



# Struggles for Reproductive Justice in the Era of Anti-Genderism and Religious Fundamentalism

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*Edited by*

REBECCA SELBERG  
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Rebecca Selberg  
Marta Kolankiewicz • Diana Mulinari  
Editors

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## CHAPTER 1

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# Introduction: Reproductive Justice and Transnational Feminism

*Rebecca Selberg, Marta Kolankiewicz,  
and Diana Mulinari*

This volume represents a cross-disciplinary effort to understand transnational feminist struggles for reproductive justice. We use the concept of *transnational feminism* to grasp the emergence of a historical subject—feminism—that despite its heterogeneity constitutes a central voice in gendering democracy and engendering citizenship. We use the concept of *reproductive justice* to underline an understanding of struggles for abortion rights that expand and challenge liberal feminist notions of women’s choice. Finally, we explore the counter-movements and strategies to restrict access to abortion and suppress reproductive justice: specifically, the establishment of religious fundamentalist, right-wing and neofascist coalitions threatening women’s and sexual minorities’ rights worldwide.

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The reproductive justice movement, according to Ross and Solinger (2017: 168), has an enormous agenda:

It aims to build a world in which all children are wanted and cared for, in which support exists for families of all sizes and configurations, and in which societies give priority to creating the conditions for people to be healthy and thrive in the United States and globally. (Ibid.)

The tradition of reproductive justice, rooted in Black feminist thought, provides a space to think of gender and sexuality as broader experiences and locations within racial capitalism (Gilmore, 2022) and intersectionality (Crenshaw, 1989). Reproductive justice as a concept was established in 1994 by the group Women of African Descent for Reproductive Justice, based in Chicago. These activists/scholars pointed to the exclusion and marginalisation of working class, LGBTQ, Black women and women of colour when abortion rights were narrowly inscribed in pro-life or pro-choice discourses. They also asserted that an intersectional analysis of women's reproductive journey provided a different understanding of needs and visions, beyond individual choice and individual rights.

According to the SisterSong Women of Color Reproductive Justice Collective, founded in 1997, reproductive justice grasps 'the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities'. The concept of reproductive justice challenges the isolation of abortion rights from other fundamental social justice issues and introduces the notion of reproductive oppression linked to economic injustice. Reproductive justice includes the right to exercise autonomy over family structures and the right to have children.

As editors of this volume, and as feminist scholars working in the field of Gender Studies in Sweden, we have found the concept of reproductive justice relevant for our own research on migration and racial regimes, law and social justice, and care work in neoliberal welfare capitalism. We also see the relevance of the concept in grasping political processes shaping people's lives through migration and deportation policies, which separate families and impact women's reproductive journeys in fundamental ways. From our own vantage point—a small country in the Global North which has seen the rapid rise of right-wing populism—we can see how racist discourses translate into fearmongering and moral panic around childbearing and childbirth, creating a political environment in which even

self-professed feminist social-democratic elected officials talk about restricting the possibilities of migrant women to choose for themselves their number of offspring. Realising that such discourses—as to whose fertility is viewed as a promise, and whose as a threat—are just as central as discourses and policies around the right to abortion, is at the core of the tradition of reproductive justice.

Struggles for the right to abortion must include struggles for the right to parent. Sociologist Dorothy Roberts explored in *Killing the Black Body* (1997) the criminalisation of pregnant Black women in the US, which blamed them and their children for a number of social problems through the construction of stereotypes about Black mothers as ‘unfit mothers’ and ‘welfare queens’. These discourses and practices are present in European nation-state strategies within the race-migration nexus, where migrant women’s bodies are considered a threat, a problem and a burden.

The concept of reproductive justice highlights the phenomenon of reproductive oppression, including control of girls’ and women’s labour. It makes it possible to develop a more inclusive vision of the variety and heterogeneity of women’s reproductive journeys. It illuminates the need to explore the tension between the existence of abortion rights and the practical access to abortion for women located in diverse peripheries. This is something that feminist scholars have emphasised in recent years. For instance, in their book *Reproductive Justice: An Introduction*, Ross and Solinger (2017) illustrate how abortion rights are connected and should be claimed for the furtherance of reproductive dignity and safety, such as holding the resources to access healthcare, having a job that pays a living wage and being able to live free from racism.

The reproductive justice paradigm thus highlights other fundamental issues such as the criminal justice system, child welfare policies, the situation of trans people and especially trans people of colour, as well as migration policies and immigrant detention systems that frequently target and separate families. In our view, the most fundamental contribution is the link between reproductive justice and economic justice which frames issues of sexual and reproductive health as profoundly social and political (Bakhru, 2019). Working through an understanding of interconnected systems of oppression, the concept of reproductive justice expands analysis (Avery & Stanton, 2020) and provides a useful frame for healthcare professionals that may contribute to challenge their implicit bias and the way these biases shape diagnosis (FitzGerald & Hurst, 2017; Sudekkaarne & Blell, 2021). It could be argued that the focus on sexual education, birth

control, abortion access and maternal care are well-established agendas within a reproductive rights paradigm. However, these agendas are transformed if understood from the standpoint of vulnerable groups of women (Chiweshe et al., 2017; Chrisler, 2012). Centring the experiences of groups that historically, and still today, have been defined as ‘socially undesirable reproducers’ (Gomez et al., 2018) is to challenge reproductive injustices.

It is against the background of reproductive justice claims, transnational feminism, and anti-genderism that this book sets out to analyse some central tendencies and issues within the realm of abortion and reproductive rights. The selection of cases grasps the efforts of feminist scholars to both identify the continuity with earlier struggles for the right to abortion and, at the same time, challenge narrow and problematic notions of “women and minorities” in reproductive health scholarship and public practices (Yirgu et al., 2020). The case studies are crafted to capture diversity within this common framework. A special concern for an intersectional analysis provides the frames through which struggles for reproductive justice are understood in the different chapters.

The cases have also been selected to illuminate both the shared transnational scale of feminist mobilisations and the distinctive local settings. While most feminist literature focuses on feminism mobilisation and anti-gender movements within global centres of power (Amanda, 2021; Hartland et al., 2020), this volume—inspired by the tradition of Southern Theory (Connell, 2007)—focuses on countries located within peripheries in the Global North and in case studies of countries in the Global South. The aim is to grasp the heterogeneity of struggles and the diverse meaning given to reproductive justice at local levels, within a transnational frame.

While the topics of the chapters bridge one another, the case studies are organised in two sections: transnational feminisms for reproductive justice and restrictionist movements, neo-racism and anti-gender agendas.

## TRANSNATIONAL FEMINISMS FOR REPRODUCTIVE JUSTICE

We open with an account of one of the most vibrant feminist mobilisations in the twenty-first century—the one around the struggle for legal, safe and free abortion in Argentina. In her chapter ‘In Green and White: Feminist Struggles for Abortion Rights in Argentina’, Diana Mulinari explores the ultimate success of the movement, arguing that it has been the fruit of

decades of collective efforts. She also shows how this kind of struggle is embedded in the history of the country and intergenerational experiences of resistance against the dictatorship.

In the third chapter of the volume, “Enough Is Enough”: Strike, Affective Solidarity and Belonging Among Migrant Women from Poland Living in Trondheim’, Agata Kochaniewicz analyses transnational mobilisations in response to the Polish state’s further restriction of the abortion ban. She explores what happened when protests travelled to Norway and how they unfolded among the Polish diaspora there. In her case study, she discusses positionalities and affects of this type of transnational mobilisation in performing solidarities and building alliances.

The fourth chapter, ‘Everyday Bordering and the Struggle for Reproductive Justice in Ireland’ by Sarah Bodelson, drawing on the fieldwork with activists involved in repealing the Eighth in Ireland, engages with the implications of borders upon access to and organising for reproductive justice. The focus is on the migrant and ethnic minority bloc during the March for Choice 2019 in Dublin. The aim is to understand the production and possible contestations of bordering in relation to reproductive justice.

The following chapter by Alva Persson, ‘¡Aborto YA!—Feminist Strategies in the Struggle for Easy, (Legal,) Safe and Free Abortion in Chile’, examines a range of performative and discursive articulations and strategies in the feminist mobilisations around abortion in Chile, another Latin American country that has witnessed mass protests including issues of reproductive justice in recent years. The aim is to analyse how these are grounded in epistemologies of embodied resistance to past and present biopolitical and anti-gender regimes. Here feminist struggles for easy, legal, safe and free abortion unfold as part of a broader struggle towards the democratisation of Chilean institutions and society, among such other struggles as against classism and racism.

The chapter by Chia-Ling Yang, ‘Competition and Change in the Discourse on Abortion in Taiwan’ offers an analysis of reproductive politics and struggles over access to abortion in Taiwan. The chapter shows not only the transformations of the discourses, most importantly concerning birth control and birth rate, but also the ways in which some tropes are used by both sides of the struggle. The chapter also addresses how intensification of feminist mobilisations goes hand in hand with the increase of religious conservative counter-movement.

## RESTRICTIONIST MOVEMENTS, NEO-RACISM AND ANTI-GENDER AGENDAS

A main argument in this volume is about a continuity between earlier forms of coercion of specific groups of women, and the establishment of restrictionist social movements and coalitions aiming at decreasing women's and sexual minorities' rights. Schaeffer (2014) differentiates between on the one hand aspiring and altruistic, on the other restrictionist movements. The first two are what are generally seen as democratic social movements—transformative and inclusive. In contrast, restrictionist movements are exclusionary, often based on sexist, nationalist and xenophobic ideologies, defending social inequality and opposing processes of democratisation (2014: 12). David Dietrich (2014) speaks of social movements in defence of privilege. An understanding of restrictionist movements requires a feminist analysis of how the state acts upon patriarchal norms, but also how legal systems are operationalised.

The book brings together several contributions in which different far-right, anti-gender and religious fundamentalist mobilisations are analysed, with particular focus on the ways in which issues of reproduction are being brought in and framed in these mobilisations. In addition to this, some chapters engage in the broader issues of the role of the state and the law in the regulation of reproductive justice.

Rebecca Selberg and Marta Kolankiewicz's chapter entitled 'Rights Claims in Anti-abortion Campaigns in Poland and Sweden' explores how rights claims have been used in anti-gender mobilisations in attempts to restrict access to abortion. Two examples are analysed here: one of the lawsuits in Sweden by midwives claiming to be discriminated against due to their objection to performing abortion as part of the job description, and a Polish civic legislative initiative aimed at restricting the prevailing abortion legislation in cases of foetal anomalies. The chapter argues that, while it can be observed that there is a broader trend in a transnational anti-gender movement's appeal to the law, anti-abortion rights claims are articulated in different and context-sensitive ways.

The chapter 'Italy's Foetus Cemeteries: Reproductive Justice, Anti-gender Stances and Neo-Catholicism' by Alessia Ibba, analyses the burial practices on aborted foetuses in Italy. It shows how these practices operate through shaming and how—together with the possibility open to health

professionals to conscientiously object, with the limited use of medical abortion, and with the limitations established by the law concerning assisted reproductive services—burials impact reproductive justice in Italy.

The chapter ‘Millennium Development Goals and Women’s Reproductive Health and Justice in African Countries in the Era of Global Neoliberalism, Neoconservatism and Fundamentalism’ written by Beth Maina Ahlberg, Jecinta Okumu and Sarah Hamed, examines the (shortcomings in) articulation of women’s reproductive health and rights within millennium development goals (MDGs). Drawing on their research, the authors are interested in deconstructing how these kinds of international instruments constitute an attempt by the Global North to steer development in the Global South. In particular, they focus on the ways in which the application of the gag rule by Global North funding agencies restricts access to sexual and reproductive rights, including abortion, in the name of protecting the unborn.

A somewhat different focus is given in the chapter ‘Parenting the Nation: State Violence and Reproduction in Nicaragua and Sweden’ by Erika Alm and Linda Berg. Here the authors address the issue of how state power is exercised through the governance of reproductivity. They use Nicaragua and Sweden as two examples where debates about reproductive justice highlight tensions in the projection of a state that cares for its citizens. The chapter explores the complexities of how states formulate biopolitical regimes that target reproduction and how the same states negotiate struggles for reproductive rights.

The book closes with a chapter that also engages in the Swedish case to further develop the concept of reproductive justice. In ‘Exploring Swedish “Family Planning”’: Reproductive Racism and Reproductive Justice’, Paula Mulinari, Marcus Herz and Matilda Svensson Chowdhury analyse political discourses and governmental policies on reproduction through the conceptual lens of reproductive racism. After introducing some historical background on how sterilisation and abortion have been used in Sweden, the chapter moves towards an analysis of the Swedish political landscape at the nexus of migration, gender and racism, identifying the role played by public institutional professionals in its shaping and reproduction.



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## CHAPTER 2

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# In Green and White: Feminist Struggles for Abortion Rights in Argentina

*Diana Mulinari*

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*Saying thank you just doesn't seem to be enough, to the feminist scholars/activists who helped me complete this journey. Thanks to Maria Alicia Gutiérrez, Florencia Partenio, Elsa Schwartzman and Monica Tarducci, and to the art collective Mujeres Publicas, especially to Fernanda Carrizo.*

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...AHORA... Y SIEMPRE...

This drawing entitled *The Two Scarves* by Mariana Baizán identifying the intergenerational connection went viral and is often seen at feminist events.

## INTRODUCTION

On March 25, 2018, a big plastic doll representing ‘the unborn child’ carried on the roof of a truck meets participants occupying the central scene of a march organised by diverse coalitions of right-wing and religious fundamentalists for ‘the unborn child’, which takes place every year in Buenos Aires, Argentina. Many of the participants carry blue scarves and cover themselves with the blue-and-white Argentinean flag. Others carry banners, many of them in blue and white, with the slogan ‘Save the two lives’. They march (we march) first to the Argentinean Rural Society (a symbol of the country’s oligarchy) and then to the Faculty of Law. Feminist activists whom I have met call them *anti-derechos* (‘against rights’), identifying the systematic mobilisation of these networks against reproductive and sexual rights in the last few decades. I am following two journalist friends who identify as feminists covering the event. ‘I wonder what would happen if we put our green scarves on!’ one of them said. Everybody laughed,

but I sensed that the three of us were a little scared among the neo-Nazis, defenders of the military dictatorship and religious fundamentalists mobilising against abortion rights (fieldwork notes March 25, 2018).

More than forty years have passed since the country engaged in the transition towards democracy, after the 1976–1983 dictatorship. Scholars of human rights identify the societal fractures that the experience of the Argentinean military dictatorship has left in individuals, families and communities. To celebrate ‘the unborn child’, the march on March 25 is extremely politically sensitive, taking into account that millions of people have marched the day before, asking for Memory, Truth and Justice, identifying the cruelty of the military dictatorship with its policy of appropriation of the children of women political prisoners; nearly everybody has a family member, a relative, a friend, a work colleague who has been killed, ‘disappeared’, imprisoned or forced into exile (Calveiro, 2008).

The 3000 who gathered on Sunday, March 25, 2018, with their blue-and-white bandanas, in the colours of the Argentinean flag, are, however, very few when compared with the 500,000 who participated in the feminist-inspired March 8 celebration—named ‘The Green Wave’ (*La Marea Verde*) wearing what is today a transnational feminist symbol, the green scarf, the symbol of the campaign for the public’s right to safe, free and legal abortion—or compared with the million feminists who gathered outside the Congress building in Buenos Aires, Argentina’s capital city, on April 10, when the Lower House supported and voted for the bill proposal written by the Campaign for Safe, Free and Legal Abortion.

Feminist scholars have analysed the role that women’s movements and feminist-inspired networks and organisations have had in the search for reproductive justice, among other issues, during the struggle for abortion rights. Their investigations explore feminist activism at the crossroads between engagement in legal and parliamentary debates and street mobilisations (Ferre, 2003; Valiente, 2001; Smyth, 2005; Zanotta Machado, 2017; Król & Pustulka, 2018). Scholars have also grasped the diverse forms of resistance to the expansion of women’s and minoritised groups’ rights evolving from right-wing and religious fundamentalist coalitions (Tarducci, 2005; Zarembek et al., 2021).

The feminist movements in Latin America (Beckman et al., 2003; Vargas 2015) embody one of the most important societal transformations and political visions of the twentieth and twenty-first centuries: they have widened the narrow democratic limits of the region (Jaquette, 2009). Research on feminism in Argentina converges on the reading of feminism

at the crossroads between the experience of the military dictatorship and the struggle for engendering democracy (Alma & Lorenzo, 2009; Barrancos, 2013).

The demand for abortion decriminalisation, Argentinean feminist scholars argue, finds its antecedents in the transgression of gender roles through women's political activism in the 1970s and has been nourished by multiple political traditions of leftist, human rights and LGBTQ activism (Bellucci, 1997; Tarducci et al., 2019). A new generation of women workers shaped the resistance to neoliberalism in the 1990s, from female workers occupying and self-managing factories to women organised in the unemployed workers' movement leading assemblies and street protests (*piqueteras*) (Freytes Frey & Crivelli, 2007). In the last few decades, feminist struggles have provided a space to establish a productive dialogue with diverse social movements from human to indigenous rights (Di Marco, 2010).

The *Encuentros* (Encounters, the annual national women's meetings) started in 1986, taking place in different cities; they gathered at a massive feminist mobilisation in 2019, in the city of La Plata, with over 600,000 participants. The *Encuentros* played a fundamental role in providing articulation of feminist visions, practices and coalitions in the mobilisation for abortion rights (Sutton & Borland, 2013; Sutton, 2020). Since 2015, the visibility of feminist practices embodied in *Ni Una Menos* (Not One Woman Less) provided a reading of femicide that bridges the defence of vulnerable bodies coded as female with the defence of land and water and vulnerable communities.

In 2020, Argentina became the third country in Latin America to provide the right to abortion, following Cuba and Uruguay (Mexico had guaranteed this right in 2007, but only in Mexico City, and in Oaxaca in 2019, then six other states in 2021–2022). The Argentinean feminist movement is internationally well known and publicly recognised for its massive mobilisation for the legalisation of voluntary termination of pregnancy.<sup>1</sup> The decision to support the bill proposal for the legalisation of

<sup>1</sup>Since 1921, abortion in Argentina has been regulated under Article 86 of the country's Penal Code, which permits abortion only when the life and health of the woman are at risk or if someone with mental disabilities is raped. Legal prohibition has not stopped women from having abortion. It is estimated that 450,000 abortions take place in Argentina each year. Abortion is the highest cause of maternal mortality in the country. It is estimated that, since the return to democracy, approximately 3000 women who aborted have lost their lives. In 2012, as a response to feminist mobilisation, the Supreme Court ruled in favour of a broad interpretation of the law that allows abortion to be legal in cases of rape and not requiring a judge's permission (Romero et al., 2010).

abortion, taken finally, after a failed attempt in 2018, by the Argentinean Senate in December 2020, must be understood as a product of Argentina's long history of women's struggles and of decades of feminist mobilisation.

The aim of the chapter is to explore the feminist-inspired struggle for the right to abortion, with particular emphasis on the intergenerational and intersectional feminist labour at the core of the 2020 feminist success. The aim is also to analyse what scholar and queer activist Mabel Bellucci (2014) names a 'history of disobedience': the diverse and contradictory ways through which feminist struggles for abortion rights created powerful alliances and innovative forms of collaboration, developing an understanding of abortion rights within the frame of reproductive justice.

The chapter is organised as follows. The first section briefly introduces the concept of reproductive justice (Ross, 2006) and provides a methodological reflection framing the analysis. The second section locates the Argentinean feminist movement at the core between its own agendas and the field of the political. What follows is an ethnographically inspired analysis of feminist activism focusing on how the intersectional, intergenerational and human rights coalitions are framed in the everyday. The last section briefly identifies the *anti-derechos* ('against rights') and argues for the need to understand these coalitions locally and globally.

## FROM REPRODUCTIVE RIGHTS TO REPRODUCTIVE JUSTICE

The concept of reproductive justice developed by Black feminists in the 1990s (Galarneau, 2013) takes its point of departure in the experience of Afro-American women, grasping how diverse forms of systematic inequalities, and institutional forces such as racism, shape people's possible decisions regarding childbearing and parenting. An intersectional feminist agenda demands (Corrêa et al., 2008; Ross, 2017; Galarneau, 2013) a conceptual understanding of the body that expands claims of bodily integrity and transcends neoliberal individualism. Thus, reproductive justice, Loretta Ross suggests (2017), is framed through three interconnected rights: the right to have children under the conditions of one's choice, the right not to have children by using diverse methods of birth control and abortion, and the right to parent children in safe environments free from violence, both from individuals and the state.

In Rosalind Petchesky's words:

Research I did in the late 1980s and early 1990s pushed me to conclude that how we think about the concept of 'property' in one's own body or person may vary greatly depending on how we understand property in general. Among groups and social movements whose land and livelihoods and well-being, along with their bodies, have been systematically usurped and colonized, the language of owning or reowning may mean something very different from what it means in the privatized, exclusionary, hyper-individualized consumer societies of late capitalism. (Petchesky, 1995: 390)

The author challenges the shift in the 1990s from notions of body entitlement towards notions of personal security, a shift she argues has not only depoliticised but also fractured feminists' struggles, putting sexual rights as 'minority rights'. An understanding of the body, Petchesky concludes, inspired by feminist antislavery and anticolonial demands for bodily self-determination, takes a point of departure in a claim about social necessity and interconnectedness.

Body politics (Harcourt, 2009) covers the identification and politicisation of experiences in and through the body (rape, gendered violence) at the core of feminist mobilisation but also the forms and strategies of political mobilisation where the body, both represented and acted upon, plays a central role; in the Argentinean context, this is identified by the notion of 'putting the body on the line' (*poner el cuerpo*) (Sutton, 2010; Cuesta & Mulinari, 2018). Regarding the struggle for abortion rights, the visions and practices of putting the body on the line grasp a feminist agenda that transcends the narrow limits of liberal individualism (my body, my decision) towards a feminist agenda (Gago, 2020) that creates care communities challenging patriarchal political economy and its institutions.

## METHODOLOGICAL REFLECTIONS

I have participated in many events wearing the green scarf, a dear gift from one of the 'historical' members of the Campaign. I have also many green scarves at home, from the time nobody wanted them and 'we' were less than a thousand marching on March 8 in Buenos Aires.



A feminist writing about other feminists (Armbruster & Laeke, 2008)? Belonging to the Argentinean diaspora and living in Sweden, identifying myself as a feminist, my position is one of an ‘outsider within’ (Collins, 2000) regarding the Argentinean feminist movement.

The analysis evolving from these pages is, however, not based on autobiography, though I have to acknowledge that feminist struggles in Argentina were for me (and many others) a space and a practice fundamental to healing the scars produced by the military dictatorship. The analysis is based on a case study crafted through more than six months of participant observation of the feminist movement and the organisations working with abortion rights from 2015 to 2020. It is also based on twenty in-depth interviews with identified human rights and feminist activists working with reproductive and sexual rights in diverse organisations, institutional contexts and political parties.

What could possibly be left to write after the rich, impressive and solid work of Argentinean feminist scholars on the topic? My intervention is located in a feminist practice of learning from the margins, identifying the contributions of the feminist struggles in Argentina (Mulinari, 2018) for a transnational feminist agenda.

## THE POLITICS OF FEMINISM: FEMINISM AND POLITICS

We have tried to explain this to feminists from abroad. We are feminists, but everybody here is ... you must be ... you have to choose sides here. Many members of the campaign [for abortion rights] are leftists, but others support Cristina Kirchner. And Lohana, she is a trans activist, but she also belongs to a leftist political party ... Politics is everywhere in this country—you breathe it from the moment you are born ... feminism in Argentina is ... well, is different from the Global North ... the political is in your face every day. (Agustina)

This section aims to provide a short background framing the Argentinean feminist movement, arguing, as mirrored in the above quote, for an understanding of feminism as at the crossroads between the feminist movement’s own agenda and the field of the political.

In 2007, Argentina had for the first time in its history a woman president, Cristina Kirchner, who succeeded her husband, Nestor Kirchner, who had served as the president from 2003 to 2007. During Cristina Kirchner’s presidency, Argentina made international headlines as the first

Latin American country to legalise same-sex marriage (Law 26.618, 2010) and to provide one of the most progressive Gender Identity laws (Law 26.743, 2012) that established fundamental rights for trans persons.

Mariela, one of the feminists engaged in reproductive and sexual rights for over twenty years, describes this period with the notion of Latin American magic realism:

That was the time when we began the slogan ‘When human rights do not reach all humans’ (*‘Cuando los derechos humanos no llegan todos los humanos’*). What was it the novelist García Márquez said regarding Latin American magic realism: that he did not create anything; he only described what he saw in Latin America? That was the case here. On the one hand, gay marriage, the identity law and law of reproductive assistance, and on the other NO, NO, NO *{emphasised by bodily posture}* to abortion.

While the Kirchner administration, which had successfully acted upon human rights, did not legalise abortion, there had been important developments. In 2006, the Health Minister, Ginés González García, declared his support for women’s organisations on the issue of the decriminalisation of abortion and supported the legislation (Law 26.150) that established and developed the first programme of integral sexual education targeting public schools.

The insulting term ‘mare’ (female horse: *la yegua*) mirrors the powerful sexism at the core of the right wing, used systematically to attack and resist Cristina Kirchner’s governmental policies (Russo, 2011). In the words of Silvia, a feminist activist supporting the Kirchner government:

The right hates Cristina because she embodies notions of social justice but also, and particularly, because she is a woman. And it is true that the abortion bill did not go through, but so many other excellent reforms took place .... To focus on the narrow issue of abortion is not to understand the centrality of Cristina’s policies towards working-class women. Her support of human rights. Feminist policies, I would argue.

While some feminist activists and organisations urged confidence in and support for the Kirchner administration, emphasising several policies that have transformed the position of women and the politics of gender, with slogans such as ‘Thanks, Cristina’ or ‘If they attack Cristina, they attack us all’, others continued to confront the Kirchner administration particularly on the issue of abortion rights, or, rather, continued to explore the

tensions of a women-friendly government that confronted the Catholic Church by way of a number of laws and policies but that argued that Argentinean society was not mature enough for the abortion debate (Pecheny, 2005).

Businessman Mauricio Macri won the 2015 election by acting upon an emotional regime of hate against Cristina Kirchner as a woman but also through mediating a neoliberal agenda of heterosexual (white) middle-class success against the racialised other. One of his first measures was a reduction in the National Programme of Integral Sexual Education budget, and many employees within the Programme of Reproductive Rights lost their jobs (Sarmiento, 2018).

These policies came as no surprise to feminists; it was publicly known, the position of Mauricio Macri himself and his party that opposed the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 2006.

The term ‘smokescreen’ (*la cortina de humo*) was used by a number of political actors, suggesting that the opening of the parliamentary debate on abortion rights in 2018, during Mauricio Macri’s neoliberal and neo-conservative government, marginalised central issues of increasing poverty and inequalities. That a conservative neoliberal government opened a parliamentary debate on abortion rights has also been understood as a threat to the Catholic Church, which under the leadership of the Argentinean Pope Francisco has been critical of Macri’s neoliberal policies.

Antonia, confronted by the arguments that President Macri was ‘using’ feminism to obscure central societal conflicts, describes her feelings in the following way:

I get so angry ... so angry. All this talk on the smokescreen ... As if we feminists would be so stupid and childish, as if we could be used by the right to silence the government’s neoliberal politics. The Campaign has negotiated with every government, but, whatever happens with Macri and the bill proposal, we will as feminists still be in the streets protesting against his neoliberal policies and his lack of respect for Memory, Truth and Justice.

The bill was passed by the Lower House but rejected by the Senate.

Many feminists I talked to, wearing the green scarf or with their bodies painted green, the symbol of the campaign, were convinced that, despite the August 8, 2018, Argentinean Senate’s vote against a feminist-inspired bill proposal and supported by the Lower House, the level of feminist

mobilisations in the streets and the powerful presence of feminist voices in the media demonstrated that ‘we have already won’. And they were absolutely right. After a marathon session, in December 2020, the Senate approved the proposed bill, a historic decision in Catholic Latin America. The law of the ‘thousand days’ that provides support during pregnancy and the first years of childbearing was also approved on the same day.

### INTERSECTIONAL AND QUEER: THE CAMPAIGN (*LA CAMPAÑA*) AND THE GREEN WAVE (*LA MAREA VERDE*)

Extremely excited, impressed, inspired, proud, happy, hopeful ... *{laughs}* I do not know ... impossible to tell you how I feel, meeting these very, very young women and also very young men, most of them in secondary school, with the green scarf in their backpacks ... They are so beautiful, with all their body paintings in green ... *{laughs}* (Julia)

Julia is identifying what many feminists who have been engaged in the struggle for abortion rights for decades feel when confronted by the powerful presence of a new feminist generation: what came to be called ‘The Green Wave’ (*‘La Marea Verde’*), making the mobilisation for abortion rights visible in the streets, but also and particularly through their own bodies in the ways they wear the green scarf, the symbol of the campaign. The Campaign for the Right to Legal, Safe and Free Abortion (*Campaña por el derecho al Aborto, Seguro, Legal y Gratuito*)<sup>2</sup> is a network of diverse feminist groups and a multiplicity of feminist actors that have converged since 2005. Sexual education to enable decisions to be made regarding the use of contraceptives in order to obviate the need for abortion, and availability of legal and safe abortions, succeeded in posing the issue of reproductive rights at the core of the feminist agenda (Coledesky, 2007; Barrancos, 2018; Rosenberg, 2020).

Marta, now in her late sixties, has worked all her life as a psychologist. She was forced to leave Argentina during the military dictatorship, and returned there from Mexico after the democratic transition at the beginning of the 1990s. Marta and I are on our way to the Argentinean National

<sup>2</sup>National Campaign for the Right to Legal, Safe and Free Abortion. Facebook. Retrieved September 21, 2022, from <https://www.facebook.com/CampAbortoLegal>

Congress to participate in what many define as a historic event: the opening of the parliamentary debate on abortion rights, inspired by the law project written by the campaign. She is trying to mediate a common feeling among what in Argentina are identified as *las historicas* (the very few women who, with total lack of support, went public in the late 1990s at city street corners demanding reproductive rights): a feeling that this possible victory is not an eruption of a ‘feminist spring’ but the consequence of feminist commitment that has been going on for decades:

For years, I had scarves at home because no one was interested, and now ... people stop me in the supermarket and ask me where they can get one ... But we have been working with this issue for decades ... I get so angry when the media speaks about a ‘feminist explosion’ as if the everyday organisations hadn’t existed for decades, going to meetings where sometimes just three people came, or those cold winter afternoon tabling [sitting at tables in the street, enlisting support for petitions]: do you remember where that was, in Corrientes and Callao? When the left called us ‘the ladies with the small lists’: writing law proposals; creating networks with health professionals; hours and hours and days of conversation and more conversation with the *Socorristas* [who provide information to people seeking abortions], popular feminisms, or the Catholics for the Right to Decide, or different groups of the left ... to protect the inclusive frame ... to protect the autonomy of the Campaign ... and the media speaks about an ‘explosion’, making feminists’ labour invisible once more.

Marta outlines fundamental topics for an understanding of the feminist struggle for abortion rights in Argentina. First, the centrality of the symbol, the green scarf, or rather the centrality of the use of the symbol in public spaces, particularly among young feminists today. She also recognises many of the strategies developed by the campaign, from the sometimes very demanding labour of sitting with a little table in the street asking people to support petitions (the first one that I remember was in 1985, not about the right to abortion but the right to divorce and shared custody of children) to the labour of creating networks with health professionals, to learning the language of the law through writing different law proposals (the one presented in 2020 was No. 14). Finally, she speaks about the work of not only creating but reproducing an organisation that, while being very strict in demanding a total identification with the agenda of the campaign, includes the activism of lesbians, feminists and *Socorristas*,

who work outside the frame of state institutions, running hotlines, offering information and providing support to women who choose misoprostol (the ‘abortion pill’) when taking the decision to conclude a pregnancy,<sup>3</sup> to the sophisticated ways through which the Catholics who are in favour of the right to abortion move between religious hierarchies and religious identities,<sup>4</sup> and the difficulties in defending an autonomous position outside the political parties, even if most of the members of the campaign identified broadly with a socialist/leftist/Kirchnerist political frame.

Queer feminist scholar Mabel Bellucci’s (2014) work provides a solid and systematic overview of the complex web of networks, organisations, political parties and individual feminist collaborations at the core of the mobilisation for abortion rights. The strength of her work is her exploration of how feminist communities were crafted through sometimes serious contradictions and antagonism, such as those between feminists supporting the Kirchner administration and feminists arguing for a leftist political frame. Bellucci also identifies the complex relationship between ‘autonomous’ feminists and feminists organised in political parties, between feminists whose activism focuses on parliamentary strategies and collaboration with health professionals and those anarcho-inspired feminist activists, and between feminists (narrowly) focusing on women’s rights and those inspired by the success of the trans\* movements that have expanded and rewritten the category of women. In the following quote, Patricia acknowledges some of these tensions, but also identifies the practice of creating dialogues and coalitions:

Of course, we disagree sometimes, and at times the trans movement has been too demanding. But in this country, you know your friends in the streets, those putting their bodies on the line. The lesbians’ organisations, the trans organisations have always been here, in the streets, in the rough times, and not for the TV photos. That is the way alliances are made.

The bill proposal presented to the Argentinean Congress speaks of women and persons who can become pregnant (*personas gestantes*) mirroring the productive dialogue (Fernández, 2020) between more traditional feminist-inspired women’s reproductive rights activism and a new generation of

<sup>3</sup> Socorristas en Red website. Retrieved August 1, 2022, from <http://socorristasenred.org>

<sup>4</sup> Catholics for the Right to Decide. Católicas por el Derecho a Decidir Argentina website. Retrieved August 1, 2022, from <https://catolicas.org.ar>

activists working within the frame of reproductive justice agendas—what Sutton and Borland (2018) define as the ‘queering of abortion rights’.

In her reading of the agenda campaign, feminist and cultural studies scholar Maria Alicia Gutiérrez (1998, 2011) identifies two central axes located within debates on gendered citizenship and social justice. The first one is the fundamental argument that abortion is an issue of class justice: investigations identify the strong correlation between women dying as a consequence of clandestine abortions and women lacking the resources to cover the cost of a clandestine but safe abortion in private clinics. Gutiérrez underlines the need to extend democracy to women’s bodies, arguing that a woman’s right to choose over her own body is at the core of her ability to act upon citizenship in a democratic nation-state. In other words, a struggle for abortion rights framed through a reproductive justice paradigm.

Amanda, in her late thirties, tells me with a big smile that she was born in democracy, and continues, ‘but I have an aunt in Mexico and another one in Norway’, as if giving this information, that locates her family history in relationship to the experience of exile during the dictatorship, was central to her (feminist) identity. She moves on to argue firmly that the criminalisation of abortion is also a class-based practice (or, as she puts it with a bit of benevolent irony, as ‘an intersectional topic, as feminists might say in Europe’):

It is how these people are. How they always have been criticising Cristina Kirchner for her policies ... according to them, women get pregnant to get the maternity benefit, but on the other hand abortion is a sin. All these opinions, if you can call them opinions, while they move from their country club to their summerhouse by the sea. Abortion is not only a gender issue; it is a class issue. An intersectional topic, as feminists might say in Europe. It is true that the denial of abortion rights is an attack against all women, but we know very well that the rich protect their own. When we say ‘so and so many women die of clandestine abortions’, you have to read it (and everybody reads it) as a working-class teenager dies, an indigenous woman in her forties dies. Nobody who lives in San Isidro [a privileged neighbourhood] dies. And, of course, not dying does not take away the guilt and the shame all women feel, the guilt we experience that goes with the illegality of the practice. Look, swimming pools on the fifth floor, money from the clinics doing illegal abortions.

Amanda takes the interviewer through the double-edged discourse in which women's deaths due to abortion are read in Argentina as poor women dying. Patriarchy is also in her narrative, about dominant classes protecting their 'own' women. It is interesting how at the end of the quote she returns to the shared experience of women's stigma around abortion when she has been so strongly arguing for women's different locations that create different experiences of the practice.

Betty, another young woman, with the green scarf in her backpack, accompanies the interviewer towards a space of privilege, describing how an interruption of pregnancy occurs in safe conditions for those who can afford it:

It is pure hypocrisy. Here in Argentina it is the easiest thing in the world to have an abortion if you have money. You know how it is ... Waiting room with comfortable armchairs, Vivaldi music in the background ... nurses who smile and offer you green tea and therapeutic support after the intervention. But if you are a black skull [*cabezita negra*], then prepare to bleed yourself to death. Do not come to me with the illegality issue. In this country abortion is illegal only if you are poor. They are hypocrites, because their women, they do not die. That is the difficult thing when feminists from the North visit us. Some of them have these colonial fantasies, thinking that here we have only machismo and the Catholic Church with crosses and nuns everywhere. This is not the case here. Everybody does it. Everybody knows. Only the poor die. The issue here is not for or against abortion. If you are against abortion, you support clandestine abortions.

Betty underlines the tokens of these privileges—the armchairs, the smiling nurse, the support of a therapist—and then confronts these experiences with that of bleeding to death for working-class women, using the term 'black skull' to name the ways through which class is racialised in the country. Betty is also trying to mediate the gap, particularly towards feminists from the Global North, who travel to the country with colonial representations, between official discourses and privileged women's practices. While it could be argued that the criminalisation of abortion is a signifier of societal norms and as such a policy that impacts the lives of all women, it can also be argued that the criminalisation affects only those who are not protected by belonging to families where the power of hegemonic masculinity provides strategies and resources. Women's autonomy is a class issue in Betty's story.



Amanda's and Betty's reflections and analyses illuminate how a narrow focus on the right to choose would be inadequate in a context where so many privileged women, despite the legislation that criminalises abortion, have the social and economic capital to make decisions over their own bodies. The feminist struggle for abortion rights in Argentina transcends an individualist agenda of 'my body, my choice', framing a struggle inspired by a notion of reproductive justice that challenges not only patriarchy but the political economy of patriarchy.

### WHITE SCARVES, GREEN SCARVES: FEMINISTS' GENEALOGIES

Argentinean feminists faced an immense challenge in posing the issue of abortion in a context where the splitting-up of families, the kidnapping of children and the creation of the figure of the disappeared were resisted and challenged through the powerful symbol of the Mother and the white scarves (Goñi, 2017). The Mothers (*Madres*), staging weekly demonstrations in Buenos Aires' main city square, the Plaza de Mayo, were for many years the most outspoken and courageous opponents of the brutal repression by the military dictatorship that ruled Argentina from 1976 until 1983.

Social anthropologist Lynn Morgan (2015) identifies the tensions between transnational and local feminism when exploring the frame of the Argentinean debate in terms of human rights rather than, as she would argue, in terms of reproductive justice:

How can abortion be legalized in Argentina, when killing babies (in the form of the *Madres*' children) is one of the horrors that Argentina is trying to leave behind? (Morgan, 2015: 138)

This is a challenge that feminist communities have successfully framed through defining abortion rights as an issue of expansion of democracy and of human rights. Perhaps the most fundamental illustration of the continuity between these two movements is the use of the green scarf as a symbol of the feminist movement connecting to the Mothers of the Plaza de Mayo's white headscarves. Or, rather, the best example of these continuities is the figure of Norita Cortiña from Mothers of the Plaza's *Línea Fundadora* (the founders), who often bears a green handkerchief together with her traditional white scarf with the name of her disappeared son (Bellucci, 1999; LATFEM, 2018).

During 2018, a number of events organised by the collective of Feminists and Lesbians for the Decriminalisation of Abortion took place at the Mothers' House, the local meeting place of Hebe de Bonafini and her group of Mothers. Hebe de Bonafini, also using the green scarf, put the issue of life and death in terms of the protection of women's lives, linking the protection of the life of women to poverty and market corruption.<sup>5</sup>

The following quote is from Member of Parliament Gabriela Cerruti during the debate on abortion rights in 2018, wearing, like many other Members of the Lower House, the green scarf. Cerruti grasps the continuity between the human rights and feminist movements in Argentina, framing the debate within the historical heritage of the Mothers and Grandmothers of the Plaza de Mayo:

The truth is that we were told more than once, and not so long ago, that we Argentines were the sons and daughters of the grandmothers of Plaza de Mayo. I like to say that we are the daughters of those crazy old women wearing the white scarves and that today we are the mothers and fathers of those crazy *pibas* [young girls] wearing the green scarves. And the two scarves, united and intertwined, and in intergenerational dialogue, are building the history of the conquest of rights and freedom in this country, in this community, and are undoubtedly giving many lessons to the world. (Valdes, 2018)

The trauma of the dictatorship, or rather the taking sides on issues regarding Memory, Truth and Justice, was highly present in the parliamentary debates when the abortion law was discussed. Victoria Donda, a young woman appropriated as a baby by the dictatorship when her mother was assassinated, wearing her green scarf, challenged the hypocrisy of those against abortion, particularly their silence:

when women were kidnapped, disappeared and forced to give birth. As if that womb was war booty and the results of the womb, which were babies who were born alive, were also a booty of war. You people, you hypocrites who are now against abortion, were silent. (Quoted in Valdes, 2018)

HIJxS, the organisation that represents the children of the disappeared and of those in prison or in exile during the dictatorship, supported the feminist struggles with a document that was highly successful in social

<sup>5</sup> Retrieved July 3, 2022, from <https://www.youtube.com/watch?v=EWQXw1KC3Dc>

media, where they connected the suffering of mothers with the criminalisation of abortion:

We are the daughters of women victims of the genocide, murdered and disappeared by state terrorism, of abducted pregnant women, whose babies were stolen, women tortured and raped in the clandestine centres, of women political prisoners, of women forced into exile. We are the daughters of the white scarves. Today we also put on the green scarves. (Hijos e Hijas Capital, 2017 [Capital Sons and Daughters])

Finally, Nicolás Massot, a right-wing, conservative, ‘anti-rights’ parliamentary member, used human rights arguments for the protection of the ‘two lives’ by equating the proposal for abortion rights with the genocide during the dictatorship. In the middle of his argumentation, he turned towards Juan Cabandié, a child born in the ESMA (Escuela Superior de Mecánica de la Armada) concentration camp, and said: ‘not even at that time did we kill babies; we did not dare to go that far.’ The argument produced strong reactions, in terms of the ‘we’ that Massot used in identifying himself with the dictatorship, but also in equating the foetus to the babies born to women political prisoners in concentration camps.<sup>6</sup>

While many Catholic priests and nuns, as well as committed believers inspired by the Latin American liberation theology, suffered torture, persecution and assassination, the Church leadership actively supported the military dictatorship. Carita, a feminist activist within the health profession whose sister was killed by the military, describes the experience in the following terms:

Do you remember that a picture of the *Nunca Más* went viral with the body of a pregnant woman and a foetus?<sup>7</sup> Infamous, that is the word. Infamous. Using the idea of *Nunca Más*. Who was he? One bishop, I do not remember his name [Miguel Esteban Hesayne, Bishop of Viedma], spoke of abortion as a crime against humanity and human rights. The Church, the Church that not even wanted to receive us, that continues to be silent regarding their own registers, the Church speaks of abortion as crimes against humanity?

<sup>6</sup> *MI* (2018, June 13). Massot and his misplaced reference to the dictatorship: ‘Where you are today, Juan?’ Retrieved September 25, 2022, from <https://www.minutouno.com/notas/3076491-massot-y-su-desubicada-referencia-la-dictadura-vos-donde-estas-hoy-juan>

<sup>7</sup> *Nunca Más (Never Again)* (1984) was the title of the Truth Commission Report on Human Rights Violations that contains detailed accounts of the treatment by the Argentinean armed forces towards political activists and their families.

We do not forget what they said: that seven hours of torture was not a sin! The Catholic Church calls itself ‘pro-life’ but it kept very quiet when the disappearances were taking place under the military dictatorship.

A very powerful and strong nodal in the ways the human rights and feminist movements interact is the criticism of the Catholic Church, or rather the role of the Catholic Church during the military dictatorship. This role has provided the feminist movements with powerful arguments regarding the moral economy of the Church. Antonia’s quote is very similar to Carita’s not only in developing the same kind of arguments but in providing a number of illustrations:

Ask someone who has this kind of documentation; I am not an expert. I remember what everybody does. This pervert [Bishop Antonio Baseotto in 2015], suggesting that a Minister of Health supporting sexual education at schools should be thrown into the sea with a stone round his neck ... Evil, he is evil, with our experience of the disappeared who were thrown into the sea ... Maybe in other countries, but here in Argentina the Catholic Church lacks the moral authority to speak of abortion as a sin. They are the only sinners .... They gave their blessing to the soldiers during the death flights. They did not move a finger despite so many families asking for help when their sons and daughters and their grandchildren were kidnapped and ‘disappeared’. How could they dare to speak of sin? They are the only sinners. The Church was not interested in any life during the dictatorship. They gave their blessing to those torturing pregnant women with electric shocks in their vaginas. Which two lives are the ones they want to protect now?

While many feminist slogans challenge the power of the Catholic Church, such as ‘Take your rosary away from our ovaries’ (*Saquen los rosarios de nuestros ovarios*) or ‘Yes, indeed, ladies and gentlemen, the paedophile priests want to prohibit abortion’ (*Si, sí, señores, prohíben el aborto los curas abusadores*), none of them is so powerful and creates such strong emotional bonds between different generations as the one often voiced when feminist demonstrations approach Buenos Aires Cathedral: ‘Church, as filthy as during the dictatorship’ (*Iglesia, basura como en la dictarudra*). The slogan is not only a description of the role of the Catholic Church, but a cross-generational bridge that creates bonds between forms of suffering and, through collective mobilisations, feminist agendas.

### ‘IF THE POPE WERE A WOMAN, THE RIGHT TO ABORTION WOULD BE A LAW’ (FEMINIST GRAFFITI IN BUENOS AIRES)

I have met these religious fundamentalists many times before. Screaming their dirty slogans: ‘Today and yesterday it’s the same—if yesterday they stole babies, today the feminists want to kill them in the womb. What is the difference ...?’ Calling us murderers. Inviting people to watch the anti-abortion film *Silent Scream*, praying in the entrance at the opening of León Ferrari’s exhibition, holding hands and singing when awaiting the parliamentary decision on same-sex marriage. But they are more aggressive now. A friend of mine is a mother of a seven-year-old girl who came home crying because the teacher had told them that feminists want to kill babies ... in a public school!!!!

Zulema is telling me this story, trying to go through the street while the ‘anti-rights’, as feminists in Argentina name them, throw plastic dolls at us, calling her/us murderers, holding their blue-and-white flags with the slogan ‘Protect the two lives’. During the beginning of the parliamentary debate in 2018, they were always in the streets around the Parliament building, distributing baby milk and showing films, among them *Silent Scream*. Some of them carried banners with slogans such as ‘Let the womb be a sanctuary, not a cemetery’ and ‘We speak for those innocents without voice’.

In Latin America, the impediment to the continuity of Dilma Rousseff’s term as president of Brazil was that she was accused of destroying girls’ and boys’ natural gender identities, and in Argentina the resistance through an alliance of the country’s white middle class and the country’s elite towards Cristina Kirchner’s (their first elected female president) administration had strong and powerful anti-gender subtexts (Manne, 2018). Scholarly research shows that right-wing xenophobic agendas and religious fundamentalists create interpellation not only through discourses of crisis, fear and threat but also and particularly on anxieties around gender relations, the family, sexuality and reproduction (Dhaliwal & Yuval-Davis, 2014).

While the Catholic Church continues to play an important role in the resistance to reproductive and sexual rights, new emergent and powerful actors of what a number of scholars consider a regional trend (Vaggione, 2020) are the US-inspired Evangelicals, supported by several NGOs, creating a variety of civil society organisations, lawyers, pro-life doctors,

associations in defence of the family and pro-life international networks (Morgan, 2014).

The Evangelicals were the ones kneeling and praying in the streets around the Parliament building when the bill was to be discussed, both in 2018 and in 2020. While the religious aspects were powerfully present among the Evangelicals who organised huge mobilisation with rock bands playing in the streets nearby the Senate to pray so that the members voted ‘right’, arguments inspired by science and human rights were also present.

*La Merced Vida* defines itself as a non-governmental organisation, but many Catholic priests support the network.<sup>8</sup> In 2018, the organisation invited the Spanish activist Esperanza Puente Moreno to participate in a number of events, among others a celebration of March 8. The activist’s performance was based on the narrative of her experience of abortion as a trauma. They also invited gynaecologist Catalina Gerace from the scientific committee of the Argentinean Obstetric Association. Science is in several ways present in the arguments developed by these actors, on the one side suggesting that developments within science confirm the Catholic Church’s position regarding the beginning of life, on the other through the use of psychology and psychological arguments the construction of the post-traumatic syndrome after abortion.

