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Abortion and politics in Nicaragua: The women’s movement in the debate on the Abortion Law Reform 1999–2002

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Abstract
This paper analyses discussion on a proposed reform to the abortion law in Nicaragua between 1999 and 2002, as a struggle between different actors—politicians, religious leaders, doctors and feminists—over the meaning of abortion, motherhood and sexuality, and ultimately the value of women’s lives. It shows how the interplay of gender discourses and political practices shaped the process of discussion: on one hand by making a broad alliance against abortion possible, on the other by highlighting the contradictory role of the women’s movement in this discussion, between a dominant leadership and a low mobilizing capacity. The paper argues for the need of an inwards oriented process within the women’s movement, that departs from the recognition of the personal issues at stake for women in order to break the silence surrounding abortion, such as prevailing feelings of fear and guilt. This entails recognition of the limits of the liberal feminist claim to ‘abortion as a free choice’, as a discourse of rights that is disconnected from the everyday life conditions and constraints under which women make choices and develop their notions of rights.

Résumé
Cet article analyse le débat sur une réforme de la loi sur l’avortement au Nicaragua, proposée entre 1999 et 2002, comme une lutte entre différents acteurs – politiciens, leaders religieux, médecins et féministes – autour des significations de l’avortement, de la maternité et de la sexualité et, en définitive, de la valeur de la vie des femmes. Il montre comment l’interaction des discours de genre et des pratiques politiques a influencé le débat: d’une part, en rendant possible une large alliance contre l’avortement, d’autre part en soulignant le rôle contradictoire du mouvement des femmes dans ce débat, entre un leadership dominant et une faible capacité de mobilisation. L’article soutient la nécessité d’un processus d’analyse interne au mouvement féministe, afin de reconnaître les problèmes personnels auxquels les femmes ont à faire face - tels que les sentiments dominants de peur et de culpabilité – pour pouvoir rompre le silence sur l’avortement. Ceci implique une reconnaissance des limites de la revendication féministe libérale de «l’avortement comme choix libre», ce discours sur les droits étant déconnecté des conditions de vie et des contraintes de tous les jours, face auxquelles les femmes font des choix et développent leurs notions de droits.

Resumen
Este artículo analiza el debate sobre la reforma a la ley del aborto entre 1999 y 2002 como una lucha entre diferentes actores – líderes políticos, religiosos, médicos y feministas – acerca del significado del
aborto, la maternidad y la sexualidad, y en última instancia, acerca del valor de la vida de las mujeres. Pretende visibilizar cómo la interacción entre ciertos discursos de género y prácticas políticas marcó el proceso de discusión: por un lado al hacer posible una alianza tan amplia en contra del aborto; por otro, al marcar el rol contradictorio del movimiento de mujeres en esta discusión, entre un liderazgo fuerte y una baja capacidad de movilización. El artículo aboga por la necesidad de un proceso interno en el movimiento basado en el reconocimiento de los asuntos personales que están en juego para las mujeres -como el miedo y la culpa- para romper el silencio acerca del aborto. Esto a su vez implica reconocer los límites de la reivindicación feminista liberal por el derecho a decidir, como un discurso de derechos que está desconectado de las condiciones y restricciones de la vida cotidiana, bajo las cuales las mujeres toman decisiones y desarrollan su noción de derechos.

Keywords: Nicaragua, abortion, gender, politics, women’s movement

Introduction

Between 1999 and 2002, a heated discussion took place in Nicaragua on a proposed abortion law reform as part of a general reform of the penal code. In this debate, pro-life organizations, the Catholic Church hierarchy, evangelical churches, the Government and politicians of different colours came together to mobilize against women’s rights, demanding the elimination of the only legal form of abortion that existed in Nicaragua: therapeutic abortion. The women’s movement was the only actor that openly and continuously dared to resist this campaign until finally the reform process was stopped, remaining at standby until today. The political influence and persistence of the women’s movement leadership, however, contrasted with its relatively low mobilizing capacity.

This paper analyses debate over the abortion law reform as a struggle between different actors over the meaning of abortion, motherhood and sexuality, and ultimately the value of women’s lives. It shows how the interplay of gender discourses and political practices (on both sides) shaped the process of discussion on abortion law reform: on the one hand, by making a pro-life alliance between this broad array of actors not only possible but also effective as a means to ensure and increase their political power, popularity and legitimacy; on the other hand, by revealing the internal contradictions and constraints within the women’s movement in building consensus on the issue of abortion rights, and the leadership’s tendency to engage in isolated efforts to push forward their agenda.

