Women's Struggle to Decide About Their Own Bodies: Abortion and Sexual Rights in Argentina

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A politics of silence cloaked the subject of abortion, both in mainstream institutions and alternative political spaces in the first decades of this century in Argentina. Women did not speak out on the issue either, and during the years of Eva Perón sexuality was left out of public debate completely. It was not until the 1970s that the issue of abortion was first articulated and became part of the language of feminism. Fifteen more years would have to pass – and a different historical situation to evolve, alongside the growing feminist movement – for this demand to be widely supported. Abortion is no longer a dark and hidden subject in Argentina. Starting from the liberating impulse of feminism, it is slowly being incorporated into the demands of the women’s movement for civil rights. This paper narrates the complex road the women’s movement has taken to try to win abortion rights and attempts to stimulate an open discussion about sexual rights.

Historically, debate on the construction of a new social order, separated from the ownership of property and from authoritarian control, began in Europe in the 19th century. It was brought across the ocean to the Rio de la Plata in Argentina by successive waves of immigrants, and in particular by anarchists within the labour movement, from 1870 on. Among those advocating the overthrow of the established order, the more radical identified early on the significance of unequal relationships between women and men within the family and bourgeois society, both emotionally and sexually.1

These new and influential debates put sexuality high on the agenda of the political vanguard and trades unions during the first three decades of the 20th century in Argentina, but with a growing tendency towards defining sexuality scientifically, based on eugenic and neo-Malthusian theories. Next came discussions on the new ‘artificial’ methods of contraception, free unions, the nuclear family, prostitution and venereal diseases; but abortion did not yet appear as an issue. Few voices raised the subject openly, and when they did, it was to characterise abortion as a criminal act.

The 1940s represent a history of rapidly developing democratisation and broadening of the meanings of citizenship, where women not only broke into the public sphere but also began to practise very different modes of feminine behaviour. In particular, there was the paradigmatic figure of Eva Perón and the Peronist women’s movement. As the Keynesian idea of the state was developed, the demand for rights was concentrated around labour, education, social and civil rights; sexuality continued to be part of the ‘private’ sphere and closed to public discussion.

The first political party to incorporate the legalisation of abortion as an issue was the Communist Party in 1947. The Union of Argentine Women (UMA), who were ideologically linked with the Communists, continued to support this demand and later wrote in Nuestras Mujeres (Our Women):2

‘...in the 50s, it was possible to recognise the stereotyped notion of “femininity” which allowed
us to postulate, perhaps for the first time, the absolute equality of “humanness”, albeit without analysing how this was related to notions of “masculinity”.3

In the post-war years, with the advent of the ‘feminine mystique’, there was a return to the universe of the home and isolation for women. The baby boom, the most concrete expression of being a woman in this period, was brought to an end by the second wave of feminism. Argentina also experienced these events and their effects; the traditional Peronist rhetoric of ‘the feminine’ was eclipsed by the symbolic impact of the ‘modern woman’. By the 1960s, a time of great expansion and economic growth, there was a progressive entry of women as students into the universities,4 and a high level of participation of women in the formal labour market.

By the 1970s changes could be observed in behaviour and mores. Women not only entered into student life but also the intellectual and artistic world of the time, and its café and night life. ‘Every ritual of daily life was questioned.’5 With the advent of the pill, heterosexual women began to enjoy their sexuality, a privilege previously reserved for men.

Women’s liberation arrives

‘Women’s lib’ arrived in the 1970s, but with too few ‘women’ and too little ‘lib’. In Argentina, small groups of women began to meet to reflect on their own personal histories and discerned a common experience, in so-called consciousness-raising groups. From this distance, the work of these pioneers was great. As in the catacombs, they translated texts that came into their hands from North American, Italian and French theorists of radical and liberal feminism.

At the same time, they adopted and invented a new feminist slang, and wrote pamphlets on a range of themes. Although they lacked a systematic programme for implementing their convictions, they took collective action with a strong cultural grounding, and at the same time displayed a streetwise militancy.