Scholarship has also identified, in the case of Argentina, the emphasis on human rights (the rights of the foetus, the rights of the unborn child, etc.) since the 1990s. While the argument for protecting and saving two lives has been the most central to the debates, the emphasis on the connection between abortion rights and genocide is central to the Argentinean context, as in the quote below from the Catholic Church newspaper where it is argued that it is the defence of those who are more vulnerable that separates democracies from dictatorship:

Respect for the right to life and defence of the weak is the most basic guarantee that separates the rule of law from tyrannies and democracies from dictatorships. In Argentine history, the Penal Code was modified twice to unprotect the unborn child, through laws 17,567 and 21,338. The first carried the signature of Juan Carlos Onganía and the second, that of Jorge

<sup>8</sup> *La Merced Vida*. Retrieved July 23, 2022, from <https://www.lamercedvida.org/ficha.php?referencia>

Rafael Videla. Let us reflect on what respect for human life these *de facto* rulers had, and let us act according to our times.<sup>9</sup>

In the words of Marucha, a feminist activist reflecting upon the presence of *anti-derechos* at the feminists' annual meetings:

Every year the same thing ... We are Argentinean Mothers and we want to protect life and family ... and there you go. We do not have time to discuss other issues, because they are present at all the workshops and all the efforts go to discuss with them. Remember Mendoza? All that graffiti with 'Feminists, you are murderers' and, even at the school where we were meeting, 'No to sexual education', 'No to abortion'. This is how we were received in Mendoza. There is so much strength in the Encounters. So many dreams ... so much struggle. You cannot narrow that down because of the presence of these *fachas* [fascists coded as females]. When we want to rid our meetings of these people who have come to disrupt them, we shout 'Filthy Church, you are the military dictatorship!' until they leave. The conferences always finish with a demonstration, and we make sure that we march around the cathedral in whichever city we are in, to make our voices heard. We are always met by at least three lines of young Catholic men [often mobilised by Opus Dei], who hold up rosaries and threaten us. We point out that the Catholic Church calls itself 'pro-life' but that it kept very quiet when the disappearances were taking place under the military dictatorship. But of course it is an issue, because it takes a lot of energy from a feminist agenda. And then you should not forget the Catholics for the Right to Decide who go with the green scarf.

While it is fundamental to provide an analysis that does not fall into binary oppositions between religion as conservative and secularism with progressive sexual politics (Pecheny et al., 2016), there is no doubt that in the Argentinean case religious actors have had a fundamental role in framing the resistance against reproductive justice (Vaggione, 2007; Morán Faúndes & Peñas Defago, 2016). Vaggione (2005) develops the concept of *reactive politicisation* to grasp the response of religious sectors and argues that religion continues to be a key player in defining certain politics and that it is precisely in sexual politics that its presence has intensified in recent years. Many of these mobilisations and events are articulated

<sup>9</sup>Sebastian Schuff (May 17, 2018). Should we continue to penalise abortion? *Télam* (2018, May 5). Retrieved August 1, 2022, from <https://www.telam.com.ar/notas/201805/282432-hay-que-seguir-penalizando-el-aborto.html>

through an emotional regime of hate directed towards feminism and towards women embodying feminist agendas.

Feminist anthropologist Mónica Tarducci (2017) analysed the agenda of the Catholic women against abortion who have been mobilising in the Encounters. Her work shows both a systematic presence of these groups locally and nationally coordinated and financially supported and a variety of arguments from maternalism to human rights and psychology, woven together against women's reproductive justice. Among others, she identifies the following quote in their documents: 'Right to life since conception, no to the use of condoms, no to the use of emergency contraceptives, no to lesbianism, no to homosexuality. Yes to the dignity of home and domestic work and the nuclear family and no to public policies that decrease population, an imperialist weapon against poor countries.' Tarducci argues that even when these women did not identify themselves as militant Catholics, their racism and homophobia clearly did, and that their presence conditions the possibility for a productive and needed exploration of feminists' agendas and visions.

## CONCLUSION

The first step is: '*ni olvido, ni perdón*' ('neither forget, nor forgive'). We will practice *escraches* (public shaming) against these senators. We will fight to strengthen the network of abortion providers, occupy public hospitals, demand the public production and free use (not only in hospitals) of misoprostol, and for each death due to a botched abortion we will accuse the state and call it a state femicide. We will continue to expose how the issue of abortion intersects with other social problems such as work, poverty, and racism. One of the singular features of our movement is that we are weaving abortion into a web of other political issues. (Verónica Gago, with Cavallero et al., interviewed by Arruzza & Bhattacharya, 2018)

The above quote evolved as a response to the defeat of the bill proposal by the Senate in 2018. Slogans such as 'We want to be alive, free, and without debt' in reference to the recent IMF agreement, 'Defend our bodies, defend our territories' and the successful organisation of the March 8 strike in 2019 with the participation of diverse groups from labour unions to teenagers from different schools mirror the Argentinean feminist



movement's ability to name and understand the struggle for abortion rights as a struggle for *reproductive justice* providing a powerful link between, on the one hand, earlier genealogies of resistance and, on the other, bridging the diversity of struggles (labour, indigenous, against austerity) towards a successful coalition that provided the landscape through which the 2020 abortion law is not only an expansion of women's rights but an expansion of reproductive justice understood through a Global South feminist agenda.

The anthology *The Time When Feminism Was a Bad Word* (Tarducci et al., 2019) provides a genuine analysis of feminist activists and their impressive labour during a time when feminism was absent from political parties, from labour unions, from human rights organisations and outside the universities' curriculum. Tarducci identifies the efforts to organise the first March 8 in Argentina's democracy through the participation of diverse groups of women from lesbians to women returning from exile to female political party leaders. Central to the authors' agenda is to illuminate the powerful bonds and the endurance of several generations of Argentinean feminists.

It is impossible to overlook the connections, mirrored in the green-and-white scarves, between the Madres de Plaza de Mayo and the human rights movement and contemporary Argentinean feminism. But it is also impossible to overlook the connections between the LGBTQ and trans activism and the understanding of abortion rights that transcends an essentialist conceptualisation of the category of women. Finally, feminist struggles in Argentina are acted upon through an intersectional lens, providing visions of reproductive justice that demand a radical societal transformation. Central to this chapter is the conceptualisation of Argentinean feminism within a tradition and politics of hope, a multivocal feminism being created and promising feminist futures.

Feminists' struggles in Argentina both shape and act upon a range of ongoing political struggles and social conflicts. A conceptualisation of abortion rights in terms of reproductive justice in continuous dialogue with diverse social movements created feminist visions that could act upon and name social suffering as gendered but also that through the slogan 'It is worth fighting for' ('*Vale la pena luchar*') could act upon and name possible futures and possible hopes.

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## CHAPTER 3

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# ‘Enough Is Enough’: Strike, Affective Solidarity and Belonging Among Migrant Women from Poland Living in Trondheim

*Agata Kochaniewicz*

### INTRODUCTION

It was October 24, 2020, just two days after the Polish Constitutional Tribunal had issued the anti-abortion ruling, and massive anti-governmental protests were spreading in many cities, towns and villages in Poland and abroad. It was a chilly, late-autumn day in Trondheim, Norway: the sky was covered with dark clouds, the wind pierced the bones, the seagulls were noisy as usual and it felt like it would rain again. We, women and men from Poland—students, construction workers, academics, waitresses, retired women—but also a few people from Norway, gathered under the Olav Tryggvason statue with handmade banners, various slogans on pieces of cardboard, an analogue internet. Almost everyone carried banners inspired by the language of memes, feminist slogans

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and local interventions with messages to the Norwegians which read: ‘Our girls just wanna have FUNdamental human rights’, ‘Kvinner I Polen dømt til tortur’ (*‘Women in Poland sentenced for torture’*), ‘Kjære Norge, vi og våre søstre trenger deres støtte’ (*‘Dear Norway, we and our sisters need your support’*), ‘Solidarity with Polish women’. Some women carried black umbrellas; others brought coat hangers or pinned on their jackets the image of a blood-red lightning bolt—all symbols for the fight for abortion rights. Women and men in the crowd gave spontaneous speeches about illegal abortions, lack of sexual education and the need for Norwegian support. We were about fifty people, but we made a lot of noise on this otherwise sleepy Sunday. We shouted trenchantly together: ‘This is a war on women!’, ‘My body, my choice!’ and ‘Wypierdalać!’ (*‘fuck off!’*), which became the main slogan of the strikes and direct message to the Polish government. We wore masks because of the Covid-19 pandemic and kept the prescribed distance, but still greeted each other and exchanged some comments. It felt good to be physically with others when these collective sensibilities were pulsing around. Some people passing by the square joined the gathering. Local journalist came to take photos. One photo, of the women of the strike holding a banner, reading ‘Abort the government’, became the picture of the day in the local newspaper. It was accompanied by an interview with a male co-organiser of the strike, under the title ‘*Her demonstrerer de uten tillatelse på Torvet*’ (*‘Here they demonstrate without permission in the square’*) (Adresseavisen 2020, online version). The picture became the background image for the online organisational group that was created that day, where it was decided to organise a bigger, more professional strike in order to raise the awareness of Norwegian society and politicians of the Polish case.

The vignette described above took place while unprecedented strikes in Poland resonated through the streets, on social media platforms and in homes in Trondheim, Norway. Two days earlier, the Polish Constitutional Tribunal had deemed abortion due to an unborn’s foetal defects to be unconstitutional. Abortion remained legal merely in two cases: if the pregnancy threatened the mother’s life and health, or if a woman became pregnant following rape or incest. In practice, the decision meant that most of the abortions performed legally up until then in Poland became illegal.<sup>1</sup> In

<sup>1</sup>According to data from the Polish Ministry of Health, in 2019, 98% of abortions were carried out on grounds of foetal defect, meaning that the ruling banned the vast majority of pregnancy terminations. <https://federa.org.pl/dane-mz-aborcje-2020>

Trondheim, migrant women from Poland connected online, as well as offline through pre-existing social networks, to share their feelings of disappointment, anger, but also hope. They organised two strikes and occupied a public space in the main square of the city. In total 200 women and their allies organised themselves, in the middle of the pandemic, speaking publicly about gender violence and their despair, and asking Norwegians for support. Life's everyday routines were suspended and new temporalities, spaces and possibilities for alliances opened up.

Based on the ethnographic material and my own engagement in the strikes, this chapter is written from within this organisational dynamic, political process and affects that were mobilised. I was involved in the organisational meetings from the beginning, and my own experience informed my epistemological and methodological choices. I look at the solidarity strikes as a *lens* which allows me to understand the situated point of view, experiences and expectations of women from Poland living in Trondheim. In the analytical sense, the strike and assemblies it produced were places where feminist diagnosis of the crisis and mapping of the living conditions were elaborated (Gago, 2020: 141).

The main research questions inspired by that diagnosis are: What type of commonality of feelings was produced by women during the strikes in Trondheim? What questions were asked when the strike resonated through Norway? What is the role of temporality and space in practices of solidarities and (un)belonging?

### TEMPORALITIES, SPACE, AFFECTIVE SOLIDARITY AND BELONGING

This chapter is situated at the intersection of the concepts of temporality, space, affective solidarity and belonging. Recently, we observed a comeback of interest in solidarity as a significant organising principle in different parts of the world (Carty & Mohanty, 2015; Çağatay et al., 2022; Gago, 2020; Littler & Rottenberg, 2020; Riley, 2000; Vachhani & Pullen, 2019). Examining the solidarity mobilisation in Trondheim, I draw on feminist thinker Clare Hemmings' theory of affective solidarity,<sup>2</sup> which positions embodied knowledge at the centre of solidarity (2012).

<sup>2</sup>See the conversations on various understandings of the notion of feminist solidarity: Ahmed 2014; Hemmings, 2012; Littler & Rottenberg, 2020; Mohanty, 2003; Salem, 2018; Wiedlack et al., 2020.



Hemmings argues that affective solidarity emerges from affective dissonance derived from a troublesome relationship between ontology and epistemology: ‘in order to know differently we have to feel differently’ (2012: 150). Affective dissonance is a feeling of discomfort, negative emotions that come from a divergence between the ways in which we see ourselves and the social and political conditions that limit our actions and expression. As such, solidarity emerges from situated experience and uneasiness in relation to dominant norms and relations of power and can potentially lead to a desire for social transformation (Hemmings, 2012). I will draw on affective dissonance as an important aspect of mobilisation and everyday experiences of gendered and racialised women from Poland living in Norway.<sup>3</sup> While thinking about solidarity mobilisations, I am inspired by the notion of weak resistance (Majewska, 2018, 2021; Scott, 1985) that focuses on everyday matters and ordinary forms of resistance that sometimes constitute forms of counterpublics and where the oppression and resistance take place simultaneously (Fraser, 1990; Majewska, 2021). Research shows that, while practising solidarity, there is a possibility of reproducing or subverting nationalist/assimilationist projects and various inequalities (Çağatay et al., 2022; Pedwell, 2012). In the context of migration, solidarity practices have their own characteristics, related to a politics of place and local asymmetries of power that shape migrants’ struggles in the urban context. To understand these complex intersections, the question of spatiality and its relations to belonging and struggles is important to unpack. I am inspired by feminist thinkers who have called for attention to be paid to the politics of location as a form of situated dwelling (Lorde, 1984; Rich, 1985; Haraway, 1988; Collins, 1998). Through the text, I will highlight the relational role of space, which can go beyond geographical boundaries and can be reshaped in the digital realms. As such, a space is open and unbounded (Massey, 1994, 2005) and forms a complex assemblage of local, transnational, online and offline interactions.

<sup>3</sup>I am inspired by the critical race and whiteness studies and explore the experiences of migrants from Poland: how they are seen, read and positioned by the norms of Norwegian whiteness. Whiteness is a relational category, which means that in different locations bodies can move in and out of it during the process of racialisation. I understand racialisation as a process of differentiation of various social groups by essentialising, and sometimes biologising, them, which re-enacts and stabilises the boundaries and hierarchies in the world. See the discussions in the Scandinavian context: Guðjónsdóttir, 2014; Leinonen & Toivanen, 2014; Loftsdóttir & Jensen, 2012; Runfors, 2021; van Riemsdijk, 2010.

I am interested in the processes of inclusion and exclusion caused by solidarity practices and their role in the feelings of (un)belonging. I approach belonging 'from below' and focus on everyday social interactions and agencies across racialised, gendered experiences of Polish migrants. Following Nira Yuval-Davis, I analyse belonging as a multilayered and multiscalar process. She highlights the importance of studying relationships between positioning, identities and political values as central to studies of belonging (Yuval-Davis, 2006, 2011). I find it interesting to combine a dynamic, multilayered and intersectional approach to belonging with temporality and space. Attention to temporality, understood as a lived and subjective experience of time that is socially experienced and dynamic (Bryant & Knight, 2019; Hoy, 2009), illuminates different power relations, processes of othering as well as various forms of resistance (see Amrith, 2017, 2021; Cwerner, 2001; Çağlar, 2016; Jacobsen et al., 2021; Lilja et al., 2019; Knight, 2012; Sutherland, 2019). Saulo Cwerner in his pioneering analysis 'The Times of Migration' argued that 'the focus on the temporal experience of migrants can illuminate the nature of migration itself, its twists and turns, meanings and ambivalence, and the way that, in a diversity of ways, it displaces, and re-embeds people and communities around the world' (2001: 32). I bring in the perspective of temporality<sup>4</sup> to understand characteristics of solidarity mobilisations and explore moments in which women rescaled their views, emotions and practices of belonging in Trondheim.

## METHODS AND POSITIONALITY

This chapter is informed by my own activist experiences and has inspired questions I ask in academia. Such a combination of academic work and political involvement has been called 'activist research' or 'engaged research' (Hale, 2008). I am both an anthropologist doing research about informal networking spaces of migrants in Norway (Kochaniewicz, 2021) and an activist who has been engaged in the women's movement in Poland for many years. I am also a migrant woman from Poland living in Norway for the last five years. Besides academia, I have worked as a cleaner,

<sup>4</sup>Time and temporality have recently been receiving more attention in migration studies, reflecting a so-called 'temporal turn' where researchers engage with temporal dimensions of migration (Baas & Yeoh, 2019; Cwerner, 2001; King et al., 2006; Robertson, 2015; Collins & Shubin, 2015; Griffiths, 2014; van Houte, 2019).

dishwasher and waitress in the hospitality industry. The radicalising political climate in Poland was one of many push factors, but an important one, to leave there. When the strikes exploded in Poland, I joined the mobilisation in Trondheim and engaged in many organisational activities. I participated in the collective writing of a manifesto that we read out during the strike and took part in creating a playlist for the demonstration. Together with a friend, I published a short article about the strike, in the Norwegian newspaper *Klassekampen*. This chapter is situated in the moments of the mobilisation. Affects that were evoked in my own activist actions become sources of useful data (for the role of emotions in the research process, see Blee, 1998; Ellis et al., 2011). As such, the study is an autoethnography, as I follow the development of my imagination forged in collective moments.

The chapter is a record of conversations, events, discussions in the meetings and the process of planning the strike. In addition, I conducted in-depth interviews with thirteen women and two men who were actively engaged in the events.<sup>5</sup> The majority of them live in Trondheim, come from different social and cultural backgrounds and work in various sectors such as construction, sales, hospitality, academia and healthcare. Although there were many allies taking part in the solidarity strikes, who are acknowledged in this chapter, I decided to focus on women and LGBTQ+ persons: in the male-dominated political arena, I considered that they were crucial in shaping feminist counterpublics.

### ‘RESONANT BODY’: SITUATING THE STRIKE

The all-pervasive presence of digital technology facilitates the rise in transnational solidarities in many parts of the world (Chamberlain, 2017; Fotopoulou, 2016; Tufekci, 2017). It is necessary to emphasise the connections between different solidarities and struggles, their pluralities and how they create spaces of resistance beyond different scales, from local to regional and global (Çağatay et al., 2022; Chamberlain, 2017; Majewska, 2021). Solidarity has served as a spark for recent transnational movements like Women’s March, the International Women’s Strike, SlutWalk and Black Lives Matter to mention just a few. For instance, the International

<sup>5</sup>My research follows the regulations and requirements for data protection by the Norwegian Centre for Research Data (NSD). Regarding issues of anonymity and confidentiality, all names and backgrounds of my research participants have been anonymised.

Women's Strike originated from October 2016's 'Black Monday', which was a nationwide women's strike against the ultraconservative right-wing Polish government's consideration of criminalising abortion in Poland,<sup>6</sup> and from expansion of the protests led by Ni Una Menos ('Not One Woman Less') against femicide in Argentina, Mexico, Chile, Brazil, Uruguay, El Salvador and many other countries (Gago, 2020; Littler & Rottenberg, 2020: 871).<sup>7</sup> The speed of communication through the Internet made it possible to be aware of global issues very quickly and enabled new forms of collective feelings and modes of acting (such as online groups, petitions, new archival practices, fundraising forums)—what is now often called the 'fourth wave' of feminism (Chamberlain, 2017; Retallack et al., 2016; Rivers, 2017). Verónica Gago, a professor of sociology and feminist activist, who writes about Ni Una Menos strikes and contemporary feminism in Argentina, compared these connections to the 'experience of vibrating sound that formed what psychoanalyst Suely Rolnik has called a massive "resonant body"' (Gago, 2020: 22). Strikes with their resonance opened up new possibilities and connections. The expansion of these forms of feminist solidarity was a reaction to the wider interrelated contexts which are authoritarian forms of neo-nationalism, defined by misogyny, with attacks on equal rights, the LGBTQA+ community and women's reproductive justice, aggressive forms of patriarchy and continuing effects of neoliberalism and its augmented inequalities, racisms and gender regimes (Brown, 2019; Gago, 2020; Ghigi & Rottenberg, 2019; Graff & Korolczuk, 2022; Korolczuk et al., 2019; Król & Pustułka, 2018; Littler & Rottenberg, 2020; Majewska, 2021). As such, these surges were organised not around essentialist identities, but around issues. Although those include general elements, they define some pivotal commonalities that countries like Poland, Norway, the United

<sup>6</sup>Protests were in reaction to the 'Stop Abortion' Legislative Initiative Committee, which in the draft amendment called for a complete ban on abortion under all circumstances and its criminalisation (Król & Pustułka, 2018; Nawojski, 2019). Poland already had one of the strictest abortion laws in Europe, and access to abortions was severely limited: only in the case of rape, threat to a woman's life or serious malformation of the foetus. Protests in 2016 led to political success and parliament finally stopped the proceedings on the abortion ban (Dynda, 2021; Graff & Korolczuk, 2022; Korolczuk et al., 2019).

<sup>7</sup>For example, the webpage of the UK branch of Women's Strike states: 'From Argentina to Poland, from Ireland to Kurdistan, women are making connections, building alliances and taking action against our current conditions of womanhood.' Retrieved May 5, 2022, from <https://womenstrike.org.uk/about>

States, Argentina, Ireland and many others recently experienced (Gago, 2020; Graff & Korolczuk, 2022; Majewska, 2021).

The protests of autumn 2020 in Poland and abroad cannot be described separately from the history of the 2016 All-Poland Women's Strike, a feminist independent social movement, which was called Black Protests.<sup>8</sup> The Black Protests had produced a structure for further actions and feminist political consciousness and had reshaped the public debate in Poland. This had been combined with mass mobilisation against the ruling by the national-conservative Law and Justice party. The informal movement and networks had been created, gathering women often never politically engaged before (Dynda, 2021; Graff, 2020; Korolczuk, 2020; Ramme & Snochowska-Gonzalez, 2019). Many of the women who organised the solidarity strike in Trondheim mentioned their experience of the political and collective transformation from the Black Protests. For some of them, that had been the moment when they decided to migrate to Norway. Some were supporting Black Protests from Norway either by travelling to demonstrations in Poland or by supporting the movement from a distance.

The 2020 mobilisation was connected not only to the defence of reproductive justice but to queer solidarity as well. The latter was a reaction to a court's decision to detain Margo, an activist from the queer collective Stop Bzdurom ('Enough of This Nonsense') earlier that year,<sup>9</sup> when a wave of protests had led to dozens of brutal detentions by the police in Warsaw. Protests in the streets of various Polish cities and locations abroad, including Trondheim and Oslo, opposed a prolonged anti-LGBTQI+

<sup>8</sup>In opposition to that law proposal, more than 150,000 people took part in the Polish Women's Strike in 140 cities, towns and villages in Poland and abroad (Korolczuk et al., 2019).

<sup>9</sup>Margo was sentenced to two months in police custody for damaging a truck belonging to the conservative NGO The Right to Live Foundation, which was driving around the city broadcasting homophobic and anti-LGBT messages through loudspeakers, displaying posters and broadcasting slogans that associate homosexuality with paedophilia. Another charge was related to draping rainbow flags on Warsaw monuments.

campaign by politicians from the Law and Justice party,<sup>10,11</sup> the Catholic Church and some media personalities. Norwegian queer activists organised a solidarity protest in front of the Polish consulate in Trondheim in August 2020. This sudden connection between the Norwegian and Polish queer activists, feminists and their allies resulted in two public events during Trondheim Pride: a panel discussion entitled 'Queer and Polish' and the invitation to Margo and Lou from the collective Stop Bzdurom to be keynote speakers opening Trondheim Pride.

Hence, both the 2016 Black Protests and the queer solidarity mobilisations of summer 2020 were important as to how the 2020 strike would unfold. When, on October 22, 2020, the Polish Constitutional Tribunal declared abortions of malformed fetuses to be unconstitutional, people took to the streets across Poland, in more than 400 cities, towns and villages, forming the biggest wave of political dissent since the solidarity movement that brought an end to communism in the 1990s (Dynda, 2021; Graff & Korolczuk, 2022; Korolczuk, 2021; Kwiatkowska, 2021). It was a response to the backlash against gender equality, sexual rights and LGBTQI+ communities related to the rise of populist, far-right, nationalist and xenophobic ideologies in Poland in recent years (Graff & Korolczuk, 2022). To protest against this, countless crowds of mostly young women blocked the streets in 'spontaneous strolls'—walking, cycling or slowly driving their cars around, honking, playing drums, making as much noise as they could. Also in protest, thousands of women didn't go to work. Women in Poland were no longer just saying 'enough is enough' or 'shame on you' or asking for their fundamental rights.<sup>12</sup> The main slogan of the strike this time was '*wypierdalać*' ('fuck off')—an act of resistance and

<sup>10</sup>In 2020 and 2021, Poland was ranked as [the worst country in the EU for LGBT people](#) in the *Rainbow Europe* index produced annually by ILGA-Europe, a Brussels-based NGO that advocates for LGBT rights. Retrieved May 5, 2022, from <https://www.ilga-europe.org/rainbow-europe>; see also Poland Anti-LGBTI Hate Timeline by ILGA-Europe. Retrieved May 5, 2022, from <https://ilga-europe.org/sites/default/files/Poland-Anti-LGBT-Timeline.pdf?fbclid=IwAR3Kz64Ag0Kxx3LPZCtaGtiOr3N4-2ocpMW7FIWkSW7yXShF7UgF9HOQ6M>

<sup>11</sup>Poland's current populist leader, Andrzej Duda, came to power on a platform decrying an 'LGBT ideology' that he alleged was spreading throughout the country at the expense of traditional family values and, thereby, to society at large. Such discourse has led to an adaptation of anti-LGBT resolutions and family charters by numerous local governments in Poland.

<sup>12</sup>These were the most common slogans in the October 2016 demonstrations when women in Poland went on strike against the criminalisation of abortion (Graff & Korolczuk, 2022; Iwasiów, 2021).

delegitimisation of the power of the state in its present shape (Chaciński, 2021; Czaplinski, 2021; Korolczuk, 2021; Majewska, 2021).<sup>13,14</sup> The social and political conditions which limited different groups in society produced the affective dissonance that changed the way they perceive reality, stirred the affects of anger and disbelief in current government and mobilised masses of women and their allies. These revolutionary events and atmosphere opened up a temporality of the here and now among women from Poland living in Trondheim. But the ‘here and now’ began in a different way there. The local encounters brought different diagnoses and asked different questions. In the next section, I will situate the strike in Trondheim.

### AFFECTIVE DISSONANCE FROM AFAR

Polish women in Trondheim and their everyday lives were affected by the contemporary politics of the Law and Justice party, although in a different way from in Poland. Most of the women had been raised and socialised in Poland; they were all politically engaged, albeit in different ways, and aware of the patriarchal gender order, continuous dominance of the Catholic Church and the new restrictive abortion legislation. They worried about their sisters, mothers and friends in Poland, who would not have access to safe abortion. Some of them had been engaged in the 2016 protests in Poland and felt desperation when the Constitutional Tribunal decision was announced. The first comment on Trondheim’s solidarity group’s Facebook page was ‘to coordinate our dissatisfaction’, which reflected the emotional climate of the time. In our conversations, women mentioned feeling restless, sad, ashamed, angry and hopeless. They could not focus on their work and were addictively following, through social media, what was happening on the streets of Poland. Katrina, who

<sup>13</sup>Women’s protests in Poland influenced the views on abortion held by the Polish population at large: in 2016, only 37% of respondents were of the opinion that the current law should be liberalised, but in 2019 over 50% of respondents declared that abortion should be available ‘on demand’. Hence, the population’s outrage at the government for not respecting their views was huge (Majewska, 2021).

<sup>14</sup>Vulgar and negative slogans were also a reaction to the widespread use by politicians from the Law and Justice party of contemptuous, exclusionary and hateful language against various social groups (‘rainbow plague’, ‘LGBT-free zone’, ‘Migrants carrying disease’), including their parliamentary opposition (‘murderers’, ‘criminals’, ‘sewers’, ‘rabble’) (Chaciński, 2021; Kwiatkowska, 2021).

identifies as a queer person, is a PhD student at the university in Trondheim. She had migrated from Poland in 2019 because of the government's xenophobic and homophobic ideologies. She described the first days of the women protests, while being stuck in Trondheim, as follows:

When I saw the decision of the Tribunal, I was crying for the first few days: all the protests I went to in Warsaw were all for nothing—again they [the government] do what they want. [...] Then I followed the situation online in different cities and these images of the streets and thousands of women ... so radical, so playful and brave, entering the churches. I wanted to be there, let the police gas me! [...] you know, it is also terribly inconvenient to have so many negative thoughts and associations about your roots. It is probably not psychologically healthy that you have such a great sense of detachment from something that should give you strength in your identity, not just a constant feeling of shame. The strikes gave me hope and diminished a bit the feeling of internal migration from the time when I lived in Poland; it was a dream about a better Poland. I wrote to my friend, 'Let's do something!' I wanted to experience it here in Trondheim with other people who understand this context.

Katrina mentioned frustration about the government's decision and hopelessness related to her past activism in Poland. In her case the negative thoughts were a form of critique but also made her feel uncomfortable while living in Norway (Chamberlain, 2017). The negative affects were counterbalanced by the positive ones that were associated with hope, change and belief in other politics in Poland. The virtual presence, through digital platforms, allowed her and many of the women to follow the strikes in Poland not in space but in time. This temporal copresence (Gray, 2016; Pink et al., 2015) was important in producing affects and readiness to act.<sup>15</sup> It built a strong collective feeling of injustice and, in turn, into a desire to change the situation. The engagement in the strikes from afar created the affective relationship for Katrina and led her to participate directly on the streets of Trondheim and to be part of the organisation's assemblies.

The political events in Poland were also discussed during random meetings in the grocery shops, 'over the garden wall' with neighbours and in

<sup>15</sup> There is a body of literature where researchers who participated in-person and online in the various protests discuss what bodily presence and absence means in the fieldwork (see, for example, Gray, 2016; Kilic, 2021; Tufekci, 2017).



other spaces. Natalia, a single mother, works in a beauty salon in Trondheim. She came to Trondheim five years ago and participated in the strike there. She uses her working space to share information about women's protests and politics in Poland with her clients. With the anti-abortion ruling, she was greatly worried about her sister and daughter:

I have two sisters in Poland and they both have children. I talked to my younger sister: she has three children, and she gave birth to all of them by caesarean. She says that she would like to have a fourth, but there is a high risk that she may not carry a child or of a complicated pregnancy, and because of that she is afraid of getting pregnant in Poland, because she doesn't know how it could end ... So sad.

When talking about her future plans, Natalia also mentioned how it affected her decisions:

For sure I will stay here until my daughter finishes school or goes to university. I feel good here and I think in this respect that it is a good place to raise a woman, a girl, a human with a uterus *{laughter}*. Here she will be safer.

Natalia pointed out how violent politics in Poland directly affected the reproduction decision made by her sister. She empathised with her, and the whole situation made her sorrowful. She was also afraid that attempts to subordinate women in Poland could affect her daughter and her future if they wanted to return. Her case shows that the 'shifting temporal horizons' (Cwerner, 2001), which unfold during migration journeys, are gendered and can change the relation to future decisions and affect 'imagined return' (Bivand Erdal, 2017). Plans might be remade over time as a result of changing political-economic conditions (in the country of origin and/or in the current place of living) as well as through emotional experiences and relational encounters (Amrith, 2020, 2021).

The feelings of discomfort with politics in Poland were also simmering in the everyday, ordinary life of women in Trondheim. Kasia identifies as a lesbian and works in a restaurant. She had moved to Norway with her parents when she was a teenager. Prior to the solidarity strikes, she had avoided other migrants from Poland in Trondheim. During an interview in her apartment, she said:

I feel very pissed off when I read the news about the situation in Poland. I feel a breakdown, maybe even some form of depression [...]. When I am with my girlfriend in a shop and we hear someone talking Polish, we go silent. It's because of our experience both in Poland and here [Trondheim]. Somehow, we don't want to talk with Poles, especially now, when we know what is happening politically in Poland. I prefer not to risk it.

Kasia talked about her strategies of controlling herself as a Pole, which reflected how politics of gender and anti-LGBTQI+ discourse in Poland can affect life in Norway. Her case shows how the embodied struggles of multiple non-dominant positionalities—as lesbian, cis-woman, migrant from Poland—are experienced in everyday life and networking practices. At times when anti-gender politics characterise government and a part of Polish society, Kasia resisted talking in Polish, fearing to meet with potential hostility. She navigated dynamics of invisibility/visibility and silence/speech in her workplace, social media and everyday encounters. Such ordinary affects are ‘public feelings that begin and end in broad circulation, but they’re also the stuff that seemingly intimate lives are made of’ (Stewart, 2007: 2) and highlight the relations between public and personal.

In this section, I have explored what it meant to resonate with the strikes in Poland as a migrant woman from Poland, being stuck by pandemic restrictions in Trondheim. Women’s experiences of temporalities during the strikes in Poland instigated a complex assemblage of past, present and future ambitions, shame, anger, hopes, failures, and political anticipation (Knight, 2012). Hemmings sees the role of affects and affective dissonance ‘as necessary for a sustainable feminist politics of transformation, but that does not root these in identity or other group characteristics. Instead, affective solidarity is proposed as a way of focusing on modes of engagement that start from the affective dissonance that feminist politics *necessarily begins from*’ (Hemmings, 2012: 148). The negative affects felt by migrant women illuminated different aspects of their intersecting positionalities: as women, mothers, sisters, activists, members of LGBTQI+ communities. The basis for the surge in solidarity went beyond such naturalised forms of belonging as ethnicity or nationality and revealed gendered and sexual lives and liveabilities (Bhambra, 2014; Çağatay et al., 2022). This highlighted the importance of examining the basis for solidarities, as emphasised by feminist researchers Selin Çağatay et al. ‘to go beyond the particularities of individual actors or groups, and explore solidarities across differences situated within contexts of national

assimilationist projects and demarcations of borders infused by ideas of homogeneity/sameness' (2022: 65). In the next section, I will explore the tensions within the different forms of belonging related to the specific situatedness of women migrants from Poland.

## DECONSTRUCTING CONDITIONS OF TEMPORAL (UN)BELONGING

I will turn now to practices of solidarity and what they revealed about the seams of temporality in the context of (un)belonging and local power asymmetries. What types of new questions were addressed when the strike 'travelled' to Norway?

During the solidarity strike, women shared feelings of connection, affection and desire for transformation, together with frustration, anger and disappointment. For many of them, the strike had a therapeutic function of acting out emotions. Women were meeting online, but also in their homes, creating new relationships and networks. In the time of the pandemic, isolation and political crisis, the strike brought a recognition of the importance of being together physically. It produced temporal proximity between participants who together were involved in the concrete action and shared common affects. They often mentioned surprise that there were so many diverse Poles living in Trondheim in terms of age, profession, class, sexuality and political affiliation. Prior to the strike, many of them had avoided other Poles, because of the assumptions of their 'imagined conservative political affiliation'. Another aspect was the experience of online hostility or hate speech in social media networking groups run by and for the Polish community in Trondheim.<sup>16</sup> For instance, when organisers of the Pride event during the 'Queer and Polish' discussion shared the link to the event with those groups, they received homophobic comments and death threats, which they reported to the police.<sup>17</sup> Olga, who moved to Trondheim with her son in 2007, is very active on social media, also in groups dedicated to the Polish community. She works at a

<sup>16</sup>Such web-based communities, based on maintenance of transnational ties, are often used by migrants for different forms of local inclusion and to facilitate local networking and support (Plöger & Becker, 2015).

<sup>17</sup>The Internet's anonymity, in the form of fake accounts and fake names, allows trolling with a certain amount of impunity. The police did not push the case forward on any charges.

press agency in Trondheim. When we talked about why Poles in Trondheim avoided each other, she said that it is about how social media works:

If you look at all these groups on Facebook, you think 'What is this?' These hate comments, probably all [from] anti-vaxxers who do nothing else, just sit in these groups and write their comments. And these nice people don't seem to have any reason to speak up, or they think it doesn't make sense, but there are more of them here [in Trondheim]. Only they are just quiet, which I feel a little sorry for, because we create a bad impression on the Internet when others keep quiet. That's why I enter these discussions: also to show the quiet ones that, 'Hello, you are not alone with it, you are not crazy; it is not what you think'. It's not like everyone votes for Law and Justice and warms up a pew in church.

Such experiences on digital platforms often created a distorted and homogeneous image of the Polish community in Trondheim. Some people imagined the Polish community as conservative, right-wing, homophobic and xenophobic as well as sympathetic to various conspiracy theories. Olga's comment also illuminated that such transnational digital platforms are important sites of shaping stability, affects and (un)belonging and can disrupt or obscure practices of engaging with the local community (Boyd, 2010; Cover, 2022: 7; Pink et al., 2015). At the same time, it also reflected the political climate of polarised Polish society: distrust and strong mutual antipathy between those holding competing political views.<sup>18</sup> The ambiguity evinced by members of the Polish community towards each other shows how experiences of national belonging are complex and can be in contradiction with an individual's own sense of identity and their lived reality, producing affective dissonance. It also shines the light on social media spaces and the Internet in general, not only as facilitating and engaging with feminist movements, but as spaces of the trolling culture, speaking to the idea of simultaneous backlash (Chamberlain, 2017; Penny, 2013). It creates a complex assemblage of affinity, togetherness and positive affects, together with dissonance and conflict, which produces possibilities and obstacles for solidarities across positionalities and belongings (Çağatay et al., 2022).

Participation in the strikes was a way to encounter members of the Polish community in another context. One of the results of the solidarity mobilisation that appeared in conversations with women was a

<sup>18</sup> See, for instance, Graff & Korolczuk, 2022; Kósa et al., 2021.

destabilisation of the homogeneous understanding of the Polish community in their own eyes. Thanks to the assemblies and new networks, it became clear that the situation of Poles living in Trondheim is much more complex than the stereotypical image fed by social media and informal talks, but also, which I will discuss now, by narratives within Norwegian society.

The strike, through its visibility, was a tool for protesters to bring to the attention of Norwegian media, organisations, institutions, politicians and individuals the violent politics occurring in Poland. Women in Trondheim hoped that, by advertising the situation across the online and offline spaces, they would influence a reaction from Norwegian politicians. Marta came to Trondheim three years ago for economic reasons, but also because she began to suffocate in the political climate in Poland. She works as a manager in a shop. At first, she idealised Norwegian society, because she felt more equal and comfortable as a woman there. Over time, though, she realised she does not like the way people often approach her in Norway because of her nationality. In a conversation at my home, she relates this to the solidarity protests:

I saw an educational function to it, which is to let the Norwegians and other nations find out what is going on. In front of the Norwegians, it gave me such a sense of strength that they could see us not only as a crowd of people like Poles are always presented in the media, as digging ditches somewhere. The Norwegians could see us not only as Poles who go to church and shine their shoes, but also how we want to express our opposition to something we disagree with that is a violation of human rights. There were people who have something to say and also remodel such a narrative about who the Poles in Norway are. I was feeling less ashamed of being from Poland, because I could talk about the resistance which I became part of.

Here Marta emphasised one result of the strike and organisational assemblies, which is opening up a discussion of working and living conditions in Norway and how these affect migrants. The mobilisation has evoked the wider issue of (mis)representation and (mis)recognition of migrants from Poland in Norway. Women complained about how they are portrayed in media either as ‘workers’ or as the ones cheating the Norwegian welfare system.<sup>19</sup> They mentioned stories in which Norwegians were surprised

<sup>19</sup>The construction of Poles as particularly hard-working, and the superior ‘work ethic’ of Polish labour (mainly male) migrants, was widely discussed in the Norwegian public debate, creating a division between ‘Polish jobs’ and ‘Norwegian jobs’ (Friberg, 2012: 1919).

when they learnt that Polish women worked in other jobs than cleaning or nursing. As Gago points out, the 'feminist movement is not something external to the question of class and working-class politics [...]. Nor can it be separated from the question of race' (Gago, 2020: 206). Women diagnosed different forms of exploitation in their workplaces too.<sup>20</sup> They also criticised the fact that issues of their desires, plans, interests, achievements and political engagement are rarely discussed in the Norwegian media. The wish to be seen as a diverse, politically engaged and valuable community, as expressed by Marta, could be analysed using sociologist Beverley Skeggs's concept of respectability (Skeggs, 1997). Respectability for Skeggs is a mechanism by which some groups are othered and pathologised and is felt important by groups who feel that they lack it (Skeggs, 1997). She points out: 'Respectability contains judgements of class, race, gender and sexuality and different groups have differential access to the mechanisms for generating, resisting, and displaying respectability' (Skeggs, 1997: 2). Although Skeggs was referring to the white working-class women in Northwest England, the concept can be useful to understand experiences of migrants from Poland as they struggle to find validation and capital in the hegemonic Norwegian society.<sup>21</sup> Being respectable is in their case a recognition of their political engagement and struggle in relation to their homeland and destabilisation of homogeneous, often discriminatory, views of the Polish community. In the context of the strike, it was about representation of Poles with a whole spectrum of interests, class backgrounds, sexualities and political affiliations. The desire for respectability was expressed in Marta's words when she distanced herself from the negative narratives of working-class Poles as 'digging ditches' but who instead 'shine their shoes', and their supposedly inferior position in the society. She defines the strike through what it is not

<sup>20</sup>The stories reflected what researchers had already identified: that migrants from Poland are a group vulnerable to precarisation in Norway. There is research on precarity and discrimination experiences of Polish nurses in their workplaces (van Riemsdijk, 2008; Goździak & Main, 2021), and experiences of women with diverse social capital being overrepresented in the cleaning sector, health service and children's day care centres (Erdal, 2014; Main & Czerniejewska, 2017). According to the study about the labour market, career options for Poles continue to be limited, with Poles, but also other migrants, who work in less attractive positions than Norwegians do, experiencing de-skilling (Iglicka et al., 2016).

<sup>21</sup>See Ewa Sapieżyńska's *Jeg er ikke polakken din* ('I am not your Pole') (2022) about experiences of racism but also the complexities of belonging for Poles living in Norway.

representing, as a form of (dis)identification (Skeggs, 1997: 75–79). A struggle for respectability was also seen in the preparation for the strike, when women discussed in chat online if it were appropriate to use the popular slogan of the strike, ‘fuck off’, publicly. They were worried about the ‘reputation’ of migrants from Poland in Norway, which in their opinion was already not good. This concern is related to the role imposed on them as women (‘you should not use vulgar language’) but also as migrants, guests and bodies out of place (Ahmed, 2004).

The possibilities for performing and generating respectability in the local context appeared to be limited. The only article in *Adresseavisen* published after the first strike, under the title ‘Here they demonstrate without permission in the square’, focused mainly on the lack of permission from the police for the public gathering and on migrants from Poland not knowing the legal system. The author dismissed the importance of the political movement that was unprecedented and meaningful for migrants from Poland, the biggest minority in Trondheim and Norway in general (SSB, 2022). This reflected the tendency in the Norwegian public debate to obscure the political values and complex position of migrants from Poland. It focuses mostly on the issues of migrant labour, precarious work, temporary contracts and social subsidies (Czmur, 2014; Friberg, 2012; Iglicka et al., 2016; Obojska, 2018; Slåke, 2018). Here, it is important to differentiate between ‘belonging’ and the ‘politics of belonging’ (Yuval-Davis, 2006, 2011). According to Nira Yuval-Davis, who introduced that distinction, belonging is rather about subjective and emotional attachment. Then, the politics of belonging is understood as ‘specific political projects aimed at constructing belonging in particular ways to particular collectives that are, at the same time, themselves being constructed by these projects in very particular ways’ (2006: 197). The politics of belonging within Norwegian society, and lack of recognition of the diversity of experiences of migrants from Poland, shaped migrants’ affective dissonance and feelings of discomfort. As an answer to the misrecognition of the importance of the strikes by the local newspaper, women took the initiative and produced the content about the next strike themselves. They informed all local media about the strike, wrote opinion pieces to the local newspapers, talked on local radio and invited feminist organisations and political parties to participate. As a result, they created new spaces and expanded spaces occupied by their bodies, producing new alliances in Trondheim.

## TEMPORAL ALLIANCES

The political temporalities that the strike produced were filled with unpredictable events, conversations and unprecedented encounters. It was a ground for unusual alliances and forging new collectivities (Cvetkovich, 2003; Gago, 2020). Events like 'Queer and Polish' during Trondheim Pride and Women Solidarity strikes were sites of solidarity practices where connections were made. One of the results of such temporal alliances, this time between the organisers of Trondheim Pride and a few members of the Polish community, was a speech by activists Margot and Łania from the collective Stop Bzdurom ('Enough of This Nonsense') from Poland as keynote speakers, opening Trondheim Pride. The video with their message to the Trondheim LGBTQI+ community about 'witch-hunting of queer people in Poland' was circulated on digital platforms and read out by Pride organisers through megaphones at some train stations around Trondheim.<sup>22</sup> At the end of their speech, Margot and Łania provocatively asked the queer community in Norway: 'Do you even have any anarchist queers, or are you just playing it so safe that you don't radicalise? [...]'. This performance gave a possibility to talk about multiple temporalities (Griffiths et al., 2013), and to emphasise the struggles of the LGBTQI+ movement in Poland, while at the same time challenging different positionalities within the queer community in Norway.<sup>23</sup> Then, in the 'Queer and Polish' discussion during Pride, three speakers shared stories about different experiences of being a queer person from Poland living in Norway and how it influenced their migration decisions, everyday life practices and their relations with families and friends. The participants in 'Queer and Polish' highlighted in our conversations that, after the event, their Norwegian friends were more interested in their experiences and politics in Poland. It turned out to be important for them because they felt that LGBTQI+ persons from Norway do not empathise with their struggles. Ketil, one of the Norwegian organisers of Trondheim Pride and solidarity with Polish queers' events, said:

<sup>22</sup> Because of pandemic restrictions, Margot and Łania were unable to come to Trondheim and recorded a video message instead.

<sup>23</sup> The Pride organisers had to monitor their social media account and for a few days delete the many hateful, anti-LGBTQ comments the video received.



The topic of the Pride was International Solidarity, which was very much ‘inspired’ by the LGBTQ-free zones in Poland,<sup>24</sup> and this time there was much news about Poland and Hungary in the sense that ‘our Norwegian’ values are being threatened very close to our country.<sup>25</sup> We wanted to connect this to Norway and bring up issues of antiracism. We wanted to show to Polish people in Norway that someone notices, someone cares about their situation. [...] I think that migrants from Poland are so invisible in Norwegian society, and that’s very much connected to how a large part of that group comes from labour immigration and the working class. For me it was important to make Norwegians more aware, because we don’t recognise that Polish migrants are part of the cultural map and work landscape in Norway. We need to hear experiences of people who are part of our society, let it be queer stories or abortion struggles.

Ketil expressed what has already been highlighted by women in the meetings: that the diversity of stories and backgrounds of migrants from Poland is invisible. Involving Polish queer migrants in the Pride debates, and inviting the current political collective that embodied resistance towards anti-LGBTQI+ politics in Poland, expanded the debate to what was happening in Poland. The organisers, under the banner of ‘International Solidarity’, recognised the importance of their neighbours’ struggles and the politics by which some members of the biggest migrant minority are affected. The solidarity events made visible the intersections between contemporary capitalism’s forms of exploitation of migrants, involving the class dimension and violence against women and the LGBTQI+ community (Gago, 2020). The practice of alliance, as understood by Ketil, was to challenge the mono-dimensional, flat portrayals of migrants from Poland, reduced to the issue of labour, as well as pointing to conflicts that structure Norwegian society. Solidarity events worked as an invitation to reinvestigate what working-class bodies in Norway are today and to produce connections between different experiences.

Other important alliances that emerged from the Women Strike were between migrant women from Poland and local political leftist parties and

<sup>24</sup>The anti-LGBT campaign in which the local and regional authorities in some 25% of the regions of Poland have proclaimed themselves to be ‘LGBT-free zones’ under the pretence that ‘LGBT ideology’ is a threat to children and families (Graff & Korolczuk, 2022; Dynda, 2021; Majewska, 2021).

<sup>25</sup>Norway is in various ways presented as a country that is exceptionally progressive with regard to gender equality and LGBTQ rights, a process critically analysed as ‘gender exceptionalism’ (on the production of Scandinavian gender exceptionalism, see Larsen et al., 2021).

feminist organisations. For the second strike, women invited representatives from Rødt, Socialistisk Venstreparti, Arbeidernes ungdomsfylking political parties and two local feminist organisations. Women from these organisations supported the protest by giving speeches and sharing photos and information on their social media about the political situation in Poland. Networks established during the strike created a sense of stability and potential for more collective actions. For women involved in the process, they were also a source of empowerment. Norwegian feminist Mia from the feminist organisation Kvinnefronten ('the Women's Front') mentioned in her speech during the strike that the current antifeminist backlash is but a moment in history preceded by other moments. She recounted that before 1975, when abortion had been illegal in Norway, Norwegian women who could afford to do so had travelled to Poland and England to have an abortion.<sup>26</sup> For her, participating in the strike and meeting women from Poland was an eye-opening experience:

It was important for me to learn about the situation in Poland and to connect with Polish women, to get to know each other. We were, and we are, also struggling for abortion rights in Norway; it is not something that is a given. I see a general tendency to roll back women's access to abortion. When we had a conservative coalition in government a few years ago, they also tried to limit access to abortion again.<sup>27</sup> So, I understand the struggle of Polish women. [...] We want to make our feminist house more multicultural, include other voices, but until now we hadn't done much about it. So now that we know each other, if you want to organise something in our house, you know where to find us, and we've also directly invited a few of the women from the strike to our events. So, it is slowly changing.