The paper argues the need to close this gap between the leaders and bases of the woman’s movement through greater recognition of the personal issues at stake for women when it comes to abortion. Breaking the silence surrounding abortion requires recognizing and dealing with the feelings of guilt that prevent women from considering abortion as a women’s right, as well as the fear of social rejection that prevents them from publicly claiming this right. This in turn means recognizing the limits of the liberal feminist claim to ‘abortion as a free choice’, as a discourse of rights that is disconnected from the everyday life conditions and constraints under which women make choices and develop their notions of rights.

Abortion Law reform and the emergence of the ‘pro-life’ campaign

The first news in 1999 revealing that the Justice Commission of the Nicaraguan National Assembly was discussing reform of the abortion law incited instant reactions from members of women’s organizations as well as pro-life advocates, most notably ANPROVIDA (Asociación Nicaragüense por la Vida), a local branch of Human Life International, an international organization with presence in over 50 countries across the world. The
newspapers announced greater flexibility in legislation on abortion. The existing law (Gobierno de Nicaragua 1974) offered an ambiguous framework in that it established the right to therapeutic abortion with the consent of three doctors and a family member of the woman, without defining, however, under what conditions this would apply. The new proposal was supposed to include explicit mention of rape, foetal impairment, and the preservation of the mother’s health as legitimate grounds of the termination of pregnancy. In addition, the requirement of partner or family member consent was to be removed and a reduction in penalties for illegal abortions proposed (Chamorro 1999).

The new proposal, however, never made it to the plenary of the national assembly, as the early lobbying of pro-life organizations had its effect. In the first official proposal, therapeutic abortion was made subject to the approval of three ‘medical specialists’ from the Ministry of Health (Asamblea Nacional (AN) 1999)—in a country with an average of only seven doctors (not specialists) per ten thousand inhabitants (Organización Panamericana de la Salud/Organización Mundial de la Salud (OPS/OMS) 2001). The most innovative aspect of the proposal was the inclusion of a new article that sought to regulate and punish physical and psychological harm to the unborn. Bizarre as it might sound, this article was highly dangerous, as it not only contradicted the article allowing therapeutic abortion, but also subjected doctors to the risk of being accused of damaging or having failed to prevent damage to a foetus (Pizarro 2002).

Despite the fact that this proposal made abortion virtually impossible, pro-life advocates from all directions reacted strongly to the proposal. The Catholic Church hierarchy, the Evangelical Alliance—an umbrella group of predominantly Pentecostal evangelical churches—and ANPROVIDA (among others) claimed that therapeutic abortion was a pretext to deliberately perform abortion on demand, and accused the deputies of ‘promoting a culture of death’ and of complicity with the murder of innumerable innocent children.

In the context of approaching municipal and presidential elections, and a crisis of legitimacy within both the governing Liberal Constitutional Party (PLC) and the Sandinista opposition party (FSLN) (Nitlapán-Envio Team 2000), pro-lifers encountered remarkable support by government authorities and members of different political parties: in January 2000, president Arnoldo Alemán—who transformed Nicaragua into one of the most corrupt countries of Latin America (Perez-Baltodano 2003: 684–732)—introduced the celebration of the day of the unborn child, and throughout the two subsequent years personally headed pro-life demonstrations and persecuted women’s organizations and activists accused of performing illegal abortions (SI Mujer 2001). At the end of 2001, shortly before the new presidential elections, the penal code reform was suspended and the abortion law reform remains at a standstill until today (2005).

**Discourses and power**

Discourses, as defined by Michel Foucault (1978), both reflect and shape the way we experience and interpret the world around us, and consequently the way we act upon it. They are thus not just expressive but constitutive of social realities and therefore play an important role in the (re)definition of power relations. Foucault argues that we tend to perceive power as coming from ‘above’ as embodied in powerful institutions such as the State and the Law; it is, however, in the local centres of the small and immediate spaces of daily interaction where power relations are constantly reproduced and transformed (Foucault 1978: 82–102).

Discourses translate social struggles into language. In this sense, they are both a means and an object of power struggles. This is why, according to Foucault, in any society the
production of discourses is subject to a number of strategies of exclusion, control and regulation that demarcate the boundaries of legitimacy. One of the most important exclusion strategies today is the division between 'true' and 'false'. If power works to hide its mechanisms of operation, as Foucault argues, then the ‘true’ discourse is particularly powerful: because it hides its will to power behind an apparent truth (Foucault 1974).