The main themes of feminist documents of the time were centred on the lack of equal opportunity for women in the political and public spheres and in the labour market. The law too, due to its anachronisms, was a focus for these activists.

They questioned whether women’s reproductive role was the only meaningful construction of women’s sexuality. In other words, they challenged the burdens that motherhood represented, for both unwanted and wanted pregnancies, and also talked about the importance of separating pleasure from procreation in relation to sex. Most fundamentally, they began looking at sexuality as women in a women-centred way. The slogan ‘Legal and free abortion’ also began to be heard, taken from the French feminist campaigns which served as an international model. Although this slogan was a simple statement, without the back-up of conceptual theory or statistics that would have quantified the problem, it was used to transform symbolic representations of motherhood and political practice.6

It was not yet the time for feminists to go on the offensive nor for conservative sectors to respond with a ‘holy crusade’ against them, as the decriminalisation of abortion had not yet been achieved in a significant number of countries. It was only in the 1970s, for example, that most European countries instituted some kind of legal reform on abortion, and it would take over a decade more for this to become an issue in all the United Nations conferences.

During the 1970s, the radical left in Argentina took up several campaigns on women’s issues, but communication between the left and feminists had not yet taken place. In European and other Latin American countries in those same years, many feminists moved in tandem with the anti-establishment and heterodox culture of the New Left. That did not happen in Argentina; feminism did not emerge within the New Left or at its margins. In fact, feminism did not appropriate many of the experiences of the labour and student movements, or the forms of democratic practice being utilised by left-wing movements in the country up to the 1970s, when a new phase began with the advent of armed struggle.

One of the most visible groups was the Unión Feminista Argentina (UFA, Argentine Feminist Union), launched in 1970 as a federation with a non-hierarchical structure and principles, and containing a diversity of currents and interests. In 1971 the Movimiento de Liberación Femenina (MLF, Movement for Women’s Liberation) was formed, and was the group that made the biggest
effort to take the abortion debate into the streets. Three years later they began publishing Persona, the first feminist magazine of its time, which ran to 14 issues.

Both the UFA and the MLF initiated and advanced a great part of the theory and activist practice of those creative times in Argentine feminism. In due course, other groups would appear, but did not leave such clear traces of their paths. At the same time, feminist currents made an appearance within left-wing circles, but they were never able to make a substantive break with the discourse of their parties' lines.

One step forward, two steps back

It was around this time that two politically significant events took place. First, after the many dark years between 1955 and 1973 of failed coups and military dictatorship, the hopes of many in Argentine society seemed to be turning into realities. The military was defeated and the Peronist party won in democratic elections (1973-1976) after having been proscribed for almost 20 years.

Feminist organisations planned campaigns for women's rights directed at an elected government that was supported by the working classes. History testifies to how few of these goals were actually achieved. Worse, many aspects of women’s rights even deteriorated. For example, in 1974 the second Peronist government imposed Decree 659, which prohibited provision of information, distribution and unprescribed sale of birth control methods, and shut down 67 hospital-based family planning services.7

In the face of significant steps backwards, feminist groups went out on the streets to demand the retraction of Decree 659; it was from this time on that the subject of abortion appeared as a political issue. Moreover, it was the study group Política Sexual (Sexual Politics), formed by the MLF, the UFA and the Frente de Liberación Homosexual (Homosexual Liberation Front) that developed and made public the first explicit discourse against this measure.

Second, the United Nations designated the years 1975 to 1985 as the decade for women, whose goal was the elimination of all forms of discrimination against women. In response, a broad-based coalition of Argentine feminists was formed which lasted until the military coup of 1976.8 Legal and free abortion was one of the ten principal demands in its founding document, the Convocatoria, the first attempt by a feminist group to systematise feminist demands into a programme.

