

is to raise again the questions posed by Claude Chabrol's film *Une Affaire de Femmes* (1988): was abortion primarily women's business? was Vichy attacking all French women by its policies? how thorough and unusual was Vichy's antiabortion stance? Chabrol's story of Marie, the woman beheaded by Vichy for performing abortions, obliges us to confront "the story of women" under Vichy (*une affaire* can mean a business matter, a legal case, a scandalous matter, or an affair) and representations of abortion and female sexuality in repressive historical contexts. *Une Affaire de Femmes* raises the question of narrative conventions that determine how we all—historians, witnesses, filmmakers, and "audience"—tell the story of wartime France.¹⁷

Discipline and Punishment

The Tribunal d'Etat, which heard cases in Paris and Lyon, was an extraordinary wartime court established to deal with extraordinary wartime criminal activities: it sat in secret, acted swiftly, heard no appeals, and could be counted on to mete out more severe penalties than courts with juries.¹⁸ Through the Tribunal d'Etat, Vichy created a new narrative of abortion as crime. Reproduction and maternity had already been written into a political discourse of vital national interests. Repression was another register of intervention in reproduction.

The Tribunal d'Etat, created in September 1941, had a broad police mandate: "to repress all acts, intrigues, and activities of a nature to disturb order, internal peace, public calm, international relations, or, in a general manner, to injure the French people."¹⁹ This language ("disturb," "peace," "calm") disguised and downplayed the lethal mission of the tribunal, which was intended "to protect efficaciously the national community." Its especial target was PCF resisters, those who would disrupt the peaceful discourse of collaboration with the Nazi occupier, those who would refuse Vichy's "order." It was an exceptional jurisdiction designed for wartime repression, although its operation depended on denying the very fact of war. Putting abortion within this arena was at once declaring war on those who would disrupt the discourse of sexual order, while denying that this repression was anything but a necessary upholding of the status quo.

No longer just deviant, an offense, or about individual acts, abortion became an activity that was antisocial, antinational, a crime that resulted in unquantifiable collective injury. The professional abortionist was a new evil protagonist in a drama that involved France's health and security. This narrative derived directly from the pronatalist and familialist discourse of the interwar years (which had found its apogee in the Code de la Famille), a discourse that conflated images of a falling birthrate with "collective

suicide" and articulated the anxieties of social commentators about class conflict, sexual differences, and "the demise of the family." However, it was the trauma of Defeat in 1940 that catalyzed this discourse, elevating it to political "common sense" and providing its adherents with new opportunities to impose rather than suggest solutions. Pétain himself reworked the story with his assertion that France had been beaten because, along with too few arms and too few allies, she had "too few children."²⁰ *Travail, Famille, Patrie* necessitated *la femme au foyer*, traditional patriarchal hierarchy, a strict sexual division of labor, and an intensified regulation of female sexuality. (This was parallel to but quite distinct from Nazi antifeminism in its origins and form, if not its presumed "popular" appeal.) In work, education, welfare, and family policy, as we have seen, Vichy consistently sought to mobilize "women" symbolically and materially for its *renovation*. Abortion is perhaps the most conspicuous and well-known story of its efforts, the most obvious case of its attack on women. But was it only women? Who was disciplined and punished?

At 5:25 A.M. on Friday 30 July 1943, Marie-Louise Giraud, a thirty-nine-year-old washerwoman from Cherbourg, was guillotined in the courtyard of La Roquette prison in Paris. Her body, "being claimed by neither the family nor the Academy of Medicine," was buried in a prison plot. Her coffin cost forty-four francs, according to the records. Her crime: performing twenty-seven abortions, twenty-two of which were after the enactment of the 300 Law.²¹

On 5:45 A.M. on Friday 22 October 1943, forty-six-year-old Desiré P——, from the Sarthe, was beheaded in the prison of La Santé in Paris. P—— apparently "learned with calm and courage that his appeal had been rejected and was only surprised that one got one's head cut off for abortion." He took communion and proceeded to the scaffold. Buried at the cemetery in Ivry, P—— was also laid to rest in a state-supplied forty-four-franc coffin. His crime: performing three abortions.²²

Although by mid-1943 Vichy had presided over thousands of deaths and deportations, these two judicial murders were unique. The accused had no knowledge of the new 1942 law that they had transgressed and neither belonged to any political party, organization, or racial or ethnic group targeted by Vichy. The crime to which they both admitted—performing abortions—had been so widespread in the years before the war that some commentators had estimated that there were as many abortions as live births annually in France.²³ Although the justification for the harshness of the 300 Law was precisely its deterrent effect, neither case received widespread attention. The sentences were posted at the homes of the accused and there were small articles in some newspapers.²⁴