Mia mentioned the continuous struggle for abortion rights in Norway, recognising how activism is constantly touched by the past. As such she situates herself, and more broadly non-migrant women in Norway, in the

<sup>26</sup>In Norway, women have the right to abortion on demand within the first twelve weeks of gestation. If they wish to have an abortion after the twelve-week time limit, they must apply to a special medical assessment board—called an *abortnemnd* or *primernemnd* ('abortion board' or 'primary board')—that will determine whether or not to grant them an abortion. Retrieved May 6, 2022, from <https://www.helsenorge.no/en/sex-og-samliv/information-for-anyone-considering-having-an-abortion>

<sup>27</sup>In 2017, the Christian Democrats' part was negotiating to delete paragraph 2c of the Abortion Law, which would mean making an abortion illegal after 12 weeks' gestation, even if the life of the mother or the child is in danger.

same temporality, emphasising that it is not a problem limited to women from Poland. This is a significant way to overcome the migrant/non-migrant binaries in which migration categories have been exceptionalised and often differentiate migrants through a denial of coevalness (Çağlar & Glick Schiller, 2018; Fabian, 1983). This can influence the understanding of when and how solidarity is produced. For Mia, the strike generated space to connect with women from Poland and a potential starting point for further collaboration. In the conversation after the strike, she problematised the situation of the feminist organisation she represented. They lacked a diversity of women's voices and represented mainly the struggles of non-migrant women from Norway. State-sponsored local actors like Kvinnefronten are important support for spontaneous movements such as the Solidarity with Polish Women, because they can represent issues of marginalised communities through their already established political channels. In this sense, they have political power to bring attention to women's rights, migration and racialisation in public debate.<sup>28</sup> The initial idea of inviting feminist organisations and a political party was to receive support in the local landscape thanks to the recognition that those organisations and parties enjoyed. The case of this collaboration, which continued after the strike, showed the importance of the relations of power between feminist activists, but also of the construction of alliances that recognise different positionalities (Gago, 2020; Littler & Rottenberg, 2020). Here, the solidarity emerged 'in the doing', in a dialogic process where 'we' was produced (Çağatay et al., 2022; Dean, 1996; Mohanty, 2003).

There were other examples of local alliances and feminist solidarity with the strike as well—some large scale, and some small. A local printing company supported the women's strike and printed fliers for free. The local socialist party, located in Trondelag municipality, invited women to talk about the anti-abortion ban in Poland at one of their regular monthly meetings. Some months later, the organiser of the project Literature for Inclusion in Trondheim, together with some organisers of the strike, created a cultural event with the translator of books by the Polish Nobel Prize-winning writer Olga Tokarczuk.

In this section, I have aimed to offer examples of multifaceted alliances formed in Trondheim that represent different forms of feminist solidarity.

<sup>28</sup>On the topic of civil society in Norway, see the chapter 'Scandinavian Countries: Civil Society as Extended Arm of State and the Invisibility of Marginalized Actors' in Çağatay et al., 2022.

The alliances grew partially from the initial marginalisation of the Polish community and of its political struggles. The new networks were the fruit of women's and queer people's agency and collaborations which gave them tools for further actions. As a result, some of the categories of inclusion and exclusion were, at least temporarily, reshaped and contested. Togetherness in political organisation brought attention to the importance of acting in common and belonging, which is often hindered by different forms of precarising processes, pushing many into instability that makes it hard to act (Majewska, 2021). It is important to explore how these appearances of alliances dis/continued, and when they opened a window of possibilities and hope. The final section of this chapter will be dedicated to such an exploration.

### 'HOPE IS A MUSCLE THAT ALLOWS US TO CONNECT'

Strike as a process has a power to transform and shape counternarratives. It is important to understand how it can challenge but also reproduce differences situated within the context of the politics of belonging, often blended with ideas of sameness (Çağatay et al., 2022; Gullestad, 2006). Affects and temporality were crucial in the way the (un)belonging took shape in Trondheim. As we now know, the solidarity strikes did not change the anti-abortion ruling that entered into force, the effects of which are painfully experienced by women in Poland. However, the resonance in the local context of Trondheim affected not only women's and LGBTQI+ people's hope but also expectations for the future. It opened a production of political time and shaped new alliances across differences. It was an important collective elaboration of the social conditions in which they live, highlighting the division between the mainstream discourses and the social realities. Through the acts of weak resistance and solidarity mobilisations, women and LGBTQI+ people made visible the connections between gender, migration and economic violence, linking the anti-gender right-wing politics in Poland with the labour exploitation and (mis)recognition of their position as migrants in Norway. Their stories revealed, often missed in literature on migrants' daily lives, migrants' multiple simultaneous forms of relationality and participation in political, economic, social and cultural processes (Çağlar & Glick Schiller, 2018). Solidarity was produced from the affective dissonance, creating a sense of urgency and force, and 'in doing' through the plurality of local alliances. The rise of conservative and nationalist forces worldwide demands further cooperation by 'the

resonant bodies' through sharing experiences and building additional alliances. The mobilisation of women asks for recognition of shared temporal rhythms of displacement, rather than exceptional stories of 'political crisis'. Recently we saw that Poland is not the only case of a European 'backwater' but part of the wider rise of ultraconservative and fascist movements around the world. That is why it is important to learn from heterogeneous forms of resistance and their local situatedness. The production of embodied knowledge, collective hope and anger is an important part of political mobilisations in the search for social change. To borrow from Icelandic musician Björk's song *Atopos* about collective optimism, the politics of transformation needs the muscle of hope that will allow us to connect beyond differences.

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- <https://womenstrike.org.uk/about>
- <https://www.helsenorge.no/en/sex-og-samliv/information-for-anyone-considering-having-an-abortion>
- <https://www.ilga-europe.org/files/uploads/2022/06/Poland-Anti-LGBT-Timeline.pdf?fbclid=IwAR3Kz64Ag0Kxx3LPZCtaGtiOr3N4-2ocpMW7FIWkSW7yXShF7UgF9HOpQ6M>
- <https://www.ilga-europe.org/rainbow-europe>

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## CHAPTER 4

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# Everyday Bordering and the Struggle for Reproductive Justice in Ireland

*Sarah Bodelson*

### INTRODUCTION

On International Safe Abortion Day in 2019, one year and four months had passed since the 8th Amendment of the Irish Constitution was successfully repealed by 66 per cent of voters. The near-total ban on abortion had been removed at last. The March for Choice was organised for the seventh time in Dublin by the grassroots group Abortion Rights Campaign (ARC) with the banner *No one left behind*. With the Health (Regulation of Termination of Pregnancy) Act 2018 in place, the banner confronted the shortcomings of the new legislation regulating access to abortion. The shortcomings include principally its gendered language, the twelve-week limit and a compulsory waiting period. These result in the exclusion of non-binary persons, trans men and everyone who cannot access abortion within these constraints and continue to depend on cross-border travel to access care. This in turn leaves behind persons in the asylum process who depend on state migration agencies to be granted a visa, as well as persons

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subject to intersecting forms of classed, racial and gendered marginalisation and oppression.

In the march I walked in solidarity with the migrant and ethnic minority bloc, which formed a large group of people of colour, queer, migrant and ethnic minority grassroots groups, activists, and allies like myself who called out,

*No borders, no nations—stop deportations!*

*No justice, no peace—no border police!*

*When migrants' rights are under attack—stand up, fight back!*

The grassroots group Migrants and Ethnic-minorities for Reproductive Justice (MERJ) has been organising the bloc since they were formed in 2017. As the march called *No one left behind—no one left behind!* the bloc called out how borders and the threat of deportation produce reproductive injustice. By exploring their demands, I also explore the implications of bordering on realising reproductive justice in Ireland. Drawing on preliminary fieldwork conducted in Dublin and interviews conducted online with activists involved in repealing the 8th, this chapter engages with the implications of borders on access to and organising for reproductive justice. I investigate, first, how borders and bordering re/produce reproductive injustice in Ireland, and, second, the implications of these processes for organising in the final months of campaigning to remove the 8th Amendment, convened by Together for Yes.<sup>1</sup> Both the challenges posed to struggles for reproductive justice in the face of bordering and the organised resistance to these processes deserve a lot more attention than they have as yet been given.

<sup>1</sup> Together for Yes is the name of the temporary 'national civil society campaign to remove the 8th Amendment', convened by Grainne Griffin, founding member and Board member of the largest grassroots group mobilising for abortion rights since 2013 in Ireland, the Abortion Rights Campaign (ARC), Orla O'Connor, Director of the non-governmental organisation the National Women's Council of Ireland (NWC), and Ailbhe Smyth, 'a long time campaigner' and co-founder and Convenor of the 'cross-sectoral platform' the Coalition to Repeal the 8th Amendment (Together for Yes, About Us).

## OUTLINE

Following a presentation of the material, methodology and a note on terminology, the chapter proceeds in three parts. Firstly, I present a theoretical framework on bordering and border-crossing. I then proceed to provide a brief background to the struggle for reproductive rights and historicise the emergence of stricter immigration laws, with a particular focus on the system of Direct Provision in Ireland. In the final part, I discuss the effects of bordering on the possibilities for political participation, and how borders are acknowledged and contested within the movement for reproductive rights and justice in Ireland.

## MATERIAL AND METHODOLOGY

In 2014, I travelled to Dublin to learn from an intergenerational and growing movement to legalise abortion. The death of Savita Halappanavar in a maternity hospital in Galway in 2012,<sup>2</sup> denied life-saving healthcare, sparked outrage and a historical momentum. Learning from this mounting and diversifying struggle, and the reproductive justice framework founded in the US in the 1980s, my attention shifted to how coloniality, precarisation and knowledge economies prescribe who has access to reproductive rights and spaces of resistance (see Bodelsson, 2018).

This chapter is grounded in a transnational feminist methodology, challenging a colonial, racial capitalist and ‘modern’ nation-state world order. In line with feminist postcolonial and Chicana feminist scholars, particularly Chandra Talpade Mohanty (2003) and Gloria Anzaldúa (1987), I understand borders to be colonial, raced and sexed markers of difference, simultaneously spatial and embodied. This informs how I understand the connection between borders, colonialism, gender and sexuality in an Irish context. Upon achieving national independence from Great Britain in 1922 as the Irish Free State, and in the process of recovering a national identity, women’s reproductive bodies and sexuality became important signifiers of difference. The ban on abortion, in place since British

<sup>2</sup>Savita Halappanavar died from septicaemia in 2012, being denied a termination of her pregnancy despite suffering from severe back pain and miscarrying in Week 17 of her pregnancy, because there was still a foetal heartbeat. Her death sparked nationwide and international protests against the 8th Amendment of the Constitution, which effectively removed the ‘right to consent for any procedure during labour and birth where that is deemed to endanger the life of the foetus’ (Parents for Choice 2015, cited in Bodelsson, 2018: 8).

colonisation until 2018, became a marker of Irish national identity. Irishness was to signify purity, chastity, virtue, morality and respectability, in an agreement between church and state (Fischer, 2016; McAuliffe & Kennedy, 2017). To denaturalise borders in the Irish context thus entails highlighting the continuations of these differentiations along gendered, raced and sexed ideas of belonging.

While I did not participate on the ground to repeal the 8th, persons involved in the struggle have generously shared their knowledge, experiences and analysis in conversations and interviews. This chapter draws primarily on preliminary findings from fieldwork in Dublin and a visit to Belfast in September 2019, online interviews during March–June 2020<sup>3</sup> and secondary material documenting a central feature of the Irish state migration regime, the system of Direct Provision. The quoted participants Alice, Thomas, Cara and Inés have been pseudonymised. With this chapter, I hope to enter into dialogue with the participants’ accounts, together with previous and ongoing scholarly and activist writing, jointly producing knowledge around a complex and diverse movement.

#### NOTE ON TERMINOLOGY

Speaking of *the movement for reproductive rights*, I refer to all grassroots groups, organisations and individual activists who share a commitment to reproductive rights in Ireland in their diverse understandings, commitments and collaborative engagements. I thus use ‘reproductive rights’ as an umbrella term to refer to an array of sexual and reproductive health and rights (SRHR), in turn ‘related to multiple human rights, including the right to life, the right to be free from torture, the right to health, the right to privacy, the right to education, and the prohibition of discrimination’ (OHCHR).

*Pro-choice* is used by activists, grassroots groups and NGOs focused on removing legal (and often economic and geographical) obstacles to abortion care, as in the largest grassroots group Abortion Rights Campaign’s (ARC) call for ‘free, safe, legal and local’ abortion in Ireland.

*Reproductive justice* refers to the framework coined by indigenous women, women of colour, and trans women scholars, activists and activist scholars in the US (e.g. Luna, 2009; de Onís, 2015; Silliman et al., 2004;

<sup>3</sup>The interviews took place via video calls in the spring of 2020 as a result of the Covid-19 pandemic.



Davis, 2003; Ross, 2017). Grounded in a human rights framework, reproductive justice addresses prevailing colonial and racial injustices affecting reproductive health, decision-making and liveable lives. The framework has travelled across borders to make sense of locally specific and globally overarching reproductive injustices.<sup>4</sup>

### THEORETICAL FRAMEWORK: BORDERING AND BORDER-CROSSING

We need to change our views of borders and borderings from seeing them as operating on the margins of state and society to considering them major constitutive features of contemporary social, economic, and political dynamics. (Yuval-Davis et al., 2019: 161)

This claim, I find, underscores the importance of following the demands by the migrant and ethnic minority bloc to explore how bordering relates to reproductive injustice. Bordering can be defined as ‘a social practice of spatial differentiation’ (Van Houtom & Van Naerssen, 2002: 126). The concept points to the processual and temporal character through which states and supranational bodies determine ‘not only who is and who is not entitled to enter the country, but also whether those who do would be allowed to stay, work, and acquire civil, political, and social rights’ (Yuval-Davis et al., 2019: 5). Borders in the UK have become increasingly mobile and delocalised to target those deemed not to belong (Yuval-Davis et al., 2019). Over the last two decades, states have extended border controls and policing into an increasing number of spheres of life to limit and monitor persons’ rights to housing, education, employment and (particularly maternal) healthcare (e.g. Coddington, 2020, on UK; Messing et al., 2020; Hiemstra, 2021, on US). Everyday bordering illustrates how borders intrude into the lives of persons who are subjected to intersecting forms of oppression and state migration regimes.<sup>5</sup>

<sup>4</sup>See, for example, scholarly writing wherein reproductive justice has been applied as a theoretical lens on migration policies in the UK (Lonergan, 2012), on activism in Poland (Król & Pustulka, 2018) and Lebanon (Yasmine & Sukkar, 2018), in an edited volume covering multiple transnational perspectives on reproductive justice (Bakhrū, 2019), and how it has been taken up as a framework of political analysis and struggle by MERJ (Floresco et al., 2018).

<sup>5</sup>For example, Kathryn Cassidy (2019) employs the concept alongside ‘everyday carceralities’ to illustrate the intersection of state, racial and gendered discrimination and violence suffered by BAMER (Black, Asian, minority ethnic and refugee) women who become closely monitored by the UK immigration control upon escaping domestic abuse.

Since the turn of the twenty-first century, bordering processes have become a major constitutive feature of Irish society. Ronit Lentin and Elena Moreo (2015: 901) argue that the vulnerability and precariousness of asylum-seekers in Ireland have been exacerbated as a result of the institutionalisation of the threat of deportation. They pinpoint the 2004 change in the citizenship law and the system of Direct Provision, to which I turn later, as the ‘innovations’ through which the Irish state has attempted ‘to overcome the “undeportability” of unwanted migrants’ (ibid.: 896). ‘Deportability’, the threat of deportation, coined by Nicholas De Genova (2002), works through and reconfigures intimate ties, which ‘include but extend beyond those that are recognized by the state’s construct of “family”’ (Luibhéid et al., 2017: 21).

In 2015, the International Protection Act was introduced in response to a rising critique against the fraught system of seeking asylum and Direct Provision in Ireland. Wendy Lyon (audio on *Asylum Archive*, no date) describes the ‘rushed’ process through which the 2015 Act went through the Oireachtas (Irish parliament), and how it heightened the number of asylum-seekers liable to deportability and dismantled the right to family reunification: ‘huge categories of family life has [*sic*] just been destroyed, with no debate’ (ibid.). Moreover, simultaneously with the hailed legalisation of same-sex marriage through a public vote in 2015, the Civil Registration (Amendment) Act 2014 went into effect. The Act worked ‘to make entering into a “sham marriage” more difficult, extending the power to registrars to refuse to perform international marriages if they suspect it was a “sham”’ (King-O’Riain, 2018: 501). As reflected above, bordering not only intrudes into the everyday and intimate spheres of targeted populations along imagined raced, gendered, sexed and legal-political borders but is tied to political projects of belonging. This aims to create a sense of belonging for some through ‘different constructions of identity, belonging, and citizenship’ (Yuval-Davis et al., 2019: 7; see also Luibhéid, 2018).

## PAYING ATTENTION TO BORDERS IN ORDER TO TRANSGRESS THEM

Chandra Talpade Mohanty's (2003: 18) call to 'pay[ing] attention to borders in order to transgress them' is reiterated by Diana Mulinari and Lena Martinsson (2018). Building on and further diversifying the unbounded and contested politics and academic thinking of transnational feminism, their edited book *Dreaming Global Change, Doing Local Feminism* (2018) demonstrates the analytical potential of thinking through borders to acknowledge the border work of colonial legacies and their displacement through border struggles. Martinsson and Mulinari (2018: 5) attend to the emergence of a transnational sphere, simultaneously 'transforming, complex and contradictory', where colonial, imperial, raced and national borders and hierarchies both prevail and are contested. This is important to my understanding of borders as simultaneously embodied, spatial, situated and material, and reproduced and transgressed in feminist political practice.

Mohanty (1984, 2003) has famously challenged the theorising of a global feminism emerging in a 'Western/Global North' feminism (a political rather than a geographical location) in the 1980s, which she argues universalised gendered oppression and struggles. The global feminist scholars' attempts to transcend 'race, class, and national conflicts among women', through the notion of universal sisterhood, work to strip women whose politics of location and history is different of their political agency (Mohanty, 2003: 114). The realities and political struggles are reduced to personal and ahistorical experiences, and 'all conflicts among and within women are flattened' (ibid.). According to Mohanty (2003: 10), a transnational feminism requires 'the building of an ethics of crossing cultural, sexual, national, class, and racial borders'. This ethics requires paying attention to the differences in our 'politics of location', which involves historicising the 'experience of the self [...] before it can be generalised into a collective vision' (Mohanty, 2003: 122). Only then can experience 'become the basis of feminist solidarity and struggle' (ibid.). The critique against transcending difference, and Mohanty's call to develop an ethics of crossing, are of central importance in the ensuing parts of this chapter. I employ Mohanty's concept of border-crossing to elucidate how grassroots groups and activists pay attention to borders and differences in politics of location to build forms of solidarity and collaboration across parallel and intersecting social justice issues.

## REPEALING THE 8TH AND THE STRUGGLE FOR REPRODUCTIVE RIGHTS IN IRELAND

On May 25, 2018, the 8th Amendment of the Constitution was repealed through a public vote. This historical day followed upon years of radical organising for abortion rights and reproductive justice and decades of intergenerational organising within the women's movement. The repeal of the 8th was a victory that can only be attributed to this diversity of feminist, women's and trans rights activists who have been organising vigils, protests, demonstrations and performances, and been talking with families, friends, neighbours and strangers. To understand the complex trajectory of the movement, there is a wealth of writing on the movement's history (e.g. Smyth, 1988, 2005; Fletcher, 2005), on the repeal of the 8th (Calkin et al., 2020; Fitzsimons & Kennedy, 2021) and writings reflecting diverse positionalities and translocal dialogues (e.g. Floresco et al., 2018), and the eventual constitutional process of repealing the 8th (de Londras & Enright, 2018). These constitute but a fraction of the writings that jointly do justice to the movement's genealogy and diversity.

The abortion ban has been in place since British colonisation (the Offences Against the Person Act in 1861) and was constitutionally enshrined through the 8th Amendment in 1983. As Ireland gained independence as the Irish Free State in 1922, abortion discourses were central to the constitution of an Irish national identity (Fletcher, 2005; Smyth, 1998). The repeal of the 8th historically removed an amendment which equalled the foetus' 'right to life' to the life of pregnant persons. However, the new Health (Regulation of Termination of Pregnancy) Act 2018 is widely acknowledged as 'deeply problematic' (Calkin et al., 2020: 5). Legal scholar Fiona de Londras states that 'pregnant people are still not recognised as full constitutional rights bearers' under the Act of 2018 (de Londras, 2020). Following a few months with this legislation, MERJ published a statement highlighting the continuing dependence on cross-border travel, particularly as it restricts access for persons in the asylum process who depend on the UK Home Office to be granted a visa (MERJ, September 2019a). The UK-based NGO Abortion Support Network (ASN) continues to support persons who need to travel from Ireland to access abortion (ASN, 2018).

When the date of the referendum on the 8th Amendment was announced, the movement temporarily reorganised as the national civil society campaign Together for Yes (TfY). After 'intensive negotiations',

the largest abortion rights grassroots group the Abortion Rights Campaign (ARC), the non-governmental organisation the National Women's Council of Ireland (NWCi) and the Coalition to repeal the 8th Amendment agreed to form Tfy (Barron, 2019: 8). While the campaign was successful in organising and canvassing across Ireland, leading to a landslide vote in May 2018 in favour of repealing the abortion ban, aspects of the campaign strategy have been contested. In the interviews, the notion of 'Middle Ireland' is mentioned to refer to 'an imagined Ireland', which the campaign sought to reach. The strategy aimed to speak to the 'undecided' through 'a softer, gentler, reasoned approach' (Griffin et al., 2019: 55). This approach has been critiqued for its disregard of trans persons (see Trans Voices for Repeal, 2018) and non-citizens' rights, as is elaborated upon later. To locate the participants' reflections and other accounts of the campaign, we need to turn briefly to the constitution of an imagined gendered, sexed and raced national identity through Ireland's complex history of colonisation, independence and nation-building.

#### BORDERING AND REPRODUCTIVE INJUSTICE

Throughout Europe's 'modern' history, women's bodies have been subject to hierarchisation along racial and ethnic lines, wherein racialised and minority women have been deemed a threat to the national 'collectivity' (Anthias & Yuval-Davis, 1989). Women and persons marked 'outside' the nation have been discouraged from or forcibly denied making informed decisions regarding their bodies (Yuval-Davis, 1997: 29, 30). In the process of creating the modern nation-state in Europe, eugenics was used to legitimise the 'improvement' of populations. In the 1920s and 1930s, sterilisation, forced adoption and using women as test subjects for contraception were introduced in Europe and North America (see Ross, 2017). Yet, as calls to legalise abortion grew in the women's movement across Europe and in North America in the 1960s and 1970s, the parallel racial and colonial reproductive oppression and resistance of racialised, indigenous and minority women were largely ignored (Vergès, 2020; Davis, 2003).

The history of Ireland as formerly colonised by Great Britain, yet implicated in colonisation, and a country of emigration following independence, has produced a specific relation to race and racism in Ireland, engendering 'the belief that the Irish are incapable of racism' (McVeigh 1992, cited in Lentin, 2006: 202). Eithne Luibhéid (2013) shows how

women's reproduction and sexuality have been at the centre of British colonialism and the shifting dynamics of race and nation-building in Ireland. During British colonisation, Irish women working in low-wage occupations in Great Britain were deemed 'excessively fertile' and accused of causing 'racial degeneration' (Walter 2001, cited in Luibhéid, 2013: 33). Irish women's reproduction was deemed to pose 'a threat to the English way of life' (ibid.) and the 'Irish' were constructed as a 'degenerate race' (McClintock, 1995: 52). Responding to British colonialist logic, following partitioning and independence as the Irish Free State, Irishness was enshrined in the Constitution as settled (excluding Mincéiri<sup>6</sup>), white and Catholic and women's roles as child-bearers and wives (Luibhéid, 2013: 35). In the Irish nation's imaginary, 'immigrant, Black, Jewish, and Traveller women were not generally the women whose childbearing was envisioned as perpetuating the nation' (ibid.). Whereas the abortion ban was safeguarded as contrary to 'Irish womanhood' in post-independence nation-building, Irish Traveller (also referred to as Mincéiri) women's reproduction was constructed as excessive and deemed an internal national 'threat' (ibid.). Women facing pregnancies outside marriage or homosexual men and women resorted to emigration to avoid criminalisation and intervention such as the Magdalene laundries, further reinforcing 'the modern Irish [heteronormative] sexual order' (Luibhéid, 2013: 37).

In the 1990s and early 2000s, Ireland emerged as 'a beacon of neoliberal practice', known as the Celtic Tiger years (Fraser et al., 2013: 40). During years of intense deregulation and privatisation (ibid.), the independent state experienced its first net immigration, and the Irish immigration regime became one of 'the strictest in Europe' (Fernando, 2017: 7). Bordering processes emerged from and are intimately connected to neoliberal globalisation (Yuval-Davis et al., 2019). Luibhéid (2013) shows how the political shift to a stricter migration regime and the nation's reinvention depended on women's reproductive bodies. Racialised pregnant persons were targeted in racist campaigns and systematically accused by the Minister of Justice of 'flooding' into maternity hospitals.<sup>7</sup> This enabled

<sup>6</sup> Mincéiri means 'Traveller' in Shelta, Gammon or Cant, which is a language spoken by the ethnic minority in Ireland and the UK. Mincéiri is used by the Irish Traveller population to refer to themselves.

<sup>7</sup> The Minister of Justice at the time, John O'Donoghue, repeatedly accused pregnant migrants of crossing the Irish border and 'flooding' into maternity hospitals to abuse the birthright of citizenship (the *jus soli* policy). Eithne Luibhéid (2013) argues that the minister's statements pitted the racialised and 'undeserving' 'migrant other' against the deserving 'Irish' mother and that the public statements were key to building general support for the change in the citizenship law in the 2004 Citizenship referendum.

the removal of the *jus soli* policy (granting Irish-born children of non-citizens Irish citizenship) in 2004 and the covert introduction of the system of Direct Provision in 2000.

### DIRECT PROVISION: ‘A PRISON WITH INVISIBLE WALLS’

In 2000, the Irish government introduced a system whereby persons who apply for leave to remain in Ireland were located outside the Irish welfare system. The system, called ‘Direct Provision’, was led by the fear that the UK’s 1999 Immigration and Asylum Act, introducing a similar system, would push more asylum-seekers to go to Ireland (Fanning & Michael, 2019). Direct Provision is a scheme of providing involuntary housing in hostels and prefabricated buildings dispersed across the country. The centres are managed by private for-profit companies but administered by the government’s Reception and Integration Agency (RIA). Applying for leave to remain in Ireland, persons are assigned to a centre located ‘on the outskirts of society’ (Nedeljković, 2018: 289). Every week, residents can be involuntarily transferred to a new location, resulting in numerous upheavals and relocations (Conlon, 2013). Relocations have also been attested by residents as being used as punishment for not ‘comply[ing] with “the rules of the RIA”’, such as returning late to the centre (Conlon & Gill, 2013: 250). Residents are supervised with CCTV cameras installed in communal areas,<sup>8</sup> many centres impose curfews, and visitors are signed in and out.<sup>9</sup> Direct Provision denies access to private housing, employment and health requirements (e.g. nutritious food, mobility and privacy) and indirectly circumscribes access to healthcare.

Waiting for a decision and/or as a result of the lack of affordable housing in Ireland’s cities, many stay for more than seven years.<sup>10</sup> The indefinite time of waiting for a decision on the asylum application has proven to cause and aggravate physical and mental health issues. During the two

<sup>8</sup> See *Asylum Archive*: Khambule interview and images of The Old Convent, Ballyhaunis 2008.

<sup>9</sup> Vukašin Nedeljković (2015) and Ronit Lentin (2020) have pointed out that the system builds on a history of incarceration in post-independence Ireland, for example, the Magdalene laundries and ‘baby and mother’ homes (see Sullivan & O’Donnell, 2012).

<sup>10</sup> The length of stay in Direct Provision by far exceeds the originally intended six months (RIA, 2017).

decades of its existence, the inhumane system has not escaped critique or resistance by persons enduring the system, from civil society, activists and researchers. Below is the beginning of an autobiographical text entitled ‘The disappearance of the old Railway hotel [*sic*]’ written by ‘the former resident of the Railway hostel’, published on *Asylum Archive*.<sup>11</sup> The text captures the multiple layers of everyday bordering in Direct Provision:

Tired and blurred with postnatal emotions, a two-week old baby in hand, the 30th of august, 2005 was not in any way a day for me to celebrate change.

A transfer letter had arrived for reference no.69/\*\*\*\*/05B—a transfer to THE OLD RAILWAY HOTEL, Kiltimagh, and Co. Mayo.

It was the beginning of a yet-to-end journey into the direct provision centre, the start of several signed documents by the department of justice, equality and law reform, [of] which the reception and integration agency was an affiliate.

Exasperated from the sudden move, I arrived [at] the accommodation centre with no expectations, yet nothing was as bare as the quiet story [*sic*] with a rusted signpost.

Unaware at that instance that what was called the direct provision centre would turn out to be a prison with invisible walls.

The anti-racist activist and scholar Ronit Lentin (2020: 273) argues that Direct Provision can be understood as an Irish version of Angela Davis’s ‘prison industrial complex’, given how Direct Provision is a source of wealth for private companies, and a function of the Irish state to disappear people deemed to embody problems. Likewise, Nilmini Fernando (2017) names Direct Provision as a form of racialised incarceration as the majority of the residents are from African countries, mirroring a larger pattern in Western necropolitical migration policies.

## BORDERING AND ACCESS TO REPRODUCTIVE HEALTHCARE

Since residents in Direct Provision are deprived of facilities to cook their own food (Barry, 2014) and served canteen food three times a day, malnutrition among pregnant persons and babies is common (Fanning et al., 2001). To cover needs and essentials other than food, residents are given a weekly allowance, currently €29.80 for children and €38.80 for adults. Moreover, access to maternal healthcare such as antenatal care has been

<sup>11</sup> Retrieved June 22, 2020, from <https://www.asylumarchive.com>



reported as difficult due to inter alia the cost of travelling and inadequate childcare (Kennedy & Murphy-Lawless, 2003: 46). In an interview, human rights advocate Inés (April 2020) attests to the continuing inaccessibility of healthcare to residents:

Women, they don't go regularly as they should when they are pregnant to get scanned, to pick up abnormalities; abnormalities are picked up later because you don't have that facility available as often as it should be. [...] And even the cervical cancer testing that has been happening, no one will come into the refugee camps to say, 'You know what, this cervical cancer testing that is available free if you qualify for it.' [...] You have an organisation coming at different times, but it is not an organisation that is addressing the sexual and reproductive health advice for women.

Inés refers to Direct Provision centres as refugee camps and testifies to how women have been denied appropriate or qualitative care when seeking it. The legal scholar Liam Thornton (2013, 2016) argues that introducing the Direct Provision system placed asylum-seekers outside Irish welfare law. With its intention to reduce the number of persons seeking asylum in Ireland, persons seeking asylum 'do not enjoy full access to social assistance payments and supports under Irish social welfare law' (Thornton, 2013: 7; see also Fanning, 2016: 13). While medical care is to be provided to asylum-seekers free of charge, the system aggravates mental and physical health and prevents (e.g. through geographical dispersal, involuntary transfer or barriers mentioned by Inés above) access to health-care services.<sup>12</sup>

Moreover, with the 2004 Social Welfare (Miscellaneous Provisions) Act, Ireland is following a broader trend in the EU wherein undocumented persons' access to healthcare has been restricted to 'emergency health care' (Center for Reproductive Rights, 2018). Ireland is included on the list of the seventeen EU member states requiring 'undocumented migrant women to cover the costs of some, or in most cases all, maternal health care themselves' (ibid.: 33).<sup>13</sup> Ireland and four other member states

<sup>12</sup>Irish Family Planning Association (IFPA) 'Submission to the Working Group on the Protection Process' (2015, March). [https://www.ifpa.ie/sites/default/files/documents/submissions/ifpa\\_submission\\_to\\_direct\\_provision\\_wg\\_march\\_2015.pdf](https://www.ifpa.ie/sites/default/files/documents/submissions/ifpa_submission_to_direct_provision_wg_march_2015.pdf)

<sup>13</sup>These countries, although with differing laws and policies, include Ireland, Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Hungary, Latvia, Lithuania, Luxembourg, Malta, Poland, Slovakia, Slovenia and the UK.

allow undocumented migrant persons ‘access to free or subsidised health-care during labour, childbirth and/or in obstetric emergencies’, excluding antenatal and postnatal care (*ibid.*). Keygnaert et al. (2014: 218) argue that ‘the overall policy focus at both European and MS [member state] levels undoubtedly remains on controlling migration flows’, and universal healthcare access ‘is now often considered a State charity or generosity’. This is even more alarming considering the disparities in maternal mortality rates, often brought to attention by MERJ and supported by the Confidential Enquiries into Maternal Deaths and Morbidity report *Saving Lives, Improving Mother’s Care* (2021),<sup>14</sup> indicating a sizeably higher risk of maternal mortality for migrant and racialised pregnant persons.

### THE HEALTH (REGULATION OF TERMINATION OF PREGNANCY) ACT 2018

As a human rights advocate, Inés was involved in repealing the 8th Amendment. She finds the new legislation inadequate to provide persons in Direct Provision with abortion care. The most central issue that Inés raises is conscientious objection, which results in ‘too few GPs [general practitioners] that offer abortion’. As mentioned earlier, Direct Provision centres are dispersed across the country, often located on the outskirts of towns and cities. Inés says that in cases where towns have access to only one GP, what if ‘it is a GP who says no, who is anti-abortion? [...] That community now has to travel in order to be able to access [them].’ An issue that limits access further is the three-day mandatory waiting period following consultation. Inés explains:

I should come in and tell you I need to do an abortion. All the doctor needs to determine is, you know, how many weeks and, if it is within the qualifying time, that I can still safely abort the child. And to travel back and forth, because those back-and-forth[s] can be stressful. Sometimes some women won’t go for that option because, I think, of that consultation process you can also find yourselves in where a GP—you have already made a decision and they try to confuse you and try to make you keep the child, you know.

<sup>14</sup> Confidential Enquiries into Maternal Deaths and Morbidity 2017–19 (MBRRACE-UK, November 2021 Full Report, p. iii), based on 2017–2019 statistics in the UK and Ireland, show ‘a more than four-fold difference in maternal mortality rates amongst women from Black ethnic backgrounds and an almost two-fold difference amongst women from Asian Ethnic backgrounds compared with white women’.

[...] Many women will definitely not go through that consultation process, like the women that come as refugees: they will find it, you know, a bit scary to talk to a GP once and then come back and then eventually, you know, be able to abort. They will be trying to find other ways.

The interview with Inés actualises issues that have been raised by various grassroots groups and activists who stood by and fought for a repeal of the 8th Amendment. The critique concerns the arbitrary cut-off period at twelve weeks, the mandatory waiting period of three days, and the possibility for medical practitioners to object to performing abortions. The arbitrary cut-off period at twelve weeks, combined with the continued criminalisation of healthcare staff (risking fourteen years in jail), has further led to a ‘chilling effect’ and different interpretations of the legislation. As noted by the Abortion Rights Campaign (March 21, 2019),

One month after the introduction of legal abortion, Dr. Fergal Malone, Master and CEO of the Rotunda Maternity Hospital in Dublin, explained that the hospital was limiting its early abortion service to 11 weeks LMP instead of 12, because, ‘the legislation is written with an upper limit of 12 weeks and zero days. But there is considerable ambiguity as to whether 12 weeks means the date at which the termination starts, or the date at which the termination ends.’

While abortion is available safely and for free to a majority of persons who need it before the cut-off at twelve or eleven weeks, the gendered wording of ‘woman’ in the Act excludes trans and non-binary persons from accessing abortion care (de Londras, 2019). Moreover, delay in providing care within the limit pushes people into a ‘hyper-restrictive legal regime’ where one is most likely “disqualified” for lawful abortion care’ (de Londras, 2020: 43). This is particularly harmful for persons whose access depends on the funds and support of friends, grassroots groups and NGOs to leave one’s home or a Direct Provision centre and travel at least twice to a GP who provides abortion care, and whose cross-border travel depends on the transnational migration regime (UK and Ireland) to grant a visa.

## CHALLENGES AND HOPES OF REALISING REPRODUCTIVE JUSTICE

I have so far explored how processes of bordering constitute continuations of the colonial, racial, gendered and sexed borders of Irish nation-building and are materialised in differentiated and circumscribed access to reproductive rights. I now proceed to explore how bordering affects political organising, both at large and during the national civil society campaign TfY. I conclude with how the interview participants imagine change beyond repeal.

### POLITICAL ORGANISING AND DEPORTABILITY

During a solidarity event organised by a radical queer grassroots group in September 2019, two panellists from the grassroots group Movement of Asylum Seekers Ireland (MASI) spoke about the challenges of being politically active and identifying as queer or a woman while living in Direct Provision centres (field notes, September 2019).<sup>15</sup> They explained that Direct Provision nurtures hostility and fear among the centres' residents. To be openly LGBTQ+ while politically active can result in social exclusion. One of them said, 'I only return to the centre to sleep.' The activists, who have been visibly engaging in political movements, emphasise that it is the system that creates this environment. This system, as outlined above, functions through dispersion, isolation and punishment.

The human rights advocate Inés argues that fearing reprisals as a migrant with a precarious legal status was also a barrier to engaging in the campaign to repeal the 8th. While Inés herself was involved in repeal, she said,

You have more fears, more than everybody else. I mean, me too, when I advocate. I used to take a back seat because I knew that I am a migrant, but you grow with time and understand that there is no right that is for migrants only and those for citizens. There are rights for everybody, and everybody

<sup>15</sup>The Movement of Asylum Seekers Ireland, MASI, was formed in 2014 as residents of the Direct Provision centre Kinsale Road staged protests, which lasted ten days. Lucky Khambule describes how they came together organising a protest, demanding an end to the system and that all residents be given the right to remain and work in Ireland (see Asylum Archive, audio, Lucky Khambule).

has a right to those basic rights and access those basic rights. They should not be violated and, if they are violated, you need to speak out.

The fear, Inés continues, concerns whether political involvement will affect a person's asylum claim or will lead to deportation as undocumented. Hence, deportability produces fear of being politically involved, which in tandem with the conditions of living in the Direct Provision system may nurture the hostile environment described by the panellists. During the movement to repeal the 8th, Inés acknowledges that, as a result of these fears, 'we were not putting our voice so much out there as we should, as many as we are'. However, in the informal conversation with Cara and in the interview with Alice, both members of the affected-led grassroots group MERJ, they speak of the significant increase in the presence of organised racism and fascism, and in particular how individuals from fascist organisations attend events organised by people of colour-led grassroots groups. The rising mobilisation of fascist and racist groups in Ireland through party politics such as the National Party, Irexit and Identity Ireland reflects the growth of neo-conservative and far-right organising across Europe, attempting to silence particularly LGBTQ+, people of colour and anti-racist and anti-fascist activism (e.g. Bachetta, 2017).

### BORDERS OF TOGETHER FOR YES

Thomas is an activist who was involved in repealing the 8th. He has also been involved in a number of grassroots groups before and following repeal. Thomas acknowledged the ambivalence of activists involved in the campaign Together for Yes who lack Irish citizenship:

an awful lot of migrant women and migrant people who were involved in the campaign, knowing full well that they weren't gonna be ... number one, that they weren't gonna be given the opportunity to vote, and that realistically the legislation wasn't going to protect them either. I think that people abroad and people over here really were denied those citizen rights,<sup>16</sup> you

<sup>16</sup> 'People abroad' refers to people with Irish citizenship living abroad, while 'people over here' refers to people living in Ireland who lack Irish citizenship. To be eligible to vote in a referendum in Ireland, you need to be an Irish citizen, over 18 and a resident in Ireland. However, according to the Irish Statute Book, 'under Section 11 (3) of the Electoral Act 1992, Irish citizens overseas may retain full voting rights for a period of 18 months, should they intend to return to Ireland within that timeframe' ([hometovote.com](http://hometovote.com)).

know, weren't represented in voting and things like that. It just does, it creates this kind of history of like legitimate citizenship and who gets to call themselves Irish. And Irish abroad are still always Irish, you know what I mean, and it's all tied up in whiteness, like racism that I think Ireland has a really complex history with.

The question of 'who gets to call themselves Irish', voiced here by Thomas, runs through the interviews and conversations. In conversation with Cara, she says that 'feminist and migrant groups are considered less able to contribute', particularly those 'who are not from here'. Paola Rivetti (2019) argues that the referendum on the 8th and the following legislation failed to 'reconfigure Irish identity', constructed as 'white, Catholic and settled'. Rivetti (2019: 183) writes further that the campaign narrative centred on Irish women who travel across the border for abortions in the UK while migrant women unable to travel remained 'largely invisible'. In other words, the political struggle of women historically and continuously deemed outside the Irish national imaginary, 'immigrant, Black, Jewish, and Traveller women' according to Luibhéid (2013: 35), were located outside the movement as the workings of raced, gendered and sexed borders remained largely unacknowledged leading up to the referendum. Adding to this is the fear mentioned by Inés of potential reprisals for being politically active. Feminist postcolonial scholars writing in a Nordic context have contested the borders reproduced within women's movements that align with an imagined 'national history' (de Los Reyes et al., 2003). While collective knowledge, resources and legitimacy built over time are a strength in women's movements, racial, gendered (and ageist) boundaries of belonging and entitlement are simultaneously reproduced (de Los Reyes et al., 2003: 15; Liinason & Meijer, 2018; Cuesta & Mulinari, 2018).

Thomas pointed to the paradox of 'who gets to call themselves Irish', wherein Irish abroad 'are always Irish' whereas non-citizens or people of colour in Ireland are not. In Ireland, as in large parts of Europe, citizens of colour remain 'hyphenated citizens' (Otukoya, 2019). This is further reflected in the constitutional process and campaign to repeal the 8th. Critical legal scholar Fiona de Londras (2019, 2020), who was involved in repeal, has written detailed accounts on the formal process of amending constitutional law. Her engagement with the legal and governmental process of reforming constitutional law illustrates the challenges of realising

radical change through the state. While the Citizen's Assembly recommendations on the 8th Amendment were welcomed as surprisingly far-reaching, '[p]roposed reforms were incrementally made more and more conservative as they moved forward from demands on the streets to compromises in the Cabinet room' (2020: 39). Throughout the formal process,

there was very little engagement with the realities of reproductive life for women of colour, migrants, Traveller women, women with disabilities, trans people, and women living in situations of reproductive coercion. (de Londras, 2019)

Alice and Thomas both discuss the strategy of the campaign TfY to reach out to 'Middle Ireland'. While Thomas acknowledges that this strategy might have been necessary 'to achieve what we did', he also perceives within the campaign,

a sense of frustration of where the narrative went. [...] I could see it kind of coming from a mile away, in the way that they [...] were empowering people to canvass and speak about it. It was very much framed in the idea of the good abortion and in terms of kind of, that was fatal foetal abnormality, it would be white middle-class women who in any other circumstance would have had the child. And obviously, I know that that sentiment appeals to people, it appeals to the likes of Middle Ireland, who were a lot of my family, who would have been very staunch 'noes' coming from a religious point of view.

Members of the grassroots group MERJ have been critical of the notion of 'Middle Ireland'. As Alice describes, this notion was key to the exclusion of migrant voices within the campaign:

Whenever we raised issues that affected migrants or about migrant inclusion, we were kind of brushed aside. It was this notion of 'Middle Ireland', like this enclosed racist group that wouldn't sympathise [with migrants], which I don't think is true.

In the book *It's a Yes: How Together for Yes Repealed the 8th and Transformed Irish Society* (Griffin et al., 2019), the leaders of the campaign share the process of forming TfY and developing a strategy to speak to 'the undecided'. As soon as 2015, the director of a design and advertising agency

was approached to begin research for a referendum campaign, which concluded that

after decades of polarisation it was vital to listen to and talk calmly with people who were undecided, and trust them to come to their own conclusions. Empathy was key. People did care. (Ibid.: 55)

However, the dominant narrative of TfY has been contested for centring on a white, settled and Catholic subject (Rivetti, 2019), a middle-class identity (Holland, 2018), and leaving out ‘the messier edges of the campaign, from the places where multiple oppressions occur’ (Burns 2018, cited in Duffy, 2020: 78; see also de Londras & Markicevic, 2018: 96). Alice spoke of the issues concerning showing to women ‘compassion and care’, which was central to the campaign message. This framing of abortion signalled that

it wasn’t considered a fundamental, basic right. [...] it has contributed to that whole narrative of putting the power in the hands of doctors, but [that] it should be trusted. Yeah, taking away the agency and creating a power imbalance. And, I guess, it also created a notion of this ‘good abortion’ and the ‘bad abortion’.

By promoting a narrative of a ‘good abortion’, Thomas thinks that TfY failed to open up a conversation regarding ‘whom we value’ in Irish society:

I think that there was a big loss of opportunity to actually have more of a dialogue about whom we value, as seen as legitimate women in Irish society. ‘Cause we knew from research that people most predominantly affected were working-class women, were migrant women, and those voices just weren’t being platformed by that major body.

Thomas spoke as well of the lack of conversation around trans parenthood and trans womanhood, saying, ‘It ceased to be kind of this big question of reproductive justice and who gets to—like who is a valid parent? [...] “if I can’t fulfil this expectation of motherhood, like what is my relationship to womanhood?”’ In line with Paola Rivetti (2019), Thomas identifies a failure to reconfigure who is ‘valued’ in Irish society, which is not only imagined (and constitutionally enshrined) as white, settled (locating Irish Travellers/Mincéiri ‘outside’ ‘Irishness’) and Catholic but also



heteronormative and cisnormative. The reproductive justice framework, as developed in the US by women of colour for whom ‘the issue of abortion has always been a double-sided coin’ (the magazine *FOWAAD!*, cited in Lonergan, 2012: 33), has challenged how a focus on removing legal obstacles to abortion has tended to evade an analysis of how colonialism and ‘racial patriarchy’ subjects women and persons of colour to reproductive oppression and violence (Vergès, 2020: 90). Whereas this was the aim of the temporary campaign TfY, the reproductive rights movement in its diversity moves beyond a sole focus on legal change, acknowledging that ‘law alone would never be enough’ (Calkin et al., 2020: 1).

However, deliberations in the wake of repealing the 8th reflect how the nation’s imagined borders continue to determine who is deemed to belong and to be worthy of rights. As the campaign TfY focused on legislative change, it failed to challenge the legal-territorial raced, gendered and sexed borders of the ‘nation’. As such, differences could be transcended through the idea of a ‘universal’ female subject, constructed as white, Irish and middle class (Mohanty, 2003). Although differences were acknowledged (through what the interviews attest to as the exclusion of subjects who would not appeal to ‘Middle Ireland’), a ‘shared oppression’ (ibid.), as in the 8th Amendment of the Constitution, enabled an outwardly ‘unified’ campaign. However, this unification hid the multiple politics of location in relation to the struggle and to borders and bordering existing within the movement. Hence, I now proceed to discuss a few examples of border-crossing for reproductive justice.

### TRANSGRESSING BORDERS BEYOND REPEAL

Following ten months with the new legislation on abortion, MERJ hosted the workshop ‘Challenging white feminism: Moving beyond the politics of Together for Yes’. In the workshop, the attendance and voices of migrants were prioritised. The event was organised to create a space for ‘building and learning in an intentional way’ (MERJ, October 2019b). One member introduced the event by stating:

The exclusion of migrant voices within the Together for Yes campaign was and is a symptom of a larger problem of white feminism in Ireland and has left dangerous tangible consequences for those same voices that were left out of the debate. [...] Today is the time to reflect and put the practices of

solidarity into action. To challenge feminism in Ireland and to not just be more inclusive, but for it to be equally anti-capitalist and anti-racist.

During the ‘open mic’ session, the complex nature of reproductive justice was illustrated through the stories being shared about ‘daily abuses’ and ‘everyday struggles’ by persons who live in Direct Provision, says Cara who participated. This urged MERJ to create other spaces of sharing, such as a ‘care day’ for people of colour on March 8, 2020.

Inés has been actively working to restore relationships of trust and building connections to counter the violations of rights in Direct Provision. She started a cooking initiative in response to the denial of permission to residents to cook their own food. When asking the management of the Direct Provision centre for permission to cook, the residents had consistently received a ‘No. No, no, no. Canteen food or no food.’<sup>17</sup> Inés reached out to a community centre and a local church, which supported her initiative with a meeting space. She says that the group has become a space for community-building and restoring trust for persons living in Direct Provision, since ‘food is a language we all understand, and food brings communities together’. Inés has become an important link between people who live in Direct Provision, grassroots groups and non-governmental organisations. She has

developed good relationships with individuals within the community that I am close to after many years in Ireland, with the trust and confidence they have in me and being able to go out there, put myself out there whenever that is necessary.

One of the grassroots groups that Inés has built important connections with is MERJ, whose members she ‘spoke to about the challenges with sexual health and the reproductive rights of people living in Direct Provision as refugees or asylum-seekers’. She says that MERJ took on ‘a very important role in that they referred them to individuals who could advise them’. Speaking to Inés, it becomes clear that, however important repeal was to her, commitment to human rights, the in-community work

<sup>17</sup>Direct provision centres do not provide cooking facilities for residents, and cooking food in their rooms is not allowed. However, findings from the NASC Ireland report ‘What’s food got to do with it? Food experiences of Asylum Seekers in Direct Provision’ (2014) show that many residents employ coping strategies such as using their small allowance to buy their own food, cooking at friends’ places and secretly storing rice cookers in their rooms (p. 38).

and being a link to people who reside in Direct Provision is as much about ‘saving lives’. Speaking about the importance of her role, Inés says:

They will not go out, but they will come to me, and they know me, I have a voice. In fact, if they are coming to you, you have saved a life.