Discourses are not uniform or stable; rather they have to be seen as fragments that can be combined and employed in different ways to match different strategies of power (Foucault 1978: 98–102). A good illustration of this discontinuity and tactical polyvalence of discourses lies in how the notion of individual rights has made possible not only the feminist ‘right to choose’ discourse, but also has opened the way to the pro-life movement in claiming the right of the foetus.4

What makes Foucault’s approach to discourses particularly useful is its emphasis on the productivity of power as well as its regulative force. This allows for a change in the whole focus of analysis from ‘oppressive’ state mechanisms of prohibition and sanction to the normalizing strategies produced in our everyday lives. If the struggle around abortion in Nicaragua was a discussion between the state, the church, doctors and organizations of civil society concerning the ‘truth’ of abortion, women’s bodies and sexuality, then what was at stake here was not only the redefinition of a certain legal or institutional framework, but precisely of the norms and values that both govern and are constantly (re)produced in our everyday lives.

**Competing discourses in the struggle around abortion**

*Pro-life discourses*

Pro-life discourses, as their name already imply, claim to be concerned with the defence of life: foetal life. Nicaraguan pro-lifers—and among them a number of prominent doctors—have argued that human life begins from the very moment of conception (meaning the moment of sexual intercourse, even before the fertilized egg is implanted in the uterus), and that this is a scientifically demonstrated fact. In consequence, the foetus is a human being with full civil rights and any deliberate harm to it cannot but be considered a crime (Cabrera, cited in Canelo 1999). A second argument is that advances in medical science have made therapeutic abortion obsolete: today it is possible to save both the woman’s and the foetus’ life (Cabrera 2000). Therapeutic abortion is therefore only a ‘euphemism’ to cover a crime and to open the doors to a deliberate practice of abortion (Solórzano 1999). This was an argument strongly opposed by other doctors, who were not pro-choice but considered that there may be situations in which the saving of the mother’s life necessarily entails the interruption of pregnancy and who fear that a restrictive law would limit doctors in their ability to make a decision according to their conscience (Guido 2000).

At times, some pro-life doctors admitted that the foetus could be affected collaterally by the medical treatment of the pregnant mother, such as in cases of cancer, but responded with the rhetoric that the aim should always be to save both lives (Mendieta 1999). That this in practice meant a subordination of women’s lives to that of a foetus became very clear in further statements, such as the suggestion that in these extreme cases doctors should wait until the fifth month to extract the foetus from the uterus until they started treatment; that ultimately the woman’s health was important only insofar as it affected the child’s health (Obando, cited in Meza and Silva 2000); and that nothing should come before the child’s life (Obando 2000), because ‘it never has been licit and it never will be, to condemn an innocent to death in order to preserve some other good’ (Rocha Genie 2000).
These two arguments—that establish the personhood of the foetus and deny the need for therapeutic abortion—were adopted by practically all pro-lifers, including religious authorities. At times, the medical discourses were embellished by stories from the Bible or the citation of statements by the Vatican to make it clear that in the Christian tradition the unborn has always been considered ‘a being provided with human nature and an immortal soul’ (González and González 2000) and that the Pope has declared abortion a serious sin that is punished by the Church with ipso facto excommunication (Montealegre 2000).

If the strongest reason for an abortion, namely, to save the mother’s life, was opposed, all other grounds were rejected with even greater severity. Abortion in cases of rape was not considered a sufficient reason: ‘(B)ecause the child was conceived without the consent of one of the parents, it is no justification to kill the fruit of this relation’ (Cabrera, cited in Chamorro 1999). This would be to punish the child for something it is not guilty of; it would open the doors for deliberate access to abortion, and it would only cause an additional trauma to the woman. Continuing with the pregnancy, on the contrary, could help the woman overcome the trauma of rape (Rojas, cited in Ocón 2000). Abortion on the grounds of serious congenital impairment (such as the Down’s syndrome) was associated with an unacceptable ‘quality control’ of human beings and the rebirth of Hitler’s murderous eugenic philosophy (Cabrera, cited in Chamorro 1999). Socio-economic problems as grounds for abortion were of course completely out of the question. We could equally well start to kill other family members just because there is not food to feed them, it was argued (Mendieta 1999). Using arguments such as these, pro-lifers successfully and ‘scientifically’ framed abortion as a crime (or equally, as a sin) and defined the respective subjects who are authorized to speak about it, doctors, clerics and legislators, so long as they all subjected themselves to the natural and divine laws.

Yet, important also was the emotional charge of the discussion. A feature of pro-life discourses was the recreation of imageries of depravity, crime and moral degradation in both their representation of the adversaries and the society Nicaragua would become if abortion were to become legal: ‘Abortion is a modern massacre legalized by a democracy, that cuts into pieces the victims in the maternal womb as if they were only cell aggregates, a kind of tumour in the maternal womb’ (Ministerio Arquidiocesano de Predicación 2000).5

Pro-lifers also claimed that feminists supported by the ‘left internationalism’ (meaning the European Union) and ‘population controllers’ (most notably UNFPA) were intending to destroy the Nicaraguan population at its roots under the pretext of defending reproductive rights, through actions that were no more than ‘an opportunistic ideology that allows for the killing of innocent children’ (Lucas 2000). Moreover, feminists represented a threat to the moral integrity of society because with their positions in favour of ‘homosexualism’ (SIC), they were trying to eliminate the differences that ‘naturally exist between the sexes, as well as the natural attraction between them’ (Lucas 2000).