The democratic spring

State repression, starting in the last stages of the Peronist government, gave way to one of the cruellest dictatorships ever experienced by Argentina from 1976 to 1982, which caused a rapid decline and disintegration of grassroots organisations, among them feminist groups. While feminism was expanding its frontiers worldwide during these years, feminists in Argentina became silent, constrained by military violence, or went into exile to Europe or other parts of Latin America.

By this time, the majority of Latin American countries found themselves engaged in a two-pronged process: attempting to achieve political democracy alongside the globalisation of neoliberal economics.

In Argentina, the victory of Raúl Alfonsín (1983-1989) again raised the expectations of many, who wanted to regain their rights as citizens that had been lost under the military dictatorship. A considerable number of women took the risk of supporting this new government, although with great caution, in the hope that institutions would be democratised, especially public ones, and that the government would bring about the reforms they desired. Thus, a new form of political thinking arose that was called ‘possibilism’, that is, the politics of the possible.

'With sparse contact with other countries and without access to the new feminist literature or the experiences taking place in the rest of Latin America and the world, feminism resumed public activity…'9

Built on the energy of a new beginning, feminist and other women's groups reappeared. A leading role was played by women who began returning from exile after the defeat of the military dictatorship, with the even larger number of feminists who had stayed in Argentina. Together they took the first steps towards reviving the feminist movement.
At first, abortion was not raised as a public issue by the Multisectorial de la Mujer (Multidisciplinary Women's Group), the Centro de Estudios de la Mujer (Centre for Women's Studies) or Lugar de Mujer (A Woman's Place). Nevertheless, it was a subject for discussion within these groups, including the question of whether or not to change the demand for 'Legal abortion, free abortion' to 'Decriminalisation of abortion'.

Going public on the issue for the International Women's Day celebrations in 1984, ATEM prepared a pamphlet which asserted the following, and Lugar de Mujer used similar language:

'We don't want to have abortions, but we don't want to die from abortions either.'

Eventually, support for decriminalisation was a position shared by all feminist groups. During the annual national women's conferences (Encuentros Nacionales de Mujeres) since 1985, decriminalisation – removing from the law the threat of criminal punishment for having or performing a safe abortion – is presented as a demand and a right that must be won, and discussion on how to achieve this has continued to this day. These conferences are independently organised and express the heterogeneity and autonomy of the women's movement. They continue to take place to this day, drawing a large and growing participation of women from all over the country.

In 1987, two groups made abortion the main subject of their work, the Comisión por el Derecho al Aborto (Commission for Abortion Rights) and Católicas por el Derecho a Decidir (Catholics for the Right to Decide). The Comisión por el Derecho al Aborto is an autonomous organisation of women, part of the radical feminist and left-wing tendencies. They believe in and carry out direct action, in the manner of North American and British suffragettes at the beginning of this century.

Thus, there was a great display of action in hospitals, seminars were held, contacts were made with members of political parties, interviews were arranged with journalists and paid advertisements were placed in all the main newspapers. These activities have had repercussions in the lower house of the National Congress, prompting the tabling of several different bills to decriminalise abortion.

International meetings on women's issues must also have been a great stimulus, including the 3rd World Conference on Women in Nairobi in 1985, and the 3rd, 4th and 5th Latin American and Caribbean Feminist Conferences in Brazil in 1985, Mexico in 1987 and Argentina in 1990. In the 1990 meeting, September 28th was designated as the annual day of action for the legalisation of abortion in Latin America and the Caribbean.

Also in 1990 the 6th International Women and Health Meeting took place in Manila. Encouraged by discussions within the Women's Global Network for Reproductive Rights during and after this conference, groups from all over Latin America sent representatives to a meeting in São Paulo, where the setting up of reproductive rights campaigning groups in several of the countries in the region was proposed.

In Argentina, the Foro por los Derechos Reproductivos (Forum for Reproductive Rights) is an autonomous organisation with a membership of women with diverse political views and from different feminist currents. In 1991, the Multisectorial de la Mujer included a demand for the decriminalisation of abortion and its provision in hospitals and public health centres in its annual petition on 8 March to Parliament, for the first time. Four years later, a bill on reproductive health was tabled in the Chamber of Deputies. In reaction, an all-out offensive was launched by conservative forces, which catapulted abortion into the centre of political discussion once more.