Looking ahead, Thomas says that trans and queer parenthood and trans health need to be a part of the conversation to challenge ideas of ‘who gets to parent’. He discusses the limits of realising political change through referenda, saying that ‘it’s amazing the power that [a vote] has over people’s imagination for another situation’, and yet ‘you do the best with the options that you have in the moment of time’. Comparing TfY to Yes Equality (the campaign to legalise same-sex marriage in 2015), he thinks both campaigns have been ‘possessed’ by the imagery of the ‘family unit’ and failed to challenge the ties to the state and church. He says:

I suppose in our striving for justice, I felt—I see it as the right of people to have children and to have them in a safe environment and [...] like liveable lives, like lives that are even more liveable, you know, that are fully realised and that they are flourishing.

Finally, realising reproductive justice in Ireland must involve an end to Direct Provision and make affordable housing available, all participants agree. Alice says:

After repeal, we kind of felt that the discussion around reproductive justice needs to continue but it needs to include other aspects as well. [...] obviously, we get a lot of people asking us about how to get an abortion; particularly migrants have a difficult documentation ... but we have also been working a lot with other movements like ending Direct Provision and the housing movement. So, we have kind of been focusing on those aspects more and I guess in general we have had to take a more anti-racist, general anti-fascist approach. Because the far-right is being very bold here. So, I guess our future plan has included that more than the issue around abortion in particular. [...] We have been more focused on the wider issue of reproductive justice.

## CONCLUDING REFLECTIONS

Building on ongoing conversations and contestations following the historical repeal of the 8th, I sought in this chapter to centre on the demands made by the migrant and ethnic minority bloc during the March for Choice in 2019. Their attention to the implications of state borders for reproductive justice led me to explore further the connections between the historical constitution of a national identity constructed around the gendered, raced, sexed reproductive body, to contemporary bordering processes and borders reproduced in political organising. Undoubtedly, the reproductive body remains raced, sexed and gendered under the current abortion law. Bodies remain differently governed through the system of Direct Provision, which seeks to locate some outside spatially and legally but, luckily, fails to do so politically. The participants' accounts of how the borders of an 'imagined' white, Catholic, settled and cisnormative Ireland were reproduced during the Tfy campaign illustrate the difficulty and necessity of employing what Mohanty (2003: 10) calls 'the building of an ethics of crossing cultural, sexual, national, class, and racial borders', especially in calling for legal change in dialogue with the bordering state.

I want to conclude by asking the following forward-looking questions: What would it mean to locate borders at the centre of political analysis in the continuing organising for reproductive rights in Ireland and in parallel reproductive rights struggles? How might an ethics of crossing borders be built into organising as bordering processes circumscribe persons' access to rights? I would like to suggest that these questions, and the border-crossing struggles from which they emerge, deserve more attention not only in Ireland but in the growing number of contexts where rights are circumscribed in state political projects of belonging and deservedness. The struggles and political analysis emerging at these borders and responding to bordering provide hope for transnational feminist struggles that contest the situated, legal-political and everyday spatial and embodied dimensions of reproductive injustice.

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Direct Provision and the resistance it engenders but, luckily, fails to contain. I am grateful for the constructive and inspiring readings of earlier versions of the text by Paola Rivetti, my supervisors Kristin Järvestad and Maja Povrzanovic Frykman, the editors of this anthology Diana Mulinari, Marta Kolankiewicz and Rebecca Selberg, and finally the constructive comments I received during the Global Politics seminar at my home department of Global Political Studies at Malmö University.

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# *¡Aborto YA!*—Feminist Strategies in the Struggle for Easy, (Legal,) Safe and Free Abortion in Chile

*Alva Persson*

## INTRODUCTION

In the last couple of years, feminist movements and articulations emerging in the political context of contemporary Chile have gained great importance, as well as visibility. In the midst of a severe democratic crisis and advancing biopolitical and anti-feminist forces, multiple and groundbreaking mobilisations have emerged.<sup>1</sup> Such feminist mobilisations repoliticise issues of the female and feminised body, sexuality and reproduction, while simultaneously confronting employment insecurity, privatisation of healthcare and education, police brutality and exploitation of natural resources. Thus, contemporary feminist articulations in Chile go beyond denouncing patriarchy and sexism by positioning themselves at

<sup>1</sup>The massive strikes on International Women's Day 2019 and 2020, as well as the multiple protests that have taken place since October 2019—among which feminist articulations against sexual violence and feminicide have been central—are some recent examples.

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the centre of political protests against the far-reaching neoliberalisation and precarisation of society and human life, connecting issues of gender, sexuality, class, age, race and ethnicity in different ways (Oyarzún, 2018; Saavedra & Toro, 2018; Motta, 2019). Acknowledging the impossibility of addressing all of these multiple feminist practices, the focus of this chapter will be Chilean feminist mobilisations around reproductive rights and justice.

*Aborto Libre, Seguro y Gratuito* ('Easy, Safe and Free Abortion') is (one of) the common and overarching slogans in the feminist campaign for abortion in Chile. In some cases, *Legal* ('legal') is added to the slogan. The first emblematic demonstration demanding easy, (legal,) safe and free abortion was convoked by Coordinadora de Feministas en Lucha on July 25, 2013.<sup>2</sup> Since then, new demonstrations are organised on the same date annually, reaching a higher number of attendances each year (Lamadrid & Benitt, 2019; Maira & Carrera, 2019). After the passing of a new law in 2017—partially decriminalising abortion—another slogan has been frequently articulated: *No bastan tres causales* ('Three causes are not enough'). This slogan can be found on the Chilean version of the *pañuelo verde* (green scarf)<sup>3</sup> that was launched before the demonstration on July 25, 2018 (Fig. 5.1):

By examining a range of performative and discursive articulations and strategies visible in the feminist mobilisations around abortion in Chile, the aim of this chapter is to analyse how such strategies, or articulations, are grounded in epistemologies of embodied resistance to past and present biopolitical and anti-gender regimes. As its point of departure, the chapter is based on a study first initiated in 2018, in which I analysed strategies developed and used by four feminist organisations and collectives fighting for reproductive rights in Chile (Persson, 2019).<sup>4</sup> Developing such analysis in the current chapter, I seek to further discuss feminist articulations of an alternative agenda, focusing on the frames within which the organisations situate their struggle, as well as on their use of language and bodies when challenging current restrictions on abortion. In this way, I wish to

<sup>2</sup>Initially, the slogan of the demonstration was '*Yo aborto el 25 de Julio*' ('I abort on July 25').

<sup>3</sup>The *pañuelo verde*, originally designed by the Argentinean movement for free abortion, has spread across the continent in the form of 'a "green tide" (*marca verde*) of reproductive rights activism' in the last couple of years (Martin, 2020).

<sup>4</sup>Mesa Acción por el Aborto en Chile (MAACH); Marcha Mundial de las Mujeres Chile (MMM-C); Coordinadora Feministas en Lucha (CFL) and Coordinadora Feminista 8 de Marzo (CF8M).



**Fig. 5.1** The Chilean version of the *pañuelo verde* that has become an emblematic symbol for the quest for abortion in Latin America

contribute to the impressive diversity of this volume by shedding light on the role of situated and embodied feminist knowledges and practices in the transformation of political spaces and subjects.

### CHILE: ANTI-GENDERISM AND THE QUEST FOR ABORTION

I shall start with a brief overview of recent (legal, political and discursive) developments in regard to abortion in Chile. Between 1989 and 2017, abortion in Chile was criminalised under all circumstances.<sup>5</sup> During the same period, the arena on which feminist politics and struggles for reproductive autonomy took place faced several transformations. In the 1990s, the first decade of regained democracy after years of Augusto Pinochet's military regime, the feminist movement(s) in Chile was divided, weakened and, to some extent, institutionalised.<sup>6</sup> The issue of sexual and

<sup>5</sup> A total ban on abortion was established during the last year of Augusto Pinochet's military regime (Nicholls & Cuestas, 2018). Before 1989, abortion had been allowed only for therapeutic reasons (i.e. if the life or health of either the pregnant person or the foetus was in danger), requiring the signed approval of two doctors. Nevertheless, poverty was often seen as a valid reason for therapeutic abortion, and the life and health of the mother was generally prioritised over the life and health of the foetus (Brito et al., 2012). In addition, when Salvador Allende was president, a group of physicians in Santiago decided to 'broaden the interpretation of the law to include abortions up to the 12th week of pregnancy' (Casas & Vivaldi, 2014: 72).

<sup>6</sup> During the transition to democracy, the feminist movement in Chile was divided into *institucional* and *autónomas* (see, for instance, Lamadrid & Benitt, 2019).

reproductive rights in general, and abortion in particular, was silenced by conservative forces and disappeared from the public and political debate (Morán Faúndes, 2013; Maira & Carrera, 2019; Lamadrid & Benitt, 2019). In addition, the ‘political interest in introducing legal reform on abortion was virtually nonexistent’ (Maira et al., 2019: 123). At the beginning of the twenty-first century, however, the topic was repoliticised by feminists demanding both a social de-stigmatisation and a legal decriminalisation of abortion.<sup>7</sup>

One key event that resulted in great street mobilisations in 2008 was an attempt by right-wing conservatives to prohibit, or seriously limit, the distribution of the ‘morning-after pill’ (emergency contraceptive pill) (Maira, 2010; Brito et al., 2012). Other milestones for the feminist struggle at this time were the opening of a support hotline (Línea Aborto Chile), providing information about clandestine abortions in order to make such an experience as safe as possible (Casas & Vivaldi, 2014; Maira & Carrera, 2019) and, in 2016, the campaign *Miso pa’ Todas* (Miso for Everyone) (Lamadrid & Benitt, 2019).<sup>8</sup> Parallel with such feminist mobilisations, no less than eleven bills seeking to liberalise the abortion law were presented in the Parliament between the early 2000s and 2012. They were all rejected.

When the bill behind the current Chilean jurisdiction (Ley 21.030) was approved in September 2017, abortion became legalised in three limited cases: (1) if the pregnant person’s life is in danger, (2) if there are foetal abnormalities incompatible with life, or (3) if the pregnancy is a result of rape. In each case, the law regulates how and by whom the legal and medical requirements should be confirmed, and, in the case of rape, it establishes up until which week an abortion can be performed (Ministerio de Salud, 2018). Before its final passage, the bill was discussed in the Congress, as well as tried in the Constitutional Court, for a total period of almost two and a half years.<sup>9</sup> During this process, conservative politicians

<sup>7</sup> Breaking the silence and challenging the stigma around abortion has been, and still is, a central mission for feminist movements in the struggle for reproductive rights around the globe (Kissling, 2017; Hurst, 2021).

<sup>8</sup> ‘Miso’ is short for the pharmaceutical misoprostol, primarily used to prevent and treat gastroduodenal ulcers. Its use as an abortifacient ‘was first reported in medical journals in the early 1990s as a method of obtaining illegal abortions’, information that then spread ‘through informal networks in communities’ (Bloomer et al., 2019: Ch. 3). In Chile, misoprostol is illegal when sold or used to induce an abortion (Guttmacher Institute, 2016).

<sup>9</sup> The bill was first presented by former President Michelle Bachelet in January 2015.

and other anti-abortion advocates managed to incorporate adjustments of great importance, especially in terms of (institutional) conscientious objection. Further adjustments that challenge the implementation of the law were issued shortly after right-wing politician Sebastián Piñera took office in March 2018.<sup>10</sup>

In its current shape, the law enables both individual healthcare staff and entire (private) healthcare institutions to claim ‘conscientious objector status’, thus refraining from providing abortion services.<sup>11</sup> Such a status, claimed by a high proportion of physicians,<sup>12</sup> in combination with poor information about legal abortions as well as a lack of trained health personnel forces (the relatively low proportion of) women entitled to an abortion to continue to terminate unwanted pregnancies in life-threatening ways (Montero & Villarroel, 2018; Maira et al., 2019). Thus, the legalisation of abortion in only three limited cases in no way responds to the feminist demand for an easy, legal, safe and free abortion for everyone (Maira & Carrera, 2019; Maira et al., 2019).

\* \* \*

In the current era of rising anti-genderism and religious fundamentalism, feminist struggles for sexual and reproductive rights are facing challenges that go beyond the legality of abortion. One of these challenges is the anti-gender movements’ appropriation of feminist discourses, promoting themselves as ‘genuine advocates for women’s rights’ (Corredor, 2019: 629), as well as rearticulating feminist and queer theorisations of gendered hierarchies as a ‘dangerous ideology’ threatening the ‘natural’ hetero-cis-patriarchal order (Graff et al., 2019; Corredor, 2019). As discussed by researcher and activist Sonia Corrêa, the concept of ‘gender ideology’ is

an empty and adaptable signifier, encompassing a broad range of demands such as the right to abortion, sexual orientation, and gender identity, to diverse families, education in gender and sexuality, HIV prevention and sex

<sup>10</sup>For a full and detailed discussion on how the law was modified, see Maira et al. (2019).

<sup>11</sup>It is, however, important to remember that the Chilean constitution allows private health institutions ‘to choose which services to offer without needing to resort to conscientious objection’ (Undurraga & Sadler, 2019: 18).

<sup>12</sup>In June 2019, 20.7% of obstetricians in public hospitals had claimed conscientious objector status in cases where the pregnant person’s life was threatened, 28.6% in cases of foetal non-viability and 50.5% in cases of rape. In addition, five healthcare institutions had claimed institutional conscientious objector status (Maira et al., 2019).

work, a basic basket that can be easily adjusted to the conditions of each context. (Corréa, 2017)

Due to the interpellation of Catholic, Evangelical and Pentecostal actors in political and public debates, Latin America has come to be a key arena for these anti-gender movements (Troncoso & Stutzin, 2019). In Chile, as well as in many other countries around the globe, religious organisations and institutions, in complicity with a conservative political and economic elite, relentlessly oppose any recognition of reproductive rights in general and extended access to abortion in particular (Vivaldi, 2019b; Barrientos, 2020). Nonetheless, the anti-gender movement in Chile is composed of a significant heterogeneity of actors whose ideological or religious roots are not necessarily alike. Some scholars call it a movement in which ‘religion and secularism merge’ in new ways (Vivaldi, 2019a: 210). Despite this heterogeneity, what they do have in common is that ‘antagonism towards feminism constitutes both a key element of their value system and a political strategy’ (Troncoso & Stutzin, 2019: 14, my translation).

The widespread and public use of anti-gender discourses in Chile dates back to 2016, with an intensification in 2017.<sup>13</sup> A recurrent utterance of anti-genderism is protests against initiatives to introduce compulsory and integral sexual education in Chilean schools. According to anti-gender advocates, such sexual education—based on ‘new gender theories’—is *ideologised*, thus constituting a form of state coercion in an area of children’s lives that should be fully controlled by parents (Barrientos, 2020: 27, 32). Apart from this, discourses about and against the ideology of gender have been particularly present in parliamentary debates about both the abortion law and the gender identity law.<sup>14</sup>

<sup>13</sup>In 2016, for example, Cristóbal Aguilera (currently in charge of the Department of Legal Reforms at the Ministry of Women and Gender Equality) declared that the gender ideology promotes a separation of the essentially united human body and human soul, and a vision of sexuality completely torn from biological reality. In July 2017, the orange Bus of Freedom (*Bus de la Libertad*) of the organisation Hazte Oír—CitizenGO circulated the streets of Santiago de Chile with messages such as ‘#ConMisHijosNoSeMetan’ (‘#DoNotMessWithMyChildren’) and ‘Los niños tienen pene. Las niñas tienen vulva. Que no te engañen’ (‘Boys have penises. Girls have vulvas. Do not let them fool you’) (Barrientos, 2020).

<sup>14</sup>Ley de Identidad de Género (21.120), approved in 2018, prohibits discrimination due to gender identity and regulates the right to change the legal sex and name for people above fourteen years old (MovilH, 2021).



When debating the current legislation of abortion, anti-gender advocates articulated their arguments against abortion from a ‘pro-life’ standpoint<sup>15</sup> as well as through the appropriation of a human rights discourse: ‘while defending the principle of life as the cornerstone of human rights, conservatives have invoked the foetus as the symbol of the innocent being that the international community should protect’ (Vivaldi, 2019a: 43). One example of such an attempt to humanise and individualise the foetus is when the spokesperson of Chile es vida argued that it was regrettable to see how organisations supporting the bill seemed to care only for the rights of already-born women, while neglecting the rights of the (potentially female) foetus (Barrientos, 2020: 40).<sup>16</sup> Such an objection positions the rights of women and the rights of foetuses as oppositional, and obscures the fact that the foetus’s life is ‘inseparable from the physical and mental well-being of the woman of whose body *it is a part*’ (Cornell 1995: 32, cited in Hurst, 2021: 4).

However, as indicated above, a discursive shift has taken place within the anti-gender, anti-abortion movements: from pro-life to pro-woman (see, for instance, Saurette & Gordon, 2015; Corredor, 2019; Mason, 2019). In Chile, this shift is characterised by an increased victimisation of the pregnant woman, portraying her as in need of protection and support from the state. Moreover, women who undergo an abortion are depicted as victims of ‘the most radical and violent *machismo*’, since men, it is said, use abortions to escape unsought consequences of their sexual satisfaction (i.e. unwanted pregnancies and the responsibility of fatherhood) (Vivaldi, 2019a: 169). Paradoxically, such a discursive shift takes place when anti-abortionists recurrently connect abortion to the torture and disappearances that took place during the military regime, thus portraying women as child-murderers rather than victims: ‘The strategy is clear: to mobilise negative feelings against the abortionist movement by comparing the violations of human rights by the State during the dictatorship with the violation of the rights of the foetus in abortions’ (Vivaldi, 2019a: 160).

<sup>15</sup> ‘Pro-life’ is not always a synonym for anti-abortion. For a further discussion, see Smith (2005).

<sup>16</sup> Chile es vida is an anti-abortion organisation, seeking to ‘protect’ both the life of the woman and the foetus.

## GENDERED BIOPOLITICS AND THE EMBODIED TERRITORY

The theoretical framework of this chapter follows a feminist trajectory of biopolitical administration and regulation of human life in general and of the female and feminised body in particular. Biopolitics, as first discussed by Michel Foucault, refers to how various techniques of institutional power regulate and administrate the population in terms of, for example, health, hygiene, morbidity and mortality, as well as birth rates and longevity (see, for instance, Foucault, 1990, 2008). As such, biopolitics is ‘a power regime centred upon life itself’ (Nygren et al., 2016: 50). New biopolitical techniques have emerged with neoliberal governance; while originally centred upon the separation of ‘normal’ and ‘pathological’, neoliberal biopolitics is centred upon—among other things—the regulation of individual choices (Nygren et al., 2016).

Since its earliest articulations, feminist scholars have engaged with, criticised and developed the biopolitical framework, arguing that gender and femininity—not only sexuality and reproduction—constitute the core of (gendered) biopolitics: ‘biopolitics rests as solidly on the production of gender categories as it does on the regulation of sexuality’ (Miller, 2015: 68).<sup>17</sup> For instance, the female body does not merely constitute the primary target for biopolitical regulations; ‘an awareness of female subjectivity is a prerequisite to divorcing biopolitical subjectivity from the rational, self-contained, individual of classical liberal theory’ (Miller, 2015: 69).

Furthermore, the feminist framework of biopolitics acknowledges the multiple histories of gendered bodies, as the form of expropriation and control of female procreation has been articulated differently depending on the class affiliation and racialisation of each body (Smith, 2005; Federici, 2020). Undoubtedly, gendered biopolitics has been one of the constitutive dimensions of colonial and heteropatriarchal capitalism (Yuval-Davis, 1997; Federici, 2004). In other words, it is a theoretical framework that recognises how our embodied existence is characterised by the incarnation of various inequality regimes. In relation to the issue of abortion, such acknowledgement is closely connected to the concept of reproductive justice.<sup>18</sup>

<sup>17</sup> See, for example, Stoler (1995), Braidotti (2006) and Mills (2011).

<sup>18</sup> The concept of reproductive justice was first developed by a group of African American women in the USA (Bloomer et al., 2019). Reproductive justice frameworks are organised around three central principles: (1) the right *not* to have a child; (2) the right to *have* a child; and (3) the right to *parent* children in safe and healthy environments (Hurst, 2021: 6). Central to the framework is the recognition that ‘particular groups of women, such as indigenous women, women of colour and women in low-income groups are disproportionately affected by attempts to control their reproductive lives’ (Bloomer et al., 2019: Ch. 7).

In this chapter, the body is conceptualised as an embodied territory where life itself and the biopolitical administration of life meet; biopolitical power ‘is exercised over people’s bodies as territories’ (Segato, 2008: 204). The female and feminised body, traditionally conceptualised as *belonging to* a territory, ought to be conceptualised as a territory in and of itself (Segato, 2014):

The biopolitical concern with the production and administration of bodies and subjectivities brings forth a different territorial paradigm, in which the body of the population becomes the frame for the inscription of power. In this scenario, women’s bodies become themselves the territory of this inscription, especially due to their historical association with nature. (de Souza, 2019: 94)

Thus, the concept of *cuerpo-territorio* (body-territory or embodied territory), as developed by indigenous women/feminists in Abya Yala,<sup>19</sup> provides interesting insights when examining the feminist mobilisation around abortion in Chile. The concept articulates the body as the primary territory of encounter with the patriarchal, capitalist and colonial world, and, therefore, the primary territory to be defended (Taylor & Cabrapan Duarte, 2015; Cabnal, 2017; Federici, 2020). As explained by Lorena Cabnal, to defend the *cuero-territorio* involves ‘assuming the body as a historical territory in dispute with the ancestral and colonial patriarchal power, but at the same time conceive it as a vital space for the recovery of life’ (Cabnal, 2017: 100, my translation).

### *Embodied Performativity*

Nevertheless, the female and feminised body is not only a site of (biopolitical) power inscription but a site of power contestation: ‘Social forces, while extremely powerful, do not completely determine women’s embodied existence and practices. Women, as embodied subjects, have agency and can use their bodies as tools and vehicles of resistance’ (Sutton, 2010: 5). Among the various ways in which bodies are embedded in and significant to political protests, the plurality of *bodies* is one (Sutton, 2010; Butler, 2015). When large groups of people—of bodies—assemble on the

<sup>19</sup> Abya Yala is the name in the Kuna language for the continent that the Spanish colonisers named (Latin) America.

streets in order to protest, their bodily presence *signifies* on its own. In other words, following Judith Butler (2015), even if no specific demands are articulated, the fact that bodies gather constitutes in itself a form of collective and embodied political prerogative:

when bodies assemble on the street, in the square, or in other forms of public space (including virtual ones) they are exercising a plural and performative right to appear, one that asserts and instates the body in the midst of the political field, and which, in its expressive and signifying function, delivers a bodily demand for a more liveable set of economic, social, and political conditions no longer afflicted by induced forms of precarity. (Butler, 2015: 11)

While, in previous works, Butler's notion of performativity was centred on the individual performance of gender and sexuality, the concept is now used to reflect upon the political: its (pre)conditions, possibilities and plurality. However, Butler is not erasing gender and sexuality from the equation but, rather, arguing that 'it is not just gender and sexuality that are in some sense performative, but their political articulations and the claims made on their behalf' (Butler, 2015: 57). Focusing on the entanglement of the body, performativity and precarity,<sup>20</sup> Butler discusses under which circumstances bodily acts become performative and whether such performativity implies pre-existing political agency. Defining performativity as 'the process of being acted on and the conditions and possibilities for acting' (Butler, 2015: 63), she suggests that it is not a question of possessing a certain power (agency) in order to act but, rather, a question of acting in order to claim such power. That is, even if no one can act without having the possibility of doing so, we are sometimes forced to act in order to create or maintain that possibility.

Finally, embodied performativity takes place *between* bodies, operating through 'the reconstruction of plural forms of agency and social practices of resistances' (Butler, 2015: 9). This idea that embodied performativity is necessarily a collective act, performed in the space between my body and the body of another, could thus perhaps be described as a process of *acuerparamiento*: to *acuerpar* is to resist with(in) one's body the embodied injustices experienced by other bodies (Cabnal, 2017).

<sup>20</sup> Butler defines precarity as a 'politically induced condition in which certain populations suffer from failing social and economic networks of support more than others, and become differentially exposed to injury, violence and death [...] precarity is thus the differential distribution of precariousness' (2015: 33).

## REVISITING THE CASE: A METHODOLOGICAL REFLECTION

My first encounter with the feminist mobilisations for reproductive rights in Chile was in 2016, when I was living in the city of Valparaíso. At that time, the bill regulating the decriminalisation of abortion on three grounds was being debated in the Congress (physically located in Valparaíso). In different places within or nearby the city there were huge banners with messages either supporting or opposing a modification of the then present law criminalising abortion in all cases.<sup>21</sup> When returning to Chile in August 2018 to commence Gender Studies at the University of Chile in Santiago, I met a city that for almost four months had been experiencing what both the media and the hegemonic discourse identified as a feminist revolution. Since May, students had been occupying several universities and high schools across the country as a protest against a sexist educational system that, among other things, grants impunity for professors and students accused of sexual harassment and abuse (see, for instance, Zerán, 2018; Reyes-Housholder & Roque, 2019).<sup>22</sup> These mobilisations appeared to have a catalytic effect on the feminist movement for reproductive rights, as the annual mobilisation for easy, safe and free abortion in July had gathered more than 50,000 attendees in the capital and another 50,000 across different cities throughout the country (Nodal, 2018). Almost everywhere I went, the *pañuelos verdes* (green scarves) were innumerable. To the eyes of an outsider, a lot had happened in a period of two years.

When I was asked to write a chapter for this anthology (in autumn 2020), another two years had passed since I visited Chile. During these years, the (bio)political arena on which the feminist mobilisations for reproductive rights take place had witnessed significant transformations. Since October 18, 2019, people in Chile had ‘relentlessly taken to the streets to demand not only higher pensions and salaries, and better health-care’ but also a new Constitution (Undurraga, 2020: 466).<sup>23</sup> The protests were repeatedly

<sup>21</sup> For example, a huge billboard with the message ‘*Aborto es tortura, muerte y desaparición*’ (‘Abortion is torture, death and disappearance’), written above a picture of political prisoners at the National Stadium in 1973, was placed along the highway connecting the capital and Valparaíso (Vivaldi, 2019a).

<sup>22</sup> The majority of the *tomas* (occupations) were separatist, that is, carried out by women, non-binary and/or trans\* students.

<sup>23</sup> In October 2020, there was a referendum in which the Chileans voted for or against the writing of a new Constitution. The ‘yes side’ got 78% of the votes (Gobierno de Chile, 2021). In September 2022, almost 62% of the Chileans then rejected a first proposal for a new Constitution. A new proposal is supposed to be developed in 2023.

repressed by military police, costing more than thirty lives, hundreds of eye injuries and thousands of cases of human rights abuse (Badilla, 2020). After several months of uprisings, the Covid-19 pandemic took a grip of the country, forcing people off the streets and into quarantine. Undoubtedly, these developments are relevant when discussing the quest for abortion: feminists are fighting for the recognition of sexual and reproductive rights in the new Constitution (MAACH, 2020), at the same time as the already limited access to legal abortions decreased dramatically when other health services were prioritised due to the pandemic (Amarillo, 2020). Shortly after July 25, 2020, Coordinadora Feminista 8 de Marzo published a declaration announcing: *‘No pagaremos la crisis con nuestros cuerpos’* (‘Our bodies will not pay for this crisis’) (CF8M, 2020).

\* \* \*

As mentioned in the introduction, this chapter is based on a study conducted in 2018–2019 (Persson, 2019), in which I analysed a range of performative and discursive strategies developed and used by four feminist organisations/collectives fighting for reproductive rights and justice in Chile: Mesa Acción por el Aborto en Chile, Marcha Mundial de las Mujeres Chile, Coordinadora Feministas en Lucha and Coordinadora Feminista 8 de Marzo.<sup>24</sup> These four organisations were included in my research due to their visibility during my stay in Santiago,<sup>25</sup> and due to their frequent articulation of the slogan of *‘aborto libre, (legal,) seguro y gratuito’*. However, the Chilean feminist struggle for reproductive rights and justice is carried out by a range of organisations and activists, both inside and outside the metropolitan region, that all articulate various perspectives and ideas, constituting a multiplicity that my sample could never, and does not pretend to, represent. In the same way, my sample cannot fully represent the heterogeneity of opinions present *within*, or *between*, the four organisations whose strategies were analysed.

All four feminist organisations included in my case study employ(ed) a variety of strategies in their fight for free abortion. I focused primarily on discursive articulations, as well as on the performative use of the body,

<sup>24</sup> More information about the four feminist collectives is presented at the end of the chapter.

<sup>25</sup> I encountered the organisations’ struggle for free abortion through demonstrations, meetings (*juntas*), workshops and seminars.

both in terms of how the body was conceptualised or described and in terms of how bodies became ‘signs that convey political meaning’ (Sutton, 2010: 172). I conducted the analysis using a form of discourse analysis based upon the operationalisation of Laclau and Mouffe’s (2001) concepts of *articulation*, *floating signifier* and *nodal points*, identifying *life*, *motherhood*, *the body* and *freedom* (to mention a few) as key concepts in the struggle for abortion. I also discussed whether and how these strategies challenged the current *glocal* geopolitical climate, focusing on neocolonial and neoliberal capitalism.

My data included written, graphic and (audio)visual material published by the organisations on various social media platforms and their websites, thus capturing both statements and arguments as well as agendas and information about demonstrations or other street mobilisations. Virtual technologies and the internet constitute a major arena for contemporary feminist articulations,<sup>26</sup> by, among other things, enhancing the ability to mobilise *on* the street, as well as the possibilities to create an autonomous narrative *about* such street mobilisations. However, I do not argue that the feminist struggle for abortion in Chile is conducted primarily on the online arena. Parts of my data were also produced through participatory observations, conducted at a panel discussion about abortion in Chile and at a feminist *encuentro* (meeting) organised in order to articulate an agenda for the upcoming strike on International Women’s Day 2019.<sup>27</sup>

Locating myself within the field of feminist epistemology and methodology, questions of power, reflexivity and social justice are central to my research. I consider the knowledge-building process to be one of creation or production, not of ‘discovery’ (Leavy, 2007: 91), and do not, for instance, seek to represent an ‘authentic’ narrative of the Chilean movement for reproductive rights. Inspired by Donna Haraway (1988: 589), I argue that all research is (or should be) grounded in ‘politics and epistemologies of location, positioning, and situating, where partiality and not universality is the condition of being heard to make rational knowledge claims’. In other words, the researcher’s ability as well as ambition to

<sup>26</sup> For example, as discussed by Kissling (2017: 18), social media/the internet is an efficient tool for the feminist movement that resists abortion stigma: ‘to share stories and inform others about pending legislation and judicial decisions, as well as to promote participation in traditional activism, such as protests, meetings, and rallies’.

<sup>27</sup> The panel discussion was organised by Marcha Mundial de las Mujeres Chile in September 2018. The feminist *encuentro* ‘Encuentro Plurinacional de Mujeres que Luchan’ was organised by Coordinadora Feminista 8 de Marzo in December 2018.

produce ‘true’ and ‘objective’ knowledge is inevitably an illusion. In my case, there is without doubt a tangible distance—in terms of both time and space—between me and the case that I analyse. For instance, neither the articulations and strategies developed by the organisations nor my understanding of feminist movements, reproductive rights and justice have remained constant since 2018. In the following sections, I will continue to revisit and re-actualise my discussion of the frames within which the feminist collectives situate their struggle, as well as of how their articulations and strategies repoliticise the embodied experience.

### FEMINIST FRAMES: *ABORTO LIBRE, (LEGAL,) SEGURO Y GRATUITO*

In my research, the demands for *aborto libre, (legal,) seguro y gratuito* were identified as the frames within which the Chilean struggle for reproductive rights is organised. Even though each demand signifies on its own, they were understood as inherently intertwined; together they weave the right to decide *if, where, when* and *how* to have an abortion with broader issues of sexual and reproductive health and rights, as well as social justice.<sup>28</sup> As articulated through these demands, the quest for abortion is inevitably entangled with issues of economic injustice (class), since the consequences of the criminalisation of abortion are unequally distributed between different groups of women: ‘*Las ricas se lo pagan, las pobres se desangran*’ (‘The rich ones pay for it while the poor ones bleed out’) (MMM-C, 2018a).<sup>29</sup>

Thus, through these four demands, the organisations position the struggle for reproductive rights in Chile outside the neoliberal and capitalist pro-choice paradigm, repeatedly challenged by both activists and scholars (see, e.g. Smith, 2005; Bloomer et al., 2019; Hurst, 2021). In fact, they challenge the neoliberal narrative that equals an unwanted pregnancy

<sup>28</sup> Before July 25, 2018, Coordinadora feministas en lucha published a declaration in which the relationship between the four demands was clarified: reproductive rights need to be recognised by state institutions; women’s bodily autonomy needs to be recognised; abortions need to be performed under safe conditions, outside the scope of profitability; and, finally, all of the above-mentioned can be fulfilled only as long as abortion is free of charge (CFL, 2018b).

<sup>29</sup> This quote was written on a sign that was captured on a video recording from the demonstration on July 25, 2017. The recording was published by Marcha Mundial de las Mujeres Chile before the demonstration in 2018 and is included in my material. It refers to the fact that ‘Illegality widens the inequality gap between well-off women who can pay to have an abortion in fancy or relatively safe places and women living in poverty, many of them with brown bodies already socially devalued and facing multiple forms of discrimination’ (Sutton, 2010: 126).



with an individual failure (Brown, 2016),<sup>30</sup> while simultaneously rejecting the notion of choice as unproblematic or universal. Thus, the struggle for abortion in Chile is not (or at least not only) a struggle for the individual right to choose, but a struggle for ensuring that all individuals have the possibility to choose: ‘in a capitalist system, choice is directly correlated to a person’s possession of resources. [...] the choice paradigm, specifically the woman’s choice to have a baby or not, does not address the larger societal context’ (Ivanescu, 2013: 48). Hence, the idea that reproductive choices are made in a vacuum is dismissed, as the organisations argue that women (should) possess ‘inherent rights to their bodies regardless of their class standing’ (Smith, 2005: 134). Equally dismissed is the neoliberal governance that positions freedom of choice as its node of ruling and exempts the state ‘from any obligation to provide access to safe abortion [...], sexual education and contraception’ (Vivaldi, 2019a: 35).

Consequently, the feminist struggle for abortion in Chile positions itself within the frames of reproductive justice, acknowledging the need for ‘an expanded vision of abortion access that exceeds the liberal notion of [...] autonomous decision-makers whose choices are not constrained by misogyny, racism, colonialism, ableism, and/or classism’ (Hurst, 2021: 203), as well as addressing the historical inability of many feminists to demand ‘that no woman should be denied the right to have children because of the material conditions of their life’ (Federici, 2020: 28). The following statement by Mesa Acción por el Aborto en Chile (2019) is one example of how this standpoint is articulated: *‘La conquista de nuestros derechos será feminista o no será’* (‘The winning of our rights has to be feminist, or not at all’). Recognising that feminism, as a political project, necessarily exceeds women’s right to choose, the organisation’s argument aligns with that of Ross and Stolinger (2017, 124): ‘Invoking individual rights or even constitutional protection of those rights does not accomplish what could, in fact, be accomplished through altered power relations’.

While it can be fruitful to distinguish between the ability to choose and the perceived legitimacy of a choice when discussing the pro-choice paradigm, such distinction seems to disappear when anti-gender advocates in Chile question both the legitimacy of choosing abortion *and* ‘women’s very capacity to choose’ (Vivaldi, 2019a: 227). While not remarkable for its novelty, this strategy allows conservatives to create a link between

<sup>30</sup>The real failure, according to the organisations, is not of individual but structural character: of not providing contraceptives or offering sexual education. ‘Unplanned pregnancies and poverty are not an individual woman’s problem’ (Bloomer et al., 2019: Ch. 7).

women's capacity to choose and material conditions (such as poverty), thus portraying 'themselves as the defenders of women being materially and socially able to have children' (Vivaldi, 2019a: 212). Paradoxically, then, both feminists and anti-gender advocates in Chile articulate socio-economic precarity induced by neoliberalism as a threat to women's reproductive 'choices'. The roots, as well as purposes, of their articulations are, however, essentially different: while anti-abortionists seek to explain that a woman's choice to abort is caused by this precarity (if she could, she would always choose to become a mother), feminists seek to explain that women's reproductive rights cannot be reduced to a choice, as long as the possibility to choose is not available for everyone (see Bloomer et al., 2019).

The biopolitical implications of a neoliberal regime are visible not only when discussing the notion of choice but also in relation to the pro-life paradigm. As argued by Marina Martínez (2020: 587), 'the politics of abortion in Chile' can only be understood by considering 'the potential link between neoliberalism and social-conservatism in general, and pro-life position in particular'. Ever since the *neoliberal constitutionalism* was implemented by the military regime in 1980, the 'right to life' has been inscribed in the Chilean Constitution,<sup>31</sup> posing a challenge for the feminist's quest for abortion. To a large extent, this challenge is constituted by a differentiation between 'life in general and the lives of living subjects' in the constitutional articulation (Martínez, 2020: 599).<sup>32</sup> Such articulations are repeatedly questioned by the feminist organisations:

*No defendemos la vida en abstracto, sino la vida digna, con derechos básicos garantizados* [We do not defend life as an abstract idea, but a life of dignity, where basic rights are guaranteed]. (CFL, 2018b)

Apart from this, the constitutional 'protection of life' may also be one explanation as to why the fourth demand for *legal* has not been included

<sup>31</sup> 'The Constitution assures every person: Primarily the right to life and to physical and mental integrity. The law protects the life of those *about to be born*' (Constitución Chilena, Ch. 3, art. 19, §1, cited in Martínez, 2020: 601, my emphasis).

<sup>32</sup> Martínez (2020: 602) discusses how the (constitutional) right to life seems to be distinguished from other constitutional rights, since 'conventional rights presupposes that the subject to which they apply is alive, and therefore life itself is not considered'. However, she argues—using the juxtaposition of abortion and the death penalty as an example—'the opposite is the case: the right to life applies *only* for those who have no rights because they are not legal subjects'.

in the feminist articulations to the same extent as the other three (*libre, seguro y gratuito*).<sup>33</sup> While resisting the criminalisation of abortion is, of course, central for feminists demanding free abortion, the question of (il) legality goes beyond such a dimension. It is indicative of an infected relationship between the feminist movement and the state, as well as of the fact that abortion legalisations always entail some level of biopolitical control<sup>34</sup>—especially if the Constitution treats the foetus ‘as an impersonal carrier of a good to be protected: life itself’ (Martinez, 2020: 602).

### FEMINIST STRATEGIES: REPOLITICISING THE EMBODIED EXPERIENCE

Having outlined the frames of the political articulations above, I will now discuss some of the feminist strategies identified in my previous study, ranging from resistance towards androcentrism and hetero-cis-sexism, the repoliticisation of language and the (female) body, and various rearticulations of abortion and motherhood to different forms of embodied actions.

Among these strategies, the use of gender-neutral and/or inclusive language was recurrent, exemplified by (for instance) the rejection or modification of masculine pronouns, widespread within the feminist movement in general. By replacing the second ‘o’ in the masculine conjugation of the pronoun *todos* (everyone) with either the letter ‘x’ or ‘e’, as in the following cases: ‘¡Hasta que *todxs* seamos libres!’ (‘Until everyone is free!’) (MMM-C, 2018b), ‘*Todes invitades*’ (‘Everyone is invited’) (CFL, 2018a), the organisations resist both linguistic androcentrism<sup>35</sup> and a binary theorisation of gender that limit our understanding of which bodies are affected by the criminalisation of abortion and, subsequently, participate in the struggle.

Another discursive strategy was the feminisation of masculine nouns, such as *cuerpo* (body): ‘*Marchamos para exigir nuestro derecho exclusivo a decidir sobre nuestras cuerpas*’ (‘We march in order to demand our

<sup>33</sup> ‘Legal’ is not, for example, printed on the *pañuelo verde*.

<sup>34</sup> When listening to the panel discussion organised by Marcha Mundial de las Mujeres Chile in September 2018, this issue was touched upon by two activists. While one of the activists claimed that legalisation is necessary in order to guarantee access to safe abortions, the other expressed the view that the law will always entail some level of control, and should therefore not be imagined as a possible protector of (reproductive) rights.

<sup>35</sup> The grammatical rule to use the noun in its masculine form when, for example, referring to a group of individuals of more than one sex/gender (*el masculino g nerico*) has frequently been criticised by feminist linguistics and activists. See, for example, Lled o Cunill (2012).

exclusive right to decide over our bodies’) (MMM-C, 2018c). By inventing new ways in which to name the embodied (and gendered) existence, the organisations repoliticise language in general, as well as the female and feminised body in particular, and resist the invisibilising effect of linguistic androcentrism. The body is, however, conceptualised not only as gendered but also as a territory: *‘El primer territorio de autonomía es el cuerpo’* (‘The first territory of autonomy is the body’) (MMM-C, 2018d). This example allocates the articulation of the embodied territory (*cuerpo-territorio*), mentioned in the chapter’s theoretical section, at the centre of the organisations’ struggle for reproductive rights. By reconceptualising the body in this way, the activists, like Braidotti (2006), include environmental fields in their understanding of biopolitical subjectivity, as well as question any ‘distinction between something called “natural life” and something called “political life”’ (Miller, 2015: 70).

### *Micro-revolutions: Embodied Performativity*

Another recurrent strategy employed by the organisations included in my study was the playful as well as political use of the word ‘abortion’ by its verb (‘abort’), thus articulating it as a collective and embodied practice of resistance:

*Las mujeres abortamos el fascismo* [We, the women, abort fascism].<sup>36</sup>  
(MMM-C, 2018e)

*Abortamos este sistema y todas sus formas de dominación* [We abort this system along with all its forms of domination]. (CFL, 2018b)

In the two examples above, abortion, as a *floating signifier*, is intertwined with various political articulations and filled with multiple meanings, connecting reproductive justice to social justice more generally. Conceptualising the uterus as an imaginary weapon in the struggle for social justice, the organisations articulate a critique of multiple oppressive power structures, without subordinating the issue of reproductive autonomy. Moreover, the articulations are examples of how ‘activists often use and deploy their bodies in specific ways to achieve their political goals’ (Sutton, 2010: 172).

<sup>36</sup>This first example was articulated as a reaction to the violent events during the demonstration on July 25, 2018, when three activists were stabbed by a group of neo-Nazis.

Highlighting the quest for abortion in contexts or situations where it is not always expected appeared to be a multifaceted strategy (Fig. 5.2):

Each year on September 18, *Fiestas Patrias* are celebrated in commemoration of when the process towards independence from the Spanish colonists and, thus, the creation of the nation-state of Chile, was initiated. During such celebrations, it is common to dance the *cueca*—a traditional Chilean dance that involves the usage of a (normally white) scarf. The call made by Mesa Acción por el Aborto en Chile seeks to enhance the visibility of the feminist mobilisations for free abortion by politicising a space normally reserved for celebration (and nationalism). The strategy could, therefore, be understood as ‘calling for a revolution in daily life’ (Sternbach et al., 1992: 214). Another strategy seeking to visibilise (or, rather, ‘audibilise’) feminist abortion activism is the usage of the *cacerolazo* (saucepan) (Fig. 5.3):

*Cacerolazo* is a common strategy for political protest in Chile, as well as in other Latin American countries. It was first used by middle-class women during Salvador Allende’s government and, later, by people protesting the

**Fig. 5.2** Mesa Acción por el Aborto en Chile encouraged their followers to use the *pañuelo verde* when dancing the *cueca*: ‘Este 18 bailamos con el pañuelo’ (‘This 18th, we dance with the scarves’)



**Fig. 5.3** Coordinadora Feminista 8 de Marzo convoked a *Cacerolazo* (demonstration where the participants bang pots and pans to make noise) for September 28 (September 28 is when International Day for the Decriminalisation of Abortion is celebrated)



dictatorship of Pinochet (Garretón, 1989). Ever since, ‘pots and pans [...] has been added to the symbolic repertoire of protest in Chile’ (Eckstein, 1989: 11).

Apart from positioning reproductive rights at the centre of the public agenda and challenging the taboo and stigma around abortion, what these last two strategies have in common are their performative dimensions. When feminists gather in the streets with pots and pans or to dance the *cueca* with the *pañuelo verde*, these ‘embodied forms of actions [...] signify in excess of whatever is said’ (Butler, 2015: 8). The activists, through their bodily presence, expand and/or re-conceptualise ‘the account of politics from which women [have been] naturally excluded, or included as objects to be secured, cared for, protected’ (de Souza, 2019: 98). Indeed, as mentioned earlier, such performativity is dependent on a plurality of bodies: the collective ‘composition of a common body [...] a politics that makes the body of one woman the body of all’ (Gago, 2018: 661).

### *Motherhood: Challenged and Celebrated*

As suggested in the theoretical discussion, gendered biopolitics, particularly the control of women's bodies, has been, and continues to be, constitutive of global capitalism: 'It is on women's bodies—their sexuality, physical labour, reproductive capacities, skills, and sacrifice—that much of the globalizing economic apparatus has been set up' (Sutton, 2010: 200–201). In the mid-nineteenth and beginning of the twentieth centuries, when Chile faced high rates of child mortality during the process of industrialisation, 'the female reproductive body became functional to new development models that [...] sought incorporation into a worldwide capitalist economy' (Brito et al., 2012: 147–148). Under such circumstances, the criminalisation of abortion places the uterus 'at the service of population increase and the production and accumulation of labor-power' (Federici, 2004: 181). The subordinated position that (many) women occupy in a capitalist society, as a result of biopolitical administration of their sexuality and reproduction, is frequently legitimised by a patriarchal logic that upholds motherhood as an essential or inevitable part of womanhood (Brown, 2016; Kissling, 2017). The idea of 'womanhood = motherhood' is highly present in the Chilean sociocultural context, making 'compulsory motherhood' one of the most central issues for the feminist collectives figuring in my study:

*La maternidad será deseada o no será* [Motherhood should be voluntary or not at all]. (MMM-C, 2018f)

Decimos NO a la **maternidad impuesta** [...] Luchamos contra la naturalización como máquinas reproductoras, felices, abnegadas, sacrificadas [We say NO to imposed motherhood [...] We fight against the naturalisation [of women] as reproductive, happy, self-sacrificing machines]. (CF8M, 2019a)

By challenging 'compulsory motherhood', the organisations articulate similar concerns as the Chilean feminist movement MEMCH did in the 1930s.<sup>37</sup> MEMCH argued, among other things, that women should not be forced to have children by a State that does not provide them with the necessary means to care for these children, and that 'abortion should be permitted for those women who cannot afford to have children in "good

<sup>37</sup> Movimiento Pro-Emancipación de la Mujer Chilena (Movement for the Emancipation of Chilean Women).

conditions” (Vivaldi, 2019a: 65). However, feminists struggling for reproductive rights in contemporary Chile do not only problematise how compulsory motherhood—caused by the criminalisation of abortion—disproportionately affects poor women, but also the fact that motherhood is (still) seen as one of the main traits of womanhood in the first place.<sup>38</sup> Abortion, thus, should be permitted for all women, including those with the material means to raise a child in ‘good conditions’, and motherhood should always be voluntary.

However, the organisations do not challenge—or dismiss—motherhood as a concept per se; they also celebrate it:

**Defendemos y amamos una maternidad respetuosa.** Parir, cuidar y criar junto a compañeras o compañeros es maravilloso, siempre que sea un hecho deseado y acompañado [We defend and love a respectful motherhood. Giving birth, caring for and raising (a child/children) collectively is wonderful, as long as it is a desired and accompanied event]. (CF8M, 2019a)

In this sense, motherhood is repoliticised and conceptualised in a similar way as by Federici (2020: 18): ‘maternity is not a destiny. But it is also not something to be programmatically avoided, as if it were the [only] cause of women’s misery and exploitation. No more than possessing a uterus or a breast is the capacity to give birth a curse’. That is, under different circumstances, motherhood would not need to be either compulsory or an embodied, economic curse but, rather, a possible practice of resistance: ‘the decision to have a child must also be seen as a refusal to allow capital’s planners to decide who is allowed to live and who instead must die or cannot even be born’ (Federici, 2020: 19).