The imagery presented of a society in which abortion was legal is the imagery of death and crime, suicide, sexual abuse, libertinage and homosexuality (all undifferentiatedly presented as evil), where the core of society—the family—is destroyed, and with it the moral foundations of the nation. It is here that it becomes most explicit that the preoccupation of pro-lifers in defending foetal rights is intimately related to the maintenance of a gender division that ensures heterosexual relationships within the confines of marriage and reproduction, and defines differentiated (and hierarchical) roles, positions and values for women and men.6
Wherein lay the power of this discourse? In the first place, it lay in the blending of scientific and religious arguments—drawing on the authority of both—into a common discourse of human rights that appears to be preoccupied with the defence of life. The foetus is a citizen and therefore legislators are obliged to protect ‘him’7 and to safeguard ‘his’ rights or—in the religious version—to safeguard the moral values of the nation. Importantly, the foetus is a very special kind of citizen, one that makes ‘him’ particularly worthy of protection: ‘he’ is the incarnation of innocence and defenceslessness.

In this focus on the foetus as a seemingly independent being, both the mother and the whole context of pregnancy disappear.8 There is no ‘before’ and no ‘after’ in the pro-life discourse. It does not matter where the foetus comes from, or in whose womb it is located; not even what kind of life he might have once born. The pregnant woman is at best marginally invoked, either to reinforce the ideal of motherhood associated with self-sacrifice and submission, or in the case of the woman who aborts, alternatively as the brutal murderer of her own child or as a victim who will never be able to overcome the tremendous trauma of having committed murder. In any of these depictions, the woman is not an independent human being with her own rights, as pro-lifers so passionately profess the foetus to be. She is only regarded as a medium of life and it is this role only that makes her worthwhile of protection and respect. While the scientific legitimation was thus achieved through the ‘objective’ insights of medical authorities, religious imagery offered the ‘special effects’ targeting popular emotions.

The counter-discourses of the women’s movement

In contrast to the rather simple and straightforward argument of the pro-life forces, the discourses of the women’s movement were more complex and diverse, and therefore also more difficult to characterize. The predominant discourses of the women’s movement aimed at (re)constructing abortion as a women’s health problem and demanding women’s access to ‘therapeutic abortion’. As this entailed changing the terms of debate, the issue of personhood was only marginally addressed.

With respect to foetal personhood, the women’s movement contended that neither in science nor in religion is there consensus about the ‘nature’ of the unborn. To claim the personhood of the foetus on the basis of its ‘life’ is a fallacy, as of course the foetus is alive, just as the egg and the spermatozoids have ‘life’ making conception possible. This, however, does not mean that the foetus in its first stages of development is a person (Fundación Puntos de Encuentro 2002). Leaders of the women’s movement argued that the cerebral cortex does not develop before 20 weeks of gestation, and therefore until this moment it was impossible for the foetus to respond to any stimuli, to feel pain or fear, or to move its body deliberately. Moreover, the foetus is unable to survive outside the woman’s body, and therefore cannot be regarded as an independent human being (Quintana 2001).

The arguments against the official stance of the Catholic Church drew largely on analyses provided by the group Catholics for a Free Choice. Within the Catholic Church, the personhood of the foetus is debated in terms of the moment of ‘hominization’ or ‘ensoulment’—the moment in which the soul is supposed to enter the body making the foetus a human person. The women’s movement argued that there has never been consensus within Catholicism, neither on the stance to be taken with respect to abortion nor on the moment of hominization, with opinions varying between 40 and 140 days. Therefore, the condemnation of abortion has never achieved the status of a dogma of belief within the Catholic Church (Salinas 2000). However, as mentioned earlier, the main strategy of the
women’s movement was to refocus the attention on the pregnant woman and demonstrate that women die during pregnancy, and that it is therefore not true to say that medical science has made possible the prevention of such deaths, much less so in Nicaragua, where the context of structural adjustment programmes and economic crisis are causing public health services to face worsening shortages of staff, medicines and equipment.9