It is important to add that in the 1980s, the new concepts of reproductive rights and reproductive health began to be used. Later on, these innovative concepts moved into academia and from there, became a part of the lexicon of the women's movement. With this shift in focus and language, abortion as a subject of political discourse began to fade away and be replaced (or some would say displaced) by that of reproductive rights: abortion as a categorical imperative and an intractable rallying cry was somewhat lost, compared to the 'classical' feminist mode of previous decades.

The abortion debate then began to be dominated and manipulated by right-wing groups rather than by feminists. The reasons for this are
complex, and linked to international as well as domestic factors. First, President Menen began to support anti-abortion campaigns in order to assuage Catholic Church criticisms. Secondly, certain feminists began to join organisations and political parties which were either against abortion or did not take a clear stance on the issue. Thus, the only group defending abortion consisted of those feminists not affiliated to public or private organisations, and they constituted a minority in Argentine politics.

Self-convened women’s assembly for the right to decide
1994 was a significant year for the women’s movement in Argentina, including on the subject of abortion, which was brought back into the public eye, with numerous international debates as a backdrop. Among these were the differences between the US government and Pope John Paul II and the internal disputes on abortion in the Workers Party in Brazil. However, neo-conservative efforts in Italy to ban legal abortion should also not be overlooked nor the insistent, anti-abortion declarations of Catholic fundamentalist Mother Teresa of Calcutta, nor the Catholic-Islamic fundamentalist front during the International Conference on Population and Development in Cairo in 1994.

President Menen seized the opportunity to advance the ‘holy crusade’ against abortion during the Constitutional reforms in 1994. In order to carry out these reforms, a Constitutional Assembly was convened during the general election. Menen attempted to get a clause on ‘protection of the right to life from the moment of conception until natural death’ included in the new Constitution, a wording promoted by the Vatican to express its condemnation of abortion and euthanasia. Such a wording would have resulted in the total illegality of abortion, without exceptions.

Argentina is a country ‘…where gravitation towards the Catholic Church has strongly marked the prevailing ideological climate, making it more difficult to discuss sexual and reproductive rights, and influencing the outlook of both state and society’.

The government used the Ministry of Justice as one of the key players in its fervent, ideological battle. A pressure group was also set up, composed of a wide spectrum of grassroots members of the right-wing constituency.

There was an immediate response from 108 women’s organisations from all over the country. An open meeting was called, just like the Constitutional Assembly, where women mobilised for immediate action and discussed which strategies to use. Effective decisions were needed. After long deliberation, this heterogeneous group of representatives of women’s organisations sent an open letter to the members of the Constitutional Assembly, which stated that:

‘…the government is representing the demands of only one institution in Argentine society, although there are many; at the same time it is neglecting the opinions and needs of women, who are the most affected by this matter. If the government wants to protect life, then it should be promoting social policies and laws that would improve the quality of life instead.’

A few days later, the formation of Mujeres Autoconvocadas para Decidir en Libertad (Self-Convened Assembly of Women for the Right to Decide in Freedom) was announced. Several press conferences were held, with the support of a wide spectrum of civic organisations and well-known figures from the cultural and academic spheres. In its first open letter, the statement on abortion said:

‘We recognise the right of every woman who so chooses to terminate her pregnancy during the first twelve weeks of gestation.

Public hospitals at national, state and municipal levels should provide experienced staff and the necessary equipment to carry out terminations, and ensure that the physical and psychological health and dignity of women are maintained.

Women who have terminated a pregnancy should be offered counselling that includes information about their sexuality, their bodies and birth control methods.’

The Constitutional Assembly
A significant number of activists and supporters of the women’s movement attended the Constitutional Assembly as representatives or as members of the different political parties. This
was possible because of an ongoing dialogue between the movement and the political structures and because of a law setting a quota of 30 per cent of elected positions to be women.

