vigorously the intellectual cheating which gives the demographic variable a privileged position in debates on growth and development.<sup>41</sup> From the American point of view

40. J.J. ROUSSEAU, *Le contrat social*, loc. cit., *ibid.*

41. That is precisely what P. PRADERVAND undertook, after Gunnar MYRDAL, in *La peur démographique*, p.66. See also F.BEZY, *Démographie et sous-développement*. - The supporters of the *peur démographique* (demographic fear) pretend to ignore the dramatic progress which can reasonably be expected in the near future in the fields of food production (particularly cereals), energy (in particular nuclear energy) and even contraception. Therefore, they avoid considering positive action in the fields of political  
.../...

it is bound to be so, since the thirst for enrichment, consumption and waste is pushed to extremes. This is only possible at the price of a vast concentration of resources, by excluding any possibility of sharing and by hallowing inequalities.

Western Europe, faithful to its liberal and socialist traditions, can look at the problem very differently. It remains to be seen whether, instead of pressing others not to reproduce themselves, we are disposed to consume less, to waste less and to share more.<sup>42</sup> Do we consider that the degree of a people's civilisation is to be measured by its average revenue per inhabitant? Do we react when faced with the militarisation of national economies?

Truly, the problem of abortion demonstrates the need for a well-understood socialisation. Not that which makes the State all powerful, nor that which would restore obsolete privileges to a party, a class or a race. New rights and duties, deriving on the one hand from the situation of relative poverty, and on the other from gross inequalities, would be assigned to public authorities as much for prevention as intervention.

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.../... decision making - except naturally the decision that would defend their own cause.

42. All the same, Malthus does not merely consider either a preventive check on the population, by trying to delay the marriage age or a positive check, by increasing the death rate due to bad and insufficient food. Malthus puts in astonishingly modern considerations on the relations between private property, profit, production and productivity, imbalances in soil distribution, plant ownership, consumption variability ... All these are problems that we often summarize in one single expression "agrarian reform". - See for instance *A summary view of the Principles of Population*, 1838, in : *On population. Three essays*, coll. Mentor books, 295, New York, 1960, pp. 32-35.

To liberalise abortion without again challenging consumption habits and without a fiscal policy less concerned with looking after the interests of the super-rich and more attentive to the rights and needs for all, is to seek a demagogic alibi as an excuse for not carrying through a programme to which one is well and truly committed. It is treating the consequences of the evil, not its cause ; it is confusing the person responsible with the victim. It is giving cowardly consent to making human beings the innocent victims of a society one is pretending to reform. In fine, it is a backward step towards the worst eccentricities of liberal egoism.

In the same way the world situation encourages Europe to be self-critical and to show more sincerity towards both itself and the Third World.<sup>43</sup> In most poor countries, a national minority has adopted the ostentations consumer habits of the West. To maintain their life style, these minorities must necessarily exploit the rest of the local population, often with the assent of foreign companies. It is too convenient to accuse these minorities and to rebuke them. Effectively, the European life style holds a great fascination for them, and therefore, in re-defining their fundamental objectives and in preparing to go into the XXIst century, Western Europe might prompt these minorities to rethink their habits. These minorities could soon encounter two models for development ; first, the American, the other, more convincing, inspired by Europe. All in all, the discussions on abortion remind Western Europe of two urgent and associated tasks: safeguarding its identity, and restoring its credibility in the Third World.

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43. We have developed this theme in *La provocation chinoise*, coll. Terres de Feu, 13, Paris, 1973.

## CHAPTER VIII. WOMEN AND VOLUNTARY SUBJECTION

We must consider whether the change in values which the liberalisation of abortion assumes on the political level is the ransom to be paid to promote the liberalisation of women. In the history of the emancipation of women, have we perhaps reached a dead end? Could we have arrived at a point where, to carry through this emancipation, one should hope for a political regime inspired by the totalitarian experience rather than by a longstanding democratic tradition? Of course, asking the question in these terms is the same as answering it. It is hard to see, in effect, what particular interest a totalitarian regime could have in the liberation of women, nor how it could commit itself to such an undertaking without finally destroying itself ...

*Opium of the Century*

Feminist movements which are favourable to abortion take good care not to look at the problem in this way. Reading their publications, everything seems to take place as though the primary object of liberalising abortion were to emancipate women.<sup>1</sup> Eugenic, demo-

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1. The literature on this question is copious. Let 's only recall H. BONNET, *Liberté de l'avortement et libération des femmes*, in *Lumière et Vie*, 21, n° 109, August-October 1972, pp. 35-43 ; D. SCHULDER and F. KENNEDY, *Avortement. Droit des femmes*, coll. Cahiers libres, Paris, 1972. The IPPF point of view is exposed in *Family Planning. Improving opportunities for Women*. The publishers even asked Empress Farah Diba to endorse this report !

graphic, socio-economic considerations are not strange to them, but they scarcely appear in the forefront of the argument. Reassuring descriptions of modern abortion techniques are often included in these movements' propaganda. The simplicity of such techniques is praised. Much is made, without undue exaggeration, of the painlessness of the operation, of the absence of risk, of after effects etc. Diagrams, photographs, prospectuses rival each other in persuasiveness in an effort to convince woman that from now on, it is easy for her to be, according to the studied vulgarity of the well-known expressions, "Mistress of her own body".

Now if it is conceded that the unborn child has an existence which is distinct from that of its mother, one cannot see what dispenses the mother from recognizing the child in her womb, nor the State from protecting that being.<sup>2</sup> Entitled to rights in the eyes of the law and of the politician, it is all the more so for its mother ; it is not because someone depends on me that I have control over him. And one could not use the differences of bodily development as a pretext for laying down such a radical inequality of rights that the mother would have discretionary power over her child. Her liberty, and a fortiori that of the couple, is therefore limited by the inherent rights of the subject she carries and which public authorities must get respected on the same basis as those of any

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2. Anybody is free to get rid of one's appendix or of one's spleen. To have a diseased organ removed and to extract an embryo are two very different things. The embryo is not "an organ just like another". It *is* already distinctive ; *another* is already present. Besides, that is the question : would man be sick of the Other ?

other subject.<sup>3</sup>

For the same reasons, the child in the womb cannot be treated as an "aggressor" against whom one could legitimately defend oneself. The man and woman who have sexual relations know the risk that these entail ... the appearance of a new human being. This knowledge of what is at stake is a commitment to a responsibility which cannot be removed simply by eliminating the being actually conceived.

It is true that most of the feminist movements which favour abortion hardly dwell on these objective approaches. The colourblindness that too often characterises them, alas, often makes them into accessories to the aims of the new style imperialism. Since their principal concern is the emancipation of women in society, it is through this that they will encounter the problems of maternity and abortion. It is also from this political angle that we shall proceed.

Some years ago, a great Parisian weekly published a list of well-known women, most of them well off, who had had abortions.<sup>4</sup> A quick glance at this list is

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3. On woman's rights, see M.-Th. MEULDERS-KLEIN, *Considérations* ... (quoted p. 14, note 2), pp. 472-482 ; Sade yearns for the era when fathers could decide on the right of life and death on their children : "Man is free to take back what he gave ... I will never understand why a father who was good enough to give life could not be free to give death as well. It is because of the ridiculous value we set upon life that we eternally talk nonsense on the sort of action that urges a man to get rid of his fellow-men". *Justine* ..., pp. 115-117.

4. See *Le manifeste des 343*, in *Le Nouvel Observateur*, April 5, 1971. See also *Le livre blanc de l'avortement*, Club de l'Observateur, cahier 2, Paris, 1971. On abortion abroad, see for instance Ph. VAN PRAAG, *Poliklinische abortering van Belgische vrouwen in Nederland*, in *Bevolking en Gezin*, 1978, n°2, pp. 273-282.

an overwhelming demonstration of the close links between the consumer society, of which these women are to some extent the advance guard, and resulting abortions. The problem here is to know whether our political communities should base their legislation on the behaviour of that advance guard.