Alongside such rearticulation of motherhood, the organisations also participate in the rearticulation of abortion as a historically situated and embodied practice. As shown by, among others, Federici (2004) and Kissling (2017), women all over the world have performed a range of practices to avoid or terminate unwanted pregnancies—some safer than others—for as long as we can remember. In the early phases of (colonial) capitalism, in the midst of a ‘demographic crisis’, women’s control over their reproduction was portrayed as a threat to primitive accumulation of labour, and was, subsequently, violently repressed (Federici, 2004). Therefore, one could argue, in a capitalist system, abortion is (could be)

<sup>38</sup> Indeed, questioning the existence of any *womanhood* at all.



in itself a renunciative, if not revolutionary, act, albeit an unrecognised one (Federici, 2020). No matter what, as articulated by the Chilean feminists, abortion has always been, and continues to be, unstoppable:

Abortamos en revuelta, abortamos en pandemia, abortamos con y sin casa, abortamos migrando, abortamos en el campo y en la ciudad, abortamos juntas hace siglos, abortamos ayer, hoy y mañana también [We abort during revolt, we abort during pandemic, we abort with or without a home, we abort while migrating, we abort in the countryside and in the city, we've aborted together for centuries past, we abort yesterday, today and tomorrow as well]. (CF8M, 2020)

## CONCLUSION

The struggle for free abortion in Chile is situated within the frames of easy, (legal,) safe and free—and, subsequently, outside of the binary scope of the pro-choice/pro-life dichotomy, as well as beyond the (il)legality of the procedure itself. The strategies used by the feminist collectives challenge the advancing and changing neoliberal, biopolitical regime and the multiple anti-feminist forces present in the country. Through a wide range of discursive and embodied performative strategies, the activists centre upon issues such as linguistic androcentrism, the material and symbolic body, reproductive rights and (in)justice, compulsory motherhood, economic inequalities and other oppressive power relations (such as fascism and racism). The feminist organisations perform macro- and micro-political work at the same time in order to resist the different levels of the gendered biopolitical regime: challenging the legal framework and the sociocultural stigma around abortion, the social-conservative image of womanhood, neoliberal governance, as well as the misogyny institutionalised in the healthcare system and anti-feminist forces. Hence, historical as well as present sociopolitical processes affect what the strategies aim to do or aim at (e.g. the constitutional ‘protection’ of life, reactionary and conservative anti-genderism and the high rates of inequality induced by the long-lasting neoliberal ‘experiment’). When new challenges appear, so do new strategies of resistance. As previously mentioned, feminist articulations are central to the ongoing process towards a constitutional reform: a reform of

great significance not only to the quest for abortion,<sup>39</sup> but to the quest for a radical democratisation of Chilean institutions and society.

The massive street mobilisations for reproductive rights and justice in Chile is one example of when bodies gather to exercise ‘a plural and performative right to appear’ (Butler, 2015: 11). Thus, Butler’s conceptualisation of embodied performativity and public protests offers a constructive approach when examining the repoliticisation of the female and feminised body, as well as ‘the role of materiality within a reframing of the political’ (de Souza, 2019: 98). By recentring the materiality of women’s bodies, these feminist mobilisations challenge the pseudo-universal right to appear on the streets as rational, disembodied political subjects:

it is no longer about bringing women to the heart of an already functioning political sphere, which already implicates a very specific gendered structure, in which the subject of speech must expunge the material and corporeal in search for the rational. Rather, contemporary feminist resistance has been demanding—and producing—a rearticulation of the political to account for the corporeal, the material, the situated, the epidermal—i.e. the racial, gendered, classed nature of all life. (de Souza, 2019: 100)

While being the focus of this chapter, the feminist mobilisations for reproductive rights and justice in Chile cannot be separated from the broader struggle for social justice. As discussed above, the frames within which the struggle for abortion is articulated consist of an awareness of the fact that, for example, ‘unless abortion laws are interconnected with a broader struggle for social justice, including the struggle against racism and classism, such laws will continue to be discriminatory’ (Hurst, 2021: 7). Hence, the commonly made mistake of not connecting ‘the struggle for abortion to the struggle to change the material conditions of women’s lives’ (Federici, 2020: 27) is not repeated. Instead, the feminist collectives included in my research participate in ‘the construction of a transnational articulation which no longer admits easy dualisms or the erasure of some claims in the name of others’ (de Souza, 2019: 96). In the process of such construction, it is crucial to acknowledge that ‘the rights for which we struggle are plural rights’, as well as that ‘we are but one population who has been and can be exposed to conditions of precarity’ (Butler, 2015:

<sup>39</sup> Both in terms of the problematic life-protecting paragraph and in terms of private health institutions’ right to choose freely which services or procedures to offer.

66), two aspects that are at least partially touched upon in the following (recurrent) articulation made by Coordinadora Feminista 8 de Marzo (2019b):

*Un feminismo de mayorías contra la precarización de la vida* [A feminism for the majority, against the precarisation of life].

\* \* \*

Coordinadora Feminista 8 de Marzo (CF8M) constitutes a feminist space from which multiple societies and organisations as well as independent activists articulate and mobilise resistance. Since 2018, they have organised annual *encuentros* where participants collectively formulate a common agenda and demands for the feminist strike on International Women's Day, March 8.

Coordinadora Feministas en Lucha (CFL) is a platform aiming to create a collective space from which a plurality of feminist organisations and activists can voice and articulate their political practices, ideas and visions. One important focus has been to visibilise the problem of illegal abortions from an intersectional perspective.

Marcha Mundial de las Mujeres Chile (MMMC) is the national branch of an international network that brings together feminist organisations around the world working to eradicate poverty and gender-based violence. The Chilean organisation was born in 2007 and has participated in the annual mobilisation for *aborto libre, seguro y gratuito* since 2013.

Mesa Acción por el Aborto en Chile (MAACH) was started in 2015 and consists of several organisations and activists defending women's human rights, as well as the rights of movements that fight for sexual and reproductive rights in Chile. Their main purpose is to generate and spread arguments for a decriminalisation of abortion in Chile.

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# Competition and Change in the Discourse on Abortion in Taiwan

*Chia-Ling Yang*

## INTRODUCTION

Women in Taiwan first gained the right to abortion in 1986 under the Eugenic Health Law, by which women can access abortion under certain circumstances.<sup>1</sup> Under this law, a woman not wishing to have a child will

<sup>1</sup>On the government website, the English translation of the law is the ‘Genetic Health Act’, but translated directly from Chinese to English it is the Eugenic Health Law. Circumstances listed in the law include: (1) She or her spouse acquires genetic, infectious or psychiatric disease detrimental to reproductive health. (2) Anyone within the fourth degree of kin relation to herself or her spouse acquires a genetic disease detrimental to reproductive health. (3) By medical consideration, pregnancy or delivery may cause life-threatening risk or be detrimental to her physical and mental health. (4) By medical consideration, risk of teratogenesis may present for the foetus. (5) Pregnancy as a result of being raped, lured into sexual intercourse or through sexual intercourse with a man prohibited from lawfully marrying her. (6) Pregnancy or childbirth is likely to affect her mental health or family life.

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usually use ‘Pregnancy or childbirth is likely to affect her mental health or family life’ as the circumstance for the abortion, since this circumstance, as quoted in the law, is the easiest way to access legal abortion.

There has been feminist criticism of the current law: Firstly, the Eugenic Health Law gives women the right to abortion mainly for reasons of the ‘eugenic’ health of or medical consideration for the foetus and the woman, not based on reproductive rights being about women’s choices or control over their own bodies. Additionally, some feminists worry about the racism and classism inherent in eugenic ideology since the word ‘eugenic’ is used in the Chinese title of the law. In Taiwan, where people do not necessarily link the word ‘eugenics’ with the Holocaust in European history, that aspect of racism and classism is unexamined. Secondly, the law requires the consent of a teenager’s parents or a woman’s husband in order for a woman to have an abortion. Thirdly, there is still a penalty for abortion under Taiwan’s Penal Code. In other words, women gained the right to abortion without abortion being decriminalised. Accordingly, some women’s groups suggest a revision of the Eugenic Health Law—to change its name to the ‘Reproduction Health Law’ and to allow women to access abortion without the consent of husband or parents. Some feminists further seek the decriminalisation of abortion in Taiwan.

There has also been a call for revision of the Eugenic Health Law from conservative religious groups in order to restrict women’s right to abortion. For example, in recent decades conservative religious groups have tried to lobby parliament members to add a compulsory consultation period, the ‘compulsory six-day consideration’, before women can have an abortion under the Eugenic Health Law. Additionally, some conservative religious groups seek abstinence-only sex education in schools.

In 2019, just after legalisation of same-sex marriage in Taiwan, conservative religious groups raised a referendum proposal to prohibit abortion at the eighth week of pregnancy, which brought back heated debates on abortion in Taiwan. In 2020, conservative religious groups raised another referendum proposal for the compulsory six-day consideration period before an abortion.

When the Eugenic Health Law was passed, Taiwan was still under martial law; later, when debates about abortion arose again in 2019 and 2020, there was progressive law reform for LGBTQ marriage rights. In a society experiencing such substantial social and political change, this chapter aims to probe what discourses have been employed in support of and against women’s rights to abortion within the last four decades.

## RESEARCH MATERIALS AND THEORETICAL PERSPECTIVE

The data in this chapter includes material gathered from official documents (such as the national Laws and Regulations Database and notes from public hearings), research on abortion in Taiwan and worldwide, and news and articles about abortion in Taiwan. The documents and research are used to identify the discourses employed within the last four decades in Taiwan.

Inspired by Myra Marx Ferree et al.'s research on abortion discourses in the USA and Germany (2002), I use the concept of 'framing' in social movements to identify what discourses and needs have been prioritised within pro- and anti-abortion rights movements. Regarding competitive discourse between women's groups and conservative religious groups, I employ Nancy Fraser's (1990) concept of 'competing counterpublics'. Fraser complicates Jürgen Habermas's understanding of the public sphere, recasting it from 'a site for production and circulation of discourses that can in principle be critical of the state' (p. 57) to 'a plurality of competing publics' (p. 61). Fraser exemplifies counterpublics as 'subaltern counterpublics' (p. 67)—alternative publics that include groups such as women and LGBTQ individuals, who develop and circulate counter-discourses, formulating their own interpretations of their identities, interests and needs. However, Fraser also suggests that not all subaltern counterpublics are virtuous, as some counterpublics pursue anti-democratic and anti-egalitarian agendas.

Applying the concepts of 'framing' and 'competing counterpublics' to analyse the changing discourse on Taiwan's Eugenic Health Law, women's groups constitute alternative publics who are reframing pro-abortion discourse from being about 'population control' to being about 'women's choices' and 'women's control over their own bodies'. However, conservative religious groups also constitute alternative publics and work actively to reframe their anti-abortion discourse from being about 'the murder of babies' to 'solving the problem of low birth rates' and being 'for the sake of women'. I argue first that, although there have been differences in the framing of discourses on abortion throughout the past four decades, historically the framing particulars are not 'linearly progressive', since women's rights discourse appeared in the late 1970s and 'baby-killers' discourse can still be found in the debates of 2019 and 2020. Secondly, I demonstrate how population policies and feminist terms can be employed by contradictory sides on abortion and that, accordingly, the public needs to

be more careful in reading these discourses. Thirdly, I argue that Taiwan's specific historical and political contexts play an essential role in how both sides frame their discourse on abortion. Compared to the 1980s, when the Eugenic Health Law was passed, the present day finds both sides using the anxiety of Taiwan's fragile position in international politics and actively employing international statistics and experiences to cast their own stance as more 'democratic', 'progressive' and, therefore, more reasonable and acceptable.

In the following, based on existing studies of the Eugenic Health Law, I describe the discourses on abortion before and after the law was passed, from the late 1970s to the 2000s.

Then I will analyse the 2019 and 2020 debates about abortion in the media and identify which discourses have changed or remain unchanged through the four decades and situate the framing of discourses between competing counterpublics within the specific historical, political and social contexts in Taiwan.

## DISCOURSE-FRAMING ON ABORTION FROM THE 1970s TO 2000s

### *1970s–1980s: Highlighting Population Control and Downplaying Women's Rights*

According to a study of women's right to abortion in Taiwan (Chen, 2014), the so-called new feminism of the 1970s in Taiwan began to frame abortion as integral to women's rights: some feminists wrote newspaper articles using the terms 'women's autonomous decisions about reproduction' and 'women's control over their own sexuality'. In the year before the passing of the Eugenic Health Law, a national survey also showed that most women were in sympathy with the idea of women having autonomy in their decisions about reproduction. In the same year Awakening Magazine,<sup>2</sup> the only women's organisation at that time, successfully mobilised women to follow the parliamentary debates about the Eugenic Health Law in order to pressurise Parliament members to pass the law.

<sup>2</sup>Awakening Magazine Publishing, est. 1982. Organisations such as this were allowed under martial law only by setting up as a publishing company that produced magazines, held study groups and so on. When martial law ended in 1987, the same group of women established the Awakening Foundation.

Nevertheless, other studies (Ku, 1990; Kuan, 2009) also demonstrate that the pervasive conservative moral discourse and pressure from anti-abortion religious groups of the 1980s compelled the women's movement to reframe their call for women's access to abortion under the call for population control to decrease the birth rate at that time. In other words, the population policy provided political opportunity for the women's movement to get the Eugenic Health Law passed. According to Chao-Ju Chen's (2014) research, in 1985 the women's movement used a similar discourse-framing strategy to change the law in the Civil Code so that the child of a woman without brothers can use the mother's family name. In Taiwan, many women are expected to bear a son in order to continue the husband's family name, so that there will be sons and grandsons to continue the patrilineal family; this also links to traditional religious thinking that one needs to have offspring with the same family name to worship one after death. Therefore, there were families producing more children because they wanted to have a son. However, now, if a woman doesn't have any brothers, she can have a child who may bear her own family name (which is actually the women's father's family name) so that her father's family will have offspring with the same family name to worship them. Accordingly, women are released from the burden of being expected to have a son, and the birth rate can fall. In other words, the change in the Civil Code allowing a child to bear the mother's family name is not based on the idea of breaking the continuity of the patrilineal family in patriarchal society but rather on providing another measure of population control.

With the concept of 'legal mobilisation', Chen (2014) further argues that the women's lobbying of Parliament members had to downplay its disagreement with the husband's or the parents' right of consent for a woman's abortion, since Kuo-Ming Tang (abbrev. KMT), the conservative nationalist party, constituted the majority in the Parliament at that time and, accordingly, women's groups' discourse could not be 'too progressive'. As a result, Article 1 defines the aims of the Eugenic Health Law as the following: 'to enforce reproductive health, upgrade population quality, protect the health of the mother and child and bring added happiness to families'. The population of the nation-state, women's reproductive health and the happiness of families are emphasised, while any terms relating to women's rights, such as women's autonomy or control over their own reproduction and their own bodies, were left out of the law.

*1990s–2000s: The Focus on Teenagers’ Sexuality*

Although women’s rights to abortion are restricted under certain circumstances and the consent of the husband or the parents is required, the anti-abortion movement seeks further restrictions on abortion. Since the 1990s, reports that teenagers cause a ‘peak in abortion rates in September’ have appeared in the media, with the implicit presumption that young people are having sexual intercourse during the summer vacation and this leads to young women getting abortions in September. This equation linking abortion with the so-called overflowing sexuality (i.e. hypersexuality) among teenagers can also be found in articles by religious groups.<sup>3</sup>

The women’s movement responded to the linking of legal abortion to teenagers’ sexuality in two ways. On the one hand, some feminists who are for sexual liberation argued for teenagers’ right to both enjoy sexuality and have access to abortion without a moral burden.<sup>4</sup> On the other hand, Taiwan Women’s Link, a woman’s organisation founded in 2000 with a focus on women’s health, specifically highlighted the reproductive rights of teenage girls and called for revision of the Eugenic Health Law, including changing the title to ‘Reproduction Health Law’ and improving teenage girls’ access to abortion.

With the focus on teenagers’ sexuality, sex education also became a battlefield: women’s groups criticised the widespread use of a film in high schools about how horrible abortion is, while religious groups asked for abstinence-only sex education.

In a study of debates about the revision of the Eugenic Health Law in the 2000s, Ling-Fang Cheng (2015) divides the competing discourses into ‘strictly control’ discourse from religious groups and ‘women-centred’ discourse from women’s movement groups. Religious groups asked for compulsory consideration days, compulsory consultation and consent from two doctors in order to restrict women’s access to abortion. On the other side, women’s groups responded to the proposal for law revision with women-centred discourse. For example, they criticised the

<sup>3</sup>Taking one of the articles as an example: ‘Consequences of legalisation of “abortion”.’ Retrieved April 5, 2021, from [https://theology.catholic.org.tw/life\\_ethics/keep%20the%20life/theme/abortres.htm](https://theology.catholic.org.tw/life_ethics/keep%20the%20life/theme/abortres.htm)

<sup>4</sup>Interview with Chun-Rui He: ‘The abortion boom in September’ (September 1, 1998). Retrieved April 5, 2021, from [http://sex.ncu.edu.tw/jo\\_article/1998/09/%E5%B0%88%E8%A8%AA%E4%BD%95%E6%98%A5%E8%95%A4%EF%BC%9A%E4%B9%9D%E6%9C%88%E5%A2%AE%E8%83%8E%E6%BD%AE/](http://sex.ncu.edu.tw/jo_article/1998/09/%E5%B0%88%E8%A8%AA%E4%BD%95%E6%98%A5%E8%95%A4%EF%BC%9A%E4%B9%9D%E6%9C%88%E5%A2%AE%E8%83%8E%E6%BD%AE/)

compulsory consideration as presuming women to be incapable of independent thinking and self-decision. Women's groups demanded women's control over their own bodies.

It is worth noting that the population discourse appeared again in the 2000s with the emphasis shifted from the population-control discourse of the 1980s to discourse on solving the problem of low birth rates. Religious groups' strictly control discourse intends to decrease the rate of abortion so that the birth rate can increase. This allows the conservative religious groups to say that theirs not only is a pro-life discourse, but seeks to benefit the whole of society and the nation-state.

### *Progressive Framing in 2019 and 2020 After Same-Sex Marriage Was Legalised*

In 2019, just four months after the passing of the same-sex marriage referendum and several months before the 2020 presidential election, the Alliance of All People's Movement to Respect Life proposed a referendum to prohibit abortion at the eighth week of pregnancy. In 2020, after this so-called heartbeat referendum was turned down by the Central Election Commission, they put forward another proposal, this one to require a six-day consideration period before abortion.

The use of referendums by the conservative side was nominally successful in November 2018 when about seven million Taiwanese voted for a national referendum to legalise same-sex unions without changing the Civil Code's definition of marriage as a union between a man and a woman, and to call for a ban on LGBTQI-inclusive education in elementary and junior high schools. Although conservative religious groups gained majority support for this national referendum, same-sex marriage was legalised under the title 'The Enforcement Act of the Judicial Yuan Interpretation No. 748',<sup>5</sup> and LGBTQI-inclusive education continued under the Enforcement Rules for the Gender Equity Education Act. In other words, the conservative groups did not, in practice, get what they really wanted.

<sup>5</sup> Same-sex marriage is legalised under such a title because, on the one hand, the constitutional interpretation was that Taiwan's government should legalise same-sex marriage so that basic human rights in the Constitution can be protected. On the other hand, the national referendum decided not to change the definition of marriage in the Civil Code and, therefore, same-sex marriage cannot be named as 'marriage' in the law. Accordingly, same-sex marriage is legalised only within one specific law in Taiwan.



### *Democratic Framing*

When the referendum was put forward, a board member of Taiwan Women's Link, Lu-Hung Lin, said the following:

After the referendum on anti-same-sex marriage, many women's groups were worried that the next issue for referendum would be abortion. But we had thought that now abortion would not be an issue again. [...] We misapprehended the progressiveness of Taiwan's society.<sup>6</sup>

In the debates about abortion, I identify 'democracy' as the first discursive frame on both sides, used to demonstrate their 'progressiveness'. On the pro-abortion side, women's groups often connect progress in women's status with Taiwan's progressive laws. For example, in the above citation, Lin's and other women's groups thought that the abortion issue would not be raised again in a progressive society with legalised same-sex marriage. In a similar way, Hui-Jung Chi, ex-CEO of a woman's group, The Garden of Hope Foundation, and now one of the commissioners of the Control Yuan in Taiwan,<sup>7</sup> said the following:

The passing of the same-sex marriage referendum in 2019 made Taiwan the first country in Asia with same-sex marriage, and this raised international attention and created related debates in other Asian countries. The Domestic Violence Prevention Act was drafted in 1995 and passed in 1998 [...] and this made Taiwan the first country in Asia with such an act.<sup>8</sup>

As Chi says, Taiwan is a country with many progressive laws and this sets Taiwan apart with several 'Asia firsts', including laws that protect women's rights and, after 2019, enhance gay and lesbian rights. Further, a woman's right to decide how many children she wants is protected under CEDAW

<sup>6</sup>The interview is quoted from the news article, 'Whose life do you respect? Debates about abortion' (December 18, 2019). Retrieved April 20, 2021, from <https://www.storm.mg/article/2064369>

<sup>7</sup>In Taiwan, besides the separation of powers in which the executive, legislature and judiciary systems are independent, the Control Yuan is one of the two extra systems in Taiwan's government and is responsible for receipt of people's complaints, investments, sunshine acts, human rights work and so on. Retrieved April 20, 2021, from <https://www.cy.gov.tw/EN>

<sup>8</sup>The interview is quoted from the news article, 'Are women's rights in Taiwan progressive? Interview of Hui-Jung Chi, "The equation between abortion and baby-killing is the greatest vilification of women"' (December 4, 2019). Retrieved April 20, 2021, from <https://udn.com/news/story/7272/4205004>

(Convention on the Elimination of All Forms of Discrimination against Women), which has been mentioned in both public hearings about the referendum proposal and in news articles.<sup>9</sup> Lu-Hung Lin also stressed that ‘whether or not women can decide their own reproduction is an indicator for measuring the status of women in a country’.

On the other side, conservative religious groups also set forth their anti-abortion discourse as part of a democratic framework. For example, in the public hearings, Chia-Chih Peng said:

There are four states in the USA that passed ‘Heartbeat Acts’ in the last two years. The changes set forth by the Act follow democratic procedure and this signifies that a big democratic country has started to value the importance of the rights of the foetus to life. [...] Many people say that ‘Heartbeat Acts’ do not respect women’s autonomous rights over their own body. Which one is more important: women’s bodily autonomy or not killing babies? A country with a more developed democracy should value the importance of life.<sup>10</sup>

Peng is the Convener of the United Action Alliance,<sup>11</sup> a political party that identifies with the Republic of China and includes membership from both mainland China (i.e. the People’s Republic of China) and Taiwan. Peng further stated that ‘we should let God lead the Parliament’ in the Party Founding Manifesto.<sup>12</sup> His words equate democracy with respecting lives, especially babies’ lives.

It is worth noting that there is a term shift from ‘foetus’ to ‘baby’ in Peng’s words in the public hearings. In the beginning, when he employs the example of the Heartbeat Act in some states in the USA, he says

<sup>9</sup>For example, ‘Problems of referendum proposals to restrict abortion and their contradictions with CEDAW’ (October 7, 2019). <https://www.storm.mg/article/1776502>; ‘“Eight-week proposal” cannot be voted.’ [https://www.goh.org.tw/mobile/news\\_detail.asp?PKey=aBRWaB31aBTVaB34aBRIaB39aBSPaB38&Class1=aBKVaB33](https://www.goh.org.tw/mobile/news_detail.asp?PKey=aBRWaB31aBTVaB34aBRIaB39aBSPaB38&Class1=aBKVaB33); ‘Referendum proposal of “your womb is not yours” should not be voted’ (November 11, 2019). <https://taronews.tw/2019/11/16/529029/>. All articles retrieved April 20, 2021.

<sup>10</sup>Public hearing notes (October 28, 2019). Retrieved April 20, 2021, from <https://web.ccc.gov.tw/referendum/cms/HearingRecord/31400>

<sup>11</sup>United Action Alliance website. Retrieved April 20, 2021, from <https://www.uaa153.com/contents/text?id=17>

<sup>12</sup>News article, ‘Let God lead the parliament! Anti-LGBTQ Christian group established a political party. Netizens: “More insane than the KMT [Kuo-Ming Tang, the nationalist conservative political party]”’ (November 26, 2018). Retrieved April 20, 2021, from <https://newtalk.tw/news/view/2018-11-26/172305>

‘foetuses’ lives’. Then he shifts from ‘foetuses’ to ‘babies’ and repeats ‘killing the babies’ many times, as pointed out later by a feminist juridical scholar, Chih-Chieh Lin, and Lin then illustrates the difference between a foetus and a baby by juridical definition.

In the 2020 public hearings, religious groups called women who have abortions ‘baby-killers’. For example, in the words of Ching-Lung Chen, Secretary General of the Alliance of All People’s Movement to Respect Life:

Abortion is violence since it kills a baby. It is just like the mafia, killing people to keep people silenced. It’s using violence to solve the problem. Basically it’s like this, and murder is the most serious crime.<sup>13</sup>

The ‘baby-killer’ discourse continued throughout the four decades of the abortion debates. However, there is a slight difference between Chen’s and Peng’s words. Chen’s words appeal more to people’s emotions, since he links abortion with the crime of murder. Instead of condemning women as baby-killers, Peng uses a positive expression to equate valuing babies’ lives with democratic values, which makes his stance more progressive.

I identify a ‘democratic frame’ employed by both sides on abortion, but ‘democracy’ is interpreted differently by the two sides: on the pro-abortion side, democracy is measured by women’s status in society and their autonomy in reproduction; on the anti-abortion side, democracy equates with respect for foetuses’ lives.

Moreover, to some extent, democracy is valued differently by different generations in Taiwan:

Young people nowadays live in a free and democratic society, and their thoughts are more open and, accordingly, these young people will have different viewpoints about people with various decisions about their reproduction. When these young people grow up, they are more willing to express their viewpoints and to discuss beyond religious perspectives. (Shu-Ying Huang)<sup>14</sup>

Huang was a Parliament member between 2005 and 2008 and has been the Chairperson or a board member of the Taiwan Women’s Link for decades. Huang presumes young people should be more democratic and

<sup>13</sup>Public hearing notes (March 27, 2020). Retrieved April 20, 2021, from <https://www.ccc.gov.tw/central/cms/latestNews/32951>

<sup>14</sup>The interview is quoted from the same article cited in footnote 5.

less religious. Her words can be situated in the historical and political context of Taiwan becoming a democratic country after the lifting of martial law in 1987. Therefore, Taiwan's young people live in a free and democratic society undergoing progressive law revision. Compared to these young people, the older generations who lived most of their lives under an authoritarian government are 'outdated' and are more conservative and less democratic. Moreover, for Huang, religion seems to be something in contradiction with democracy. This view of religion must be situated in the social context in which conservative religious groups have been working to mobilise people against women's rights and LGBTQ rights in Taiwan for decades. As a result, many people who support women's and LGBTQ rights equate religion with a conservative and undemocratic ideology.

Nevertheless, conservative religious groups frame themselves and their discourse as democratic and progressive. In a study of the conservative religious groups' anti-same-sex marriage movement, Ke-Hsien Huang (2017) demonstrates how right-wing religious groups use reports from academia and attestations from non-governmental organisations (NGOs) to argue that laws supporting LGBTQ rights might threaten the institution of the family, children's rights and the moral values of the nation-state. He also mentions that Taiwan's Alliance of the Guardians of the Family probably learned from Christian right-wing activists' rhetoric of 'reversed discrimination' in Hong Kong and so construct themselves as the 'moderate and silent majority' who are oppressed by the 'aggressive minority', portraying themselves as standing out bravely so that their voices can be heard.

In the debates about abortion, I find that Peng also used similar rhetoric, saying that the United Action Alliance was established by a small group of ordinary people who are new participants in politics and who lack any political background. In his words, 'We would like to express our ideals about how a nation-state and society should be and simply be the representatives of our political party so that we can express our opinions and demonstrate the power of citizens.'<sup>15</sup>

<sup>15</sup>News article, 'United Action Alliance Chia-Chih Peng: "We organisers [of the United Action Alliance] are a group of Christians with high moral standards"' (December 30, 2019). Retrieved April 20, 2021, from <https://www.thenewslens.com/feature/2020thirdforce/128675>

In the above quotations, Peng doesn't mention that his party insists on the union of China and Taiwan, which can be identified clearly from the party's webpage. In Taiwan, KMT, the conservative nationalist party, and DPP, the Democratic Progressive Party, are regarded as the two poles of the political spectrum. KMT, like the United Action Alliance, is pro-union with China, while DPP insists that China and Taiwan are two separate countries. However, many people in Taiwan, tired of the competitiveness between the two parties, think that politicians are corrupt and politics is 'dirty'.<sup>16</sup> Accordingly, people in Taiwan tend to look for something or someone new in politics. It seems that, rather than position his party as part of the existing political spectrum, Peng is trying to construct the party and its candidates as something and someone 'new'. His emphasis on the expression of ordinary people's opinions and the power of citizens attempts to frame his party as democratic.

### *The Employment of Statistics*

In addition to citing particular laws in Taiwan and other countries and stressing 'democracy', both sides also demonstrate their 'progressiveness' through the use of statistics. Take the following news article excerpt as an example:

Since 2003, revision of the Eugenic Health Law has been heatedly debated in the Parliament. Outside the Parliament, religious groups and some obstetricians and gynaecologists employed 'estimations from the medical profession' and 'statistics' and stated that there are 500,000 abortions every year and therefore we should regulate it with stricter laws. [...] The director of Taiwan Obstetrician and Gynaecologist Association, Min-Chao Huang pointed out directly that these estimates were not backed by proof and were exaggerated. Huang said that according to studies abroad, abortion numbers cannot be higher than half of the numbers of newborn babies per year in each country. In other words, since there are 180,000–200,000 newborn babies per year in Taiwan, abortion numbers cannot be higher than 100,000 per year.<sup>17</sup>

<sup>16</sup>In my article (Yang, 2017) about women as new activists in the occupation of the Parliament in 2014 (the so-called Sunflower Movement in Taiwan), I also illustrated people's conceptions of politics within Taiwan's historical and political contexts.

<sup>17</sup>News article, 'Can the prohibition of abortion raise the birth rate? Are the three claims from the anti-abortion groups wrong?' (December 18, 2019). Retrieved April 20, 2021, from <https://www.storm.gov/article/2064382>

Exaggerated statistics used by religious groups spread fear easily, which is shown in previous debates on various gender and sexuality issues in Taiwan, as with the ‘hypersexuality of teenagers’ mentioned above—this created fear of sex education that might wake up the ‘sleeping bear’ of young people’s sexuality and lead to teenagers’ exploration of sexual activities. In debates about the national referendums on sex education, LGBTQ-inclusive education and same-sex marriage, exaggerated statistics of hypersexuality among young people, reports claiming that LGBTQ-inclusive education can turn students LGBTQ, the link between AIDS and gay men, and warnings about the disappearance of the heterosexual family all spread fear in society.

In a similar vein, conservative religious groups used the increasing number of abortions as proof of the ‘worst results’ of the legalisation of abortion. For example, in the public hearings in 2019, Peng used a research report to demonstrate the negative impacts of abortion on women in Finland. In 2020, Peng referenced the consideration days in Belgium and the Netherlands, claiming that countries with consideration days have a lower abortion rate than those that don’t, such as Sweden, the USA, New Zealand and Canada.<sup>18</sup>

Similarly, the pro-abortion side also uses statistics and international reports to support its arguments. For example, Min-Chiao Huang uses the statistic that ‘at least 5–35% of women’s menstruation is irregular’ against the proposal to prohibit abortion after eight weeks, since many women don’t find out they’re pregnant until after eight weeks. He further employs the number of deaths of pregnant women and women in childbirth to highlight how important it is for a woman to consider the possible risks she faces during pregnancy and childbirth. Huang also cites the restriction of women’s reproduction rights in Romania in 1966 to illustrate the various strategies for abortion that were used by both rich and poor people, as well as the deaths caused by illegal abortions. He connects his position to that taken by the associations of obstetricians and gynaecologists in the USA and the UK, similar international associations and the World Health Organization (WHO) to prove it is an international trend to focus on women’s reproductive rights.<sup>19</sup>

Both sides use statistics from medical professionals, and the statistics and scientific studies become the ‘truth’ on which both sides rest their

<sup>18</sup> Public hearing notes (March 27, 2020). Same source as footnote 12.

<sup>19</sup> Public hearing notes (October 28, 2019). Same source as footnote 9.

arguments. Medical professionalism and scientific truth are employed to represent the ‘progressiveness’ and the rationalism of each side’s position on abortion.

Moreover, international studies are used not only to demonstrate that a given argument is scientific and professional but also to cast Taiwan as a member of the international community—that is, since Taiwan is not recognised as a country internationally, both sides try to use examples from Western countries to show that Taiwan is aligned with these democratic and progressive countries.

Although the anti-abortion side equates abortion with baby-killing, at the same time it also frames its argument as being about women’s rights, thereby attempting to present the anti-abortion position as progressive. In the following, I will describe this discourse-framing device used by both sides on abortion.

### *‘For Women’s Sake’ Framing*

The third way that both sides on abortion demonstrate their progressiveness is through discourse that their position is ‘for women’s sake’, especially in the 2020 public hearings.<sup>20</sup> For example, Chia-Chih Peng said the following:

When women find themselves pregnant, they decide whether or not to have an abortion after six days of consideration and consultation; this is to actively protect women’s rights over their bodies so that there won’t be occasions of unwilling abortion. At the same time, they can also carefully consider the value of the foetus’s life.

In Peng’s words, adding required consideration days is ‘to protect women’s health and equality between men and women’.

In the previous section, I mentioned that statistics are employed as a way to demonstrate ‘progressiveness’ on both sides. Additionally, the anti-abortion side also uses statistics to support the claim that they care about women’s well-being. For example, Ching-Lung Chen said in the public hearing in 2020, ‘There are a lot of abortions in Taiwan, at least from 200,000 to 400,000 per year. [...] 50–60% of these pregnant women were

<sup>20</sup>Quotes from Chia-Chih Peng, Ching-Lung Chen and Yu-Hua Chiang are from public hearing notes (March 27, 2020). Same source as footnote 12.

forced to have an abortion. [...] Some studies state that if these women get help, 80% of these women would like to keep the baby.’ Yu-Hua Chiang, a woman who assisted Peng on the anti-abortion side, used a nationwide study in the Netherlands and the UK to demonstrate the negative impact on women’s health of abortion using RU-486,<sup>21</sup> as well as studies from the USA, Canada and Denmark to prove abortion can lead to women experiencing negative feelings, depression, psychological problems or even that it can lead to death.

Although Peng doesn’t back up this presumption with any statistics, he continues on with the following:

In Taiwan many women are forced to have abortions under the pressure of the husband’s family, the husband or the boyfriend. To talk about women’s rights over their bodies under such a social climate actually infringes on disadvantaged women’s rights. [...] The content of a consultation should include firstly, that a foetus’s life has the same worth as a woman’s based on laws and values. Secondly, according to many medical research reports, abortion can cause severe secondary results to women’s mental and emotional health. Lastly, the consultation should provide professional evaluation of the pregnant woman’s network, her family members and economic situation with suggestions regarding her social situation, such as postpartum assistance – for example, placement of the baby and re-establishment of the woman.

Peng even changed the discourse around from the ‘peak of teenage student abortion’ being in September to stress that ‘[i]n fact, most abortions are not accessed by teenagers, but by adult women who are under various pressures. And it’s a shame that it is often heard that women abort female foetuses in order to have sons.’

There are both persistent and changing frames employed in anti-abortion discourse. ‘Hypersexuality’, the high number of abortions, the negative impacts of abortion and the value of the ‘foetus’s life’ are continual.

One changing frame is a shift of focus from teenagers’ abortions to adult women’s abortions. This shift serves to stress that it’s the anti-abortion side that cares about disadvantaged women, implying that the pro-abortion side are ‘middle-class feminists’ who don’t know the reality of disadvantaged women’s lives and sufferings. Accordingly, the right to

<sup>21</sup> A steroid drug that induces abortion during the early weeks of pregnancy.



autonomy over one's own body cited by pro-abortion discourse is reframed as something harmful to disadvantaged women.

Another changing aspect is the shift of focus to married women. Anti-abortion proponents also mention that one reason for abortion is sexism—that is, wanting sons—and the pressures women are under from their husbands or husbands' families. Therefore, it is the anti-abortion side who really cares about women's rights.

A third changing aspect is the employment of low birth rate statistics. The anti-abortion side now touts the restriction of abortion as a way to ensure higher birth rates. In public hearings, the anti-abortion side states that low birth rates have become a serious problem that threatens the safety of the country.<sup>22</sup> Compare this to discourse-framing in the 1980s, when women's groups used 'birth control' as an argument for abortion in order to get support from the conservative party KMT. Four decades later, it is the anti-abortion side that uses population policy to frame its discourse to get support for its argument.

It is worth mentioning that feminists in Taiwan criticise the imbalanced gender ratio among newborn babies in the 1990s and have worked to address the unequal, gendered power relations between women and men by changing the laws and supporting gender equity in education. 'The low birth rates are a serious problem that threatens the country's safety' is one of the slogans of the Childcare Policy Alliance. This Alliance is constituted of many women's groups and labour organisations, and it seeks better childcare policy in order to raise the birth rate in Taiwan. However, these feminist issues seem to be appropriated by the anti-abortion side. As with the strategy employed by the anti-LGBTQ movement in Taiwan (Huang, 2017; see also Yang, 2020), conservative religious groups try to use these feminist issues or terms to make their argument sound more progressive and thereby compatible with a democratic society, as well as 'for women's sake'.

I would also point out that although conservative religious groups aim to employ feminist issues, their central values still prioritise fetuses' lives over women's choices and rights. This creates inconsistency within their

<sup>22</sup> Public hearing notes (October 28, 2019). Same source as footnote 9. See also 'Who are these people from Shofar: Alliance of Community Transformation, who raised the Taiwan version of "heartbeat" proposal?' (September 28, 2019). Retrieved April 20, 2021, from <https://www.thenewslens.com/article/125356>; Shofar webpage: see <https://www.facebook.com/Shofarrevival/>

discourse. For example, in the public hearings in 2020, although the anti-abortion side tried to emphasise women's rights, Chen still equated abortion with baby-killing and murder. Moreover, he stated, 'Women's autonomous rights are not without limit. For example, why do we need to wear masks under the pandemic of Covid-19? [...] If I insist on my autonomous rights and am not willing to wear a mask or quarantine, will that be okay? My autonomous rights are constrained.' His prioritisation of a baby's life over a woman's rights is clear as he draws a parallel between 'babies' lives versus women's rights' and 'public health versus individuals' rights'.

In probing conservative religious groups' discourse, I would argue that the only 'women's rights' that are meaningful to them are 'women's right to be mothers'. Therefore, their discourse-framing actually remains unchanged, since its central value is a baby's life over a woman's choice.

On the pro-abortion side, women's groups use more clearly feminist terms in their discourse. For example, at press conferences, the slogan that the Awakening Foundation uses is 'Women's uteruses, women decide', further stating that:

The referendum proposal ignores women's situation and harms women's rights to health and reproductive autonomy in the name of protecting a foetus's life. This uses the law of the nation/state to extend paternalistic control and patriarchal power over women's uteruses.<sup>23</sup>

The Awakening Foundation's statement employs a famous slogan of the women's movement and uses the terms 'paternalistic' and 'patriarchal', which aligns them with a feminist position. In public hearings and news columns, they mention 'sexual and reproductive health and rights' from WHO's definition of women's reproductive rights, as well as women's rights to bodily autonomy where their health and reproduction are concerned.

I would like to situate the discourse-framing of women's rights within its social and political context in Taiwan. As mentioned earlier in the chapter, after the lifting of martial law in Taiwan, the women's movement advanced their goals with law revisions and gender equity education. In a

<sup>23</sup> 'News article, "Women's uteruses, women decide!" Women's groups fight against the referendum of restriction on abortion and criticise this proposal as invading women's autonomous rights' (October 10, 2019). Retrieved April 20, 2021, from <https://www.storm.mg/article/1809404>

shift from the social milieu under martial law wherein Awakening Magazine was the only women's organisation, nowadays there are more women's organisations. Now, when abortion debates arise again in society, organisations such as the Taiwan Women's Link, Awakening Foundation, Taiwan Feminist Scholars Association, graduate institutes of gender studies and women's research centres at universities, the Women's Rights Association, Taiwan Gender Equity Education Association and the Birth Empowerment Alliance of Taiwan all hold press conferences. Together, they communicate their pro-abortion stance and proposals for revision of the Eugenic Health Law—such as to change the title to the Reproduction Health Law and to allow women's abortion without the parents' or husband's consent.<sup>24</sup>

Additionally, some feminists introduced 'participatory democracy' from Nordic countries to Taiwan in the 1990s, and the first Enhancement of Women's Rights Committee (Gender Equality Committee) was established in Taipei Municipality in 1996. When Shui-Bian Chen, the mayor of Taipei in 1996, became Taiwan's president in 2000, a similar committee was established from the central government to local municipalities. The committee includes the head of the relevant authority, such as mayor or Minister, related directors and staff, scholars and representatives from NGOs. This gives women's groups opportunities to participate in policy-making and enforcement. In 2006, when the Executive Yuan sent the draft of the Reproduction Health Law to the Parliament, some members of the Gender Equality Committee resigned from their positions to protest against the inclusion of compulsory consideration days in the draft. In the 2019 and 2020 public hearings, representatives from the Ministry of Health and Welfare based their opinions on their consultations with professionals and NGOs, such as the Taiwan Obstetrician and Gynaecologist Association, Taiwan Women's Link, Awakening Foundation, Taiwan Feminist Scholars Association and the Birth Empowerment Alliance of Taiwan.<sup>25</sup>

In such a social context, with more women's organisations providing better networks among women's groups, women's organisations can frame their discourse in more clearly feminist language. Moreover, the workings of participatory democracy allow women's organisations the

<sup>24</sup> Memorabilia of Reproduction Health Law from Taiwan Women's Link. Retrieved April 20, 2021, from <http://twl.ngo.org.tw/article/shengyubaojianfa-dashi>

<sup>25</sup> Public hearing notes (October 28, 2019). Same source as footnote 9.

chance to hold positions in related committees, giving them the opportunity to influence policy. Compared to the discourse-framing of the 1980s, women's organisations don't need to hide their feminist stance and can use the terms 'patriarchy', 'women's autonomous rights over their own bodies and reproduction' and 'stigmatisation of women who have abortions' loudly, since these terms have gained some 'common-sense' status in society.

It is also in such a social context that the anti-abortion side needed to modify its discourse from a condemnation of women who have abortions to a more benevolent 'for women's sake'. This was especially true in the 2020 public hearing, when they intended to raise another referendum on abortion.

## CONCLUSION

In this chapter I have described the changes in discourse-framing on abortion from the 1970s to 2020. Firstly, in the 1980s, the revision of abortion law was framed under the need for population control, and it was the pro-abortion side that employed population control as an acceptable reason for abortion; since 2000, it has been the anti-abortion side framing the restriction of abortion as necessary to increase the birth rate. Secondly, both sides frame their discourse as progressive. The first method used to demonstrate progressiveness is to frame the discourse as participating in democracy—that is, the pro-abortion side equates democracy with women's status and the progressiveness of law revision to protect women's rights, while the anti-abortion side links democracy with the value of respecting foetuses'/babies' lives. The second method of demonstrating progressiveness is to base arguments on national/international statistics and scientific reports to show that they are rational and scientific. The third way to demonstrate progressiveness is to frame discourse as 'for women's sake'.

I also situate the discourse-framing within specific historical, political and social contexts in Taiwan. Firstly, when the Eugenics Health Law was passed in the 1980s, Taiwan was still under martial law and people's basic rights were restricted. As there was only one women's organisation (Awakening Magazine) at that time (although there was already pro-abortion discourse such as 'women's independent decisions about reproduction' and 'women's control over their sexuality'), the pro-abortion

side needed to highlight the importance of women's and children's health, the happiness of the family, and population control to get the support of the conservative party KMT and of society. After the 1990s, many women's groups were established and formed better networks to hold press conferences, protest or join related committees in the government.

The anti-abortion side has mobilised to lobby Parliament members since the 2000s and made efforts to engage in abstinence-only sex education using an offensive film on abortion. The anti-abortion side also uses referendum proposals as a way to raise debate in order to change the law. Additionally, conservative religious groups modify their discourse from accusing women of being 'baby-killers' to claiming that they are 'for women's rights and sake'. I further point out that the women's rights proclaimed by the anti-abortion side are actually only women's right to be a mother. In a choice between women's rights and foetuses'/babies' lives, the anti-abortion discourse will restrict women's rights in order to protect foetuses'/babies' lives.

Secondly, I situate the discourse-framing under progressiveness within an international political context in which Taiwan is not recognised as an independent country in the international community. On the pro-abortion side, women's groups highlight the law revisions in Taiwan as 'Asia firsts' and stress that it is the enhancement of women's rights and status that brings Taiwan recognition in the international community. Moreover, by signing CEDAW, Taiwan joined the international community, and what is protected under CEDAW became important for discourse-framing in recent debates, such as women's right to autonomy over their bodies, health and reproduction.

On the anti-abortion side, conservative religious groups also associate their proposals with laws in Western democratic countries, during the public hearings of 2019 by citing recent anti-abortion laws in some US states, and later, during the public hearings of 2020, adding examples from European countries.

Through this examination of discourse-framing on abortion within the last four decades in Taiwan, I argue that, historically, the framing devices are not linearly progressive. Population control and women's rights are essential discourse-framing for both sides. Certain discourse is downplayed or highlighted in specific social contexts and the same discourse can be employed by both sides for totally contradictory stances on abortion.

With the concept of competing counterpublics, I argue that both sides on abortion actively participate in discourse-framing and mobilise within political structures and political opportunities. Since there are competing counterpublics and competing discourses, I suggest a careful and critical reading of the discourses so that we can identify what has been changed, what is unchanged, what has been said on the surface and what purpose lies beneath the surface discourse so that we can have a better understanding of various positions on policies.

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# Rights Claims in Anti-abortion Campaigns in Poland and Sweden

*Rebecca Selberg and Marta Kolankiewicz*

## INTRODUCTION

Over recent years, the transnational and heterogeneous anti-abortion movements have increasingly mobilised resources and rhetoric within a rights-based framework (Mason, 2019). This rhetoric has been accompanied by a variety of legal strategies aimed at regulating access to abortion—from civic initiatives supporting certain bills, through strategic litigation in national and international legal arenas, to legal activism in the judiciary (Koralewska & Zielińska, 2022; Roberti, 2021; Lowe & Page, 2019). While this turn towards rights claims seems to be part of larger strategies of the right-wing and neoconservative movements globally, it manifests in different ways depending on national contexts (Lewis, 2017).

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In this chapter, we take as our point of departure two cases, one situated in Sweden and the other in Poland, in which attempts have been made to intervene in the existing laws regulating access to abortion. We explore the rights claims deployed in these anti-abortion campaigns. While the struggles around reproductive justice differ between these two countries—with abortion support essentially uncontested in the Swedish case, while mobilising mass protests and heated debates in Poland—we claim that, despite vast differences, some common patterns can be identified between the two countries' anti-abortion activism. This is especially so in the deployment of rights-based approaches sensitive to the national context.

The chapter is focused on two anti-abortion interventions. The first are the lawsuits filed by midwives in Sweden who claimed to have been discriminated against on the grounds of their religion when they had been turned down for work due to their objection to performing abortion as part of the job description. The second is that of a Polish civic legislative initiative aimed at restricting the prevailing abortion legislation in Poland in cases of foetal anomalies. Importantly, in both cases the legal and legislative actions were set up or supported by organisations working locally in Sweden and in Poland but with links to a broader movement. This movement is often described as a loose network of diverse organisations and actors, acting locally but with ties across the borders. It is also characterised as sharing a certain 'anti-gender' agenda that opposes what it calls a 'gender ideology'. Restricting access to abortion is just one among the issues raised, others being the limitation of LGBTQ+ rights, anti-violence legislation or sexual education, depending on the context (Graff & Korolczuk, 2022).

The chapter starts with a brief introduction to feminist discussions on rights in general in relation to abortion in particular. It then presents the two cases and closes with a discussion of how rights-based approaches have been appropriated by those aiming at restricting access to abortion.

### FEMINIST CRITIQUE OF RIGHTS IN THE CONTEXT OF ABORTION STRUGGLES

Legal reform and rights claims have been a cornerstone of social justice struggles, including feminist mobilisation (e.g. Brown & Halley, 2002; Lacey, 1998; Smart, 2002/1989; Spade, 2015; Wendell, 1987). The

notion that justice can be achieved through a legal reform that equips individuals or groups with rights has been at the heart of diverse justice projects: from women's, through anti-racist and anti-colonial, to LGBTQ+ and queer struggles. In the context of struggles over abortion, rights claims and, more generally, the liberal vocabularies of a right to choose and decide over one's own body have been central, particularly in the West, but also in countries, like Poland, that transitioned from a socialist state system to liberal democracy.

However, feminist movements have also harboured a deep-founded critique against the investment in law and rights claims. Katherine MacKinnon (1987: 1), in her discussion on rights, law and feminism, argued that the legal route has always been fraught for social justice movements; she noted, for example, that the 'right' to abortion in the USA is framed as a right to privacy and not to equality or justice. She also noted that feminist attempts to 'get civil rights for women' have consistently been exploited by actors whose motivations contradict feminist emancipation politics: the porn industry, for example, has been adept at using free speech and the right to sexual liberty as a defence for misogynistic and oppressive depictions of women (and especially women of colour) (MacKinnon, 1987: 2; see also Gardner, 2018).

The 1990s witnessed 'the rise of rights' (Eyben, 2003), as international development agencies and popular movements started using rights-based language—that is, demands based on the international legal human rights framework, a 'set of conventions and covenants' whereby ratifying countries 'have to report to UN committees on their performance with respect to that right' (Eyben, 2003: 1). From this framework, approaches have evolved wherein groups formulate demands in terms of inalienable rights. Pierson and Bloomer (2017: 174) explain that human rights 'offer a contested yet universal and global set of rights and freedoms, providing a framework to argue for justice and legislative reform when breached'. However, as Jessica Whyte (2014) has argued, the language of human rights is marked by 'tactical polyvalence' according to which the effect of claims differs depending on who is speaking, the institutional context and the power relations involved. It is important to note that the adoption of a human rights framing by anti-abortion groups builds, according to Lowe and Page (2019: 134), on historical claims concerning the foetal right to life. However, as we will show, current struggles around abortion mobilise a variety of rights claims.