In its second open letter, Mujeres Autoconvocadas said that those who would:

‘...restrict human rights are taking a fundamentalist posture, attempting to impose their interpretation of “the right to life” on everyone and denying the right of women to choose freely. A government that has pardoned people who were responsible for the systematic violation of human rights, whose victims were to a great extent pregnant women – who were murdered after being separated from their children – is not in a position to promote a campaign against abortion in the name of “the right to life”.’

The activities of Mujeres Autoconvocadas were growing and continued to do so, including in the media. During the Constitutional Assembly, Mujeres Autoconvocadas held two more press conferences, and later were present during meetings of the drafting commission of the Assembly, where a tense climate prevailed leading up to consideration of the Vatican-supported clause.

After endless statements and discussions, a text was proposed which called for:

‘...an integrated social welfare programme to protect the unwanted child starting from pregnancy through to the end of primary school and the mother during pregnancy and throughout the breastfeeding period.’

For many feminist activists, this clause carried a forceful message, but allowed for wide interpretation. Even though it was not the best possible phrasing nor the most hoped for, at least an even worse outcome had successfully been prevented. The clause did not say ‘from conception’ but ‘from pregnancy’. Had it said ‘from conception’, the road to change in future and the decriminalisation of abortion would have been much more difficult.

The wording was in fact interpreted in several different manners. For a large and significant current of the women’s movement, the wording allowed, as a next step, for a social protection scheme for children and pregnant women to be set up. Others expressed sorrow that the final result was not what they expected. Nevertheless, most have agreed that the wording would still permit exceptions to the criminal punishment of abortion. Another group felt much more had been lost than they had bargained for.

The Catholic Church was not totally pleased with the results either. They kept up constant pressure both inside and outside the Assembly – from thankful letters to the members of the Assembly for the importance they were placing on the subject of life, to paid advertisements in the press, and even demonstrations. Their last demonstration brought together about 10,000 people from all over the country around the slogan ‘Yes to life, no to death’. It included hundreds of children walking with Argentine flags, conjuring up images of marching children in news reports from Spain during the Franco era.

In sum, the result was neither a triumph nor a complete defeat. What remains clear is that the fight must continue.

Conclusions

Making abortion legal and free does not depend solely on the internal strength of the feminist movement but also on the wider political situation. Although feminist discourse does not always conform to fit the political situation, the political situation always influences and delimits the debate. Furthermore, in feminist discussions about political contexts, the question arises of what type of democracy we want to fight for, if we want a form of citizenship that ensures sexual rights, the right to love, and reproductive rights for women.12

When we talk about abortion we are also talking about violence against the body, unplanned motherhood, desire, guilt, respect for individual rights, poverty, state coercion and corporate pressures, class inequality, cultural conditions, individual feelings and ownership of the body.

As regards the future of the abortion debate in Argentina, there are several different issues to keep in mind. To place abortion under the label of ‘reproductive rights’ has de-politicised it to a large extent. This debate needs to be put back onto the feminist agenda. In contrast to other
gender-related demands, the decriminalisation of abortion is a purely feminist demand. The strength needed to make sure abortion is included in the social debate depends on the accumulated strength of feminism to engage in this fight, as well as to set shared agendas and take action with other groups. If abortion is circumscribed and its practice confined to the private sphere, this is probably partly because the feminist movement is still weak on this issue. In Argentina, both times historically when abortion came onto the public scene and acquired high visibility, it was because those in power in the institutions of the establishment had put the issue on the public agenda, that is, in 1974 and 1994.

Neither public nor private institutions are concerned about the practice of abortion itself; their concern is to stop it from coming out of hiding. If it becomes visible, abortion materialises into subjects and this presents conflicts. The institutions of society will eventually come together to ensure that there are controls and regulations on this practice. However, from a feminist point of view, the right of women to control their own bodies must be recognised within these. This implies that the meanings and configuration of citizenship must take account of sexuality.