Here, once again, we are going beyond the essentially "private" problem of abortion. Contemporary history shows us that when a society makes consumption its main plan, it exacerbates the first for benefits among its members. It stifles all sense of social responsibility among them. The maximisation of profits becomes the absolute standard of production and the rule of conduct in general. Produce, consume, waste, this is the trinomial theorem inculcated with enormous publicity. Since the major motivation is the lure of profit, the citizen is first of all a criss-cross of desires and needs, which are always re-stimulated at the moment when they are about to be satisfied. Thirst for consumption is the opium of the century ; it even drives our rich countries to develop the manufacture and trade in arms ; money has no smell.

It is precisely here that one sees the pleasure principle brought into action by consumption meeting the force principle referred to earlier in connection with totalitarian regimes. The encounter between hedonism and violence, between Callicles and Gorgias on the one hand and Protagoras on the other is not pure chance.

### *Unfinished Revolution*

Throughout time, the rich have enjoyed unjust privileges. They have twisted the law with total impunity. They have often dreamed of making actual law the reflec-



tion and guardian of their interests. In spite of the struggles undertaken and victories won, the rich, today, defraud the revenue, indulge in drugs, waste and pollute more than is reasonable and have recourse, when occasion arise, to doctor-abortionists who are as obliging as they are grasping : a century after Marx, so many abuses continue to put capitalist society to shame.<sup>5</sup>

But the revolution which is now suggested is very different from those of the past. These wanted to wipe out injustice in the name of a certain ideal of justice. That of the advocates of abortion seeks to declare legal, and even just ... "to remove guilt from" ... an act our moral and legal tradition considers seriously reprehensible. They plead in its favour that a well-endowed minority can obtain abortions with impunity. If some people are enriched by corruption, bribery, drug traffic, etc. then legislation should be improved, controls tightened, sanctions strengthened. It should be the same for the coldly perpetrated convenience abortion.

It is therefore astonishing not to see women rebelling against the ambiguities which encumber a certain conception of their liberation. Why do they not react more against everything which confines them to chattel status and makes them likely to be the first victims of bargain abortion ? If it is true that abortion on demand appears as a corollary of our consumer society, then we must challenge those aspects of our society that encourage recourse to it, in order to liberate women. It can be unequivocally stated that a society

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5. See Ch. REVON, *La loi et ses injustices*, in *Echange*, n° 104, January 1972, pp. 28-30.

which treats itself to the luxury of maintaining ultra-expensive armies and of sending men into space can allow itself not only to cherish the aged and protect the infirm, but also give effective help to unmarried mothers and educate children hurled into existence by imprudence or surprise.

From here onwards we find the imperative of a socialisation which respects the individual. Rather than thinking about liberalisation, it is urgent to attack the causes of despair which lead people to envisage this solution. In fact the liberalisation of abortion could not be advocated without extraordinary bad faith, without first putting in hand fiscal reforms to correct crushing injustices, judicial reforms removing class distinctions, strict regulation of credit and advertising, without challenging housing and urban policy based on profit, without vehemently denouncing everything which shamelessly exploits and humiliates women (especially in the cinema), without embarking on a wages and family policy which would remove from women the need to work outside their homes. Claiming to liberalise abortion is nothing that a farce as long as for a couple blinded by irresponsible advertising, the wife has to worry to make ends meet at the end of the month, and produce, in order to earn her place in society ; as long as in the name of anachronistic prudery there is no education in responsible fatherhood, or, in the name of the Malthusian imperative, education in loving is reduced to initiation into contraception ; as long as a certain bourgeois hypocrisy continues to penalise unmarried mothers and ban them from society ; as long as paternity is thought of as an accident, pregnancy as a disability and the child as a parasite ...

### *Liberation and Objectification*

The most surprising thing in this debate is that some leaders of feminist movements favourable to abortion seem to have adopted the male attitude to women. They look at themselves from a masculine, objectifying, sadistic point of view, diminishing themselves ; there is much truth in the idea that at a certain point in the dialectic process, the ideal of the slave seeking freedom is to imitate his master and to look at himself through his master's eyes.<sup>6</sup> A rash liberalisation of abortion, however, could only increase the oppression of which some women complain. In fact, the same sadism which overtakes the child and kills it, also strikes at the one who is called upon to carry it. It leads directly to increased domination by men : the great, the only beneficiaries of abortion on demand are men, who will see their empire extended. After all, "Wouldn't I be foolish to feel sorry for the chicken killed for my dinner ? ... Now the relationship of a wife with her husband is of no more consequence than that between the chicken and me ; they are both domestic animals to be made use of in the way designed by nature, with no more difference between them than that requires".<sup>7</sup>

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6. The reader will recognize here some theses of Sartre, also developed in the works of Simone de BEAUVOIR. See references above, note 7, p. 66.

7. Sade exposes his conception of human love, notably in *Justine* ..., pp. 170-176 and 214-218. - It is interesting to refer to the biting criticism to Marquis de Sade by J.-P. SARTRE, in *Critique de la raison dialectique*, vol. I, *Questions de méthode*, Bibliothèque des Idées, Paris, 1960, in particular pp. 75 ff. - Among others, Sartre states the following about the "divin Marquis" : "His famous sadism is a blind attempt to re-affirm his warrior's rights .../...

What is more, if, in making love, women experience neither reciprocity nor recognition, how can they be inclined to recognise and welcome their own child ?<sup>8</sup> Already oppressed by a society whose basic options one is careful not to criticise, made "unidimensional", "equalised" with men, reduced to the standard model of producer-consumers, they will be subjected even more to the impetuous caprices of possessive males. From being consumers, they will become objects of consumption of a particular but anonymous kind, and in the solitude of non-love, they will be the first to bear the consequences of their voluntary subjection.

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.../... in violence, basing them upon the subjective quality of his person. This attempt is however already penetrated by bourgeois subjectivism, the nobility titles are replaced by an uncontrolled superiority of the Ego. But from the start, his violence momentum gets deflected, and when he wants to go further ahead, it faces the capital idea : the Idea of Nature. He wants to demonstrate that Nature's law is the law of the Strongest, that slaughter and torture are nothing else but a repetition of Nature's destructions etc. But the idea contains a troublesome meaning for him : For each man of his epoch (1789), be he noble or bourgeois, Nature is basically good. Hence, the whole system will deviate : as murder and torture do nothing but imitate Nature, the worst crimes may be good as will the best virtues be evil ... The result will be this non sense ideology : The only person to person relation is the one twist executioner and victim". See however above : note 7, p. 107, the ideas of Sartre himself.

8. G. FESSARD examines the relations between man and woman in the light of the Hegelian dialectic Master-Slave in : *De l'actualité historique*, vol. 1, *A la recherche d'une méthode*, coll. Recherches de Philosophie, 5, Paris, 1960, pp. 163-175.

## CHAPTER IX. REACTIONARY LEGISLATION

For all that little attention is paid, debates on abortion show clearly the grasp of the tentacles of the consumer society and show clearly the radical challenge to the principles on which our conception of man and society is based.

*Complete Reconditioning*

To be in fashion, one must, among other things, reduce control of drugs and honour homosexuality. One should also approve pre-marital sex, turn divorce procedure into a commonplace, eliminate the risks of infidelity. These are all rearguard actions whose *raison d'être* disappears as soon as it is proposed to liberalise abortion : the greater includes the less.