According to the women’s movement, restrictions on abortion not only denied women the right to save their own lives, but also endangered lives by obliging women to seek illegal abortions. In a context of illegality, good quality and safe abortions were only accessible to well-off women who were capable of paying high prices. Unsafe abortion is thus not only a serious health problem that threatened women’s lives, but also represents a problem of social injustice, because it is poor women who most often die of pregnancies and abortions (Pizarro 1999). Moreover, unsafe abortion is the leading cause of maternal hospital deaths. Every year, about ten thousand women come to hospitals in Nicaragua with complications caused by clandestine (and thus incomplete) abortions. This adds an additional burden to the public health system. While a therapeutic abortion (according to a study in 1988) cost the public health system US$28, treatment for an incomplete abortion—without complications—cost US$113, and when complications were involved the cost rocketed to anywhere from US$1,000 to US$5,000 (Pizarro 1999). Maternal deaths thus also affect society as a whole. They break up families, leave children orphaned, ‘and in these cases neither the state nor the churches assume responsibility’ (Pizarro 2000). Pro-lifers, instead of caring about foetuses, should care about the children who have already been born and who are suffering malnutrition, dying of preventable diseases such as diarrhoea, and living on the streets, the women’s movement argued.

From this perspective, women are seen as human beings with full citizenship rights, and it is a responsibility of the state to safeguard their rights and lives (Red de Mujeres contra la Violencia 2000). The denial of women’s right to save their lives is not only inhuman, but also a flagrant violation of human rights. The civil code of Nicaragua protects life from the moment of birth. Therefore, it was unacceptable to privilege the life of an unborn being over the lives of people who are already born, and to demand from women that they give up their lives for the unborn: ‘One pillar of human rights is the non-commodification of human beings. Every human being is to be considered an end in itself, and not a means to an end’ (CNF 2000). Crucially, a woman is more than a medium of reproduction, she is a subject of human rights, and human rights are integral and not transferable. That is why nobody has the right to ask or even oblige a woman to sacrifice her life for the sake of a foetus.

Furthermore, leaders of the women’s movement argued that in the current political context, women were denied their rights as citizens because public authorities had opened the door for the ‘absolutist positions of the Catholic Church’ to be imposed on state policies: ‘to establish the Day of the Unborn Child, to declare that life begins from the moment of conception, to punish women and health workers, to threaten them with license suspension and with the closing down of clinics, are reflections of the cohabitation of the powers of the secular state with official religions’ (Pizarro 2000).

According to the women’s movement ‘the confounding of state, party, and church’ was another ‘pact’,10 a political deal in which the Church sought to recover power over the domain of sexuality and power in general, in exchange for closing its eyes to corruption and blessing the politicians in electoral campaigns (Montenegro 2000a). This, it was argued, apart from a violation of women’s human rights, represented a severe violation of the secular character of the state and of the principle of religious freedom. The women’s movement thus tried to challenge the pro-life discourse in a variety of ways: from within, by
questioning the personhood of the foetus from both scientific and religious perspectives; and from without, by changing the terms of the debate and constructing discourses that make the question of foetal personhood secondary.

By constructing abortion as a ‘health’ problem, the women’s movement established the grounds on which to analyse and look at abortion from a perspective different from the moral and religious perspective of the Church. With this, they also (re)defined the subjects who are entitled to speak about abortion: abortion as a women’s health problem pertains in the first place to women themselves, as well as to women’s organizations and public authorities that should safeguard peoples’ health and well-being, and respond to the real problems that society is facing instead of letting themselves be manipulated by religious morality (in Canelo Candia 1999).

In addition, the relation between abortion and maternal mortality established links to a human rights discourse in which the woman is (re)constituted as a subject of rights. The woman is brought back into the ‘picture’ and, whatever conclusions one draws about the nature of unborn life, the woman is without doubt a human being and a full citizen, whose right to life is unquestionable and cannot be subordinated to the life of an unborn being. With this, the women’s movement claimed back some important values interpellated by the pro-life discourse, such as concern for the value of the family and the protection of children. Most importantly, it claimed back what appeared to be the strongest argument of their adversaries: the defence of life. Thereby, leaders of the women’s movement showed multiple ways in which the pro-life discourses actually violated life, and denounced the interests behind the pro-life alliance: for doctors to maintain abortion as a profitable business, for politicians and the church to gain political power, and for the government to cover up its corrupt practices.

Like the pro-life activists, the women’s movement also used the authority of science to make its point, especially in order to oppose the religious morality of the pro-life discourse. While this perhaps allowed them to avoid the worst by preventing therapeutic abortion from disappearing entirely from the penal code, it was also problematic in that it established doctors as those authorized to decide over abortion, and not the woman herself. The reinforcement of medical authority from both sides also became visible in the latest version of the proposed law, in which doctors continue to be those who decide but now have to demonstrate that abortion was the only means to save a woman’s life. This suggests certain limits to a discourse that is grounded on abortion as a women’s health problem.

However, as we have seen, it is also true that the discourses of the women’s movement transcended the realm of abortion as a health problem, and defined abortion equally as a social problem—of poverty and inequality—and as an issue of human rights and democracy. They showed how multifacetted the issue of abortion is, how many dimensions, people and issues it involves, and how it is an issue much too complex to be reduced to the rights of foetuses.