Today, more than ever, this configuration of citizenship serves as one part of a contemporary definition of democracy. At the present time, democracy is incapable of combining a democratic state with a democratic civil society. Moreover, it is incapable of joining the culture of government to the critical spirit of the governed. Therefore, it ignores and neglects the many issues raised by its citizens.

Experience shows that when participating in the political scene - terrain par excellence for the exercise of citizenship - women's demands will come not only from the particularity of being women, but also from abandoning traditional women’s roles and making demands as citizens who are women. Thus, new possibilities for gathering strength will appear, articulated through a clear and supportive discourse, similar to the suffragist fight at its beginnings and to the successful fight for quotas on women's participation in political assemblies more recently.

To give birth to a new form of citizenship would mean qualitative changes for the women's movement. Instead of working as a closed group, we will have to open ourselves to treating abortion as a social issue involving the whole community, which implies thinking about politics as a whole and not just issues particular to women.

It is a trap for the state to argue on religious grounds against anything it does not want to discuss. The legalisation of the right to have an abortion will signify the modernisation of the state, because it will mean that the state is acting on behalf of every citizen, regardless of their religious affiliation or moral stance.

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References and Notes
2. In Argentina, the Communist Party and the Trotskyites were the only ones who posed such demands in their political platforms.
4. The level of higher or university education in the active female population doubled between 1970 and 1980. Source: Censo


7. This decree, together with the one written in 1977 (No 3938) by the military dictatorship were repealed by President Alfonsín in 1986 and thus generated a new normative condition.

8. The military dictatorship of 1976-1983 imposed state terrorism, which led to the disappearance of approximately 30,000 people; the kidnap and torture of political activists, trade union and social leaders in concentration camps; and the disappearance and sale of children born in detention homes. Moreover, the dictatorship greatly increased the international debt and declared war on Great Britain for the Falkland Islands.


Résumé

Pendant toute la première partie de ce siècle, en Argentine, le sujet de l’avortement a été enseveli sous une politique de silence, aussi bien dans les institutions officielles que dans les cercles politiques parallèles. Les femmes non plus n’en parlaient pas, et pendant les années Eva Perón (1946-1952), il était impensable qu’un débat public traite de la sexualité. Il a fallu attendre les années 70 pour que la question de l’avortement soit formulée et entre dans le langage féministe. Plus de 15 ans encore ont dû passer – avec, outre le développement du mouvement des femmes, une transformation radicale de la situation politique – pour que cette demande soit largement appuyée, étayée à la fois par des données et par un cadre conceptuel. L’avortement n’est plus aujourd’hui en Argentine un sujet enseveli dans l’ombre. Parti de l’élan libérateur du féminisme, il devient progressivement une exigence du mouvement des femmes pour les droits civils. Retraçant le chemin compliqué que le mouvement des femmes a suivi pour gagner le droit à l’avortement, il veut aussi susciter au sein du féminisme une large discussion sur les droits sexuels.

Resumen

En Argentina, durante las primeras décadas de este siglo, el tema del aborto permaneció oculto tras un muro de silencio, tanto en las instituciones tradicionales como en los espacios políticos alternativos. Las mujeres mismas no hablaban abiertamente del tema, y durante la era de Eva Perón la sexualidad fue un tema totalmente excluido de la arena pública. El tema del aborto no comenzó a ser debatido y a formar parte integral del lenguaje del feminismo sino hasta los años setenta. Paralelamente al crecimiento del movimiento feminista, tuvieron que transcurrir 15 años, además del cambio de la situación histórica, para que el tema del aborto recibiera amplio apoyo. El aborto ya no constituía un tabú en la Argentina de hoy. Partiendo del impulso liberador del feminismo, está siendo lentamente incorporado a las exigencias de la mujer que aboga por sus derechos civiles. Este ensayo relata el complejo camino seguido por el movimiento feminista para lograr el derecho al aborto. Intenta además fomentar una franca discusión entre las feministas sobre los derechos sexuales.