However, when looked at more closely and taking account of its context, this legislation is largely reactionary. It starts from a precritical position where the link between the plan to liberalise abortion and its political impact is not discerned. Beyond abortion, it is a question of domination. Here, this domination resorts to the golden trap of consumption. This could be a lesser evil if sexual consumption were a form of consumption like any other. But in reality, the liberalisation of abortion means that man, in his relations with others, can put on one side all sense of his own responsibility. This is to amputate reciprocity, one of the most characteristic dimensions of the human relationship.

Whole sectors of science and technology have for long been at the service of the will to power. But up until now, domination has been exercised through the mediation of material objects. Man, the consumer, is conditioned, his liberty is taken away ; but comforting ideologies salve his conscience. From this point on, there is the danger of taking the final step. What is suggested, is the exercise of the power of life and death aseptically, legally, "morally". Science, law, demography, morals, the most varied disciplines are transformed into weapons in the service of power and mobilised for the control of humanity.

### *Liberty Expelled*

Now the man who believes that he has rejected every tabu, all constraint, every means of self-repression ... what is he ? He is a being who, at the end of a long sequence of abdications, will have totally expelled his own liberty and responsibility and become incapable of dialogue and sharing. Some prototypes of this man of tomorrow have already been seen on the cinema ... a clockwork orange, a night porter. Society will be peopled by beings for whom instinct will take the place of reason. The best to be expected is that they will create institutions in the image of their passions and find their pleasures in ideologies which are in keeping.

Hegel believed that the supreme alienation was from liberty. It is at this point that those who wish to relax the legislation controlling the trade and use of drugs take their stand. But they have already made some headway. For mere trifles, innocents are imprisoned, tortured, killed. Discharge is common and relapse into crime prompt. Do the poor of the Third World

threaten our prosperity ? Mass sterilisation will make them harmless and even grateful : they will get transistors by way of a bonus. Are the mentally sick a charge on the country ? Never mind that, change the law : mutilate them in mild cases ; in serious cases, the gas chamber, even with colour TV would be so much more economic. Besides, in this connection, are these people really human ? The old and the infirm do not produce any more and divert money which could usefully be invested in something productive. Euthanasia will solve the problem discreetly and efficiently. In every case, social security funds will re-imburse the costs, and, should occasion arise, will even make a grant to the happy heirs for a premature or deliberate death. Friendly Societies will no longer be in deficit, taxes will fall, and motorways can be built. Does recession threaten ? There is always a war to anticipate, undertake, carry on, instigate. Down with unemployment ! And the Trade Unions will not disagree with that. But on the whole, there is greater dignity for a human being even an idiot, in dying in Vietnam than in passing directly from the womb to a hospital refuse bin.

## CHAPTER X. THE HEART OF THE PROBLEM

*From National Security to Pan-Americanism*

Everyone knows of the important role of the ideology of national security in the present day military regimes of Latin America.<sup>1</sup> This ideology turns on the radicalisation of the East/West antagonism. Between these two blocs, war is total. The enemy is external, but by means of subversion, it is also within the Western Bloc. The confrontation brings into action all the resources of the nations involved, military if necessary, but also political, economic and "psycho-social". This last includes all the resources connected with the mass media, education and research. This ideology emanates from a minority elite which claims the exclusive right to define what is and what is not compatible with the demands of the security of the nation within the framework of total war. These regimes therefore seek the appearance of legitimacy in a strange contradiction ; the minority elite in power states as a fact that the Nation is in a state of total war, but it is on this "fact" that it bases its "mission" of national safety. This elite no longer hesitates to identify

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1. Several of our works have been devoted to this problem. See in particular : *Destin du Brésil. La technocratie militaire et son idéologie*, coll. Sociologie nouvelle, Situations, 6, Gembloux (Belgium), 1973 ; *Demain le Brésil ?*, coll. Terres de Feu, 20, Paris, 1977 ; *Militarisme et Sécurité nationale. Perspectives brésiliennes et sud-américaines*, in *L'annuaire du Tiers-Monde*, 1978 ; Paris, 1979, pp. 90-101. These works develop the points made here and contain a copious bibliography.



the State and the Nation, the citizen and the individual, strategy and politics, and it subordinates development to security.

As a result of this doctrine, all the countries of the Western world ought to make common cause to protect their values. This version of the doctrines has been developed by Latin-American theorists, but it called for clarification from the leading power of the Western world. This clarification has been available since 1969 in the well-known "Report on the Americas" by Nelson Rockefeller.<sup>2</sup> This elucidates and develops the Monroe Doctrine, formulated in 1823, which has regulated relations between the U.S.A. and Latin America ever since. Now Pan-Americanism as formulated by Nelson Rockefeller is very close to Brejnev's doctrine of limited sovereignty. For Nelson Rockefeller, the development of the American continent must be integrated ; the economies should complement each other, news and information of all kinds should be better distributed, defence programmes need co-ordination.

In the framework of total war, co-operation will be total. All dependent countries are satellites of the "metropolitan" power, but some which are relatively more developed will be promoted to the status of "privileged satellite". Some Latin American commentators even specify that the American fortress must be reinforced if Western values are to survive in Latin America. In this way they are linked with the Rockefeller ideas : collaboration, already complete, will take place from a position of dependence. It is only at this price that the American continent can meet

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2. See *The Rockefeller Report on the Americas*, Quadrangle books, Chicago, 1969.

the challenge of the prevailing antagonism.

*From Pan-Americanism to Globalism*

Since the end of the 1939-45 war, American diplomacy has been dominated by the idea of "two blocs" which it inherited from Yalta. With variations of emphasis, this basic idea underlies such formulae as "cold war", "zones of influence", "peaceful co-existence", "détente", and so on. Now from the time of the Yom Kippur war and the 1973 oil crisis, certain American circles began to see the importance of another division, the North/South split. Bandoeng in 1955 already had the air of a manifesto. But little by little, UNCTAD has brought itself to the notice of industrialised countries. From Geneva (1964) to Nairobi (1976) it has travelled an appreciable distance. At the same time as the North/South dialogue is becoming organised and institutionalised, the Third World is claiming a New International Economic Order.

In a work which appeared in 1970, Mr Z. Brzezinski had already drawn attention to the problem.<sup>3</sup> The oil crisis of 1973 was a catalyst. If oil producing countries can organise themselves and threaten the foundations of the economy of industrialised countries, what will be the result if poor countries producing primacy products decide to co-ordinate their action and impose their own conditions on the rich ?

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3. Zbigniew BRZEZINSKI, *Between two ages. America's role in the technetronic era*, Penguin books, Harmondsworth, reedition 1978. In this outlay of Mr Brzezinski's ideas, we closely follow the book quoted here.

To exorcise this ghost, Mr David Rockefeller, while taking account of the ideas of Mr Brzezinski, transferred his brother's earlier recommendations for dealing with the East/West division to the North/South split. More than this, and very importantly, he extended to the whole world a view which in 1969 had hitherto been limited to the American continent.

It was in this spirit that David Rockefeller, in accordance with a specific suggestion made by Brzezinski, organised the Trilateral Commission. The U.S. A., Western Europe and Japan ought to seek a better understanding since they are faced with a Third World with a rapidly expanding population, which is likely to organise itself, and on which industrialised countries depend for raw materials, energy and markets.<sup>4</sup>

Here again is the idea of security, but now adopted by the Trilateral. But in this view, the threat is seen as coming from poor countries. The idea of integration is also present ; economies have become interdependent ; rich countries ought not to devour that strengthen each other. They should preserve and even increase their advantages. The multinationals appear here as an essential cog in the whole mechanism of subjection. They provide for limited industrialisation, but thanks to their expatriate headquarters, they make it possible to control labour costs. They keep the right to blackmail by factory closure if they

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4. In French : La Trilatérale was in particular presented in *Le Monde diplomatique*. See a.o. Diana JOHNSTONE, *Les puissances économiques qui soutiennent Carter*, Nov. 1976, n° 272, p. 1 and 13 ff. ; Jean-Pierre COT, *Un grand dessein conservateur pour l'Amérique*, Sept. 1977, n° 282, pp. 2-3 ; Pierre DOMMERGUES, *L'essor du conservatisme américain*, May 1978, n° 290, pp. 6-9 (Bibliography).

consider the workers' claims are exorbitant. They organise competition, but at the same time they control it. These competitive relationships are in fact confined to the world of the workers. In the world as a whole, inequalities of wages constitute a division factor which is maintained deliberately as a means of control. In short, the multinationals guard their oligopolies. They supervise and can slow down the economic development of satellite nations.