Dilemmas of the women’s movement in the struggle for abortion rights

Abortion rights: an issue of élites?

Throughout the period of debate (1999–2002), leaders of the women’s movement, most notably of the Women’s Network against Violence, the Women’s Health Network and the National Feminist Committee (CNF), represented the only continuous opposition to the pro-life campaign, and resisted the pro-life discourses using multiple means.11 They exposed the underlying will to power of the campaign and the ways in which it
commodified women: first, by using their rights as objects for negotiation and the exchange of ‘favour’; and second, by reducing them to mere instruments of reproduction who have no value in their own right.

The strong and substantial response of the women’s movement contrasted with its relatively low capacity for mobilization: during the whole period of discussion, it was the same women (about 20 of them) who contested and participated in the struggle. While the main pro-life leaders are a limited number of persons, pro-lifers did generate a greater public support for their positions and on several occasions managed to organize broad mobilizations, mainly with the support of both the Catholic and Evangelical Churches, not to mention public institutions.

In interviews conducted with leaders of different spaces of the women’s movement, that participated in the public debate, the respondents identified as their main constraints the cultural environment in which abortion is associated with sin and guilt, and the double morality that prevails in the population with respect to abortion: the fact that thousands of women found themselves needing to seek an abortion under clandestine and inhuman conditions did not translate into a will to struggle for abortion rights. On the contrary, abortion was most usually experienced in solitude, silence and guilt.

According to the leaders of the women’s movement, the movement itself was not free of these constraints: in the broad assemblies of the movement, there was often silence when the topic of abortion was addressed, a silence that the leadership had difficulty in understanding and interpreting. The respondents connected this fear of speaking out with the fear of social sanctions that abortion rights advocates encounter, but also with the internal doubts that women face such as contradictions between recognizing abortion as a right, or at times even a necessity, while at the same time having internalized feelings of guilt regarding the practice of abortion. Yet—according to the own assessment of the respondents—it was not only the ‘taboo nature’ of the topic of abortion that appears to have nurtured the silence, but also the fear of women within the movement to openly express dissent or doubts regarding the leadership’s position.

The various spaces of the women’s movement during the 1990s dealt with the abortion issue in different ways. The leaders of the Women’s Health Network engaged in the struggle for abortion rights ignoring this lack of internal consensus with the result that the network disintegrated in 2001 because of the increasing gap that the leadership’s solo efforts would create. In consequence, they were not able to lead the struggle in question as was expected by the other spaces. The Women’s Network against Violence, focussed on the issue of violence against women and simply did not put abortion on the agenda, and neither did it start to address the topic internally. It was the disintegration of the Health Network that finally forced the Violence Network to participate actively in the discussion. The National Feminist Committee that emerged out of an initiative to have a truly feminist space became an elite space that excluded right away any participation of women that did not adhere to the feminist principles defined by the leadership, such as abortion as a free choice.

None of the spaces addressed actively or systematically this silence surrounding abortion within the women’s movement, because they either evaded the topic or evaded the lack of consensus. Only recently has there developed an awareness about how much this has affected the mobilizing capacity of the movement, and how crucial it is to deal with it more in depth within the movement (Interviews Ana Maria Pizarro 03/03; Violeta Delgado, 02/03; Patricia Orozco 02/03). However, opinions differ about what this exactly means: for some, it means talking about abortion from personal experience (as had been done with the
issue of domestic violence); for others, it means becoming more familiar with feminist theory and principles and to push forward a ‘right to chose’ agenda.

The personal roots of public position

In the evaluation of their public discourses, there was a consensus among the leaders of the women’s movement that the discussion remained mainly on the level of therapeutic abortion. While some saw it as a necessary (though unfortunate) response to the predominance of pro-life discourse and the lack of internal consensus, others regarded it a serious shortcoming in that it failed to address what is seen as the roots of the problem: namely, women’s control over their bodies, their sexuality and reproduction. At a personal level, almost all the leaders of the movement who I interviewed identified plainly with abortion as a woman’s right that should not be conditioned by certain situations or reasons, not only her right to safeguard her life and health, but also to autonomy, self determination and equality. It is interesting, however, that when asked about their personal stances on abortion, only two respondents (both lawyers) focussed more on an abstract level of argument in which abortion was framed as an issue of women’s civil rights. Most respondents grounded these very same conclusions in their personal experience of the implications of unwanted pregnancies and clandestine abortion, experiences that constituted a central element of their public discourses.