One of the weaknesses identified in rights-based approaches to reproductive justice has been that such a framing confuses laws—the formal right to have a medical procedure performed—with actual bodily autonomy. The right to have a medical procedure does not automatically translate into being able to access that procedure or to have it performed in a timely and safe fashion. In the Argentinean mobilisation, this insight has been translated into the slogan ‘Aborto legal, gratuito, seguro’—a slogan that stresses the necessity for granting free and safe abortion, not just the legal right to it. In Italy, where as many as 71 per cent of gynaecologists are registered as conscientious objectors, abortion is legal but access to it is hampered (Autorino et al., 2020), further illustrating the point that legality is not the same as actual access. In itself, then, the right to abortion is not enough to secure the procedure of terminating pregnancy—the material and medical conditions being equally important aspects of reproductive justice (Smart, 2002/1989). Moreover, centring the struggle for abortion upon the right to decide over one’s body is particularly susceptible to counterclaims. Such have been deployed for a long time in relation to developments in neonatal care (cf. Callahan, 1986; Jaeger, 2019) and more recently in relation to ectogestation (gestation of a foetus in an ex-utero environment; see Stratman, 2021).

While abortion is viewed by the feminist movement as a fundamental right, activists and scholars have been expanding the vocabularies and strategies around rights related to reproduction. The tradition of reproductive justice seeks to locate the issue of abortion in a broader context of reproduction. While access to abortion certainly is paramount to self-autonomy, for certain groups—especially in colonial and settler-colonial settings, as well as for racialised and/or stigmatised groups such as ethnic minorities, the poor and those considered ‘unfit’—the struggle has also centred on the right to bear children and the right to raise children (cf. Eaton & Stephens, 2020; Ross & Soligner, 2017; Ross, 2017).

Two features in the ways that these debates have unfolded are of particular significance for the analysis that we present below. The first is a continuous warning that the language of rights is susceptible to counterclaims (see Brännström, 2017). This particular kind of use is the focus of this chapter. The second is that, despite the critique and the growing conviction that the discourse of rights will never be enough to achieve reproductive justice, an awareness of the fundamental role of the right to abortion and the sense that this right can be easily revoked has grown among feminists. This sense has been strengthened by the developments

in places in the world where legal access to abortion has been restricted despite the decades of liberal laws. As will be expanded in the next section, Polish and Swedish cases prove that the right to abortion can never be taken for granted and treated as permanent. Critique of the appeal of law and of the rights claims shall thus still recognise some fundamental dependency on legal frameworks (Smart, 2002/1989; Kapur, 2015).

## RIGHTS CLAIMS AND STRUGGLES OVER ABORTION IN POLAND AND SWEDEN

This chapter, rather than simply building on a comparative framework, where cases are brought together in order to contrast key aspects of the explored issues, combines some critical interventions into comparison as method with the feminist tradition of transnational scholarship. The former, often drawing on de- and postcolonial traditions, challenges implicit and reductive forms of comparison in order to invite more uncertain projects of knowledge production that are attuned to difference (Jazeel, 2019). The latter stresses a similar attentiveness to difference with regard both to theoretical and analytical work and to the forms of politics of feminist solidarities (Mohanty, 2003; Yuval-Davis, 2011). One of the main assumptions of such approaches has been that feminist struggles never unfold in linear ways and that itineraries towards justice thus should not be understood and represented in terms of progress, as such progressivist narratives can be linked to particular power relations in the global order. Here, instead the particularities or singularities of struggles taking place in different places of the world should be at the core of the analysis, not just as a background or contextualisation but as key for our understanding of the phenomenon at hand.

Poland and Sweden are often situated in peculiar political geographies in which the East/West divide is still the main compass for orientation, despite the fact that most transnational feminist conversations are framed primarily as between the Global South and Global North (Grabowska, 2012). Such geographies are apt to be rooted in a kind of erasure of the history of progressive and diverse reproductive politics in countries of the former state socialism as well as in a strong orientation towards the West in the region (Grabowska, 2012). This divide tends to operate within imaginaries of progressive versus conservative, secular versus religious, democratic versus authoritarian. Local collective memories complicate

these simplistic images. One of the memories of transnational solidarities across the Polish-Swedish border has been of trips by Swedes in need of abortion to Poland in times when it was illegal to perform it in Sweden but legal in Poland (Korolczuk, 2010: 83; Karlsson, 1999). Among the scholars of recent anti-gender mobilisations, there has however been disagreement as to how useful the West/East divide is as an analytical lens (e.g. Paternotte & Kuhar, 2018; Graff & Korolczuk, 2022). It is thus interesting to take a closer look at instances of anti-abortion mobilisations in Sweden and Poland to further complicate these kinds of imaginaries.

### SWEDEN: THE MIDWIFE CASE AND RIGHTS CLAIMS OF CO-DETERMINATION AND ANTI-DISCRIMINATION

In Sweden, the abortion law was liberalised in 1938, when women were allowed to seek permission to have the procedure done for medical, eugenic or humanitarian reasons (such as being ill; suffering from a hereditary disease; or having been impregnated during rape or incest, Lennerhed, 2017: 10). In the 1940s, so-called social medical reasons were added—having to do with the medical board’s assessment of the mother’s ability to properly care for a child—and in 1963, abortion was permitted in cases where the foetus was damaged.

In the 1960s, the Swedish debate around abortion started to change. Increasingly, leftists, liberals and feminists petitioned politicians to institute ‘free abortion’—a radical demand at the time and pushed mostly by male political agents (Lennerhed, 2017: 127). Women’s voices in the public debate met harsher reactions. For example, a public hearing in 1964 that included a narrative by a woman who had travelled to Poland for an abortion prompted the Swedish police to search the office of the organiser in pursuit of names of more such women. The example illustrates the risks involved for women in addressing their experiences, as well as the severe tensions around abortion practices and debates in Swedish society at that time (Lennerhed, 2019: 328). Those opposing the demands for a liberalised law—of whom many were women, including influential female politicians—argued for the rights of foetuses and stated that pregnant women were not necessarily in the right state of mind to make such ethically fraught decisions (Lennerhed, 2019: 329).

However, the pro-choice movement proved successful in their claims that free abortion was emancipatory, just and the safest public health

policy. Abortion on demand was introduced in 1975. The law, which is still in effect, guarantees that women have the right to abortion at a hospital until the 12th week of pregnancy and, after a counsellor's evaluation, until the 18th week; thereafter, permission must be given by the National Board of Health and Welfare. Foetal viability is considered a limit in late abortions. To date, the most significant reform in the legislation expanded the possibility for more women to access the procedure. An amendment entered into force in 2008 abolishing the rule that only Swedish citizens or women domiciled in Sweden could get abortions via the Swedish healthcare system. This amendment was explicitly motivated by the notion that abortion for non-Swedes should be governed by the same principles as general healthcare for non-Swedes. Since 2008, any woman who can pay for the procedure (e.g. using an insurance policy or personal funds) can have an abortion in Sweden under the conditions prescribed by the Swedish abortion law.

The 1975 law has had widespread support in Swedish society. It was essentially uncontested until the 1990s, when the neo-charismatic evangelical movement and its Word of Life church started to push an anti-abortion agenda through the organisation Yes to Life. The organisation, like many of its international counterparts, organised street protests and compared the Swedish abortion policy to the Holocaust (cf. Threedy, 1994) but was wholly unsuccessful in affecting policy or reshaping the debate around abortion.

Since then, abortion has largely been absent from the political agenda in Sweden. No serious threats against the law have emerged, despite the consistent presence of anti-abortion organisations. However, in 2014 the issue around abortion was revived through lawsuits against county hospital agencies. Two midwives applied for positions in different women's clinics, and during the recruitment process they informed their prospective employers that, because of their Christian faith, they would refuse to participate in abortion care. They were then told their services were not wanted, which in turn led to legal proceedings resulting in a decision by the Swedish Equality Ombudsman; a ruling in the district court of first instance; a ruling in the Labour Court; and a ruling in the European Court of Human Rights. The legal cases focused on the issue of conscientious objection, and the lawsuits sparked what was, by Swedish standards, an unusual debate on the possibilities for healthcare workers to opt out of performing abortions and on the issue of abortion in general.

Historically, social and political change in Sweden—in sharp contrast to the USA—has not been instigated through the courts, but via the parliament (Steinmo et al., 1992). As Linders (2004: 381) has argued, the struggles over abortion in Sweden developed and grew largely within existing political organisations—especially in the youth, student and women’s factions of the Social Democratic, Liberal and Left parties. Activists during the time when Swedish abortion policy was transformed were more likely to ‘use and rely on institutional methods of political pressure’ (ibid.). A distinct feature of the Swedish abortion debate of 2014–2015 was the fact, then, that the issue was raised in the form of lawsuits and settled in courts.

Then again, it is possible to trace the lawsuits back to a more traditional Swedish approach to social change, namely, the introduction of a 2010 motion in the European Parliament by a Swedish Social Democratic MP. Aiming to reduce the right of entire hospital organisations to invoke conscientious objection and thereby increase availability of abortion providers to women in EU countries such as Italy, MP Carina Hägg put forth a report to the parliament wherein she proposed implementing oversight mechanisms. The move backfired as amendments were made and the final report instead strengthened the right of healthcare workers to invoke conscientious objection (Council of Europe Resolution 1763). The following year, 2011, the Swedish Parliament decided to call for a withdrawal of the resolution, prompting a European Catholic umbrella organisation, along with Swedish anti-abortion groups, to report Sweden to the European Committee of Social Rights for being in breach of the European Social Charter. The so-called midwife cases were thus launched amid different attempts by Swedish politicians and international actors to influence European policy on the matter of conscientious objection.

One of the leading voices in protesting the Swedish Parliament’s proposed withdrawal of Resolution 1763 was a lawyer with established ties to the US Christian anti-abortion lobbying group Alliance Defending Freedom. During 2010–2013, the lawyer, Ruth Nordström, published several opinion pieces in Christian outlets encouraging healthcare workers to raise the issue of conscientious objection. In one opinion piece, she encouraged healthcare workers to contact her with their stories, citing Resolution 1763 and promising to help healthcare workers be relieved of certain tasks. In December 2013, Nordström described having received a letter from a nurse who had been denied employment at two women’s clinics for refusing to carry out abortions. It is reasonable to assume that

the nurse was in fact the midwife who later would sue a hospital organisation with the aid of Nordström. Because this plaintiff took an active part in the public debate surrounding the case, and because her lawsuit would establish precedent, the following section will focus on her case.

### *The Midwife Case*

The plaintiff and the group of lawyers and activists supporting her consistently argued that the goal of the lawsuit was not to restrict access to abortion, but to support the right to conscientious objection for healthcare workers. However, as Luker (1984) has argued, the balance between strategic positions and moral logics has always been a delicate issue for anti-abortion activists. The midwife and her lawyer argued that they accepted the law while also claiming that abortion is about ending life. By deploying a rights-based approach wherein the conflict was located between employees and employers, as well as citizen and state, the lawsuit avoided the contentious issue of the woman's right to bodily autonomy versus the right of the foetus. The ensuing media debate did not avoid that issue, however, and many opponents of the lawsuit pointed out that conscientious objection would create a slippery slope towards restricted abortion access. Unions organising midwives and gynaecologists, as well as professional associations of healthcare workers, all criticised the lawsuit and warned of its potential effects.

Those in favour of the lawsuit—the plaintiff, her legal team and some conservative pundits—argued that, far from representing a novel take on the abortion issue in Sweden, the lawsuit represented a defence of the Swedish model of co-determination in the workplace. As one party official for the Christian Democrats argued, ‘conscientious objection is at its core a question of co-workers not being forced to carry out tasks that go against their convictions in matters regarding life and death’ (quoted in Selberg, 2020: 325). The rights claim deployed by the team behind the lawsuit—the right to co-determination in the workplace—stems from Sweden's Co-determination Act, which protects employees' right to influence the organisation and effectuation of work tasks.

This was not the only rights claim mobilised by the lawsuit, however. The midwife first turned to the Swedish Equality Ombudsman, arguing that she had been the victim of discrimination on the grounds of religious belief. The Ombudsman issued a decision disagreeing with the applicant, arguing that direct discrimination was out of the question since the refusal



on the part of the midwife to carry out abortions implied that she was not in a situation comparable with other applicants. Nor was it her religious faith as such which was at stake, since another midwife refusing to perform duties other than on religious grounds would not have been treated any differently. The midwife's freedom of religion was therefore not breached; the demand by the employer was proportionate and allowed because of the aim and purpose of the decision—that is, to safeguard the effectiveness of women's right to abortion as stipulated by the Swedish law.

The midwife then turned to the District Court of Jönköping, suing the county for damages on the grounds of the respondent's 'failure to hire' her, together with violations of her right to conscientious objection and freedom of religion as well as direct and indirect discrimination. This case was the first ever in Sweden on the issue of conscientious objection. The plaintiff invoked not only national anti-discrimination law but also the European Convention on Human Rights. The respondent argued that a midwife must carry out all the tasks normally performed at the clinic and that hiring conscientious objectors would threaten the right to healthcare of patients seeking abortion. The Court ruled in favour of the county. The midwife appealed to the Court of Appeal, which transferred the case to the Labour Court. The Labour Court rejected all claims.

Finally, the midwife turned to the European Court of Human Rights (ECHR), complaining under Articles 9, 10 and 14 that the Swedish authorities had interfered with her right to freedom of thought, conscience and religion; that her freedom of expression had been violated; and that she had been discriminated against. In the case *Grimmark v Sweden*, the ECHR found that the midwife 'compared her situation to that of midwives who were willing to perform all duties inherent to the vacant posts, including abortions', a notion rejected by the court. The application was declared inadmissible, effectively ending the first-ever lawsuit pertaining to abortion services in Sweden since the abortion law was introduced in 1975.

No other serious attempts have been made by anti-abortion activists to challenge the abortion law in Sweden. With some regularity, abortion is brought to the agenda, mostly by Christian leaders and commentators, but even in the far-right coalition that succeeded in the elections of 2022 the support of the liberal abortion legislation is essentially uncontested. There are no major political agents in Sweden who threaten the right and access to abortion; the decision by the team behind the lawsuits to mobilise rights-based claims regarding co-determination and anti-discrimination highlights the marginalisation of arguments around the rights of foetuses.

However, the lawsuits also illustrate that anti-abortion activism in Sweden exists, is highly flexible and is responsive to rights-based approaches.

### POLAND: THE *ZATRZYMAJ ABORCJĘ* [STOP ABORTION] BILL AND CLAIMS FOR NON-DISCRIMINATION FROM THE MOMENT OF CONCEPTION

Until 2020, Polish legislation banned abortion except in certain cases: the pregnancy being a result of a criminal act; the life or health of the woman being endangered by the continuation of pregnancy; or malformation of the foetus (Kotiuk, 2018). Since 2015, civic legislative initiatives have been tabled: some aiming at liberalisation of the law, others at restricting it further. The heated debates and mass strikes, called the Black Protests, took place in 2016 after a popular bill was tabled in the Polish Parliament by a civic initiative represented by the organisation *Ordo Iuris* (an ultra-conservative Polish Catholic legal organisation and think-tank), aimed at completely banning abortion and penalising those undergoing them. The bill was not passed, but some time later, in 2017, an alternative, milder version thereof was submitted, designed for the removal of the exemption allowing abortion in cases of foetal malformation (*Zatrzymaj Aborcję Bill*, 2017). The bill was discussed in the Parliament during the lockdowns caused by the Covid-19 outbreaks, but was not passed then either. However, some months later, in autumn 2020, the Constitutional Court declared that legislation in respect of this exemption is unconstitutional, a ruling that resulted in the illegalisation of abortion in cases of foetal malformation. Mass protests followed this decision (cf. Kochaniewicz in this volume). The analysis that follows below focuses on the later bill and other documents presented by the opponents of abortion. First, however, it can be worth briefly reviewing the history of legal regulation of abortion in Poland, both because it instantiates a challenge to linear narratives on reproduction rights and to introduce some important frames of reference that are used in discussions around abortion today.

#### *Historical Background*

When Poland gained independence at the beginning of the twentieth century, its legislation around abortion reflected the strict regulations of the three empires that had partitioned Poland previously. It was gradually

uniformised under the new Penal Code, introducing some exceptions by which abortion was made legal (Kotiuk, 2018). During this time, important campaigns were launched in an effort to abolish the penalisation of women; among these were the voices advocating legalisation of abortion on request, such as those of Irena Krzywicka and Tadeusz Boy-Żeleński. The latter in his famous essays described what he called ‘women’s hell’—the hypocrisy of a society that prohibits abortion and disregards the lived reality of thousands of women driven underground to undergo the procedure in poor, inadequate conditions (Boy-Żeleński, 2013/1929).

During World War II, in occupied Poland, issues of reproduction were closely linked to the Nazi racial demographic politics based on eugenics that aimed at growth of desired segments of the population—hence, for German women, the absolute ban on abortion, and the death penalty—while restricting the growth among non-desired groups, through the liberalisation of abortion but also sterilisation, for Jews, Roma, people with disabilities and other marginalised groups. For the occupied Polish territories this translated into a practically full liberalisation of abortion in 1943 (Kuźma-Markowska, 2010: 140).

In the postwar period, reproductive politics in Poland was influenced by several factors. Most importantly, a huge loss in population due to the casualties of war, population transfers and the shifting of the borders led to the overarching pro-natalist politics embraced both by the socialist state, which was quick to denounce Malthusianism as a product of the West and to stress Marxist theories of population (Kuźma-Markowska, 2020), and the nationalist and religious segments of the opposition (Klich-Kluczewska, 2012: 324–326). Such a pro-natalist approach reflected a more general trend in the Eastern bloc in population politics in the first years after the war. The shift came in the mid-1950s: due both to a turn in the state’s population politics and thanks to the women’s struggle in Poland (Grabowska, 2018), a bill was proposed to legalise abortion. As a result, in 1956 a new law was introduced liberalising abortion, whose main aim was to protect women from the negative effects of unsafe abortion performed in poor conditions or by people without medical training. This legislation was further amended in 1959, making it possible for women to undergo abortion for social and material reasons based only on their declarations. As a result, abortion in the upcoming decades would in practice be accessible on demand in Poland. This development illustrates how the reproductive politics was a result of a variety of ideological struggles, combining shifting understandings of the role of women in the

socialist project (Fidelis, 2010), official demographic approaches shaped by the changing ideological landscape in the Eastern bloc in relation to the ideas of modernisation and population (Kuźma-Markowska, 2020), as well as the need to mitigate the dangers of the prevalent practice of underground abortion. The 1956 law was one of the most liberal in Europe and, for decades, abortion was not a political issue.

The situation changed during the time of transition from state socialism to liberal democracy, from 1989. The current law regulating access to abortion in Poland was one of the first legal acts passed in Poland after the country's transition. After decades of legal abortion on request and free access to public reproductive health services in the socialist Poland, a turn took place in Polish politics in which regulating reproduction was part of a broader context of reinstalling a conservative agenda and family order in the emerging nation-state and foregrounding the influence of the Catholic Church (Graff, 2002). The legal restriction coincided with the neoliberal economic reform, resulting in widespread privatisation and marketisation of the reproductive health services in the country (Mishtal, 2010).

### *Struggles over the Language*

The conflict regarding abortion in Poland has involved a struggle over the language (Heinen & Matuchniak-Krasuska, 1995; Graff, 2002; Desperak, 2003; Kozub-Karkut, 2017; Korolczuk, 2019). During the period of transition, the anti-abortion movement with strong links to the Catholic Church has succeeded in establishing hegemonic vocabularies in which abortion has been described and disputed (Graff, 2002). However, in the 2010s, as a result of intensification of the political and ideological conflict over abortion and an emergence of a broad and highly diversified feminist movement, a struggle over the language also reopened (Korolczuk, 2019). Since the transition, the dominant frame through which claims for access to abortion have been formulated has been the liberal one centring the right to choose and to decide over one's body. The liberal frame had meant an orientation towards the West, where adherence to some reproductive rights would be represented as a way of becoming a part of the civilised world, as opposed to the 'barbaric' places where women are denied reproductive rights (Korolczuk, 2019). Now, some new frames have been emerging to stake the claims around abortion. Among these were the reformulations of access to abortion as an economic and social issue (Chelstowska, 2011a, b), both by the feminist groups on the left

drawing on the socialist legacies, such as the Workers' Initiative Union or Abortion Dream Team and other organisations often related to the Social Congress of Women, but also by less ideologically declared participants of the strikes.

The strategies of framing the issue on the part of the anti-abortion movement have shifted considerably too, at the same time as they became diversified, reflecting the processes of transformation and diversification of the movement itself. Whereas in the 1990s and beginning of the 2000s the issues had been framed in clearly religious and moral terms, other alternative frames started to emerge in the movement, pushing the references to religion to less dominant positions (Kozub-Karkut, 2017). In the 2010s, and reflecting a transnational trend within these globalised movements, human rights vocabularies have increasingly been employed to stake claims against abortion.

Elżbieta Korolczuk in her analysis of the 2016 Black Protests argues that the feminist mass mobilisation resulted in the successful reclaiming of the language and the frames through which to define the issue of abortion in the public debate in Poland, pointing at the ways in which a reversal of the roles happened. She claims that while anti-abortion groups used the abstract legal language of human rights, women's groups appealed to emotion, referring to suffering and torture. The legal framework of rights claims adopted by the anti-abortion groups 'proved ineffective, too abstract and detached from everyday human experience' (Korolczuk, 2019: 148–149, our translation). While the question of the actual success of these struggles over the language, in the form of the legal frameworks and how the lived realities of abortion should continue to be discussed, considering the subsequent developments that led to restricting the abortion ban in Poland and despite the non-democratic process that led to this transformation, we can agree that both the mass protests in 2020/2021 (cf. Kochaniewicz in this volume) and the current opinion polls do support the above analysis. What we would like to discuss, however, is the suggested ineffectiveness of the appropriation of the rights claims and, most importantly, their abstract and detached nature. In the analysis below we will try to argue that, while this kind of legal framing operates in a quite abstract and technical register, it also strategically draws on particular affective and contextual resources.

### *The 2017 Zatrzymaj Aborcję Bill*

As mentioned earlier, after the failed attempt to pass a total ban on abortion, including the penalisation of women—the attempt that sparked the Black Protests in 2016—another civic initiative proposal was submitted to the Parliament in 2017, this time calling for an amendment to the existing legislation to make abortion illegal in cases of foetal malformation. While the bill did not pass in the Parliament when voted upon in 2019 and was directed to a parliamentary commission for further elaboration, the change in the law it proposed was subsequently enforced by the Constitutional Court in 2020. The material used in this analysis consists of the text of the bill including its justification, some legal analyses produced by the organisation Ordo Iuris (2018) that supported the project and who are one of the chief actors in Poland behind anti-gender politics, and the speech given by the author of the bill, Kaja Godek, delivered to the Polish Parliament on April 15, 2020, in its two versions—one abbreviated for the sake of the debate and the full one published afterwards.

A main feature of the analysed documents and the speech is that they frame the issue of the proposed amendment in terms of human rights. This is reflected in the ways in which they introduce the need for the amendment, but also how they construct the legal argument for it. The legal opinion prepared by Ordo Iuris presents a long argument for including unborn children into the legal definition of ‘every person’—the formulation used in the human rights instruments to define the subject of these rights—and thus cover it with the protection under the human rights law, including the Convention on the Rights of the Child. This argument is technical and framed as the issue of compatibility with legal interpretations which these instruments should cover (Ordo, 2018).

The rationale behind the proposed change—the elimination of the right to abortion in cases of foetal malformation—is clearly stated in the bill by the following formulation:

The proposed amendment is aimed at guaranteeing that the constitutional right to the protection of life be not differentiated depending on the health of the conceived child [...]. To remove the legal admissibility of eugenical abortion seems obvious in times where the state according to the Constitution (art. 68 para. 3) has an obligation to provide sick children with medical, psychological and material support, aimed at ensuring their development and social integration.

After the argument as to why, in agreement with the Polish law, foetuses should be counted as living human beings, the justification proposes an analysis of the current state of affairs, claiming:

Currently, we have to do with the legal discrimination of different categories of people in such a fundamental question as human life. Children in the prenatal period who are suspected of being disabled are excluded from the protection of the law. Every year, at least several hundreds of children are legally subject to physical elimination in the public health service institutions. (2017 *Zatrzymaj Aborcję* Bill, our translation)

Moreover the bill claims that the way in which the law was formulated at the time is imprecise:

It is not specified, for instance, in what ways medical prerequisites should indicate the risk of disease—directly or indirectly. It is not specified if it is enough to establish genetic risks in the family in order to determine with a high probability a child will be sick. The law does not establish any measure for ‘high probability’ or measure that should be used to assess if the disability is ‘heavy’. (2017 *Zatrzymaj Aborcję* Bill, our translation)

The bill’s main arguments oscillate between a reference to the legal right not to be discriminated against and to discussions in the field of medicine. Conversely, in the full speech by Kaja Godek—the representative of the civic legislative initiative who presented the bill in the Parliament—these arguments are situated in a historical context. Here the links are made clear to the genocidal practices of Nazi Germany in a way that makes the arguments much less abstract and detached than a technical legal argumentation:

In the years 1939–1944, the German Nazis implemented a program of elimination of mentally ill people and people with intellectual disabilities. As a result of this action, called Action T4, about twenty thousand people were killed. [...] Mass executions in gas chambers began in nursing homes and hospitals. Germans tested on disabled people the operation of gas chambers, which they later used on a larger scale to eliminate healthy Poles, Jews, Roma and other nations considered inferior to the Aryan race. [...] In the meantime, on the 9th of March, 1943, free abortion for Polish women was legalised for the first time. The legalisation was done by Adolf Hitler. Eugenics—that is, cleansing the race through the physical elimination of

individuals ‘who do not deserve to live’—was most fully developed in the Third Reich, but it can also be observed in Polish law and its practice to this day. (Godek, 2020, our translation)

The case of the bill constitutes an example of how the rights claims in the anti-abortion movement in Poland, even in their most legally framed versions, simultaneously engage images and narratives that relate to particular contexts. More importantly, despite its seemingly abstract and detached format, this kind of engagement in rights claims actually works through powerful affective registers strongly anchored in established national frames of reference to collective memories and traumas.

### FINAL REFLECTIONS

In recent years, scholars have paid careful attention to the variegated rhetorical devices and mobilisation tactics employed in the struggles over access to abortion (cf. Mason, 2019). Movements on both sides of the issue are displaying increasing responsiveness to local and regional political, historical and cultural contexts (Graff & Korolczuk, 2022; Selberg, 2020). The two case analyses presented in this chapter illustrate how anti-abortion mobilisations have been recently using legal frameworks based on rights claims that traditionally had been employed by feminist movements fighting for access to abortion. While it can be observed that this trend is part of a broader development of what has been described as a transnational anti-gender movement’s appeal to the law, visible both in rhetoric and in strategies, our analyses have illustrated different and context-sensitive ways in which rights claims are articulated in two contexts. In the two cases, choices were made very strategically as to which kind of claims could be most efficient, considering the status and place of different legal arguments and acts—with anti-discrimination legislation and labour law mobilised in Sweden and anti-discrimination legislation protecting people with disabilities in Poland. Most importantly, these strategic choices illustrate how legal frameworks, often considered to be operating in abstract and detached vocabularies, in action are historically embedded and highly contextualised.



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# Italy's Foetus Cemeteries: Reproductive Justice, Anti-gender Stances and Neo-Catholicism

*Alessia Ibba*

## INTRODUCTION

In September 2020, the news of a woman finding a grave, marked by a cross bearing her name, in Rome, Italy, was shared by newspapers all over the world (Roberts, 2020; BBC, 2021). The existence of this grave—which in reality belonged to the foetus she had aborted seven months earlier due to medical complications in her pregnancy, and which, unbeknownst to her and without her consent, was buried in Cimitero Flaminio, Rome—was denounced via Facebook. This opened a Pandora's box, with thousands of women all over the country sharing their similar experiences (Obiezione Respinta, 2021), and bringing once again the public's attention towards reproductive justice in the Italian context.

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Discussions on reproductive justice, which revolves around the right to have children or not have children and to raise them in a healthy and safe environment (Galarneau, 2013), followed the news of the existence of the infamous graveyards of fetuses. Despite voluntary termination of pregnancy having been de-penalised in Italy since 1978, the legal framework around abortion presents some obstacles to this right, two such being the limited use of medical abortion and the possibility given to health professionals to conscientiously object, meaning to refuse to perform abortion on the basis of religious beliefs. The percentage of health professionals choosing to conscientiously object reached 67% in 2019 (Ministero della Salute, 2021), and as data shows, the number has been growing over the past two decades, given that in 2002 it was registered as below 60% (Autorino et al., 2020). Moreover, numbers vary from region to region, resulting in territorial discrimination and forcing people in need of abortion to travel, when and if their economic condition allows.

Another layer to this discussion was added after the reality of the burial of aborted fetuses came to light. The Italian pro-choice movement was quick to condemn the practice, bringing to the table issues related to consent, self-determination and psychological violence, since the burials happen without the consent of the person undergoing an abortion procedure, while, oftentimes, their name is displayed publicly, violating their privacy (Guerra, 2020; Ibba, 2022). Moreover, another aspect that raised controversy was the religious connotation of the practice, for three different reasons. Firstly, as mentioned, there have been cases in which crosses have been displayed in the cemeteries in order to mark the graves (Obiezione Respinta, 2021). Secondly, in certain cities, especially in Northern and Central Italy, agreements between hospitals and pro-life Catholic associations are stipulated, which result in the associations themselves taking care of the burial process (Guerra, 2020). Thirdly, regarding the latter, and from testimonies I have collected, it appears that fetuses are being buried within formal funeral ceremonies, which presents distinct religious connotations (Ibba, 2022).

Both discussions are strikingly relevant at the time of writing. At the end of September 2022, Italy held its parliamentary elections, which have seen the extreme right-wing party Fratelli d'Italia as the winner and its leader Giorgia Meloni as the new Prime Minister. Meloni has declared herself to be against the idea of restricting the right to abortion but has deemed this right only as of equal importance to that given to health professionals to conscientiously object, and has included in her party's

political plan ‘the establishment of a fund to help women who are alone and in financial difficulty carry their pregnancy to term’ (Siviero, 2022). Moreover, her party has repeatedly proposed to make the burial of aborted foetuses at any week of gestation mandatory by law (Somma, 2022). Meloni was sworn in as Prime Minister on October 22, and she appointed to her Cabinet Eugenia Roccella as Minister for Family, Natality and Equal Opportunity. In the past, Roccella has spoken out against abortion and assisted reproduction (Horowitz, 2022), defining abortion as a ‘shortcut that should no longer be there’ (Il Post, 2022).

In this chapter, my aim is to analyse the practice of the burial of aborted foetuses as an obstacle to reproductive justice in Italy, in the context of anti-genderism and neo-Catholicism shaping pro-life stances in the country. After a brief presentation of the anti-gender movement in Italy and an explanation of the legal framework and existing praxis of the burial of aborted foetuses, I proceed with my analysis of the practice. This chapter is based on the conclusions I have drawn from my research. Having taken into analysis the pro-choice and pro-life movements in Italy, and more specifically their public discussions around the burial of aborted foetuses, I have collected interviews, statements and declarations given by activists and representatives of the two movements in the time period (late 2020) in which the issue came to light. Moreover, in early 2022, I conducted five online semi-structured interviews to gather testimonies from activists, lawyers and journalists from both movements.

### THE ANTI-GENDER MOVEMENT IN ITALY

In 2019, Verona, a city in Northern Italy, hosted Convention XIII of the World Congress of Families (WCF). Hundreds of international conservative organisations gathered to mobilise against abortion and birth control, female emancipation, gender theory and sex education in schools, in order to stem social change through collective action (Kalm & Meeuwisse, 2020). The WCF is seen as one of the most recent manifestations of a cycle of mobilisations that started in 2012 and, despite initially having at its centre the pro-life cause, with stances against abortion and assisted suicide, is now known to be dealing with numerous issues, mainly against the so-called gender ideology. The WCF is distinctive not only for its scope and the number of organisations from all over the world that gather at its meetings but also because of its political dimension. Held in the midst of the European Parliament election campaign, Convention XIII



was attended by several representatives from the Italian government, from the Lega party and its opposition, mainly Fratelli d'Italia. In addition to being sponsored by the regional and municipal administrations, the Convention was attended by Deputy Prime Minister Matteo Salvini and by Lorenzo Fontana, former Minister for the Family (Prearo, 2020).

The battle against 'gender ideology' was born out of the reformulation of a discourse developed by the Vatican. Since the 1940s, the Vatican and its representatives, mainly its pontiffs, have offered a new construction of the essentialist view on sex, gender and sexuality, but, especially since the 2000s, the Catholic Church has been one of the strongest opponents of the idea of gender itself and its theorisations. Deforming the idea of gender—as I will explain—not only results in the construction of a common enemy against which it is necessary to mobilise, but also legitimises the nationalist idea that the nuclear and traditional family, meaning heteronormative, is the basis of Western society. To give an example, the Vatican crafted a discourse to oppose the feminist conceptualisation of gender, accusing it of trying to hide the differences between the sexes, which are presented by the Vatican as distinct but complementary. Pope John Paul II has emphasised the singularity of feminine virtues, innate to women and of equal dignity to, but different from, the male counterpart's (Garbagnoli & Prearo, 2018).

Recent decades have been characterised by a transnational mobilisation of the anti-gender movement all over Europe and the world. Ideologically, the movement presents three recurring elements: (1) convictions about human nature consistent with Catholic dogma, justified by scientific claims, which are used to oppose gender and feminist studies and claims; (2) an urge to save the Western culture from foreign ideologies that would destroy it; (3) conspiracy narratives of the current division of power in the world. Often connected with right-wing populism, the movement has an important transnational dimension. However, anti-gender mobilisation differs from nation to nation, depending on the local cultural and political dynamics, while having at its centre a 'politics of reproduction, kinship and hierarchy of power between genders' (Graff & Korolczuk, 2022: 6).

Prearo (2020) agrees and adds that it would be wrong, or at least reductive, to analyse the anti-gender wave solely as a transitional mobilisation and, consequently, as a part of a global movement that is characteristic of the neoliberal world we live in, as it may be interpreted. On the contrary, it is key to perceive the peculiarities of each national movement, since, even if some of their characteristic elements are imported from other

realities, it would be impossible to deny the political and militant configurations that each national context possesses.

Along with other countries, Italy has been experiencing the influence of the anti-gender movement in its domestic politics. In 2013, when the public debate focused on whether to allow civil unions between same-sex couples, anti-homophobia laws and the introduction of gender and sex education in schools, a cycle of protests began, backed by pre-existing actors all over Europe, which could be considered as part of the anti-gender movement. The discussions regarding the Scalfarotto, Fedeli and Cirinnà bills—focused on the themes discussed above, of which only the Cirinnà bill, creating the possibility for same-sex unions to happen, passed—offered the perfect opportunity for the anti-gender movement to organise in the Italian political arena (Lavizzari & Prearo, 2019).

As Garbagnoli and Prearo (2018) affirm, in Italy, even before the insurgence of the anti-gender movement, in discussions around ‘gender ideology’, the English word ‘gender’ is exclusively employed as if it were impossible to translate, although the Italian term *genere* has the same meaning and etymological origin. Making the term seem impossible to translate is a delegitimisation strategy, contributing to a perception of the concept as foreign to the Italian culture and language, and a consequence of ‘cultural imperialism’. Moreover, gender theory or ideology is often presented as singular and monolithic, which erases the differences present among different feminisms and their understandings of gender (Garbagnoli & Prearo, 2018).

It is also interesting to see the role that religion and, in the Italian case, the Catholic Church play in the dissemination of anti-gender stances. The Italian case is characterised by a heterogeneous and dispersed space of Catholic movements and associations. In the discussions of the above-mentioned bills, Italy witnessed numerous protests not only by political and social actors but also by religious actors, most significantly Pope Benedict (Lavizzari & Prearo, 2019). Prearo (2020) employs the term *neocattolico* (‘neo-Catholic’) to characterise the actors of the anti-gender movement in Italy. However, despite sharing the same ideological roots, the neo-Catholic movement expresses ideas that go beyond the religious sphere and into the political one. The term, used initially to indicate a less conservative Catholic wave that was more open to certain issues than the Roman tradition was, was then employed to identify the conservative Catholicism that is used by politicians such as former US President Trump, combined with religious nationalist elements. As Prearo says, this

definition is helpful to ‘describe the action of these new Catholic movements in the field between the Church, politics and Catholic movements, and consequently between conservative trends within the Church, of centre-right, right-wing and extreme-right parties, and new actors outside the ecclesiastical and Catholic world’ (p. 35).

The militant commitment of the anti-gender movement is seen as an opportunity for some branches of the Catholic Church to exit the religious sphere and enter the political one, and consequently express themselves in this sense in the public arena. This means that even though the Vatican originally crafted the anti-gender discourse as a rhetorical strategy, it is now used more largely as a strategy of mobilisation. Indeed, after giving the whole anti-gender line of thought a legitimacy outside the Catholic world, it is now perceived as the centre of a new Catholic mobilisation, which gives those who identify as Catholics the authority to express themselves around themes in the political arena (Garbagnoli & Prearo, 2018).

To conclude, the evolution of the anti-gender movement in Italy has seen the renovation of the Catholic political space—as expressed by Prearo’s (2020) definition of neo-Catholicism—which is still based on identity values that are at the core of the sociopolitical setting. This means that the Catholic political project, even though as omnipresent in the Italian political arena as at the beginning of the Republic in 1946, has been changing its shape, mainly as a consequence of the spread of the anti-gender movement in the country (Lavizzari & Prearo, 2019).

### THE BURIAL OF ABORTED FOETUSES

According to the legal framework in Italy, aborted foetuses are usually required to be buried. However, the DPR (*Decreto del Presidente della Repubblica/Presidential Decree*) Regulation No. 285 of September 10, 1990, stipulates that this depends on the gestational age reached by the embryo or foetus before being aborted—whether voluntarily or for medical reasons—or miscarried. At Article 7, the law distinguishes between *nati morti* (stillborn) and *prodotti abortivi* (products of abortion). In the first case, the corpse should be considered as any other corpse and, regardless of the gestational age, the burial is mandatory. In the case of *prodotti abortivi*, whose definition includes foetuses above the 20th week of gestation that are aborted, the responsibility for burial falls to the local health unit. However, at Paragraph 4, Article 7 of this law, for foetuses aborted before the 20th week of gestation and those at a gestational age of between

20 and 28 weeks, parents, relatives or *chi per essi* (literally, 'whoever for them', i.e. proxy) 'are required to present, within 24 hours of the expulsion or extraction of the foetus, a formal request to the local health unit along with a certificate indicating the presumed gestational age and the weight of the foetus' (DPR September 10, 1990, No. 285, Article 7, Paragraph 4) if they want to proceed with the burial. If the above-mentioned actors fail to complete the request, the foetuses are supposed to be disposed of directly by the hospital (DPR Regolamento di polizia mortuaria [Regulation of Mortuary Police], September 9, 1990, No. 285).

As has emerged from testimonies collected by journalists in the months since the first case was reported, people undergoing an abortion procedure are not systematically informed of what is prescribed by law in terms of the burial of aborted foetuses. Moreover, evidence suggests that they are not asked to give written or oral consent to a burial ceremony of any nature, but only to sign a consent form concerning the surgical procedure alone (Guerra, 2020).

Since people are not informed of the possibility of requesting burial for the foetuses they are aborting, it is legitimate to ask who proceeds with their burial. The information I have gathered, both from media coverage and from my dataset, indicates that the praxis presents two different cases. The first is when the municipality takes direct care of the burial, without using an intermediary. This happened in the case that shone a light on the issue, which took place in Rome, at Cimitero Flaminio, where the municipality commissioned the burials via its subsidiary AMA (*Azienda Municipale Ambiente*/Municipal Environment Agency), which buried the foetuses in graves marked by a cross bearing the name of the person who underwent the abortion procedure (Bisbiglia, 2020). The second case that has been observed, especially in Northern and Central Italy, is when hospitals sign an agreement with pro-life Catholic associations, authorising them to bury the aborted foetuses themselves. What usually happens is that volunteers collect the remains and undertake religious funeral ceremonies. It seems that, in both cases, the explicit consent of the person who aborted is neglected (Guerra, 2020). How is the existence of both praxes possible within the legal framework?

The law that regulates the burial of aborted foetuses, DPR No. 285 of September 10, 1990, appears to leave room for interpretation which is used to justify both praxes. One reading of the law may even appear to legitimise the agreements between the hospitals and the pro-life associations that allow them to collect the remains of aborted foetuses and

proceed with burial. More precisely, as the law stipulates that, within 24 hours from the moment of the abortion, the burial can be requested by the parents, family members or proxy, it is the last phrase, the *chi per essi* ('whoever for them', proxy), that is interpreted as any delegate, 'them' being either a single person or a collective subject, allowing for an association and its representatives (Ibba, 2022). Moreover, the same law could be viewed as justifying the lack of consent given in both cases. This was confirmed by the court sentence given to the collective action that some pro-choice actors carried out against the city of Rome for the foetuses' graveyards in Cimitero Flaminio, which, as the judge stated, have not been in violation of the current law on privacy, since the burial of aborted foetuses, without the consent of the person who has aborted them but in a grave displaying their name, was found to be done without malice. However, since the verdict in early 2022, the praxis has been changed, and now, instead of bearing the mother's name, the crosses show an alphanumeric code of identification (Corriere della Sera, 2022).

Another important piece to consider about the reality of the burial of aborted foetuses is the religious connotation of the practice. In both praxes, it is possible to see how the Catholic religion influences them. In the first case, the use of the symbol of the cross, which is universally linked to Christianity, is a deliberate echo back to the tradition of burial in religious contexts. In the second case, despite being denied by representatives of the organisations that carry out the burial of aborted foetuses as their mission, testimonies I have collected show that the burial is often accompanied by a funeral ceremony with religious connotations. A hearse transports the white boxes—supplied by the hospitals themselves, and which bear the stamp of the local health unit—containing the foetuses, followed by a funeral procession, and accompanied by a priest who reads out prayers and delivers a homily. From the various accounts it emerges that families do not appear to participate in these ceremonies; those in attendance are volunteers and believers linked to this organisation (Ibba, 2022).

### THE BURIAL OF ABORTED FOETUSES AS A THREAT TO REPRODUCTIVE JUSTICE

When the news of the existence of the foetuses' graveyards broke, the Italian pro-choice movement was quick to condemn the practice. Moreover, individuals and associations belonging to the Italian pro-choice

movement, such as the association *Differenza Donna*, started a legal action and organised protests and sit-ins (Ballestra, 2020). It became clear in public discussion around the burial of aborted foetuses that pro-choice considers the practice to be illegitimate, unethical and in violation of self-determination, since it is usually performed without the consent of the person who has undergone an abortion procedure. Moreover, the exhibition of names and surnames would also represent a violation of the privacy and confidentiality granted by Law 194/1978, the law that regulates abortion (Ibba, 2022).

In this section, I argue that the practice of burying aborted foetuses represents a threat to reproductive justice in the Italian context, in violation of the right not to have children and/or to parent children. The lack of consent, the lack of awareness of the fate of the foetus among those undergoing abortion, the breach of their privacy and confidentiality and the attempt to shame those who have aborted are factors that may represent a deterrent from pursuing their freedom of choice. After exploring other threats linked to the current law on the voluntary interruption of pregnancy, Law 194/1978, I shall explore the gendered consequences on reproductive justice of the burial of aborted foetuses.

Reproductive justice, meaning the right to have children or not to have children and to raise them in a healthy and safe environment (Galarneau, 2013), is a relatively new concept. Developed at the end of the twentieth century, it was introduced as the urge for a more intersectional paradigm to discuss themes related to reproductive rights became evident. In this approach, concepts of sexuality, health, human rights and social justice are tied together, in an effort to show what plays a role in the determination of each person's reproductive destiny (Ross et al., 2017). More precisely, reproductive justice is defined as 'the complete physical, mental, spiritual, political, economic, and social well-being of women and girls [that] will be achieved when women and girls have the economic, social and political power and resources to make healthy decisions about our bodies, sexuality and reproduction for ourselves, our families and our communities in all areas of our lives' (ACRJ, 2005: 1). The term was introduced to academia by Black feminists who, when discussing reproductive rights, wanted to have other oppressions to be addressed, such as racism and classism. Moreover, the concept takes into consideration the barriers that those giving birth have to face when belonging to certain marginalised groups. At the same time, the rights of those who want to have a child are deemed

just as important as the rights of those who do not wish to (Zakiya & Luker, 2013).

To provide a background, I analyse three threats to reproductive justice in the Italian context. Two of them, being the possibility open to health professionals to conscientiously object and the limited use of medical abortion, are obstacles to the right not to have a child. The third one, which is related to the limitations established by the law in regard to assisted reproductive services, represents a limitation to the right to have a child. Voluntary termination of pregnancy is regulated by Law 194/1978 entitled *Norme per la tutela della maternità e sull'interruzione volontaria di gravidanza* (Regulations for the protection of motherhood and voluntary termination of pregnancy), which de-penalised abortion in 1978, allowing interruption of a pregnancy during the first 90 days of gestation for health, economic, social or familial reasons. After that time limit, abortion is possible only in the specific case of the life of the foetus or of the person carrying the pregnancy being put at serious risk (Spinelli, 2019). Whether under or over the 90 days' gestation time limit, a certificate for abortion must be obtained, after which the person must wait seven days before actually undergoing the procedure. This can be considered as a tentative dissuasion provided by the law, which sees the health professional as a part of the assessment process—necessary to obtain the certificate and consequently to interrupt the pregnancy—for the reasons mentioned (Hanafin, 2022). The procedure can be surgical or medical, but data shows that the vast majority (71.2%) of abortions are performed surgically. In the remaining 28.8% of cases, medical abortion is offered (Ministero della Salute, 2021) through the use of mifepristone (RU486) in combination with misoprostol. Approved in 2009, the RU486 pill is not employed commonly, due to the Italian Ministry of Health's guidelines, which do not conform to international clinical guidelines, 'producing unnecessary burden on provision services and provoking clinically unjustified barriers to access to the treatment' (Caruso & Zanini, 2020). Obtaining abortion is made even harder by the possibility, granted by Law 194, of conscientious objection: in 2019, 67% of gynaecologists declared they conscientiously objected to perform abortions (Ministero della Salute, 2021), and this percentage has been growing since then (Autorino et al., 2020). Where the assisted reproductive services are concerned, the 2004 law limits their access to adult heterosexual couples who are married or in a stable relationship. They must be of a potentially fertile age, both still living, and deemed to be infertile or sterile. The law is specifically clear in stating that

all subjects involved in practices of assisted reproduction are protected, including the *concepito* (the one who is conceived), which is a term used to identify both the embryo and the foetus. The rights of the *concepito* are protected in the sense that, first of all, the assisted reproduction process can be stopped up until the egg is fertilised; secondly, the law does not allow the production of embryos for research purposes or their selection for eugenic purposes or because of genetic conditions or abnormalities (Hanafin, 2022).

To understand how the burial of aborted foetuses, as in the Italian case, may represent an obstacle to reproductive justice, I analyse some of the claims that the pro-choice movement has employed to delegitimise the practice. Since the moment when the media started talking about the issue, the pro-choice movement has been divided between those who objected in general to cemeteries in which foetuses are buried and those who highlighted lack of consent as the main problem. Now the main argument in the pro-choice movement is that it is crucial to change the current regulation to ensure that the law is clear and leaves no room for false interpretation in order to prevent the practice without the consent of the person who has aborted. One of the reasons why consent is emphasised is because of the importance given to the issue of self-determination: the idea of 'my body, my choice' (*il corpo è mio e decido io*) is extended to the foetus, which is considered part of the pregnant person's body and therefore belonging to them. Moreover, emphasis is put on ideas of violence and shame. It comes as no surprise that abortion is narrated by those opposing it as a traumatic and shameful experience that has to be kept a secret. It is arguable that the practice of the burial of aborted foetuses is based on the same narrative, and that it represents an effort to shame those who do not carry a pregnancy to term for one reason or another. From the testimonies I have gathered, people who saw their names on crosses in the foetus cemeteries felt crucified and buried alive, ashamed of being publicly called out for their abortion (Ibba, 2022). For this reason, I argue that the burial of aborted foetuses could be considered as a subtle effort to limit the access to abortion, since it indirectly restricts this right by undermining the privacy that should be granted to anyone wishing to terminate a pregnancy or who is forced to do so for external reasons.

As demonstrated, the pro-choice side employs the strategy of extending themes of consent and self-determination from discussions around abortion to the discussion around the burial of aborted foetuses to foreground the right of the person who chooses to have an abortion or has to have an



abortion for other reasons, which is something that does not happen when violations of reproductive justice occur.