On its side scientific research will have to be intensified and concerted in order to guarantee continuous and decisive advance. High technology will only be exported grudgingly, so that countries already fairly highly industrialised will be unable to compete with the sophisticated production of countries in the post-industrial era, an oligopoly which such countries intend to preserve jealously.

It may be noted here that Nelson Rockefeller's Pan-Americanism is amplified, extrapolated and made total, and this amounts to what Mr Brzezinski calls "globalism". Before, it was a question of a new Pan-American society. From now on, the interdependence of nations makes it urgent to build a new strictly corporatist world order. But, as in the Pan-American world, there is a rapid transition from interdependence to dependence. In fact, not all countries, not even those in the Trilateral, are equally developed. Because of their presence and commitments throughout the world, as well as because of their economic, political and scientific potential, the U.S.A. is entitled to consider itself charged with the duty of world leadership. It will be helped in this task by satellites whose more or less privileged status is a function of their relative development. Western Europe is in the forefront, then

Japan. They will develop, but development will be controlled and dependent. Austerity is no longer a virtue, but a duty. It is all the more necessary, it will be said, to restrain growth and practise economic malthusianism in order to protect an environment threatened by pollution.

Besides, the theoretical justification of "zero growth" appeared in 1972 in the Meadows Report and was published by the Club of Rome, undertakings financed by the Rockefeller group.<sup>5</sup>

Communist countries would be unable to stay out of this global plan. First in line would be the more industrialised countries (Romania, Yugoslavia), but China itself deserves special mention. In short, the doctrine named after H. Sonnenfeld, which presents the integrity of the communist world as a condition of world peace, is seriously challenged.

Finally, the countries of the Third World will be expected to collaborate as far as they can in this integrated programme. But they should not be aggravated by ancient methods of exploitation, since rich countries need their resources. They must be allowed to develop, but under control. Amongst other things, one could transfer polluting industries, declared undesirable by ecologists, to their territory. They must in any case be prevented from organising themselves behind the backs of more powerful nations. It would even be possible, following Mr Carter's example, to make concessions to them in the field of human rights if such a measure could give the illusion of a certain degree of democratisation.

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5. Cfr p. 80, note 12.

*Pax Americana or Chaos*

We are therefore faced with a new and world-wide expression of the old American messianic attitude. "The fact is that much of the initiative and impetus for an undertaking on so grand a scale will have to come from the United States. Given the old divisions in the advanced world - and the weaknesses and parochialism of the developing nations - the absence of constructive American initiative would at the very least perpetuate the present drift in world affairs"<sup>6</sup>

After thus establishing the fact of a power vacuum, Mr Brzezinski elaborates, "With Kennedy came a sense that every continent and every people had the right to expect leadership and inspiration from America, and that America owed an almost equal involvement to every continent and every people. Kennedy's evocative style ... stressed the universal humanism of the American mission, while his romantic fascination with the conquest of space reflected his conviction that America's scientific leadership was necessary to its effective world role. ... for better or for worse the United States is saddled with major responsibility for shaping the framework for change. This point of view is subject to easy misrepresentation and is highly unpopular in some circles. World conditions do not call for a Pax Americana, nor is this the age of American omnipotence. Nevertheless, it is a fact that unless the United States, the first global society, uses its preponderant influence to give positive direction and expression to the accelerating pace of change, that change not only might become chaos - when linked to the old conflicts and antipathies - but could eventual-

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6. *Between two ages*, p. 305.

ly threaten the effort to improve the nature and the character of American domestic life".<sup>7</sup>

The theme of security appears here again ; development must be dependent on and subordinate to the security of the Superpower. To sum up, we are faced with a dilemma, Pax Americana or chaos.

Mr Brzezinski concludes, "To sum up : Though the objective of shaping a community of the developed nations is less ambitious than the goal of world government, it is more attainable. It is more ambitious than the concept of an Atlantic community but historically more relevant to the new spatial revolution. Though cognizant of present divisions between communist and non-communist nations, it attempts to create a new framework for international affairs not by exploiting these divisions but rather by striving to preserve and create openings for eventual reconciliation. Finally, it recognizes that the world's developed nations have a certain affinity and that only by nurturing a greater sense of communality among them can an effective response to the increasing threat of global fragmentation - which itself intensifies the growing world-wide impatience with human inequality - be mounted".<sup>8</sup>

These are the basic ideas at the root of the U.S.A.'s actual world ambitions. They transcend changes of government, administration and individuals. The re-interpretation of Nelson Rockefeller's Pan-Americanism has already clearly become global. This globalisation is clarified in circles close to Mr David Rockefeller, and, concurrently in Mr Brzezinski's study devoted to

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7. *Between two ages*, pp. 307 ff.

8. *Between two ages*, p. 308.

the role of the U.S.A. in the "technetronic era". International organisations such as U.N.O., alliances such as N.A.T.O. are subsumed in this all-embracing aim.

### *External Mandarins*

Now this re-interpretation is not simply an intellectual exercise ; it is accompanied by the installation of efficient tools. These tools are political, scientific, economic and technological. Like collaboration, dependence must be total. Universities and research centres will have their freedom of initiative severely restricted and will lose their critical function. Their grants will depend on their willingness to bind themselves to research programmes laid down by the dominating minority.<sup>9</sup> Much emphasis will be placed on ecological problems, because from this angle it is possible to persuade satellites to agree to austerity or poverty... "small is beautiful".<sup>10</sup> This

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9. *Between two ages*, pp. 9-21 ; 201 ff. Commenting on Mr Brzezinski's ideas on this subject, Anthony ARBLASTERS writes the following : "It is depressing enough that intellectuals should be willing to accept the roles which Brzezinski foresees for them - 'specialists ... involved ... in government undertakings' and 'house-ideologues for those in power'. But the subordination of intellectuals to the State and its requirements does not occur only at the individual level. There is a strengthening tendency for the institutions within which ... most intellectuals now work, also to be shaped according to the particular political priorities of particular government". In *Ideology and Intellectuals*, contribution to R. BENEWICK and others, *Knowledge and Belief in Politics*, pp. 115-129. This quotation is from p. 123 and following (see above, pp. 93-94, note 34).

10. Allusion to E.F. SCHUMACHER's *Small is beautiful. Economics as if People mattered*, Perennial Library, 352, New York, 1975.



same minority will finance research into reproduction, fertility and demography in an effort to defuse the P(opulation) bomb. The dependent universities and the mass media will have to make these ideas, supposedly scientific (for according to Daniel Bell all ideologies are finally dead), reverberate around the world.<sup>11</sup>

Finally, the watchfulness of non-American leaders will be undermined. Joining the Club of Rome, the Trilateral Commission, or informal groups like "Bilderg", they will feel flattered and be influenced by such a preferment. They will swell the ranks of the "external Establishment" where they will come into contact with colleagues in uniform.<sup>12</sup> At this point, empirical differences of regime are only of secondary importance ; it is purely a question of tactics.