It is no coincidence, for instance, that one of the strongest public discourses largely shaped by Ana Maria Pizarro emphasised maternal deaths due to high-risk pregnancies and clandestine abortion:

(A)s a doctor I have seen women die, in my arms they have died. I’m not telling you something that I read in a manual of feminism. I have had to assist women who have died at the doors of the hospitals as a consequence of a clandestine abortion. So for me, it’s the most unfair death ever.

Along the same lines, another respondent from within the women’s movement shared her personal experience of repeated unwanted pregnancies and clandestine abortion in a context of poverty:

From my personal life, I know what it means to have a clandestine abortion, and what it means to abort hidden from everybody. (...) I had my last child when I was 21. When I was 17, the first one came. 17, 18, 19, 20. At 21, I had my four kids. (...) I used to take the pill, but I took them without proper understanding and I always ended up pregnant. I had an abortion at the age of 23 and then at the age of 28. After each abortion, I spent two, three months in very bad condition. With bleeding, very weak, and it’s not easy, it’s not easy.15

Patricia Orozco recalled another key experience that had affected her in terms of seeing abortion not only as a women’s problem, but also as a problem causing a tremendous social impact:

I met a woman in 1980, a woman who had had her first daughter at the age of 15. Today she’s insane; when I met her she already had five children, and I was having my first daughter; we were around 20, 21, she was more or less my age. And this woman cried, because she wanted to be young, she wanted to go to parties, as one does at the age of 15, she wanted to dress as you do when you’re 15, she wanted to be free, as you are when you have the adolescence, the youth. I met her
again in ’82 or ’83 and afterwards I only knew that she went insane, and that the children in the end apparently remained with the father. (...) Why do these stories have to happen? That only because of this double morality, a 15 year-old girl has to give birth and complicate her life. You complicate her life, you complicate the life of five other persons who are born, probably also of the father, of the grandparents ... so many people, so many things that you can avoid—thinking about the human person—when an abortion is possible. And I make this analysis because many times we remain within the discourse of self-affirmation as feminists, but I see it more from the perspective of the social impact that this has.

The key experiences that brought these women to consider abortion as a right were often the experiences of daily life that they also brought forth in their public discourse: to have seen or experienced the tragedy of adolescent pregnancy and the impact that this had on their lives and the lives of their families, and to have seen women dying or suffering from abortion. Several leaders of the women’s movement indicated that they were not yet familiar with feminism when they first came to recognize abortion as a woman’s right. Hence, when respondents spoke about their personal experiences, it was precisely these concerns that gave substance to their public discourses. By constructing abortion as a health problem and addressing the impact of unwanted pregnancies and restriction of abortion rights on women’s everyday lives, the women’s movement made visible the multiple issues that are at stake for women when it comes to abortion, and which are related not only to laws and public policies, but also to the power relations in which women’s everyday lives are embedded. Even though the women’s movement centred its efforts on avoiding the elimination of therapeutic abortion, it did create a basis for a discourse on abortion from the perspective of women’s rights. It did so in a way that transcended the liberal feminist ‘right to choose’ argument, because it took into account the constraints of everyday conditions under which women make choices.

Addressing in more depth the will to control women’s lives and their sexuality that underlies the pro-life campaign remains an important pending issue within the women’s movement as well as in the arena of public opinion. However, this does not mean that public discourses up to now have been constructed on the wrong lines. On the contrary, analysis of both private and the public discourses suggests that bringing to light the impact of unwanted pregnancies and clandestine abortions on women’s lives and the lives of their families offers an important basis for a discourse that aims to reaffirm abortion as a woman’s right. The main shortcoming of the women’s movement thus did not lie in the absence of the ‘right to chose’ argument, but in its ‘outwards’ and ‘upwards’ orientation: its almost exclusive focus on influencing the law reform, without valuing the importance of a more inwardly oriented process that involves and deals actively with the dilemmas of women that are part of the movement, and yet do not (openly) support the struggle for abortion rights.

Conclusions

The struggle around abortion in Nicaragua was shaped by a predominance of the pro-life discourses and groups that not only counted with ample political and popular support, but also managed to construct a very powerful discourse that alternated indistinctively between scientific and religious legitimation and was based on the construction of foetal citizenship, the decontextualization of pregnancy and motherhood, and the interpellation of important values deeply rooted in mainstream culture, such as the defence of life, the vulnerability of children and the idealization of (sacrificed) motherhood.
The response of the women’s movement was more fragmented and complex, and was constructed in conditions of disadvantage as the true realm of discourse and the right to speak out about the subject had first to be conquered. The women’s movement tried to remove abortion from the moral realm of sin and crime by re-establishing the context of pregnancy and motherhood and constructing it into an issue of women’s health, a problem of social dimensions and an issue of (women’s) human rights and democracy. Here, the women’s movement claimed back an important strategy of the pro-life movement, namely the ‘defence of life’, by focussing on therapeutic abortion.