In the three cases presented, and in the case of the burial of aborted foetuses, reproductive justice is undermined, both directly and indirectly, under the assumption that the rights of the *concepito* are more valuable than those of the pregnant person. This idea of foetal personhood—‘the idea that zygotes and embryos are legal persons subject to the protections and benefits of the law’ (Key, 2017: 320)—is a concept employed by pro-life actors all over the world to justify their position against abortion. Foetal personhood, and the need to grant a foetus legal rights from the moment of conception (Key, 2017), is behind not only any legislation that attempts to limit abortion—the limited use of medical abortion and the possibility for conscientious objection—as argued by Agostinone-Wilson (2020) but also behind laws regulating foetal disposal (Key, 2017).

To conclude, I believe that prioritising the rights of the *concepito* before the rights of the person who does or does not want to have a child is in violation of reproductive rights, and it is present in the three cases—limited use of medical abortion, possibility for conscientious objection and limitations in the regulation of assisted reproduction—provided above. The same concept can be applied when the burial of aborted foetuses takes place without the consent of the person who has aborted; and since this may happen alike for people who abort voluntarily and for those who lose their child for reasons other than exercising their right, I argue that it may represent a violation of reproductive justice both for those who do not want to have a child and for those who do. While both potentially see their privacy and confidentiality violated if their name is displayed in public cemeteries, in the first case the right to privacy granted by Law 194/1978 is also violated, while those who want to mourn the miscarried or aborted foetus they consider their child cannot do so, since they are not usually informed of its fate. Moreover, the shame that is usually presented as a core part of interrupting a pregnancy—and, in a sense, that is connected to not being able to fulfil a woman’s mission to be a mother, which is seen as ‘inherent in human nature itself’ (Ibba, 2022: 49)—is also at the core of the practice, and should be considered as an indirect strategy to obstruct the access to abortion.

## THE BURIAL OF ABORTED FOETUSES: THE IMPORTANT ROLE PLAYED BY CATHOLICISM AND ANTI-GENDERISM IN ITALY

In a neo-Catholic Italy, the discovery of the existence of foetuses' graveyards came as no surprise. The burial of aborted foetuses and especially the role played by the municipalities who declare themselves to be pro-life and in defence of life (Guerra, 2020), and by the pro-life associations who not only defend the practice but also actively carry it out, were seen as yet another attack on reproductive rights. As Ballestra (2020) affirms, aware that Law 194/1978 is difficult to be dismantled, pro-life actors choose to attack reproductive rights from another angle, reducing the right to abortion by giving the possibility to conscientiously object without any regulation and by creating a praxis of the burial of aborted foetuses, which Ballestra considers to be 'an institutional violence'.

In this section, I argue that the Catholic Church has played a significant role in pro-life politics in Italy, and that, with the rise of the anti-gender movement and the advance of neo-Catholicism, anti-abortion stances and practices have changed their character. I am taking the burial of aborted foetuses as an example of a practice that is used by the pro-life movement to confirm their opposition to reproductive rights, going deep into the role played by religion in the development and justification of the practice.

The Catholic Church is proven to have had a key role in Italian politics, especially in regard to reproductive rights (Caruso, 2020). Since the approval of Law 194/1978, the Catholic Church has focused on encouraging practitioners to use the conscientious objection provision (DiMarco, 2009). In 1978 Pope Paul VI even threatened doctors and other health professionals with excommunication if they performed abortions, whether medical or surgical, and intimated that they should be objectors (Caruso, 2020; DiMarco, 2009). The Church's opposition to abortion is rooted in canon law, according to which abortion represents a crime against life and human freedom, equating it to homicide, since, for the Catholic religion, life begins at the moment of fertilisation (Milani, 2012). More recently, in 2018, Pope Francis compared abortion to 'hiring a hitman to resolve a problem' (Caruso, 2020).

Since the beginning of the pro-life movement, its adhesion to ideas attributable to Catholicism has been causing significant fractures. For example, in the Movimento per la Vita (Pro-Life Movement, MpV), the principal institutionalised movement objecting to the right to abortion,

which has been working to restrict Law 194/1978, there has been some internal division: one side of the movement approved a ‘minimal’ solution in regard to abortion, meaning it would be allowed in the case of the mother’s life being at risk; the other side, the part of the movement closer to the Catholic Church, advocated the solution referred to as ‘maximal’: a total ban on abortion. Meanwhile, the MpV has been choosing a more moderate line, abandoning its stance on the penalisation of abortion (Avanza, 2015, 2018).

As parts of the pro-life movement are changing its discourse to a more moderate one, some other actors maintain a position that is strictly against the right to abortion. An example is the *Marcia per la Vita* (March for Life), from which the MpV has formally distanced itself, since the organisation of the *Marcia* is in the hands of radical-right groups and ultra-Catholic organisations (Avanza, 2018). Other examples of a less moderate discourse are more recent: in 2018, posters appeared with slogans such as ‘Abortion is the first cause of femicide in the world’ and ‘Every five minutes a child is killed’, picturing embryos with the words: ‘This is how you looked in your sixth week, and now you are here because your mother didn’t abort you’ (Caruso, 2020: 94).

These new attacks by both moderate and radical on the right to abortion display the clear role played by pro-life associations in the burial of foetuses. In an effort to justify the practice, pro-life actors denounce the ‘culture of death’ that they claim is spread by those who support feminist and gender theories, according to which ‘nascent human life is treated as if it is garbage’ (Ibba, 2022). These actors use their adherence to Catholicism to legitimise as morally acceptable the burial of aborted foetuses—as well as, until recently, displaying the mothers’ names—and, in doing so, compare themselves to what they define as ‘an ideologically aligned part [that] says that it [abortion] is nothing’ (Ibba, 2022). Interestingly, their use of the adverb ‘ideologically’ is reminiscent of the ‘gender ideology’ to which pro-life actors are opposed.

It is also important to note that abortion is seen as a traumatic experience, with burial the only possible way to overcome it, especially for women. Considering abortion as a trauma and the grief left by it as underestimated and difficult to overcome offers the possibility to find in the burial of aborted foetuses—and especially in the public and religious aspects of it—the only way to process and elaborate the event. Declarations made by the pro-life associations show how parenthood and the abortion experience are described in gendered terms which are based on an

essentialist view of motherhood and fatherhood. For pro-life actors, a woman's mission and essence is to be a mother, and to feel a connection with the embryo or foetus she carries from the beginning of pregnancy. Consequently, the act of interrupting a pregnancy is viewed as tragic in itself, as it goes against human nature: this idea helps reinforce the claim that burial is the only means to overcome the traumatic experience of abortion.

To conclude, the public discussion around the burial of aborted foetuses has highlighted the role played by the Catholic religion and anti-gender stances in its justification. It is evident how the practice is a result of how Catholicism views abortion and of the essentialist view around gender that the Vatican has spread in its anti-gender mobilisations.

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## CHAPTER 9

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# Millennium Development Goals and Women's Reproductive Health and Justice in African Countries in the Era of Global Neoliberalism, Neoconservatism and Fundamentalism

*Beth Maina Ahlberg, Jecinta Okumu, and Sarah Hamed*

### INTRODUCTION

Gender equality and women's empowerment have, since the 1970s, become a significant policy discourse globally. The millennium development goals (MDGs) constitute one of the most recent attempt by the Global North to tackle discrimination against women, poverty, hunger,

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disease, illiteracy and environmental degradation. The MDGs include a list of eight goals and 21 targets that were supposed to be reached by 2015. This chapter critically examines the MDGs against the backdrop of the most recent backlash against women's reproductive health and rights. A significant shortcoming of the MDGs is the focus on measuring change rather than making a deep or critical analysis of the structural forces that produce gender inequalities and poverty even after many years of development aid. In other words, the MDGs through their use of targets and indicators have an instrumentalist orientation which, we argue, conceals social, economic and political institutions and structural processes from scrutiny. Moreover, the emphasis on time-bound numerical targets (e.g. reaching the millennium goals by 2015 or within 15 years) represents a way of world-making that lacks the sense of time and place (Fehling et al., 2013). Finally, as the most recent global action, the MDGs' vague articulation of women's reproductive health and rights is problematic.

Using a postcolonial lens, the chapter starts with an assessment of the MDGs, focusing on the articulation of women's reproductive health and rights. The chapter delineates the ways in which the issue was watered down and pushed aside and explains how this is connected to a fear of backlash from funding agencies' conservative and fundamentalist religious bodies (Fehling et al., 2013). This is followed by a discussion of the structural contexts that were absent from the development and articulation of MDGs, namely, neoliberalism and the application of the gag rule applied mainly by USAID organisations in sexual and reproductive health and rights.

### THE MDGs AND ARTICULATION OF WOMEN'S REPRODUCTIVE HEALTH AND RIGHTS

Prior to the MDGs, a number of international conferences, protocols and declarations (e.g. the International Conference on Population and Development in Cairo, 1994, and the Beijing Platform for Action, 1995) reinforced the rights debate with programmes of action for gender equality and women's empowerment. These international conferences,

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declarations and legal protocols resulted in a tremendous awareness of the need for gender equality, women's empowerment and reproductive rights (Fukuda-Parr et al., 2014), including actual gains for women. Although this point was acknowledged in the MDGs report (UN, 2005), the MDGs offered no explicit commitment to women's reproductive health and rights (IPPF, 2012). As elaborated by Yamin and Bergallo (2017), abortion was not included even though there was an attempt in Target 5.6 (universal access to sexual and reproductive health and rights) as agreed in the programme of action of the ICPD in Cairo, the Beijing Platform for Action, as well as the outcome documents of the review conferences and the Protocol to the African Charter on Human and Peoples' Rights on Women's Rights. During the Countdown 2015 conference on sexual and reproductive health and rights in London, the United Nations Population Fund (UNFPA) reported that 40 per cent of annual abortions in Africa end in death (Godia, 2004). At the end of 2015, the MDGs were replaced by the Sustainable Development Goals (SDGs), which according to Fukuda-Parr (2015) supposedly address some of the shortcomings of MDGs including covering both the Global North and South and a longer-term perspective.

The emphasis on reaching targets as a measure of success for the goals was highly problematic. To illustrate, under Goal 3, entitled 'Promote gender equality and empower women', the measurements used were for education: in the main, to eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015. The indicators were the ratio of girls to boys in primary, secondary and tertiary education, the share of women in waged employment in the non-agricultural sectors and the proportion of seats held by women in national parliament. The focus for Goal 5 was to improve maternal health and reduce the maternal mortality ratio by three-quarters between 1990 and 2015. The indicator used to measure success was contraceptive use to reduce the number of unintended pregnancies, unsafe abortions and maternal deaths. According to the UN report (2015), with regard to Goal 5, globally the proportion of women aged 15–49 who were married or in unions and using contraceptives increased from 55 per cent in 1990 to 64 per cent in 2015. In sub-Saharan Africa it rose from 13 per cent to 39 per cent and in Asia 39 per cent to 59 per cent during the same period. Two categories of women were, however, excluded from this indicator, although they also need access to pregnancy prevention, namely, sexually active women who are not married or are not in a union. In

addition, sexually active adolescent girls, whose early childbearing is common and can have very harmful consequences, especially in contexts of poverty and other forms of marginalisation, constitute another category that did not feature in Goal 5. What is interesting is that while the goal was to reduce maternal mortality by 75 per cent, there was no mention of how to make abortion safer, given that it is a major cause of death for women all over the world but more critically in poor countries (Center for Reproductive Rights, 2010; Skuster, 2004). Moreover, the reductionist view of development as a list of artificially separated goals ignored their interconnectedness and subsequently reinforced a vertical nature in programmes, policies, research and funding. Fukuda-Parr (2015) notes that the narrative of development created by MDGs as meeting concrete numerical goals decontextualised what are essentially context-specific to intangible processes of social change. Without any serious scrutiny, the achievement indicators perpetuated an instrumentalist orientation to gender equality that did not view empowerment as entailing the ability to transform the social institutions that shape everyday life (McIntyre et al., 2013). Instead, progress was tracked through a target on gender parity in education. While this is important, it was insufficient to capture other areas, such as overcoming gender-specific injustices, including violence against women, gender-based wage discrimination, women's disproportionate share of unpaid care work, women's limited ownership of assets and property and unequal participation in public and private decision-making.

The failure of the MDGs to explicitly include women's reproductive health and rights was not a reflection of a lack of knowledge about the conditions of women globally. Indeed, according to the MDGs report (UN, 2005), gender inequalities were reported to persist in many countries, in spite of more representation of women in parliaments and more girls going to school. Women continue to face discrimination in access to education, work, economic assets and participation in government. Violence against women continues to undermine efforts to reach all the goals (Hamed et al., 2017). Poverty is a major barrier to secondary education, especially among older girls; and in terms of participation in employment, women are largely relegated to more vulnerable forms of employment, and have fewer social benefits. However, the use of indicators perpetuated an instrumentalist orientation to gender equality that concealed the social, economic, political and related historical and continuing domination and exploitation of the same countries being helped

from scrutiny (McIntyre et al., 2013). In this way gender equality and women's empowerment, for example, in the context of MDGs, fell into the realm of institutional planning and universalised and top-down interventions, common in development discourse and practice (Escobar, 1992, 1995; Esteva & Prakash, 1998; Sachs, 1992). Fukuda-Parr (2015) argues that the MDGs largely enabled the donors from the Global North to mobilise support for aid budgets 'around a short list of memorable priorities'. The manner in which the MDGs were developed is a commonly cited concern. The MDGs were drafted by technocrats behind closed doors at the UN (Fukuda-Parr, 2015; Fehling et al., 2013), and as Kabeer (2010) notes, there was very little involvement of poor countries and civil societies. Only actors from a few countries, mostly from the Global North, decided on the choice of goals and indicators in the process of creating the MDGs.

Crossette (2004) has furthermore elaborated on some of the other challenges encountered in the process of creating the MDGs. According to Crossette, there was strong opposition from nations within the G-77 on women's reproductive health and rights. Although the G-77 countries were internally split on the issue of women's reproductive rights, the group opted for a consensus that would not offend its more conservative members. In addition, there was a fear of losing economic aid, especially from the USA, considering the USA's implementation of the gag rule, a policy restricting non-governmental organisations (NGOs) who receive funds from USAID for women's health, from using the funds freely, including family planning. This, as well as fear of further backlash against the gains of the Cairo Conference, inhibited the United Nations Secretariat from attempting to include some of the language of the 1994 Cairo conference at every step of the millennium development process. Hence, NGOs, government experts or groups advocating for reproductive health and rights were excluded from participating in the creation of the MDGs and had therefore limited input into the process and the MDGs themselves (Crossette, 2004).

According to Doyle at the UN Secretariat (Crossette, 2004), besides the opposition from the general G-77 nations, the Bush administration was particularly responsible for blocking explicit reference to women's rights or even the use of the term 'reproductive health' which conservatives argued was a cloak for a 'feminist agenda' that would include the right to abortion. With the re-election of President Bush in 2001, the USA was able to exert more pressure against expanding international

reassertion of women's reproductive rights, given that the main voting bloc was comprised of mainly the conservative right, who, by virtue of their values, deny women rights to abortion, emergency contraception or access to extensive family planning in poor countries. They could be expected to maintain or increase pressure for religiously inspired limits on American aid to needy countries (IPPF, 2012).

In this context, gender relations were not addressed from their multi-faceted perspectives, including values, identities, allocation of labour, distribution of resources, authority and decision-making power. All these imply, as argued by Kabeer (2010), that gender inequalities were reduced to a single and universally agreed set of priorities in the formulation of the MDGs. According to UN Women (2000–2009), the stand-alone MDG 3 on gender equality and women's empowerment did not explicitly address the need for transformation of gender relations. Moreover, reducing development to a list of artificially separated goals risks ignoring their interconnectedness and subsequently reinforcing a vertical nature in programmes, policies, research and funding. Fukuda-Parr (2015) notes that the narrative of development created by MDGs as meeting concrete numerical goals decontextualised what are essentially context-specific intangible processes of social change. Without any serious scrutiny, the achievement indicators only perpetuate an instrumentalist orientation to gender equality or any of the other MDGs that may or may not result in empowerment, because to be empowered means being able to transform the social institutions that shape everyday life (McIntyre et al., 2013). Instead, progress was tracked through a target on gender parity in education. While this is important, it was insufficient to capture other areas, such as overcoming gender-specific injustices including violence against women, gender-based wage discrimination, women's disproportionate share of unpaid care work, women's limited ownership of assets and property and unequal participation in public and private decision-making.

The MDGs thus ignored the complex and integrated approaches in addressing women's rights and sexual and reproductive health and rights, drawn from the 1994 ICPD, the 1995 Fourth World Conference on Women, in Beijing, and the 2005 Protocol to the African Charter on Human and Peoples' Rights on Women's Rights. The failure to address gender-based violence, abortion rights, reproductive health and rights, including gender identity and sexual orientation, or the needs and rights of young people, by emphasising a definition of reproductive health as solely under the purview of maternal health, were among the critical

omissions under the MDGs. Research suggests, furthermore, that progress towards gender equality and women's empowerment in the development agenda requires a human rights-based approach as well as support for the women's movement to activate and energise the agenda (Sen & Mukherjee, 2014), both of which, according to Sen and Mukherjee (2014), are missing from MDG 3 on gender equality and women's empowerment. Moreover, they argue that, by omitting other rights and not recognising the multiple interdependent, intersecting and indivisible human rights of women, the goal of empowerment was distorted and 'development silos' or fragmentations are created. Women's organisations are key actors in pushing past such distortions and silos at all levels and are hence crucial for pushing the gender equality agenda forward.

The problematic stance of the MDGs towards women's reproductive health and rights stems partly from the politics of agenda-setting that influences funding priorities such that financial support for women's organisations and for substantive women's empowerment projects was limited. Moreover, by narrowly focusing on basic needs, using target-driven strategies relying on short-term indicators, the goals failed not only to address the long-term processes of structural change in the economy and society but also the root causes of poverty, unequal development and the underlying power structures and relations. This is to say that neither gender equality nor women's empowerment could be achieved unless there was the willpower to address the social, economic and political structures. We argue that a major impediment to development in Africa and subsequently women's reproductive rights is neoliberal capitalism. The section below discusses neoliberal capitalism as the major structural force that has increased inequalities in Africa.

### THE FAILURE OF MDGs TO ADDRESS NEOLIBERALISM AND RESULTING GLOBAL INEQUALITIES

The imposition of the neoliberal capitalist model is, as argued by de la Barra (2006), the principal obstacle to development with dignity and rights in the Global South. This is because of the way it throws poor countries into debt, encourages looting of their natural resources and imposes public policies that contradict genuine social development. In the Global North, restructuring through neoliberalism has redefined the welfare state with implications for labour, welfare, caring and well-being (Dominelli,

1999; Monbiot, 2017). According to Dasgupta (2018), the nation state has declined, leading to the loss of control over capital flow and therefore less possibility to reinvest or redistribute wealth in the spaces where the wealth was created. This contributes to growing unemployment, poverty and inequalities. In addition to the decay of the nation state, the Global South, particularly the African continent, remains, even in the aftermath of colonialism, a major supplier of raw material with profits hoarded by the big corporations in the Global North (Akopari, 2001).

For the Global South, neoliberalism was introduced through the structural adjustment programmes (SAPs), which forced poor countries to privatise essential services (including healthcare) as a condition for receiving development aid, whether in grants or in loans, the latter of which escalated the debt burden for the poor countries. Contrary to the assumption that market mechanisms would ensure efficiency leading to economic growth and poverty reduction, the economic policies under SAPs led to stagnation and deeper poverty. According to Bello and Ambrose (2006), conditionalities by the International Monetary Fund and the World Bank that forced governments of poor countries to cut spending on public institutions and subsidies to farmers as well as to privatise public services such as healthcare, education, water and electricity as prerequisite for receiving 'help' (including loans) deepened poverty in these countries. This indicates that the extreme poverty in the Global South is in part largely a result of neoliberalism or SAPs. The absence of a discourse dealing with inequalities arising from global neoliberalism in the process of creating the MDGs is critical. As argued by Teichman (2014), the focus on eliminating extreme poverty by using images of emaciated children was a more convincing or appealing argument than fundamental inequality reduction. The way in which poverty reduction was articulated in the MDGs can be understood as a type of what Cornwall and Brock (2005) describe as buzzwords often used in development discourse and practice. In addition, the policy of selective funding and related global gag rule, mainly from the USA, has complicated the situation in the poor countries, especially for women's reproductive health and rights. As already indicated, the fear of not getting aid, especially from the USA, was one factor that discouraged the UN Secretariat from being explicit about women's reproductive health and rights. The next section discusses this in more detail.

## SELECTIVE FUNDING AND THE GLOBAL GAG RULE

Selective funding, particularly in the area of sexual and reproductive health and rights (SRHR), was yet another paradox, which even the UN Secretariat could not afford to ignore. This is related to the global gag rule (GGR), a policy restricting NGOs that receive funds from USAID for women's health, from using the funds freely, including family planning (Skuster, 2004). Under this rule, NGOs outside the USA are not allowed even to use their own funds to provide abortion services, counselling or referrals for abortion. This global gag rule is, according to Skuster (2004), a reinstatement of the Mexico City Policy introduced by President Ronald Reagan at the UN conference in Mexico in 1984 also restricting 'abortion as a method of family planning'. The ban was suspended during the Clinton administration in 1995. In 2000 the US Congress made the global gag rule statutory law, but it was later dropped. However, in 2001 President Bush used an executive order to re-impose the GGR as an administrative policy. The ban was later suspended by President Obama (Robinson, 2007; IPPF, 2009), only to be reinstated and expanded under the Trump administration. The expansion of the GGR under Trump included defunding the UNFPA to prevent any NGO from receiving funds from the USA if they provide not only abortion services but also any information regarding abortion (Yamin & Bergallo, 2017; CHANGE, 2020). In early 2021, President Biden issued a memorandum revoking the GGR, freeing funding for healthcare providers around the world who provide information about or access to abortion (Fielding, 2021). However, it did not take long before the US Supreme Court overturned *Roe v Wade*, a constitutional right to abortion in America. This leaves it to individual US states to decide whether they permit or ban the procedure that was passed in 1973. The overturning of *Roe v Wade* was possible because President Trump had managed to add abortion-rights opponents as judges in the federal Supreme Court, thus giving conservatives a 6–3 majority in the Court. The overturning of *Roe v Wade* in the USA is an indication that the GGR will persist in development aid in future administrations.

Underlying this scenario is the growing neoconservatism and religious fundamentalism advocating for a moralist approach to sexual and reproductive health and rights, whether it be the use of contraceptives, condoms or abortion. More than any other aspect of donor funding, SRHR is the issue where selective funding has been most exercised. The GGR has been strongly supported by religious organisations, notably the Catholic



Church's Holy See, which has Permanent Observer status at the UN. At international conferences, the Catholic Church has frequently used its power to block any reference to contraception and family planning (Maguire, 2003), an action that intimidates and enforces consensus or silence among delegates, particularly those from poor Catholic countries.

During the ICPD in Cairo in 1994, for example, the Catholic Church accused the Government of Kenya of promoting abortion. Two years later the Church organised a public exhibition where condoms and sexual education materials were burned (Wanyeki, 1996). Furthermore, religious groups were opposed to the inclusion of abortion in the new constitution adopted in Kenya in 2010 (Anyangu-Amu, 2010; Maina & Ciyendi, 2010). In 2002, the Government of Uganda complied with the request by the Cardinal of Uganda to stop its efforts to promote emergency contraception and to deem emergency contraception an abortifacient. As a consequence of the GGR, donor funding to African countries for contraceptives fell from 30 per cent in 1992 to 20 per cent by 2004. Many NGOs offering reproductive health services had to close down their health facilities offering contraceptive services. In Kenya, for example, the GGR resulted in a reduction of rural services related to maternal health, youth and HIV and AIDS extension services. The GGR also obstructed the liberalisation of abortion rights (CHANGE, 2020). In Ethiopia the main consequence of the GGR was that NGOs lost the necessary funding to continue with the much-needed peer education training and community-based services in slums and rural areas. In Ghana up to 700,000 people lost access to HIV prevention and education services as a result of the Planned Parenthood Association of Ghana losing 54 per cent of its funding. In other countries such as Senegal, Nigeria, Malawi, Lesotho, Mozambique, South Africa and Zimbabwe, the GGR rule resulted in a substantial decrease of HIV services and contraceptive use (CHANGE, 2020). Another consequence of GGR was that NGOs, as observed in Kenya and Ethiopia, stopped publicising success of post-abortion care programmes for fear of reprisal from the religious community (Skuster, 2004). The opposition by the Church is, however, not uncontested because, at the private level, women take actions including against what is religiously prohibited (see Ahlberg, 1991; Ahlberg & Kulane, 2010). Women in Kenya were, for example, observed to take actions such as travelling to distant clinics where they cannot be recognised to secure contraceptives. Other women chose to have long-lasting contraceptives such as tubal ligation or the coil implanted, likewise to avoid being detected of using

contraceptives. In some extreme cases, women reported securing contraceptives and even abortion when their daughters became pregnant in order to enable them to continue schooling as a future investment for the family. These brave actions were, however, not without cost, particularly psychological, because in the case of an illness the women believed they were being punished for breaking the teachings of their Church (Ahlberg, 1991). Reproductive health and rights, and specifically women's bodies, have thus become a battleground where the powerful moralist agents are at war with public health and human rights approaches.

In the area of HIV and AIDS prevention, the swords were similarly drawn along moral grounds (Okumu, 2017). The President's Emergency Plan for AIDS Relief (PEPFAR) funding by the Bush administration was, for example, mostly channelled through international organisations (mainly based in the USA), including faith-based organisations (FBOs) (Oomman et al., 2007). The FBOs predominantly orchestrate the moral message of sexual abstinence until marriage (Barnett & Parkhurst, 2005; Okumu, 2017), disregarding the growing evidence suggesting just how risky marriage is for women (Mathole et al., 2006; Crichton et al., 2008). Those donors promoting abstinence-only education removed condoms from their support (Booker & Colgan, 2004). Moreover, they aggressively discredited the condom as being ineffective, arguing further that premarital sex leads to unhappy marriages in the future and causes depression and suicidal feelings among teenagers (Bader, 2005). Abortion has never been presented as an option. Furthermore, local organisations receiving PEPFAR funds for HIV and AIDS were similarly required to sign a pledge not to support prostitution in their programmes (Bristol, 2006; Saunders, 2004). Organisations funded for HIV and AIDS have thus been reluctant to include the forbidden aspects of sexual and reproductive health for fear of losing funding (Sinding, 2005; Okello, 2005), a kind of carrot-and-stick strategy and response. Uganda, known for its openness from the start of the AIDS epidemic, is an example of a country forced to retreat from its openness as a condition for receiving the PEPFAR funds from the Bush administration (Booker & Colgan, 2004). For these reasons, Messer (2004), a New American Methodist priest, described the Church as 'the second virus'.

So far, we have looked at the paradoxes in development discourse and practice, highlighting in particular the shortfalls in MDGs and related disconnect with neoliberal, neoconservative and religious fundamentalist rationalities. The next section therefore needs to examine future solutions. Given

the way that Africa has been the target of exploitation, whether through colonialism and neocolonialism or today's neoliberalism or tied aid, two forms of action are necessary. The first is a critical appraisal using a postcolonial lens and the second is a reflection on the transformative role that academia should embrace in education and research as part of policy action.

### CONCLUSION: THE MDGs—REPRODUCTIVE JUSTICE FROM A POSTCOLONIAL PERSPECTIVE

The MDGs, or the way they accommodated or ignored engaging with the issue of inequalities generated and supported by neoliberalism, selective funding and GGR, can be viewed as colonialism replayed. A postcolonial perspective is thus imperative in part to understand the complexities of where to go forward. For Mbembe (1992), postcoloniality is a state of multiple temporalities where Africa is evolving in multiple and overlapping directions simultaneously. Thus, the postcolonial should interrogate the present by questioning the fixed sense of the self and historical certainties to allow for exploring avenues through which subjectivities are constructed, maintained and contested. McEwan (2001) argues that, rather than taking postcolonialism as signalling an epochal shift from colonialism to after-colonialism, it should embrace ways of critiquing material and discursive legacies of colonialism, especially given that the influence of the West lies in its power to define, represent and theorise. McEwan (2001) further argues that, in the same way, hypotheses by Western feminists have been called into question by a range of scholars because of their assumption that women globally face the same universal forms of oppression. We take the view advanced by McEwan that development in its operations, its geographies and its uneven distribution for achieving it is about power. Hence, an analysis of power should be central to contemporary development. This line of argument helps to reposition the dominant and the marginalised on the stage of a cultural discourse, challenging the representations of the colonised and colonising cultures in binary forms with essential, unchanging features (Narayan, 2000). More significantly, it allows reflection on the specific ways that African systems, including those regulating sexuality, were and continue to be (as is clear from the application of the global gag rule) nearly suffocated, silenced, stereotyped and stigmatised (Ahlberg, 1994, 2008; Ani, 1994). HIV and AIDS generated conflicting voices regarding cultures and sexualities in the African contexts. In a historical

analysis of the response to AIDS in Western countries, Baldwin (2005) notes how the view of Africans sodomising or, alternatively, eating apes became an image in Western thinking. Many Africans and African governments responded initially to AIDS by defending themselves against Western images, thereby losing time in responding to the virus. The stress on the marriage boundary advocated in the Christian faith is similarly advocated in many indigenous African moral regimes. However, the different regimes have unique rules, norms and logic which may appear immoral viewed from the perspectives of the other. The seemingly open sexualities in some societies in Africa were, for example, condemned as promiscuous and forbidden by the early Christian missionaries (Ahlberg, 1994; Ani, 1994), as was the case with the *ngwiko* practice (non-penetrative intercourse) among the Kikuyu people in Central Kenya. Young people, after initiation, were allowed to dance and sleep together to enjoy each other, but without full sexual intercourse. Cultural rules of punishment and methods of discovering whether a couple had engaged in full sexual intercourse, and the punishment thereafter, discouraged young people from doing this. Besides, it was believed that the act could lead to calamity such as illness or death in the family (Ahlberg, 1991). It can be argued that the missionaries' condemnation of local practices at the time, reflected their active role in the colonisation process, where they were part of the colonial dominating powers. In this context, they were used as the software to win through converting the African soul or as the handmaidens of information-gatherers and adjuncts of corporate penetration, as described by McAlister (2019). They were also used for dividing the local people along religious lines, as was the case in India under British colonial rule (Hallinan, 2007). The missionaries 'wore an extra hat' by providing education to produce a local elite (Shivji, 2007), using a language of bringing good news and civilising the savages. The global gag rule today and the use of faith-based organisations in the development aid discussed earlier seem to be repeating this history.

The education was, as Mitchell and Salsbury (1996) argue in the case of Tanzania, designed to prepare young people for the service of the colonial state by teaching only the values of the colonial society. It was therefore intended to produce half-baked individuals, but it is here that the near-suffocation of local values was entrenched. It is hardly surprising that the missionaries failed to see that sexual transgression outside marriage was similarly condemned in many societies in Africa (Ahlberg, 1994; Mugambi, 1989). The bone of contention instead seemed to be how sexual pleasure was expressed. The civilising mission did not end at independence. There

has been a resurgence of religious fervour since the end of the Cold War (McAlister, 2019) within an unprecedented number of Western humanitarian organisations including evangelicals (Hearn, 2002).

In light of the above, the question can then be whether and how academia can engage in an attempt to localise or contextualise the development discourse and practice generally but, more specifically, within Africa's Agenda. The African Peer Review Mechanism (APRM) demonstrates, as argued by Achieng (2014), the need for promoting that African agency in tackling political, economic, corporate and social economic governance is possible with political will. What is implied here is the need for integrated or inclusive interventions which engage different knowledge systems or, in other words, contextualise interventions rather than giving a 'one size fit all'. In this context, perhaps no change will take place without academia or science in general rethinking its tools of work (Odora Hoppers & Richards, 2012). This would, for example, entail moving from the monodisciplinary to interdisciplinary and transdisciplinary collaborations and partnerships (Grey & Connolly, 2008) in search of fruitful alternatives and ways of contextualising the various problem areas by addressing the institutional structures in their complexity.

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# Parenting the Nation: State Violence and Reproduction in Nicaragua and Sweden

*Erika Alm and Linda Berg*

## BETWEEN PROGRESSIVE AND REPRESSIVE: EXPLORING STATE VIOLENCE

Control of its citizens is evidently a fundamental principle for the nation-state: the imagined homogenous nation governed by its own sovereign state (Anderson, 1983). Reproduction is a core question for the state and as such a site of struggle between the reproduction of the nation and the reproduction of liveable lives. Activists around the world have a complicated relation to the state, as they struggle for extended forms of community and the abolition of state boundaries on the one hand and for a reformed state and changing the very definitions of lives and citizens on the other. One of the constants in scholarly and activist conversations

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around reproductive justice, spanning time and place, is the role of the state. Is the state facilitating people's access to safe reproduction, or is it hindering it? What is at stake in struggles for reproductive justice?

At the centre of this chapter are two countries, two states, with a history of international cooperation, both claiming to be social democracies, but with very different types of connotations attached to them when it comes to the state's role in reproductive justice (see Berg & Alm, 2021). Rather than comparing the countries as such, we place them next to each other in order to explore power relations and frictions manifested in the governance of reproduction. On the one hand, there is Nicaragua, the second-poorest country in the Western hemisphere with one of the most repressive and punitive legislations on abortion in the world; a state marked by (neoliberal) developmentalism without a functioning welfare apparatus (Walters, 2021), where the population has long been dependent on familism of care (Franzoni et al., 2010). Nicaragua was once well known for the socialist uprising in 1979, with a strong women's movement that succeeded in their fight for women's positioning in the labour market and laws against inter-family violence during the 1990s (Collinson 1990; Mulinari, 1995; Kampwirth, 2008; Heumann, 2014). The country is also known for the strong influence of the Catholic Church with anti-feminist messages where the struggle for an equality law has been accused by a bishop of being 'designed to impose the radical gender ideology promoted by the United Nations and other international organisations' (Berg, 2007: 169). In Nicaraguan governmental decision-making, it is clear how religious institutions and politics are intertwined, and how current personalist leadership with an anti-feminist agenda is affecting the situation regarding reproductive rights (see Blofield et al., 2017).

On the other hand, there is Sweden, a country that is well above the average when it comes to levels of living standards (by some accounts among the highest-scoring countries) (OECD, 2017), with its reputation as one of the pioneering nations in matters of gender equality and reproductive justice: a reputation, and self-image, based not only on its politics on abortion—so-called free abortion was instated in 1975—but also on its agitation for affordable contraceptives and mandatory sexual education in schools from the 1950s and onwards (Lennerhed, 2017; Elgán, 1994) and in contemporary times for recognising the right to gender recognition and gender-affirming care (Alm, 2019). But it is also a country that has come under sharp international and national critique for not having made proper amends for its settler-colonial history vis-à-vis the indigenous Sámi,

for its eugenic sterilisation programme spanning the 1930s to the 1970s that targeted both ethnic others and sexually diverse citizens (see, e.g. Selling et al., 2015; Broberg & Tydén, 2005), and for its contemporary lack of support systems for refugees and migrants (see, e.g. Nielsen, 2016; Lundberg & Strange, 2017; DeBono et al., 2015; Lind, 2019).

We take our departure from our shared interest in how state power is exercised through the governance of reproductivity and use Nicaragua and Sweden as two examples where debates about reproductive justice highlight tensions in the projection of a state that cares for its citizens. Hence our approach is not first and foremost grounded in a detailed analysis of the conditions for reproductive health and justice in the Nicaraguan and Swedish contexts as such, but in the governance of them. In other words, this chapter draws on a very particular formulation of this centrality of the state in theories and practices of reproductive justice: that of the notion of the state as a parent, with a particular responsibility to protect and foster, but also discipline and subjugate, its citizens. Both Nicaragua and Sweden have a history marked by socialist ideas. During the 1980s, after the Sandinist insurrection, education, health and care services expanded significantly in Nicaragua. With a socialist vision of a strong state serving the population as a whole, Nicaraguan welfare was very much dependent on international aid and a large number of volunteer workers. The liberal governments of the 1990s abandoned the idea of a centralised state and turned towards increased marketisation. Services are generally something each citizen must pay for today, with women taking the main responsibility for reproductive as well as productive work (Franzoni et al., 2010), thus reproductive care is dependent on economic resources and contacts. By contrast, Sweden is almost defined by its strong welfare system. The social democratic notion of the *Folkhem*—the people’s home—takes its departure from the ideal that society as a whole ought to function as a family, where everyone contributes according to their inclinations and abilities, and where the state provides parental care. Scholars have pointed out that the notion of the Swedish *Folkhem* is inherently paternalistic, and that a paternalistic approach sows seeds for state control and state violence, not least in relation to reproductive rights and the struggle for reproductive justice (see, e.g. Lennerhed, 2017; Hirdman, 1989).

Written in neoliberal times, when the role of the state and state sovereignty is highly debated in transnational discussions about reproductive justice, this chapter takes its point of departure in an effort to explore the complexities of how states formulate biopolitical regimes that target

reproduction and how the same states negotiate struggles for reproductive rights. The seemingly narrow focus on the figuration of the state as a parent allows us to study these complexities in an open-ended, but context-specific, way (see section ‘Notes on Methodology’).

### GOVERNING REPRODUCTION: REPRODUCING THE NATION-STATE

Two strands of theoretical inquiry into the role of the state in matters of reproduction in general, and the governance of reproduction as a way to reproduce the nation-state in particular, inform us in our understanding of the figuration of ‘the state as a parent’.

Reproduction of lives and struggles for reproductive justice are at the core of life and death, and hence also at the core of the governance of life. So, in one sense we are interested in exploring what Michel Foucault talks about as biopower, that is, modern nation-states’ regulation of their subjects through ‘an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations’ (Foucault, 1978: 140). The governance of reproduction is an aspect of the political rationality that takes the administration of life and populations as its subject: the forms of power that have a focus on fostering the population, managing biological life, through (a) institutions such as hospitals, schools and prisons and (b) via regulations regarding birth, mortality, reproduction, life expectancy and health (to name a few).

Theorists of biopolitics have argued that state violence sometimes takes the form of neglect. With reference to Achille Mbembe (2003, 2019), we are interested in the link between state politics and life-sustaining and life-obstructing situations of reproduction as they take form in Nicaragua and Sweden. The concept of *necropolitics* makes clear that life and death are state-surveilled and regulated events, and that nations exercise their power over the people. It is concerned with ‘those figures of sovereignty whose central project is not the struggle for autonomy but the generalised instrumentalization of human existence and the material destruction of human bodies’ (Mbembe, 2003: 14). Not having access to medical help undeniably has violent effects on human bodies, and actively pursuing a policy that does not offer help with abortion or gender-affirming care has devastating consequences, with a prolonged suffering, or ‘slow death’ as Lauren

Berlant (2007) has called it, and the end of lives. Some bodies are ‘kept alive but in a state of injury’ (Mbembe, 2003: 21).

### THE NATION AND THE WOMAN

In line with previous feminist scholars, we see how the woman, and especially the mother, has been used extensively as a symbol in nationalist discourses. Anne McClintock (1995) has shown that the use of *Woman* as a gendered image of the nation has a long history. It is a story where the nation itself has been connoted as masculine through the figuration of the nation coming into being through the conquering of the earth, earth being connoted as feminine (Mother Earth). With reference to Elleke Boehmer (1991), McClintock shows how men generally had a metonymic role and thus became one with the nation, whereas women, on the other hand, were often represented in ‘a metaphorical or symbolic role’ (McClintock, 1995: 354). In Nicaragua, for example, a photograph of a breastfeeding woman with a machine gun on her back has been extensively used as a representation of the Sandinist revolution and Nicaragua itself as a newly proclaimed democracy. This use of a militant woman as a symbolic image can be understood in relation to other revolutionary movements where women asserted their right to political activity and access to militant struggle. Male martyrs like Augusto Sandino, who died in the name of the nation, have a similar function as a symbol of the revolution and of Nicaragua after the fall of the Somoza dictatorship. However, there are significant differences between the two: Sandino and other contemporary male martyrs are often named, while the women often remain nameless (Berg, 2007: 266–267). Nira Yuval-Davis points out in *Gender and Nation* (1997) how the position of fighting and risking their lives in the name of the nation was expected mainly of men, while women in various ways were expected to embody and reproduce their country.

In Nicaragua people who become pregnant are forced to give birth regardless of the consequences. In Sweden trans people have been forced to give up their right to reproductive sovereignty and bodily integrity to obtain their right to be recognised by the state as legitimate subjects. In line with this we can see how politics regarding reproduction returns to the *symbolic values* of bodies as objects that represent and reproduce the nation.

## NOTES ON METHODOLOGY

In terms of approaching feminist transnational research, this chapter is inspired by the methodological reflections in Kath Browne et al.'s article 'Towards transnational feminist queer methodologies' (2017), especially in its insistence on not approaching transnational studies as comparative. Browne and colleagues problematise the form of transnational studies that attempts to construct comparable units of data for analysis through, for example, using the same type of methods of gathering and analysing data for similarities and differences (Browne et al., 2017). So, the methodological approach of this chapter cannot be abbreviated as a multi-sited ethnographic study, or a discourse analysis with comparable case studies, but ought rather to be understood as an engagement with context-specific expressions of the figuration of 'the state as a parent'. We hope to contribute to an understanding of the complexity of state control and state violence that resists a priori categorisations of one context, Nicaragua, as reducible to an example at one end of the scale—that of the authoritarian state—and the other context, Sweden, as reducible to an example at the other end—that of the benevolent, tolerant state. While we contextualise the contemporary expressions of state governance of reproduction, a detailed walk-through of the histories of Nicaragua and Sweden (or Latin America and Europe), respectively, falls outside of the scope of this chapter. We sketch the entanglement of political discourses expressed in legislation, media and popular culture and activist mobilisation and resistance to these political discourses in the Nicaraguan and the Swedish contexts. In other words, the focus of the chapter is not to track influences in terms of presumed causality, but rather to outline entanglements and frictions (Tsing, 2005, 2015).

Empirically this study focuses on reproductive rights through the issue of abortion in Nicaragua and reproductive sovereignty and bodily integrity in general, and the compromising of trans people's right to reproductive sovereignty and bodily integrity in particular, in Sweden. The study is anchored in different types of material. For the Nicaraguan case the material consists of interviews with feminist activists conducted during the past ten years and media material regarding the political leadership of Nicaragua in matters of the total ban on abortion. For the Swedish case the material consists mainly of governmental reports and political discussions concerning reproductive sovereignty and bodily integrity for trans people in Sweden.

## THE TOTAL BAN AND THE FAMILY REGIME: CONTEMPORARY CAUDILLISMO IN NICARAGUA

Throughout the long period of colonialism (1523–1821) as well as the time until the Medellín Conference and independence (1821–1968), the Catholic Church in Nicaragua developed in similar ways as in other Central American and Latin American countries. After independence a more hierarchical Church developed, including an increased political power which turned into a social force in Nicaragua (Berntzen, 2012). Here, the position of reproductive rights has been situated at the epicentre of national politics in Nicaragua. According to a law from 1837, abortions were allowed *if* the life of the woman was at risk or if the foetus was not viable. This long-driven ‘protection’ of the foetus comes from the notion that life is sacred and should be protected from the moment of conception—a conviction held within the Catholic and Evangelical Churches. Abortion was declared illegal under the Criminal Code of 1974, during the leadership of Anastasio Somoza Debayle, but ‘therapeutic’ terminations could be obtained, hence the grounds had to be of a strictly medical nature (Molyneux, 1988).

During the 1960s into the 1980s, the Catholic Church in Nicaragua was influenced by and contributed to Liberation Theology. The Somoza regime ended with the insurrection led by the Sandinistas (FSLN) in 1979, a revolution that gathered radical Catholics, secular socialist ideas and prominent representatives of the women’s movement. Nicaraguan women participated side by side with men, but the long tradition of Nicaraguan machismo made its clear marks (Randall, 1981; Cappelli, 2017). The Sandinistas generally supported the idea of gender equality as part of social equality, but when the FSLN formed a government, their female comrades witnessed a disparity between early rhetoric and sexist machismo attitudes held by a range of Sandinista politicians who hindered initiatives towards gender equality. The vision regarding a new model of gender relations turned rather into a new patriarchal leadership in exchange for what had been overthrown (Heaton, 2017: 29).

The socialist regime (1985–1990) made some social reforms that increased the rights of women, and the literacy campaign had a significant impact on women’s (as well as men’s and others’) lives. However, no reforms that radically bettered the situation for women regarding reproductive rights were implemented. Efforts from the women’s movement to decriminalise abortion were met with resistance, as well as reforms for



homosexual rights, against domestic violence, rape or sexual harassment. One of the reforms made towards gender equality was the Nurturing Law in 1982, which imposed an obligation of domestic duties on men and women including equal parental responsibilities (Broadbent et al., 1990: 99). The Nicaraguan state was able to exist as supporting women without being feminist, ‘as the government pursued female benefit without advancing the cause of female emancipation’ (Heaton, 2017: 31).

It also became clear that the conservative phalanx of the Catholic Church gained more impact than many of the representatives of the women’s movement had wanted. Part of the reason as to why the liberals won the election in 1990 was the exhaustion of a horrible war (Contras vs Sandinistas), but another contributing reason was the liberal appeal to religion with messages of stability and family values being asked for by the many. It can be referred to a colonial history (brought in by Spain, etc.); however, it was an inevitable fact that the Nicaraguan state during the 1990s was highly influenced by the most conservative sectors of the Catholic Church—such as Opus Dei.

After three decades of liberal and right-wing state leadership, the FSLN campaigned in a new shape at the beginning of the new millennium. Daniel Ortega, the revolutionary hero, had previously conflicted with the religious leadership and had lost the presidency three times since the socialist period. During the campaign, Rosario Murillo, wife and member of the party, declared in interviews that the Sandinistas ‘love God above all things’, that they fully agreed with the churches and stated that the Sandinista coalition ‘says no to abortion, yes to life!’ (Kampwirth, 2008: 125). Murillo strengthened a pact between the Church and a much-reformed Sandinista party with a new Christian rhetoric, neoliberal economic plans and agreements with other leaders on the continent.

The Church representatives staged a demonstration of power by gathering 200,000 signatures, presented to the Nicaraguan National Assembly, and mobilised an anti-abortion march with around 50,000 Catholics and 20,000 Evangelicals on October 6, to urge the rescission of abortion being allowed only on therapeutic grounds (Kampwirth, 2008: 8; Berntzen, 2012: 173).

Days before the election on November 5, 2006, the Sandinistas supported the criminalisation of abortion after pressure from the churches. The decision was a successful strategy whereby representatives for both Catholic and Evangelist Church expressed their confidence in FSLN and its leader, and Ortega was elected as President (Getgen, 2008). The

absolute abortion ban became a symbol for a Nicaraguan culture that has a continual focus on so-called family values, with the tradition of Marianismo, referring to the spiritual devotion to the Virgin Mary, where women are valued for their faith, purity and reproductive abilities as mothers (Ellsberg et al., 2000; Salazar & Öhman, 2015). An ideal of domesticity had been reinforced in Nicaragua, made up of control of women's fertility and sexuality in lockstep with a narrowly defined public morality, functioning as a form of biopower (Lacombe, 2013). According to the Penal Code (Law 641, Article 143), women and girls who terminate pregnancies can face a judgement of two years in prison. Doctors, nurses, midwives and so on, as medical professionals, can be sentenced for up to six years for providing abortions and must report when suspecting abortions. This is evidently not the case for 'all women'. It is crucial to understand that an emphasis on Marianismo is not to equate women with being passive victims of sexism, destroyed by religion, colonialism and imperialism. And legislation and sanctions strike completely differently depending on class (peasantry in particular), race and indigeneity. Economic as well as cultural and social capital is crucial. Local feminist activists emphasise that the possibilities to access information differ enormously and a minority of women can travel to other countries for private and safe medical assistance. The law causes fear and an intensified culture of shame, guilt and severe challenges for women to relate to their bodies as their own. Fear sticks to their bodies, and in a classic divide the flesh becomes a threat to their lives as the body can be occupied and of national concern (cf. Ahmed, 2014).

Several national as well as international women's organisations have lobbied the Nicaraguan government to rescind this stricter legislation (see Vigil, 2006; Bradshaw et al., 2008; Heumann, 2014). To push ideas regarding women's rights to their bodies has turned into an impossible struggle as the political regime has forged a close tie with anti-feminist religious leaders (Howe, 2012). In interviews feminist activists repeat that the political 'battle must be against the state' and argue for the need of the state to become secular, for the importance of political 'decisions made based on sufficient valid arguments' (CR 20191121). By doing this they articulate the hope of a democratic state, based on an idea of a just and caring state. Most of the interviewed Nicaraguan activists define themselves as Catholics, but with an aspiration for other interpretations of Christian values than the conservative ideas expressed via the regime and intertwined with the anti-feminist religious representatives.

Control over the family, sexuality and fertility has been crucial to the continuing success of the Church as a moral authority, and the presence of the churches became irrefragable after the campaign regarding Article 143. So, it is impossible to fight for reproductive justice without relating to religious leaders: feminist activists as well as the government and all citizens in general must take their influence into account (Reuterswärd et al., 2011). The struggle for reproductive justice thus becomes a struggle over values, rights and the definition of a (democratic) state in itself.