In this way the fundamental conditions which characterise a fascist regime objectively are combined. For Juan Bosch, "pentagonism" is exploitation of the American people by a American minority.<sup>13</sup> As of now, pentagonism is being made world-wide ; a metropolitan minority is trying to rule the world and with this object, it is associating itself with an external but shortsighted Establishment. There is no need to be burdened with complex institutions ; these white collar mandarins ... even if they are Trade Union leaders ... take their line from the metropolitan minority, and,

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11. See Daniel BELL, *The end of ideology. On the exhaustion of political Ideas in the Fifties*, Free Press Paperback, New York-London, 1965.

12. See Chapter on this subject in *Destin du Brésil*, pp. 104-123.

13. See Juan BOSCH, *El pentagonismo, sustituto del imperialismo*, coll. *Crónica de un siglo*, Madrid, 1968, especially pp. 18-21.

enlightened by the economic, technological, scientific, demographic malthusianism which they have internalised, they will regulate the participation of those they administer in accordance with the Centre which delegates their power.

### *Towards the World State*

Such a global and total plan evidently and necessarily calls for an appropriate political system. In this connection, Latin American precedents are suggestive. Because they are capable of being completed and generalised, they are worth the attention of Europeans, Japanese and of the Third World. From the moment when a minority elite innocently consents to its own "ideological colonisation", this same elite, cut off from the people is ripe for every kind of abdication. It is available to play the role of go-between between the centre of power and satellite nations. It only remains for it to take over the machinery of the State, and endowed with its mandate, it can govern the country as if it were a colony.

In such a way, an empire is built by degrees. Such a concentration of power, supported by such an organisation, has never been seen in the history of man. The dream? A single State, a single empire, a single sovereign whose power is unlimited.

Now this totalist plan calls for a totalitarian system, and we are faced with the most perfect form of totalitarianism witnessed in political history. Fascism, nazism, even Soviet communism have proposed deification of the State but the State remained itself, in spite of its presumptuous ambitions. Henceforward, we are concerned with a world-wide imperialist State. This State adapts itself perfectly to the

inequalities and divisions among its vassals ; it even manages to profit from them. It is the State that defines happiness, development, justice, which grants rights to peoples and individuals, which limits and apportions the possibilities of participation.

Thus this kind of World State can be seen as an extension of Leviathan, which was discussed earlier. But there are also differences to be noted. Although the totalitarian State can exercise unlimited power within its own frontiers, this power is none the less limited by that of other States. The new World State is aiming at an absolute and unconditional supremacy. It wishes neither to know nor to acknowledge equals or rivals. It is from this State that subordinate alternative States proceed, whose machinery relays imperial power, and transmits it, as though it were almighty, to the very limits of the empire.

#### *Super-Fascism Concealed*

Unhappily, the views we have just been discussing are too gloomy to be believed or even considered by the general public. Besides, in the framework of a totalist plan, the mass media have a necessary function of concealment, as well as a news function. Cassandra's prophecies are tolerable, as long as appropriate measures are taken to make sure that they are not believed. News has to be treated in accordance with the tastes of those who consume it and the interests of those who produce it. Colonisation of opinion ought to have a reassuring effect. It is well understood that if misfortunes have to be mentioned, it will only be in the case of those which happen to,

or are caused by others.<sup>14</sup>

Now this concealed super-fascism which we have just been discussing does not result from a more or less arbitrary construct, nor from a more or less subjective interpretation. It is explicitly envisaged and recommended by specialists in political science who are close to the Trilateral, the Rockefeller group, and the governments of their respective countries. As has been seen, Mr Brzezinski has particularly developed the role which metropolitan America is called upon to play. In this way, he renews the tradition of the theorists of American imperialism.<sup>15</sup> However, he goes beyond this tradition in the sense that, for him, present day American imperialism and U.S. liberal democracy are uneasy bedfellows. In a liberal democracy, the citizens can question, express anxiety, discuss, but these activities are not only suspect but useless where a minority thinks for everyone. Mr Brzezinski asks anxiously, but explicitly, whether we are watching "the end of liberal democracy".<sup>16</sup>

These anxieties have been made widely known in a report presented to the Trilateral Commission on the crisis of democracy, by three authors, and with a preface by Mr Brzezinski.<sup>17</sup> Are democracies govern-

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14. See ESCHYLES, *Agamemno*, verses 1178-1197. - This is one of the aspects of the *nouvelle censure*, investigated by J.-F. REVEL, Paris, 1977.

15. On this unexhaustible subject, it could always be interesting to refer to Claude JULIEN, *L'empire Américain*, Paris, 1968 ; see also Harry MAGDOFF, *The age of imperialism. The economics of U.S. foreign Policy*, Monthly Review Press, New York-London, 1968.

16. *Between two ages*, pp. 248-254.

17. This is : Michel CROZIER, Samuel P. HUNTINGTON and Joji WATAKUNI, *The crisis of democracy. Report on the governability of democracies to the .../...*

able ? Mr Huntington for the U.S.A., Mr Crozier for Western Europe and Mr Watanuki for Japan reply to this question with an unequivocal diagnosis. Democracy is its own victim, and it is time to react. It is not mere chance that the same Mr Huntington has expressed his sympathy in other works for one party regimes, or for strong-arm democracy which he recommends for countries of the Third World.<sup>18</sup>

### *The Dilemma*

We have been warned : since there is a closed totalitarian system, there is no external enemy able to escape its aim of encirclement, so the clearcut issue is suicide. Democracy is pledged to a suicidal choice ... either to destroy itself, or to agree to be what it has always wanted to be ... death, or slavery.

Having learnt little from the disappointments suffered by his theories in Vietnam and Brazil, Mr Huntington concludes his analysis of the crisis of democracy in the U.S.A. in these terms : " 'Democracy never lasts long,' John Adams observed. 'It soon wastes, exhausts, and murders itself. There never was a democracy yet that did not commit suicide'. That suicide is more likely to be the product of overindulgence than

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.../... *Tricontinental Commission*, New York University Press, New York, 1975. Mr Claude Julien reported on this book in *Le Monde Diplomatique*, March 1976, n° 264, p. 14.

18. We should recall the reader that Mr HUNTINGTON is a.o. the author of *The soldier and the State. The theory and politics of civil-military relations*, Harvard University Press, Cambridge, Mass., 1957 ; of *The Common Defense. Strategic programs in national politics*, Columbia University Press, New York, 1961 ; and of *Political order in changing societies*, New Haven and London, 1968.

of any other cause. A value which is normally good in itself is not necessarily optimized when it is maximized. We have come to recognize that there are potentially desirable limits to economic growth. There are also potentially desirable limits to the indefinite extension of political democracy".<sup>19</sup>

Decidedly one would need to be struck by a strange blindness to be unaware of such strange similarities, which presuppose a systematic orchestration ...<sup>20</sup>

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19. S. HUNTINGTON, in *The crisis of democracy*, p. 115.

20. See Charles LEVINSON's *Vodka-Cola*, Paris, 1977. This remarkably documented study fills a gap and unravels the complex structure of the ruling machinery. It clearly exposes the ramifications of the imperial system we have just presented : multinational companies, "informal" groups like "la Trilatérale", influence channels of the Rockefeller Group, collaboration with the USSR, political organisations etc. This work raises the keystone of a complex yet basically unified building. Under the light of this exposé, the campaign for abortion liberalisation appears once again as *one* of the manoeuvres at the service of the big imperialist plan.

## CHAPTER XI. ROME OR "BARBARIANS" ?

*Containing the New Enemies*

The discussion of concealed super-fascism has been rather extended because of the need for an overall understanding of a series of ideas which are fairly widely known but whose deep relationships are not always perceived, nor indeed are they easily discernable. The world campaign mounted against the population explosion or human pollution is worth including in this group. It has to be seen in relation to the campaigns on energy, raw materials, the environment, as well as recommendations seeking to check growth, and control the export of science, technology etc.