The strong response of the movement’s leadership that led to halt the law reform, contrasted, however, with its low mobilizing capacity. In interviews with leaders of the women’s movement, it became clear that abortion is not an issue of consensus within the women’s movement; the feelings of guilt and fear to speak out, that women struggle with, have not been addressed systematically within the movement and this has increased the gap between a highly conscious and dominant leadership and the rest of the movement. Awareness of this lack of consensus brought the leaders to moderate their discourses and prevented them from claiming abortion as a women’s right to chose. This was highly criticized by some of the leaders of the movement who felt that public discourses around therapeutic abortion were constructed on the ‘wrong lines’ and failed to address what they considered the root of the problem, control over women’s bodies and their sexuality. In fact, the leaders of the movement identified largely at a personal level with abortion as a woman’s right to chose; yet in the interviews they rarely remained on this abstract level of abortion as part of women’s citizenship, but shared personal experiences of the many adverse and tragic situations that women and their families encounter when deprived of control over their sexual and reproductive lives. It was critical reflection on these experiences—that also appears at the core of their public discourses—and not knowledge on feminist theory, that brought them to reaffirm abortion as a woman’s right.

If we recall Foucault’s notion concerning the location and operation of power, the main shortcoming of the movement was not its failure to claim abortion as a free choice, but its almost exclusive focus on influencing the legal process, without a ‘inwards oriented process’ within the wider constituency of the movement, departing from women’s personal experiences. Breaking the silence surrounding abortion requires recognizing and dealing with the contradictory feelings that abortion evokes in women and their fears to speak openly about the topic. This in turn means taking distance from the liberal feminist discourse of the ‘right to chose’, as one that is disconnected from the everyday life conditions and constraints under which women make choices and develop their notion of rights. The public discourses of the women’s movement even though they were focussed on therapeutic abortion, managed to create the basis for a discourse of rights that maintained this connection, and herein lay their strength. In this sense, these discourses offer important pointers for the necessary process of addressing more in depth pending issues such as heteronormativity and control over women’s sexuality, while remaining connected—in both discourse and political practice—to the different and diverse realities and experiences of women’s lives.

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Notes

1. This paper craws on a larger research project with the same title conducted in 2003 for my MA thesis, and which included interviews with leaders of the women’s movement as well as the review of around 500 newspaper articles published between 1999 and 2002.
4. In consequence, McBride Stetson (1996), in ‘Feminist Perspectives on Abortion Rights’, has agreed that ‘the individual-right-to-choose argument unwittingly reinforces the powerful rhetoric of anti-feminists through the idea of foetal rights’ by creating a ‘clash of absolutes’ between two subjects of rights.
5. Archdiocesan Preaching Ministry.
6. Willis (1979), as early as 1979 makes an attempt of linking abortion, politics and sexuality, in an analysis of the emergence of the pro-life movement in the US as an opposition to women’s (sexual) liberation, drawing attention on the implications of the ‘right-to-life’ argument for the recognition of women’s personhood.
7. Use of the masculine is deliberate, reflecting its actual use in the Spanish language, to emphasize the gender biased ‘nature’ of the pro-life discourse.
8. The strategies of pro-lifers to represent and construct the foetus as a citizen, as well as the impact that the recognition of foetal rights has on women’s status as citizens are analysed by Daniels (1993) in her study on the ‘politics of foetal rights’ in the USA.
9. According to Pizarro (1999), the budget of the Ministry of Health amounted to only US$16 per person per year, in 1996.
10. This is an allusion to the pact consumed between both leading parties, the PLC and the FSLN perpetuate their power in spite of their loss of legitimacy by reforming the electoral law in their favour and getting hold on the Supreme Justice Court as well as the Supreme Electoral Council (Nitlapan-Envì´o Team 2000; Randall 2000).
13. The estimated number of women who seek an abortion Nicaragua lies between 25 and 35 thousand per year (Gobierno Chamorro/Ministerio de Acci´on Social (1996): Polı´tica de Poblacio´n. Cited in Pizarro (2002).
14. Ana Marı´a Pizarro has been heavily involved in the struggle for abortion in Nicaragua since the 1980s, she’s a medical doctor and directs a women’s centre for sexual and reproductive health and rights, SI Mujer. She was coordinator of the Women’s Health Network until it broke apart, and then joined the Women’s Network against Violence. Violeta Delgado has been coordinator of the Women’s Network Against Violence since its foundation in 1992. Patricia Orozco is one of the leaders of the National Feminist Committee and used to be member of the Women’s Network against Violence.
15. This respondent had to be kept anonymous.
16. Centre for Latin American Research and Documentation in Amsterdam.

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