In these campaigns and debates it is always important to keep in mind that the centre of power that ensures its own control of world population dynamics, by that very fact holds the long term mastery of the world. Of all the variables, human fertility is the most to be feared because it is the most difficult to control.<sup>1</sup> How could it be otherwise, when in contradistinction to animal sexuality, human sexuality is part of an infinitely enigmatical mode of existence ! Now this human sexuality, together with procreation which is its corollary, would be much less inconvenient

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1. This has been confirmed by Mrs Simone VEIL : "The total control of fecundity, its control by the State ... are the most perfect criterion of a maximized social organisation as well as the condition necessary to working of an utopist society once random and free decision of the individual have been completely eliminated ...". *Exposé*, p. 596, cited above, p. 38, note 10.

if it could be reduced to purely instinctive behaviour. This is why all the disciplines which have any bearing, even distant, on genetics, are so important. Because of their possible applications and the manipulations to which they can lead, the scope of such research work is not just of scholarly interest.<sup>2</sup> The same applies to demographic studies. Such studies are bound to have considerable consequences for politics, but this largely escapes the notice of those who pursue them. In effect, the scholar generally proceeds in a very analytic way. He scarcely concerns himself with the synthesis from which his researches really acquire their total meaning and social effectiveness.

The ultimate meaning of the international campaign in support of the liberalisation of abortion only becomes clear in a synthetic view of the world situation and in the light of an imperial plan with universal consequences. It is not easy to get this idea across to the general public, and yet the public has the right to know what is at stake in its decisions.

One must agree that from the American point of view, the minority which supports super-fascism because it benefits from it has cause for concern. For a generation, whether it likes it or not, it has watched the rise and political assertion of the blacks.<sup>3</sup> As Mr Huntington and Mr Brzezinski have pointed out, those formerly excluded now wish to obtain access to participation. This is a warning sign of what could soon

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2. The problems referred to here have been tackled by L. HENRIET, in *Biologie de la guerre et de la paix*, Bruxelles, 1974.

3. See Z. BRZEZINSKI, *Between two ages*, pp. 206 ff., p. 252, 265 ff., and *passim*; S. HUNTINGTON, in *The crisis of democracy*, pp. 61, 77, 107 ff., 111 and 114 etc.



happen in Latin America and the whole of the Third World. The contraceptive movements, however, persist in looking at the problem backwards. They refuse to admit that the only way of achieving their ends would be to raise the standard of life of those they are trying to restrain. This is where the difficulty lies. They feign ignorance of the primacy of the political aspect of the problem. At this point, they say, it is necessary to adopt a policy like that towards communist countries which was recommended in the 50s by the theorists of the cold war, a policy of holding back and damming up the Third World.<sup>4</sup>

On the level of their empire, their ambitions, and internationalism as they understand it, the U.S.A. finds itself in an analogous position to that of the R.S.F.S.R. in the U.S.S.R.<sup>5</sup> As Madame Hélène Carrère d'Encausse has recently shown, the Russian population is decreasing. At present, Russians control the machinery of the Party, of the administration, of the army, of every undertaking, but they are in danger of being outnumbered before the end of the century by the population of non-Russian federated republics, and particularly by the Muslim peoples of Central Asia.

The U.S.A. which had to liberalise abortion and encourage widespread contraception at home to remain credible overseas is now beginning to worry about the consequences of the train of events which it started. A recent report by a specialised commission of the House of Representatives shows that the population is ageing, and the birthrate, which did not fall below

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4. On containment and its theoreticians, see *Destin du Brésil*, pp. 80-82.

5. See Hélène CARRERE D'ENCAUSSE, *L'empire éclaté. La révolte des Nations en URSS*, Paris, 1978.

2.5 from 1947 to 1964, fell to 1.47 in 1976.<sup>6</sup>

The fact that the U.S.A. and the Russian Soviet Federated Socialist Republic, which is the leader of the Soviet world, are both experiencing a worrying population decline provides the Western world with an exceptional opportunity for self-examination.

### *Fascinated by Death*

Faced with the system which the U.S.A. has carefully constructed, Western Europe has good grounds for wondering whether it must submit to this imperial enterprise. Should it agree with the idea developed earlier by Spengler, and taken up by authors already quoted, that the moment of the "Decline of the West" is inexorably NOW ? Is not "managing decadence" the best we can do ?<sup>7</sup> Civilisations are mortal, so should it not be admitted that according to hegelian laws which are said to regulate inexorably the course of history, the West must retreat into nothingness and leave it to others to hold the stage ?

The idea of the death of a civilisation obsesses us : it has a morbid fascination. Here it seems as though we are taking part in a game of chance played against a backcloth of fear of life.<sup>8</sup> The liberalisation of abortion fits into this framework of collective necrolatry and is in step with many kinds of ab-

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6. Data contained in *Le Monde* of 25th January 1979.

7. This is the title of an article by Pierre LIMAGNE in *Le Monde* of 1st November 1978.

8. See Pierre CHAUNU, *Le refus de la vie. Analyse historique du présent*, Paris, 1975. The same theme has been tackled in several works by the same author, for instance : *De l'histoire à la prospective*, Paris, 1975 ; several chapters of *La mémoire de l'éternité*, Paris, 1975 ; *Le sursis, Libertés 2000*, Paris, 1978.

dication. It contributes to a reduction in the average number of children per woman of childbearing age. Suppose the rate to be 2.1 if the population is to replace itself, then it must be noted that in France it is only 1.86, in Britain 1.68, in the Netherlands 1.59 and 1.41 in Federal Germany.<sup>9</sup> This same liberalisation contributes directly to the ageing of the population which "hitherto has not been the result of the prolongation of life but solely of the fall in the birthrate".<sup>10</sup> In France alone "the proportion of the population over 65 years of age is likely to exceed 12.9 % in 1970 and be close to 14 % in 1980".<sup>11</sup> And Mr Jobert adds, "In 1985, 100 active individuals will have to support 152 dependants, whereas in 1968 the number for which they were responsible was only 140".

One of the latest authors to have touched on this problem writes, "Fertility can become so low that it no longer provides for the due replacement of the population. Such a course of events can be considered politically dangerous. By depressing demand, it can endanger economic dynamism, but by causing a rise in the average age, it is particularly likely to burden

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9. INED data presented by J.-M. DUPONT in *Le Monde de l'économie*, 12th December 1978. For Belgium, this rate amounted to 1.77 in 1977.

10. Alfred SAUVY, *Croissance Zéro ?*, p. 227 ; the same theme, frequently dealt with by the same famous demographer also appears in *Coût et valeur de la vie humaine, passim*. See also Paul PAILLAT, *Problèmes démographiques d'aujourd'hui*, Paris, 1976; J.-P. TISSEYRE, *Troisième âge. Vivre ou survivre*, Paris, 1976. See finally the *Rapport sur la situation démographique de la France et ses implications économiques et sociales : bilan et perspectives*. This report, the *Rapport Sullerot*, proceeding from the Conseil Economique et Social, was published in 1978.

11. Michel JOBERT, *L'autogénocide*, in *Le Monde* of 25th March 1976.

the country with an unbearable load".<sup>12</sup> In practical terms, in present day society there is a possibility that the population may decline to a point where it becomes impossible for it to increase once again, in exactly the same way as an aircraft may be able to land but then be unable to take off.

M. Alfred Sauvy, to whom are due most penetrating studies on these matters, sums up thus : "*France and other countries are on the way to falling into old age. Once the threshold, which is actually very near, has been crossed, return to youth will no longer be possible, either morally or materially. This is because when a population ages, it is affected by a kind of collective analgesia, perhaps anaesthesia, one might say a profound lack of awareness. Far from affecting only the old, this malady will strike the young, and will particularly affect leading minds of every age. From the moment the supporters of progress refuse the future, the illness is mortal*".<sup>13</sup>

### *Consumption and Ageing*

There is a close link between the consumption to which reference has so often been made, and ageing. Perceiving this link will assist in grasping the entire political scope of birth control and abortion campaigns. Consumption, as it is understood, leads to ageing and sclerotic conservatism. Several factors combine in this single process. Conditioning by publicity engenders needs which are constantly being reactivated at every level of society. The life style of the well off provides an example which the rest are encouraged to imitate. Since needs to

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12. J. VERRIERE, *Les politiques de population*, p.197.

13. A. SAUVY, *Coût et valeur de la vie humaine*, p.192.

be satisfied are always a step ahead of available resources, recourse must be had to loans and indebtedness. Repayments are programmed by computers ; instalments fall due with inexorable regularity ; mortgages remain hanging over us like the sword of Damocles. At this point, there is scarcely a space into which to fit the planned arrival of a child. All the more reason to welcome him if he was unplanned.

Further, the child which upsets the demands of the financial programme is weighed against other desirables. "The child within the wage earner's household competes for access to other desirables. He is a durable non-interchangeable commodity which interferes with the movement of other commodities".<sup>14</sup> M. Sauvy is even more specific : "When anxiety about the standard of living overrides other considerations and the parents no longer rely on their children to provide for old age, the optimal number of children is zero".<sup>15</sup>

Sexuality itself has become a consumer desirable, and the reference here is not just to its place in art and publicity. It is more a question of trivialisation of this kind of human relationship, where there is an increased separation and even a complete break in the connection between procreation and mutual love.<sup>16</sup>

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14. Jean RIONDET, in his remarkable article on *La Consommation contre l'enfant*, in *Le Monde* of 26th July 1978.

15. *Coût et valeur de la vie humaine*, p. 193.

16. In connection with this, Mrs Simone VEIL remarks : "There are some trends which indicate an increasing privatisation of sexuality and of reproduction, which are increasingly considered as being exclusively a problem specific to the couple, whereas the consequences, that is the child, are increasingly socialized". *Exposé*, p. 596, quoted above on p. 38, note 10.

This has two consequences. The first is to return to original malthusianism by postponing the age of marriage. This does not prevent young people from living together, naturally avoiding having children, before undertaking a stable commitment. The second is that ~~the~~ woman is separated from her maternal dimension. To be entitled to consume, a woman must produce, and children represent obstacles to this. In addition, unless she produces, the woman, the "housewife", is a burden on her family and society. Maternity has not yet been declared an offence, but the licence to procreate is very close.

### *Idle Luxury*

Furthermore, consumption has become a decisive factor in psychological ageing, that is, conservatism.<sup>17</sup> A society drugged by wellbeing, can only envisage its future by focussing on greater wellbeing. This society avoids risks and tries to imprison the future ; it is a conservative society.<sup>18</sup> Even *primary* education shapes future consumers and prepares them for leisure. Adults, especially in the universities, have little to offer to fire the enthusiasm of the young. Here, discussions

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17. Among the numerous publications on the themes dealt with here, we only mention : Philippe D'IRIBARNE, *Le gaspillage et le désir. De la voiture au vélo*, Paris, 1975 ; Jean BONIFACE, *L'homme consommateur : victime ou complice ?*, Paris, 1976 ; Jean-Pierre DUPUY et Jean ROBERT, *La trahison de l'opulence*, Paris, 1976. - The relations between publicity, consumption and political conditioning have also been dealt with by John Kenneth GALBRAITH, in his famous *The new industrial State*, New York, 1967.

18. See Ivan ILLICH, *Libérer l'avenir*, Paris, 1971.

on the various forms of marxism encourage a kind of contemplation of the self as academic as it is sterile; for action, they substitute a comfortable alibi which reinforces their doleful essays on structural determinism. Others hold to a complex of compromise, steeped in well-cultivated frustration : "What's the use !" Here are two current forms of fatalism, of rationalised impotence. They are also two forms of collusion with inaction which paralyse the young by imprisoning them in the paltry problematic of petty bourgeois consumers. How, when they have thus been "brainwashed" and "domesticated" by their elders can they become aware of the problematic of domination which is of very direct concern to them.<sup>19</sup>

As for adults, they are engaged in an organised assault on the reduction of working hours. This is simply the quantitative aspect of the problem, for work tends to be no more than a corridor leading to consumption. As a result, its exchange value must increase at the same time as the time available increases. This tendency is becoming even more marked ; our society seems to have set itself the aim of making its members idle and even lazy with luxury. Not only does it undervalue work by reducing its hours, but it penalises it by taxation. At the same time, it maintains an army of unemployed, workers aged before their time and kept in tutelage by a humiliating system of bonuses offered for organised degrading inactivity.

Finally, all, active or not, come together to form a tide of retired and pre-retired assigned to death in the golden ante-chamber of death by administrations

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19. On the anti-Europeanism of the intellectuals, see the study of A. RESZLER : *L'intellectuel contre l'Europe*, coll. Perspectives critiques, Paris, 1977.

which declare them unproductive and provide widespread public assistance. In addition, the child who is undesirable to a young couple, as an intruder in an adult household, is rendered useless at this final stage because at the end of the line, State-Providence provides for the retirement of its subjects.<sup>20</sup>

### *Crumbs of Liberty*

It is surprising to notice how many tendencies in our society converge. We have seen how liberalisation of abortion leads to a process aiming to establish the Leviathan State.<sup>21</sup> But in agreeing to servitude on many fronts, we are establishing this Leviathan in many different ways. In this way, we are setting up a fascist type state, characterised by Statocracy, in our own society. This State is corporatist within ; it organises work and idleness ; it caters for happiness even to the extent of defining it. In exchange for our submis-

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20. In addition to the works of Alfred SAUVY, see also the striking article of Michel CALONI, entitled *Sommes-nous devenus vieux ?*, in *Le Monde* of 18th January 1979.

21. Mrs Simone Veil warned explicitly against increasing the role that the State could play in the implementation of a demographic policy : "No couple should be caught up in a change of laws, no matter how legitimate this change might be : if *the State feels it has to change the conditions of choice* in a restrictive way, it must do this openly ... On the other hand, ... family policy depends on a tacit contract between the State and families. *When the State deems it necessary to change the rules of the contract*, it must ensure that it does not create brutal discontinuity in the families themselves ..." (*Exposé*, p. 601, mentioned above, p. 38, note 10). We underline.



sion, it estranges and misuses us to the extent of instilling into us the promethean illusion. It throws us some crumbs of liberty and even of licence. "It is the policy of all those at the head of government to maintain the highest degree of corruption among their citizens ; in this way, the subject weakens and rots in the delights of debauchery, and does not feel the weight of the chains with which he can be loaded without his realising what is taking place".<sup>22</sup>

At the same time, care is needed : the State which is being established in this way is no more than a delegated State whose technocrats are only willing staging posts for the centre of imperial power. It is from this command post that orders for transcendental malthusianism are dispatched. It is in the interest of this centre that the birth quota, the optimal age for death and the useful duration of work are laid down. Again, it is by virtue of these same interests that material wellbeing, access to science and technology, participation in decisions, use of liberty, will be measured out. In short, in a super-fascist imperial system, divisions in society will be made widespread, but sectional interests will be treated according to circumstances.

### *Vigilance and Exposure*

By a happy coincidence, debates on abortion have kindled new interest at a time when discussion on European unity is going well. In the light of what we have just noticed, it is easy to understand that there is a link between the two problems. However, at all costs Europe must avoid the pitfall of unifica-

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22. *Les prospérités du vice* (1797), coll. 10.18, 446, Paris, 1973, p. 158.

tion under the aegis of an imperial power.<sup>23</sup> It must preserve its autonomy jealously if it is to survive. Critical vigilance must be redoubled if Europe is not to be deprived of a future which it has defined in fidelity to the law which presides over its destiny ... life in the future within liberty and fraternity.<sup>24</sup>

The sounding affirmation of this original option is not only necessary to restore confidence in Europe itself. It is equally necessary to ensure that Europe continues to be a living sign of liberty in a world exposed to the temptations of imperialism. It is even more essential for Europe, faced with triumphant totalitarian regimes, to bring to light a liberation plan of world wide scope. From this point of view, the

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23. The problem is broached by Jacques BORDIOT in *Le Parlement européen. Une utopie, une imposture, un danger*, no place, no date (Paris, 1978). Here Mr Bordiot exposes the danger that Europe runs in uniting by putting itself under the influence of the United States. Mr Bordiot's observations confirm and illustrate what we have seen in the preceding chapter on the role of the Trilateral and its Rockefeller sources. Among "the supporters of an Americanised Europe", one in fact finds "a majority of members of the Bilderberg Group or of the Trilateral commission, organisations which are influenced by the billionaire David Rockefeller" (p. 165 ; see also p.171 and *passim*). As a result, Mr Bordiot specifies and confirms, with Mr Levinson, what we have seen on the "super-fascist" project and the place that anti-birth and pro-abortion campaigns have in this.- On the unification of Europe, see also Paul M.G. LEVY, *Sauver l'Europe*, Document, Gembloux (Belgium), 1978. - We devoted a small article on this question in *La puissance ou la liberté ?*, which appeared in *L'Europe en formation*, April-May 1977, n° 205-206, pp. 19-24.

24. These themes are broached in the work by J.-M. BENOIST, *Plaidoyer pour une Europe défunte*, Paris, 1976 ; and by Raymond ARON in *Plaidoyer pour l'Europe décadente*, Paris, 1977.

liberalisation of abortion, with its sequence of implications, ramifications and evils, must be exposed as one point among others of an extraordinary reactionary programme.<sup>25</sup> It is so reactionary that one could wear oneself out with guessing at the basic reasons which motivate groups and "progressive" parties to support it ... at the price of objective collusion with oppressors whom they attack in every other field.<sup>26</sup>

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25. Marcel MERLE writes on this subject : "It is often the same political forces which declare themselves to be in solidarity with the Third World, which accumulate in their own countries, at least as long as they are in opposition, the most wonderful and costly promises on the improvement of the standard of living, the reduction of working time, earlier retirement age and the extension of social advantages", in *Pour une approche réaliste du "Nouvel Ordre économique international"*, taken from *Perspectives internationales*, Publication by the Ministry for Foreign Affairs in Canada, November-December, 1977, p. 5.
26. In order to clarify the current debates on this subject, it would be useful to return to the numerous pages devoted by MARX and ENGELS to the population problems, and in particular to the critique of MALTHUS. The positions taken in these pages are the subject of a selective omission in certain marxist circles, where one often sees militants defend positions which are nearer to the theses of Malthus rather than those of Marx and Engels. Several astonishing texts, which are easily accessible, will whet the appetite of researchers: K. MARX, *Morceaux choisis*, Bibliothèque des Idées, 18th ed., Paris, 1956, pp. 405-410; 419 s. - *Pages de Karl Marx*, editor M. Rubel, vol. cit., pp. 77 s., 188-191, 198 s., 214 s., 240-242; 246 s. (With regard to Malthus : "People have guessed, with infallible instinct, that they have in front of them not a *man of science*, but a *bribed lawyer*, pleading the case of his enemies, a shameless sycophant of the dominating classes" : text of 1862-1863, mentioned on p. 242). - Jacqueline RUSS, *La pensée des précurseurs de Marx*, coll. Pour connaître, Paris, 1973, pp. 334-336. (According to Engels, the results of Malthus' doctrine are the following : "As the poor are more numerous,  
.../...

Now if in Western Europe both older and recent progressive movements are characterised by attention to the deprived, and a wish to make its citizens full partners in a more just and fraternal society, one would not expect fidelity to this ideal to result in a self-sufficient Europe feeding on itself. Europe should not hallow the present to justify its blindness to the uncertainties of the future. When the ship begins to creak ominously and incompetent sailors try to plug the leaks or delude the passengers with a last tango, the new oppressed are knocking at our doors. This is strong, stronger than the peasants of Sun Tsu gone to beset the towns,<sup>27</sup> stronger than the proletarians of the XIXth century.

*"Barbarians"*

In fact it is the Third World which today demands justice. Faced with a human tide which neither could nor will ask for any birth control programme, Western Europe, "taken over" by empires, its imagination and daring sterilised, might turn its back on history. It might cling to an anachronistic society in which the happiness of a minority rests on a deliberate refusal to share. Now on the world scale, Western Europe must

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.../... nothing must be tried in their favour, unless it is to help them to die of hunger as easily as possible. It is necessary to persuade them that there is no solution ; their class has only one possible way of salvation : to restrict as far as possible the number of births. If this conviction is not effective enough, it will always be preferable to set up a public service to kill off the children of the poor" : text of 1905, quoted p. 335).

27. From SUN TZU, one of the masters of Mao Tse-tung, we have an *Art de la guerre*, political texts, Paris, 1972. In this he underlines in particular the importance of controlling campaigns for command of the towns (cfr for example p. 114).

not repeat the historic mistake of the XIXth century liberal bourgeoisie. We owe our comfort and our standard of living in large part to the oppressed and exploited masses which provided cheap labour, energy and raw materials. Without a radical policy change on our part, it would be ridiculous to expect these people to cherish the residents in the European Pensioners' Hospital when the latter are no longer able to exploit the former.<sup>28</sup>

Unlike us, these men and women are not enslaved by consumption. In spite of appearances, work has a more human meaning for them than for us. They see themselves in the nature they transform ; they become conscious of themselves ; their way of life becomes genuine ; they achieve liberty when their senile masters, more and more dependent on the activity of their slaves, are themselves enslaved.<sup>29</sup>

Apart from their work, these men and women, these *proletarians*, have only one kind of wealth, their children. It is for this deeply human reason that they are so quick to spring all the traps of the very widespread neo-malthusianism. They are poor, and will no doubt remain so for a long time. But because they are poor, they are readier than we are for the unforeseen, more prepared for austerity, more open to sharing. Having nothing to lose nor to preserve, they are freer than we are. They do not think of the future in

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28. Cfr A. SAUVY, *Coût et valeur de la vie humaine*, pp. 193 s.

29. Here one recognises reference to the Hegelian dialectic of *Master and Slave*. The theme is developed by Paulo FREIRE in *L'Education pratique de la liberté*, coll. Terres de Feu, 9, Paris, 1971, and in *Pédagogie des opprimés*, Small Collection Maspero, 130, Paris, 1974.

terms of preservation or prolonging ; it is imagined, contemplated ; it cannot but be better than the present. Those people do not have the chance of choosing consumption, they choose life, with all its suffering, while we wear ourselves out trying to tame uncertainty.

The debate on the political aspects of abortion thus leads into a problem of world society : whether to give our support to "the other", the one who is different, the stranger, not by reversing the power relationship, but by reaching a recognition of equality within fraternity and liberty. It is always the same problem that reappears and now is not the first time in human history that it has been set.

We cannot escape, we must take sides, there must be no ambiguity.

Is it to be Rome or the "Barbarians" ?

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