Through the last decade the representative democracy has been severely undermined in Nicaragua. Changes in the Constitution have been made: instead of power being divided in the (a) legislature, (b) executive power, (c) judiciary and (d) electoral authority, it is centred on the executive—that is, the President—and thus gives the military more power.<sup>1</sup> This is accompanied by repeated messages about what the Nicaraguan nation is. As such it is not surprising that regulation of reproduction, and more specifically the state's control of women's (and girls') bodies/biological functions, play a key role in the ongoing dream of a homogeneous nation-state: a nation as a family, represented by a family.

As the heterosexual Christian family is situated at the core of the Nicaraguan nation, the figure of the parent becomes central in a variety of ways. The struggle for the democratic state, by civil society, is the struggle against the family in power, and the feminist struggle here becomes the most threatful one for the Ortega-Murillo regime (cf. Lacombe, 2013).

The contemporary position on reproductive rights and justice, by the Nicaraguan government, is closely connected to political pacts (Martí i Puig, 2010; Tercero, 2003) and the President's conflicting relationship with the women's movement in the country (Heumann, 2014; Kampwirth, 2008; Neumann, 2018). There has been a history of disagreements, one of which is particularly significant. In 1998, Zoilamérica Narváez, the stepdaughter of the President and daughter of his wife Rosario Murillo, accused her stepfather of having sexually abused her for over 11

<sup>1</sup>In spring 2019 there were severe restrictions on freedom of expression: demonstrations and other signs of opposition were no longer permitted. In 2018 protests started against cut-downs on social security, critique which expanded into broader complaints against the government. Protests were responded to with force, as police and paramilitary groups attacked protesters. Some 320 people were killed, more than 2000 wounded and over 600 arrested—and by 2020 over 100,000 had fled the country (see UNHCR, UN News (2020, March 10), <https://news.un.org/en/story/2020/03/1059051>).

years (Narváez, 2002). Murillo supported her husband, while the feminist movement took a stand for Narváez. Amongst others, writer Margaret Randall published an open letter saying that she as well as others had known about the abuse but had kept silent for the Sandinista cause (reprinted in Huerta, 1998: 98; Kampwirth, 2004: 213). Ortega denied everything, claimed parliamentary immunity and escaped prosecution on a technicality (Aznárez, 2008). Narváez faced political persecution and eventually fled from Nicaragua to Costa Rica in 2013, from where she and several feminist activists continue their struggle for sexual and reproductive justice for women.

In Nicaragua the leadership was strengthened as Murillo officially showed her loyalty to their bionuclear family. During a regional summit in Costa Rica in January 2015, she was called the ‘Foreign Minister at Large’, subsequently appointed Vice President, and two of their daughters were named Special Advisors and a son as one of the Ministers. On the journey the Ortega-Murillo regime invited the international community to see the extent to which nepotism operates in the Nicaraguan government (Salinas, 2015).

*But why focus on a singular politician?* The reason for the importance of unfolding the circumstances around this particular leader and the current abortion legislation is precisely because Daniel Ortega has been a master of political pragmatism rather than an ideologue. With his leadership the socialist party has turned into a chameleon or, rather, an invertebrate creature that shapeshifts as far as possible to maintain power. Ortega has managed to use his reputation as the hero from the socialist revolution and become popular as a capitalist leader who initiates programmes for the poor and exploits the nation’s position as a low-wage manufacturing resource. By incorporating the Church (both Católicos and Evangélicos) and the right-wing elite, the party changed the ‘people’ into being everyone—a populist move whereby the rhetoric about love and support for the strict abortion law became a violent strategy to retain power. With the slogan ‘El Pueblo Presidente’ (‘The People are the President’), the aim has been to portray the leader of FSLN—policies and discourse—as representing the Nicaraguan majority culture and the President himself as ‘an embodiment of the people, and vice versa’ (Capetillo, 2019: 31).

Nepotism is nothing new for the Nicaraguan state; the Somoza regime (1936–1979) was defined by power concentrated within the family.

Already in the days of colonialism the colonial governors had identified ‘power of the nation’ as their own and instead saw it as natural to share it with family members. During the period towards independence from colonial systems (1798–1858), patriarchal families and folk communities played important roles in a region characterised by weak structures (Burns, 1991). The Caudillo system in Nicaragua (as well as in the region) is often referred to as an important part of the foundation for the hard patriarchal structure (cf. Lancaster, 1992)—the forceful machismo, in a country where male leaders keep a strong grip of political power (Telleria, 2011).

The staging of Ortega as a religious and revolutionary leader and as a defender of the people during the first few years of his mandate can be summed up by the slogan displayed throughout the whole of Nicaragua in the year 2009: ‘To fulfil a promise to the people is to fulfil a promise to God.’ The projection of Ortega as both defender of the poor and defender of Catholic faith in this slogan is a well-orchestrated effort to project him as a religious person whose religious and political principles correspond to those of the Nicaraguan majorities. (Guevara, 2014: 383)

Ortega became the ‘Father of the Nation’ and the symbol of the revolution. And as the revolution is associated with the end of the dictatorship of Anastasio Somoza, he represented the evident leader of an imagined democracy. The FSLN and their supporters are in control of the National Assembly, and serious criticisms regarding family members in several important positions are not met by attempts to address or increase democratic elements. Rather, Ortega is proud of his competent close circle, with declarations such as his family being a powerful one. So, despite the prohibition of popular protest decreed by the government, it was not surprising to hear anti-government chants on the streets of Nicaragua in 2018 and onwards saying: ‘Ortega, Somoza, son la misma cosa!’ (‘Ortega and Somoza are the same thing!’) (Anderson, 2018).

The absolute criminalisation of abortion thus should not be interpreted as the Sandinistas being especially engaged in the issue of the abortion ban, but rather that this was a turn towards a more cynical stance and political power being concentrated within the Ortega regime and a patrimonial-authoritarian state (cf. Kampwirth, 2010; Berntzen, 2012).

‘THE STATE HAS A SPECIFIC RESPONSIBILITY FOR ITS  
VULNERABLE CITIZENS’: PATERNALISM AS STATE VIOLENCE  
IN SWEDEN

As already stated, Sweden has a long history of describing itself as a bastion of reproductive justice, as a nation where the state steps up and takes responsibility for its citizens’ reproduction. This rhetoric was the backbone of the regulations on abortion and sterilisation issued in the 1930s and spanning, more or less unaltered, into the 1970s; legislations that took departure in the notion that reproduction was far too important of an issue, for national well-being and prosperity, for individual citizens to have sovereignty over their own reproductive capacities. Scholars have detailed how the politicians in parliament in the 1930s and 1940s, led by the Social Democrats, evaluated different strategies to strengthen and manage population growth. The end result was the work of social engineers such as Nobel Prize winners Gunnar and Alva Myrdal, combining a strict regulation of abortion, aimed at keeping the number of abortions down, an extensive sterilisation practice, targeting the parts of the population not deemed suitable for parenthood—that is, the poor and so-called asocial, racialised others, and citizens with psychiatric or physiological diagnoses—and an investment in social reform programmes with the purpose of bolstering childbirth rates in the respectable working class and middle class through making it possible for mothers to stay in the labour market (with reforms like communal nursery schools, parental insurance and parental leave) (Palmlblad, 2000; Hatje, 1974). This was the biopolitics of the Swedish Folkhem during its heyday.

The 1960s and 1970s saw a refashioning of the Swedish state’s politics of reproduction. Following conversations between public intellectuals and politicians about the need to limit the influence of the state on the private realm of its citizens—conversations focusing on, for example, the right to abortion and the benefits of reforming sexual education to be based on facts from the fields of sociology, sexology and psychology of sexual behaviour rather than on Christian sexual morals and mores (Zetterberg, 1969)—the abortion and sterilisation legislations were subjected to over-view. The governmental preparatory reports that suggested revisions put forth sharp critique towards the state paternalism from the 1930s and 1940s and argued for legislations that sprang from the principle of all citizens’ right to bodily integrity and reproductive sovereignty. In the words of the commissioner behind the report on sterilisation: ‘the natural point

of departure is that an individual, in principle, ought to have the right to decide over their own body' (SOU, 1974:25: 84).

The preparatory reports described a shift in societal views on sex, sexuality and reproduction: giving birth was no longer considered a societal duty; instead the relationship between state and citizen, when it came to reproduction, was described as one of trust and responsibility. It is the state's, and by extension society's, responsibility to make sure that its citizens can exercise their bodily sovereignty, the commissioners proclaimed. In the words of the final legislative proposition on the right to abortion: 'No one can assess the situation and her ability to care for a child better than the individual woman herself. A new legislation ought, hence, to build on trust in the woman's ability to decide for herself' (Proposition 1974:70: 61).

It has been argued (Alm, 2006; Edenheim, 2005; Östberg, 2002; Sandström, 2001) that the changes that took place during the 1960s and 1970s mainly affected the governance techniques of the state, that two types of technique—punitive legislations and explicit state surveillance—were abandoned for other types, in line with the birth and growth of a neoliberal state apparatus. The discourse of the state's responsibility for its citizens' reproduction was preserved, but rearticulated. The nexus of reproductive and sexual rights, as articulated in the regulation on abortion and sterilisation, also included assumptions about sexual and gender identity (Butler, 1990), and it is not a coincidence that the new legislation on gender recognition, Act Concerning Recognition of Gender in Certain Cases 1972:119, was introduced in 1972. The Gender Recognition Act can be understood as an expression of the legislative focus on bodily integrity already described. The legislation itself departed from the notion that trans people suffer, that the state contributes to this suffering through its administrative systems that demand that each and every one of us can be fitted into the juridical category of man or woman, and hence that the state also has a specific responsibility to alleviate said pain (Alm, 2021). The assumption was, and is, that it is beneficial to the state, society and the individual if a congruence of sexed and gendered expressions (i.e. juridical gender-marker, gender identity, primary and secondary sexual characteristics, gender role etc.) can be maintained.

This is the core of the state paternalism in matters of gender recognition: since sexual and gender expressions are relevant not only to the individual but 'to other individuals and to society' (SOU, 1968:28: 39), any legislation that addresses the right to change one's juridical gender and

access gender-affirming care also needs to take into account the effects of such a practice on society as a whole, and it is of importance that ‘the result is [not] in too sharp a contrast to foundational values among the general public’ (SOU, 1968:28: 40). As has been argued (Alm, 2006, 2021), the fact that the Swedish state stresses that sex and gender are important identificatory categories for the state to recognise and register its citizens through—in formulations borrowed from psychology and psychiatry, the commissioners of the 1968 report described gender identity as the core of individuality and of personhood—is indicative of how sex and gender are sites of differentiation and subjectivation, in processes of governance. Sex and gender are transposed as discernible, fundamental, individualising properties of the person and as regulated properties of the state: in a person marked with sex and gender, as categories of scientific knowledge, bureaucracy and juridical registration, the state has (in the possessive sense of the verb) a citizen and a political subject that can be governed. So, while the legislators acknowledged that the governance techniques of the state play a part in the plight of people who do not conform to societal norms (SOU, 1968:28: 24), the legislation demanded, and still demands, assimilation, in the sense that citizens who want to exercise their right to gender recognition have to comply with a set of criteria in order to be viewed as eligible, as respectable and trustworthy subjects that can exercise this right. From 1972 until July 2013, these criteria included a sterilisation demand: that is, in order for someone to have their gender recognised by the state, they had to give up their right to reproductive sovereignty.

There is a parallel between the arguments for the sterilisation demand as a condition for the right to gender recognition and a very specific line of reasoning put forth by the commission tasked with reforming the old sterilisation legislation: namely, the wish to make an exception to the principle that the initiative for a sterilisation operation has to come from the individual, to make it possible to sterilise those without legal capacity, due to mental illness or mental incapacitation. The logic was that in order to gain access to certain rights—the right to self-definition and adequate care to alleviate ill-health, or the right to an active sexual life—other rights need to be sacrificed. In the case of citizens without legal capacity, the argument was that allowing them to be sterilised without consent would be a way to secure their right to an active sexual life: ‘To the extent that those that lack legal capacity have or ought to have the possibility for a free sexual life, they ought also to have the possibility to be sterilised’ (SOU,



1974:25: 91). By extension this right to be sterilised was used as an argument to forgo the principle of reproductive sovereignty and bodily integrity, since the decision about sterilisation had to be taken by someone other than the affected individual, a legal guardian or custodian. This particular aspect of the legislative proposal for a new sterilisation act received sharp criticism during the round of referrals. Among those voicing critique was Sveriges Advokatsamfund (Sweden's Association of Lawyers) and Handikappförbundens centralkommitté (The Central Committee for Disability Organisations), who both pointed out that initiating an irreversible, non-essential operation without the consent of the patient was 'a considerable interference with personal integrity' (Riksdagsarkivet, Justitiedepartementet, diarienummer 1624/74, referral response from Sveriges Advokatsamfund). The paragraph that regulated such an exception to the general rule of reproductive sovereignty and bodily integrity was omitted from the final legislative text.

In light of the reformed Swedish legislations on abortion and sterilisation, that put such emphasis on the ethos of the individual's reproductive sovereignty and bodily integrity and their right to a sexually active life, the Gender Recognition Act seems anachronistic, out of touch with its liberal, tolerant time. While the other legislations appear to be formulated on the basis of an unambiguous individual right, the Gender Recognition Act is formulated as a legislation of exception. The right to gender recognition is formulated as a state-sanctioned exception to the general rule that an individual *belongs to* (in the ontological and epistemological sense of the word) the sex assigned at birth. It can be understood as a way to adapt the state's regulative techniques to a landscape of governance where gender-variant people were visible and demanding state support in the form of care and juridical amendments; instead of proposing ostracisation, the legislators proposed an assimilation into the normative model of sexed and gendered citizenship: an enfolding into the Swedish Folkhem as a, if not *the*, nation of progressive reproductive justice politics, gender equality and sexual citizenship.

However, if we look more closely at the arguments behind all three legislations, similarities appear, similarities that stem from the notion that the Swedish state has a particular responsibility for its citizens' reproductive sovereignty and bodily integrity. In matters of abortion and sterilisation, this ethos was expressed in discussions about the practicalities of making sure that all citizens had sufficient possibilities to exercise their sovereignty, that is, to make use of the rights they had been granted by the

state. The commissioners emphasised the need for a societal structure that could support citizens in their decision-making: state-financed and organised reproductive guidance centres, obligatory sexual education in schools and so on. During the referral processes, when the legislative proposals were read and commented on by governmental agencies, NGOs, professional organisations and the general public, concerns were raised from both socialist and conservative quarters about the effects that reproductive sovereignty might have. One recurring argument was that a liberalisation of the regulation on abortion would be the same as admitting that Sweden had failed as a welfare state and that the levels of abortion ought to be kept down with social and economic assistance to pregnant citizens (Proposition 1974:70; Lennerhed, 1994). Another argument declared that the state had to ensure that citizens did not make hasty decisions, and insisted that experts had an important role to play in safeguarding systems of guidance, evaluation and assessment; this argument was often put forth by professionals involved in the practices around abortion and sterilisation: physicians, jurists, civil servants. Combined, as they often were, these arguments formed the core of a paternalistic approach to questions about reproductive sovereignty and bodily integrity, at odds with the rhetoric of individual rights in the legislative texts. The anomaly of the Gender Recognition Act lay in the fact that the very formulation of the legislation relied on the explicit presumption that citizens needed to be protected from their own impulsiveness or lack of knowledge. Trans people who wanted to exercise their right to gender recognition and gender-affirming care needed to have documentation, from a psychiatric and psychological evaluation, stating that their gender identity was stable and reliable (SOU, 1968:28: 48, 50). The right to self-determination was dependent on one's identity being legitimised by experts and came at the cost of reproductive sovereignty and bodily integrity. The Swedish situation is by no means unique—queer and trans scholars such as Wendy Brown (1995), Jasbir Puar (2007), Dean Spade (2011) and Toby Beauchamp (2019) have shown that policies of sexual and gender equality are used to underpin the liberal nation-state and legitimise its violence—but Sweden was the first country to instate a comprehensive legislation that aimed at integrating gender-variant citizens, and the Swedish legislation became the model for legislations in various European countries.

The rhetoric from the late 1960s and early 1970s is traceable in the most recent legislative texts on the issue of gender recognition. Activists have pushed for reform, through lobby work and litigations against the

state (Alm, 2021). In 2014 a governmental report argued, with reference to the critique that the Swedish state has attracted from international organisations such as the European Union and Amnesty, that a reformation of the Gender Recognition Act is needed to ensure that people can exercise their right to gender recognition without having to go through any psychiatric or psychological evaluations (SOU, 2014:91: 280). The very same report, that put such weight on the right to self-determination, still argued for an exception to the right to reproductive sovereignty and bodily integrity in matters of genital surgery. Echoing the 1968 report, the commissioners argued that genital surgery is ‘a life-changing act’ (SOU, 2014:91: 276) that the individual cannot be left alone to decide upon; rather, such procedures ‘require rigorous medical examinations and evaluations’ (SOU, 2014:91: 292).

Activists, and scholars (Alm, 2019; Linander, 2018; Bremer, 2011), have argued that the Swedish state’s paternalistic approach to trans people must be understood as a form of state violence. The past couple of years have seen a debate about trans youth’s access to gender-affirming care, brought about in Sweden, as in other parts of the Global North and West, by the fraudulent pseudo-diagnosis of ‘rapid onset gender dysphoria’ (see, e.g. the original paper proposing the term ROGD; Littman, 2018; and the critique against it, Restar, 2019). Critics of the established protocols on trans youth care are invoking the standards of medical evidence and carefully tested experience, arguing that the protocol for care is supported neither by medical evidence—longitudinal studies with control groups—nor by carefully tested experience, due to its being a fairly new practice. A moral panic about trans youth not being protected from making decisions they later might regret is stirred up by a coalition of concerned parents, clinicians and journalists. In the Swedish context the critics have zoned in on the responsibility of the Swedish state to safeguard its most vulnerable citizens—the very ethos of the welfare state (see, e.g. Gillberg et al., 2019; Häggström et al., 2019). One of their main arguments for restricting youth’s access to gender-affirming care is that the state would be depriving these young citizens of their reproductive futures. In other words, both those that claim that access to gender-affirmative care ought to be *less* dependent on medical expertise and juridical regulations (and instead depart from the model of informed consent) and those that claim that it ought to be *more* dependent on medical expertise and juridical regulations describe the current model as a practice of state violence enacted on vulnerable citizens. One of the long-term effects of the exceptionalisation

and conditioning of the right to gender recognition and access to gender-affirming care is that there is no stable ground for reproductive sovereignty and bodily integrity for gender-variant people to build on, since they continuously must prove their right to be treated as exceptions to the general rule. State violence will either be enacted through gatekeepers who evaluate if the individual is eligible to be included or not, or it will be exercised through misrecognition and neglect.

### GOVERNING REPRODUCTION: A PERMANENT STATE OF EMERGENCY?

In the Nicaraguan case the political project of the government is quite clear, and the patrimonial-authoritarian state has harsh ramifications as the legal and political institutions are justifying and promoting religious ideas with violent effects on fertile bodies. Here we can talk about patriarchal power which subsumes the maternal function of being able to autonomously birth a nation, including a ‘show of protective solicitude over the national offspring’ (Heng & Devan, 1992: 202), as well as the aggressive control of difference in the national body and the ongoing threat against the nationalist political fantasy: bodily transmogrifications and lost control of reproduction.

The notion of the state as a parent has conditioned other viable formulations of the state’s role and responsibility and launched the argument that critics of the state have to be understood as threats against ‘democracy’ and against the nation, since they question the foundational thought that the state (and leaders of the state) wants to do good for its citizens (see Berg & Alm, 2021). Critical voices are demonised as liars, bandits and wicked. The history of conflict between the Sandinistas and the women’s movement continues (Heumann, 2014; Cappelli, 2017), as the feminists in Nicaragua and in exile insist on being heard with the ambition to influence politics with international support. The total ban against abortion was a strategic move by FSLN, witnessed by a range of national and international feminist and human rights organisations—and has become a symbol for the alliance between the Church and the State as well as the current populist politics. The struggle for reproductive justice turns into a disturbing element for a leadership calling itself socialist but which, to appease the Church, rearticulates the issue and calls its representatives traitors.

The figure of the state as a parent in a Nicaraguan context could hardly be any clearer: the Father and the Mother are leading their children. It is an authoritarian ‘parenthood’ that controls the lives of reproducing bodies as such, given that their lives are put on the line with every pregnancy—citizens who might survive but also be severely harmed or even die. The combination of a powerful influence of religion and high rates of sexual violence, with data indicating that young women and adolescent girls are at particular risk of unwanted pregnancy from rape, results in a culture of fear and shame—where bodies become threats with consequences such as illegal abortion, often performed through dangerous methods, and attempted suicides. Women with financial means can pay for a safer abortion, illegal within Nicaragua or undertaken outside the country. So, the decision affects women in general, but most of all poor women who do not have the funds to pay a doctor for a (illegal) safer procedure or leave the country (Bradshaw et al., 2008). An example of necropolitics is that the state forces a range of girls and women into life-threatening situations, or to being ‘alive but in a state of injury’. However, it is important to remember here that Nicaraguan girls, women, gender-variant people are not inherently vulnerable but, rather, it is the state that creates the vulnerability through the legislation that affects their bodies (Berg, 2012).

The Swedish context provides a very different concretisation of how the exceptionalisation of reproductive rights functions to reproduce the nation-state, in that it offers an example of how the state can make use of its self-image as a bastion of progressive reproductive justice politics to cover up the fact that it is conditioning trans citizens’ reproductive sovereignty and bodily integrity. The separation of the issues of abortion and sterilisation from the right to gender recognition creates an illusion of radical incommensurability between the cisgender citizens’ relatively unconditioned right to reproductive sovereignty and bodily integrity and the conditioned, exceptionalised right to reproductive sovereignty and bodily integrity for their gender-variant counterparts. This illusion of incommensurability is vital for the nation-state of Sweden’s understanding of itself as progressive and tolerant on issues of reproductive justice; it is instrumental in how this self-image—this projection of the state—is presented not as a matter of political positioning but as a historical fact (reflected, for example, in the trope being used by politicians from the opposing sides of the political scale).

Sweden’s self-image as the benevolent parent who secures its citizens’ rights has been challenged throughout the years in ways that make it clear

that the question of governing reproduction *is* political at heart. As already described, trans activists and international organisations such as the WHO and the European Union have made the case that the restricted access to gender-affirming care, and the compromised right to reproductive sovereignty and bodily integrity, contribute to the mental ill-health of trans people living in the country, and that this has discredited Sweden's reputation as a liberal welfare state. Through describing trans people's harsh living conditions as necropolitical effects of state negligence, Swedish trans activists are politicising the harmful consequences that the governance of reproduction has had, and still has, for gender-variant people (Alm, 2021).

Another way in which the notion of Sweden as the bastion of reproductive justice is challenged, and the governance of reproduction is addressed as a deeply political question that speaks to the Swedish state, can be found in the attempts to reform the abortion legislation, launched from conservative quarters. Political efforts have been made, in parliament, to instate a fixed time limit above which no abortions are to be performed (see, for example, motions by the Christian party, the Christian Democrats, and the nationalist party, the Sweden Democrats: Skånberg & Eklind, 2018; Kronlid et al., 2017). The current legislative text lacks such a fixed time limit; the eligibility criterion has been, and still is, that if the foetus is viable outside of the womb abortion is forbidden, and the praxis for late-stage abortions has since 1975 been lowered from 24 weeks of gestation to 22 weeks, following the medical developments. The motions for reform have argued that Sweden has one of the least restrictive abortion legislations in Europe, and that 'society also has a juridical duty to make sure that children are not killed' (Skånberg & Eklind, 2018). Conservative politicians argue that the current legislation on abortion has necropolitical effects. In other words, the effects of governance are turned against the state and politicised from positions and contexts that ideologically share very little when it comes to interpretations of the individual's right to reproductive sovereignty and bodily integrity, but with a common repercussion: the notion of Sweden as a benevolent parent is contested.

Previous research, from a range of different countries, has shown how control of reproduction is a key component in the superimposition of the state and national identities (see, e.g. Yuval-Davis & Anthias, 1989; Verdery, 1994; Kozłowska et al., 2016). We can see how the governance of reproduction exceeds practices of counting and regulating when and how reproductive activities are to be allowed or prohibited; reproduction becomes instrumental in state-sanctioned systems that condition both

citizens' and noncitizens' rights to health, integrity, a sense of belonging and a meaningful life.

State governance over reproductive sovereignty and bodily integrity can be explicitly violent, manifested in punitive or restrictive legislations and the lack of access to care, or it can take more subtle expressions; there are different tools in the biopolitics of population control. Political leaders, Fathers and Mothers of the Nation, interact with and regulate their imagined children, the citizens; citizens who in turn are identified, or dismissed, as potential parents to the subsequent population. As such the governance of reproduction is a vital aspect of the political fantasy about the nation-state and its futurity. This chapter illustrates through the exploration of the notion of the state as a parent, expressed in the cases of Nicaragua and Sweden, how the exceptionalisation of reproductive rights still has very specific functions for the reproduction of the nation-state, whether that be of the nation as a bastion of Christianity and traditional family values with a political leadership that metonymically becomes the founding family of the nation, or of the nation as a tolerant home in a world of turmoil and anti-gender movements.

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# Exploring Swedish ‘Family Planning’: Reproductive Racism and Reproductive Justice

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## INTRODUCTION

One should not have more children than one can provide for.  
(*Aftonbladet*, 2022)

The quote is from the Social Democrat Swedish Labour and Gender Equality Minister Eva Nordmark and could be read simply as a common-sense statement regarding rights and obligations between parents and children. However, the quote should be read, as we will argue, through the diverse forms of reproductive racism (Siddiqui, 2021) targeting

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migrant women in Sweden. First, the underlying racist, tacit but strongly present, representation in the quote: migrant women as welfare-dependent, a burden on the Swedish welfare state, with ‘too many’ children (Alinia, 2020). Thus the policy proposal framing the quote, that of decreasing Child Benefit (removing state benefit for more than one child) following neoliberal and racist worldviews aiming to reduce the categories of people supposedly ‘cheating’ the welfare system (Herz, 2021), with the decrease in financial support as an incentive for ‘integration’ into the labour market. Second, the location of what the problem is represented to be, in the bodies of migrant women (they have ‘too many’ children), a location that obscures the ethnic segregation and discrimination in Swedish labour markets (Behtoui et al., 2017). This governmental intervention took place during the same month that Inuit Greenlanders demanded answers to what had been experienced by many as a Danish birth control scandal (Krebs, 2022) regarding several thousand Greenlandic women who had IUDs inserted without their knowledge in the 1960s and 1970s. However, in Sweden, with a serious level of historical amnesia, during the parliamentary election campaign in 2022 birth control and family planning were again introduced as a means of addressing social problems like poverty and crime and presented as a solution to migrant women’s supposed lack of integration into Swedish society.

The connection between Western developmental discourses, which maintain that reducing fertility rates and slowing population growth through family planning benefit developing nations and empower women, has been critically assessed by numerous scholars (Escobar, 2002). Criticism towards discourses and policies of family planning are extensive, from scholars challenging the notion of ‘voluntariness’ to those arguing that, in family planning, women’s lives are subordinated to economic and developmental goals (Petchesky, 1995; Nandagiri, 2021). While contraceptive technologies hold an impressive emancipatory power in the lives of women globally, vulnerable groups of women have, in the name of family planning, experienced forced sterilisation and reproductive coercion (Kühlbrand, 2019).

We aim to analyse political discourses and governmental policies on reproduction through the conceptual lens of reproductive racism (Siddiqui, 2021). We hope to challenge what we identify as historical amnesia concerning Swedish ‘family planning’ and show how, in different ways, reproductive rights in Sweden are inscribed and embedded into racial inequalities.

Methodologically the chapter is inspired by critical discourse analysis (Wodak & Meyer, 2001) and the WPR tradition in policy analysis as established by feminist political science scholar Carol Bacchi (2009, 2012) asking what the problem is represented to be and what presuppositions or assumptions underpin this representation of the 'problem'. The empirical material presented here has been collected with the aim of illustrating governmental policies that historically and today shape and frame diverse forms of reproductive racism with a special focus on welfare professionals.

The chapter is organised as follows. First, we will introduce the concepts of reproductive justice and reproductive racism framing the analysis. Second, we will provide a short historical context of how sterilisation and abortion have been used in Sweden. We will move towards an analysis of the Swedish political landscape at the nexus of migration, gender and racism, identifying the role of public institutional professionals in its shaping and reproduction. The last section takes its point of departure from the Labour and Gender Equality Minister's quote at the beginning of the chapter to explore the connections between parental allowance notions regarding family planning and reproductive racism.

### THE NEED FOR A REPRODUCTIVE JUSTICE PERSPECTIVE

In 1981, Black feminist Angela Davis's now pioneering book, *Woman, Race, and Class*, was published. A central topic in the book is the critique towards the dominant white feminist movement's incapacity to understand and hence act against the racial, gender and class inequalities shaping reproduction. Davis argued that the lack of an understanding of how the racist state has used different forms of violence to control black, native and brown women's bodies, through practices of mass sterilisation, stealing of children and forced abortions, during the campaign for the right to abortion, led to a situation whereby 'what was demanded as a "right" for the privileged came to be interpreted as a "duty" for the poor' (Davis, 1981: 120).

The invisibilities of the specific needs of vulnerable categories of women through the notion of 'global sisterhood' also made invisible the fact that practices such as 'family planning' birth control and abortion were embedded into experiences of racism, exploitation and poverty. Echoing the debate in Sweden around family planning, the US women's movement's early abortion campaign, according to Davis, seemed to live under the



misapprehension that fewer children (through, for instance, family planning) would provide an alternative and a solution to societal problems:

As if having fewer children could create more jobs, higher wages, better schools, etc., etc. This assumption reflected the tendency to blur the distinction between abortion rights and the general advocacy of abortions. The campaign often failed to provide a voice for women who wanted the right to legal abortions while deploring the social conditions that prohibited them from bearing more children. (Davis, 1981: 118–119)

To some extent, as a consequence of these shortcomings, and the limitations of the emphasis on ‘choice’ as the central argument in reproductive rights, the reproductive justice (RJ) perspective advanced and established itself within the Black radical tradition (Hill Collins, 2019) as an original and solid intersectional analytical frame. In 1994, the term ‘reproductive justice’ was coined as a framework that, according to Dorothy Roberts (2015), included not only a woman’s right not to have children but also the right and the economic possibilities of having children, a framework that reinscribes reproductive rights in a political context of intersecting race, gender and class oppressions:

‘Reproductive justice’ emerged as a unifying framework that went beyond the pro-choice activists’ focus on the legal right to abortion and access to contraception and addressed some of the critiques of the mainstream feminist movement’s lack of attention to the concerns of poor women and women of color. In the book *Reproductive Justice: An Introduction*, Loretta J. Ross and Rickie Solinger argue that the RJ is both a social movement and a theoretical framework. The RJ has three primary principles:

- (1) the right not to have a child;
  - (2) the right to have a child; and
  - (3) the right to parent children in safe and healthy environments.
- (Roberts, 2015)

The RJ repositioned reproductive rights as concerned with the demands on social, political and economic justice, and with the need to draw attention to the persistent reproductive inequalities in a racist, capitalist society. It was through the organising of feminist Black, Latina, Native American, Asian and Queer people during the late 1990s and the subsequent formation of the SisterSong Women of Color Reproductive Justice

Collective that the narrow focus on abortion rights and 'women's right to choose' was transformed into a broader social justice agenda (Ross & Solinger, 2017). Loretta Ross, a founder of the SisterSong Women of Color Reproductive Justice Collective, writes:

One of the key problems addressed by Reproductive Justice is the isolation of abortion from other social justice issues that concern communities of color: issues of economic justice, the environment, immigrants' rights, disability rights, discrimination based on race and sexual orientation, and a host of other community-centered concerns. These issues directly affect an individual woman's decision-making process. (Ross & Solinger, 2017: 4)

Feminist antiracist scholar Sophia Siddiqui (2021) in her article 'Racing the Nation: Towards a Theory of Reproductive Racism' identifies

a new form of racism in Europe. Her [Ross and Solinger's] text opens with an analysis of an antiracist act of remembrance that took place in the UK, for three pregnant women who died because they did not seek healthcare for fear of deportation.

Reproductive racism, Siddiqui argues, produces a system that controls, restricts and exploits reproductive capacities. It is a kind of racism

[t]hat preys upon the lives and labour of migrant workers in the care sector, through immigration laws that ensure their work is cheap, precarious, and hyper-exploitable, whilst restricting their capacity to care for their own families. (Siddiqui, 2021: 15–16)

The concept grasps a fundamental contradiction: migrant women are deprived of doing reproductive work concerning their own families and communities, at the same time as they are forced into paid (precarious) reproductive work. Reproductive racism is regulated through, on the one hand, restrictive migration laws that, for instance, separate families and create conditions of labour precarity and limited social security, and on the other hand, assurances that migrant women's labour is cheap and hyper-exploitable (Siddiqui, 2021: 15). The concept grasps also another contradiction: that while the defence of 'family values' through the maintenance of the heteronormative, ethnically pure, Christian family is the cornerstone of far-right mobilisations, the ones upholding the care system throughout Europe are migrant women (Federici, 2014).

Reproductive justice reinforces the strength of the concept of reproductive racism. In the next section, we will, inspired by the tradition of reproductive justice and the concept of reproductive racism, explore how the Swedish debate around migrant women and their children is embedded into a racist logic of who can embody the nation and who threatens it.

## THE GHOST OF REPRODUCTIVE RACISM IN SWEDEN: STERILISATION

Governmental strategies acted upon through notions of ‘family planning’ such as the ones introduced by Swedish politicians in 2022 are not new. The expansion of the welfare state has been closely linked to policies and interventions regulating who should or should not have children and how the state could intervene when needed. Through these discussions, in which politicians, administrative civil servants, social workers and doctors were among those who participated, the welfare state became occupied by questions now central to the reproductive justice framework. In the Swedish case, as in several other countries in Northwest Europe, these policies have been strongly influenced by a eugenic logic which saw some people (i.e. white, middle-class, ‘respectable’ citizens) as more worthy than others (i.e. immigrated or indigenous, working-class, addicted to alcohol). Here, ‘racial hygiene’ was integrated into science, medicine and the social engineering of the welfare state. A strong line was drawn between those understood to be deviant or ‘consuming’ (*tärande*) and their opposite—those understood to be respectable and ‘nourishing’ (*närande*).

The first law on sterilisation (SFS, 1934:171), implemented in 1935, concluded that it was legal to sterilise ‘some mentally ill, mentally retarded or others who suffer from disturbed mental activity’ (‘vissa sinnessjuka, sinnesslöa eller andra som lida av rubbad själsverksamhet’) without their consent. They were deemed ‘legally incapable’ and hence unable to give their consent. The requirement was a successful application to Medicinalstyrelsen (National Swedish Board of Health), or for two licensed doctors in consultation to decide without the involvement of government officials (SOU, 2000:20: 169).

The law was met with scepticism from the medical community. Since at least 1906, doctors had freely been able to sterilise men and women considered unfit for parenthood (Petrén, 1930; Broberg & Tyden, 1991), and the law was understood to obstruct a practice that had worked well and ‘helped’ both individuals and the state.

The second law, from 1941, was broader and could be applied in more situations. Sterilisation was now allowed if there was a risk of transmission from parent to child predisposed to 'severe disease or severe blemish of another kind' (eugenic indication). The second law also allowed sterilisation of a person who, through an 'asocial lifestyle', was 'obviously unfit to maintain the custody of children' (social indication) and 'due to illness, bodily defect or weakness in the woman' (medical indication) (SFS 1941:282).

Between 1935 and 1975, almost 63,000 persons were sterilised in Sweden. Of these, about 58,500 were women and 4400 men. Worth noting is that the number of women rose steadily compared to the number of men. During the first six years, 1935–1941, 86% of the sterilised were women. During the last ten years, 1965–1975, women constituted 99.5% of the sterilised (Eivergård & Jönsson, 2000: 70).

In a study of applications for sterilisation to the National Swedish Board of Health, Eivergård and Jönsson establish that almost half of the applications 'are the result of a sliding scale from formal coercion to various forms of pressure and persuasion' (Eivergård & Jönsson, 2000: 68). Almost half of the sterilisations were to be considered forced sterilisations.

Over the first 20 years, between 1935 and 1955, an application was most often initiated by official authorities, and the applicants were usually admitted to institutions. Young unmarried men and women predominated there. From 1955 to 1975, applications came mainly from married mothers with many children, or, as Weindling has written, in the 1950s 'Sweden saw a significant change from sterilization for mental defectives to sterilization on "social grounds" for incompetent mothers' (Weindling, 1999: 195; cf. SOU 2000:20).

It is clear that the practice of sterilisation in Sweden was one of the means used by the state to control the population and to gain access to, and eliminate, the possibility of the reproduction of so-called unwanted elements in the country. It is also clear that this practice was supported, almost seen as a 'natural' way for, the collaboration between political and medical ambitions to save the country. Its foundation was ideologically 'social-racial': a way to understand the population by dividing and valuing different groups against each other. It is crucial, we argue, that the debate around family planning is read through this historical lens, as it illustrates how the state's reproductive politics is embedded into ideas of national belonging, race and who are defined as elements that, for one reason or another, should not be there.

## WORDS THAT WOUND: REPRODUCTIVE RACISM AND THE SWEDISH WELFARE LANDSCAPE

More than 20% of the population is of migrant background in Sweden, a country historically known for its inclusive and democratic social justice frames. However, at the crossroads between the 1990s' neoliberal shift and the establishment of ethnonationalist party the Sweden Democrats, Sweden has radically changed (Schierup & Ålund, 2011).

Over the last three decades, radical right-wing parties have successfully established themselves in Europe (Rydgren, 2018). Sweden is not an exception, with the Sweden Democrats obtaining more than 20% of electoral support in the 2022 parliamentary elections. The party (whose neo-Nazi roots differentiate it from other right-wing populist parties) embodies similar ethnonationalist and neoconservative agendas to its European counterparts, with myths about a glorious past, a notion of 'Swedishness' mediated through blood ties, a denial of the climate crisis and a systematic identification of migrants and migration as the cause of all societal problems. A number of scholars have identified the fundamental role that gender and sexuality play in Sweden Democrats' agenda, where gender equality is considered a Swedish cultural value under threat from a religious and cultural 'other', at the same time that feminists are also a threat to the nation, because gender equality, through feminism, 'has gone too far' (Towns et al., 2014).

The Sweden Democrats have succeeded in shifting the societal cultural-political hegemony from what has historically been a social-democratic inclusive vision towards an agenda of law and order, defence of 'family values' and restrictive migration policies. Scholars assert (Norocel, 2017) that, while the Sweden Democrats have a stronger profile in these agendas, racist representations of Swedish residents of migrant background as Sweden's most fundamental problem were presented by *all* political parties during the 2022 election campaign, with the use of terms such as the Social Democrat Prime Minister's assertion that 'We do not want Chinatown or Somalitown or Little Italy' when discussing segregation in cities (Karlman, 2022). These terms have racist effects in reinforcing boundaries between categories of citizens, which obscures the fact that Sweden is one of the European countries with a higher increase both in wealth and inequalities (Pelling, 2019). 'The problem', defined through

the existence of spaces where non-white bodies are located, was rapidly transformed, in the Sweden Democrats' right-wing worldview, into the need to establish repatriation policies as a solution to these 'ethnic enclaves'.

It is within this context that the term 'family planning' appears in political and societal debates, specifically targeting migrant women. Most of the arguments locate family planning within discourses of choice, rights and gender equality. However, it is possible and necessary to read these interventions against the background of structural, institutional and everyday racism in Sweden (Mulinari, 2022). While these discourses speak of women's reproductive rights and gender equality, they are historically framed against the background of diverse forms of reproductive racism.

Scholarship on ethnic discrimination and racism is a dynamic and well-established field. Studies have identified systematic connections between the category of migrant and diverse forms of social inequalities. Postcolonial feminist scholars have explored the role of gender and sexuality in creating boundaries between the progressive gender-equality Sweden and its traditional, patriarchal others.

While the scholarship is extensive, nevertheless there are fields where issues of racism continue to be peripheral, particularly to the professions. Two of them, healthcare and social work, play a fundamental role in reproductive racism. Robertson's (2015) study identifies migrant women's experiences not only of being treated as a stranger but also of being ignored and devaluated in their encounters with midwives.

Bradby et al. (2019) assert that, despite extensive figures pointing to inequalities in health outcomes, racism is nearly impossible to discuss in the field of health. A space where racism is particularly virulent is during pregnancy and childbirth, according to midwife Asabea Britton (2022), who argues that migrant women's experiences and needs are often marginalised and seldom taken into account in Swedish birth clinics. Midwives express neo-assimilatory discourses, according to Bredström and Grubber (2015), underlining in encounters with midwives the need for migrant pregnant women to acquire 'Swedish values'.

Pregnant migrant women reported discriminatory practices through healthcare professionals' comments on the number of children they have and how often they have them (Ahrnea et al., 2019). In her study of the experiences of the Afro-Swedish with midwives in birth clinics, Nandi

Zulu shows it is pregnant women's experience that health professionals embody stereotypical views of their communities and cultures:

Loads of prejudiced talking and sometimes downright racist comments directed at non-white women, their children and families at the birth clinic. (Zulu, 2021, authors' translation)

The inspiration for the study came from Zulu's everyday practice as a midwife, where she listened to and witnessed these interactions among her colleagues.

The tension between invisibility/overexposure is also highly present in social work. While researchers have shown the central role that social workers have played in implementing state policies (Dahlstedt et al., 2020; Meeuwisse et al., 2016), in the Swedish context there has been only marginal research within social work addressing the role of social workers in producing and reproducing colonial, racial and normative ideas around reproduction and migrant families (Eliassi, 2017). According to Liddell (2019: 100), issues of reproduction are under-researched in social work, creating a gap: while on the one hand issues of reproductive justice are considered marginal, social workers as professionals are central to determining access to reproductive rights.

Postcolonial feminist scholars have identified the invisibility of migrant women as workers as well as being overexposed as a problem, a burden or a threat in their condition of migrant mothers. Economic historian Paulina de los Reyes (2021) asserts that, for a long time, Swedish scholarship at the crossroads of racism and migration has illuminated the invisibility of migrant women in workplaces, in the unions and in feminist narratives (Mulinari & Selberg, 2013) at the same time as they have shown that the conditions of possibility for motherhood among migrant women are excluded from governmental official documents and policy praxis.

## SWEDISH 2022 ELECTIONS: MIGRANT WOMEN'S BODIES AS A THREAT

A couple of months before the national elections in Sweden that took place in September 2022, the term 'family planning' began to be present in media debates. Family planning—the historical ghost that over the past 150 years in Swedish history has motivated several violent, repressive interventions in mainly women's lives—reappeared, now aimed at

'integrating' what the state categorised as 'foreign-born women' living in deprived economic areas. In May 2022, the Social Democratic Party in Gothenburg, the second-largest city in Sweden, suggested that family planning should be inscribed as one of the measures used by the city to come to terms with what was presented as one of Sweden's main problems: 'gang criminality'. This measure was supposed to be used only in the areas defined by the police as 'exposed/vulnerable'. They wrote:

To find the proper measures [to stop gang criminality], we need to analyse and have knowledge about the demographic conditions in vulnerable areas. The statistics show that the population in vulnerable areas is younger, that families have more children, and that overcrowding is significantly greater than in other areas. (*Goteborgs Stad*, 2022: 3)

Only two weeks later, one of the leaders of the Green Party, Märta Stenevi, raised the same issue while visiting migrant mothers living in racialised city spaces. She argued that family planning should be seen as part of the 'class journey' that Swedish-born (white) women had made:

It's super-sensitive, of course. And you really shouldn't think out loud with a journalist. But when we made the last class transition in Sweden, women's independence and family planning were central to society. I think such a conversation needs to start now as well. Should you wait a bit for the next child and finish the course in Swedish for migrants first? But since I know how such a proposal would be used, at the same time it feels entirely backward. (*Dagens Nyheter*, 2022a)

Family planning became one of the central proposals during the election campaign from all parties (except the Left Party) in order to come to terms with not only issues of criminality and unemployment but also as a means of 'teaching' the racialised other the Swedish values concerning gender equality, sex and child upbringing. As the quotes above show, family planning was also identified as part of a feminist, progressive practice that would grant migrant women autonomy, freedom and greater gender equality.

Both the Social Democrats in Gothenburg and Stenevi stressed that suggesting family planning could be considered a sensitive issue. They were, however, wrong. Sweden's national, regional and municipal elections were in full swing only a couple of months later and, as would become evident in August and September 2022, issues around racialised



women's reproduction and their children became one of the predominant topics during the elections (Mulinari, 2022). Throughout the whole campaign, in many debates and all other forms of political discussion, the racialised others, particularly migrant women with many children and racialised children themselves (Virdee, 2014), were defined as a threat to the nation, its future and its values. Family planning was presented as a solution to end everything undesirable, from gang criminality to poverty and overcrowding.

Not only migrant women were targeted but also their children. In one same week, first we heard from a Social Democratic politician that, in order to act upon segregation, the relocation of 'non-Nordic people with larger families' was an imperative. On the next day, the Liberal People's Party proposed a mandatory language test for two-year-old children residing in 'vulnerable' areas who were not enrolled in pre-school (Malm, 2022), only to be followed the day after that by a Moderate from the region of Stockholm who proposed to test children for ADHD in the same vulnerable areas, as a way to decrease gang crime: 'We need to find these children, and that is going to help prevent crime', the party's Justice spokesman Johan Forsell argued (Hansson & Blomberg, 2022).

Relevant to underline is how family planning established itself as a shared (and not at all controversial or 'sensitive') worldview among all political parties from the Social Democrats to the ethnonationalist Sweden Democrats.

Rasmus Ragnarsson, a representative for the Sweden Democrats in the municipality of Gothenburg, writes:

In order to come to terms with overcrowding and poverty, society must actively direct and implement efforts in family planning and sexual education for women and men of childbearing age, especially in our marginalised areas. In this way, we can influence this power structure, shift norms, which in the long run leads to smaller but healthier, better educated and wealthier families that manage their livelihood on their own. (*Göteborgs Posten*, 2022)

Social and healthcare workers are often identified as important professionals who should in different ways implement the practices of family planning. However, in similarity to what Goldblatt et al. (2022) argue, most welfare professionals were silent in regard to those issues, as was the majority of the (majoritarian/white) feminist movement: neither seemed to identify the proposals (of both family planning and the withdrawal of

parental leave days) as practices that in different ways restrict women's reproductive rights. The restriction of different forms of rights, from reproductive to economic, in a Swedish context has on the contrary often been legitimised through a gender-equal language.

### PARENTAL ALLOWANCE AND FAMILY PLANNING

The neoliberal shift from rights to obligations, framed through discourses on 'cheating the system', has affected a diverse range of vulnerable groups. In the specific case of racialised women, this shift was legitimised through notions of gender equality. In 2017, the government issued a new regulation whereby people who migrated with children over two years old would have a reduced right to parental leave. Instead of the 480 days per child that parents of children born in Sweden get, they would get only 200 days and, if the child was three years old upon arrival in Sweden, 100 days. In defence of the proposed reduction of parental leave days for migrant parents, former Prime Minister Stefan Löfven and Finance Minister Magdalena Andersson announced:

For our part, it is primarily an important gender equality reform. It's about shortening the time before foreign-born women enter the labour market. (Löfven & Andersson, 2017, authors' translation)

The idea that unemployed women with a foreign background spend too much time at home with their children, and hence not in the labour market, is legitimised through gender-equality rhetoric, where some mothers' right to remain at home is understood to threaten their and the nation's gender equality. The new legislation creates a fundamental inequality in terms of how long parents can be at home with their children, whereby migrants have less time available because their time at home is defined as an obstacle for a woman to enter the labour market. Following the logic of a reproductive racist regime, it is possible to read the new practice as a way for the state to reduce reproductive rights for migrant women, at the same time as it increases their possibility of exploiting those women.

Presenting a new directive to central Swedish administration on how to 'speed up the establishment of foreign-born women', Anders Ygeman, former Integration and Sports Minister, declared:

Far too many [foreign-born women] have ended up too far from Swedish society. We shall not have any parallel societies in Sweden. Here law and Swedish values apply. In Sweden, children should see both mother and father go to work. (*Dagens Nyheter*, 2022b)

Let us disregard for a moment the heteronormative assumption about what families are in Sweden. As Willem Schinkel (2018) argues, the concept of integration ‘purif[ies] and immunizes a preconceived society’ because every problem—for example, unemployment—is defined as a problem existing outside of society, or, as in this case, in parallel societies:

This way, ‘society’ is imagined as a pristine, pure domain that is without problems. Problems are problems of ‘integration’, and integration has to do with the position and opinions of non-white individuals. (Schinkel, 2018: 16)

The policies designed to reduce unemployment tend to focus on changing migrant women, rather than creating jobs, let alone discussing the connection between unemployment and racial capitalism. Children are often identified as a central obstacle for racialised women. In their report *Strengthened Opportunities through Collaboration*, the Swedish Gender Equality Agency (SGEA) identifies several different structural challenges for migrant women such as segregation (that creates fewer networks). Other structural problems identified were:

To have children of pre-school age is the biggest obstacle for foreign-born women to enter the labour market. (SGEA, 2022: 16)

Because statistical research suggested that having children was identified as a problem for what the state categorises as ‘foreign-born women’, family planning was presented as a way to empower this group. Representatives of the Liberal People’s Party argued for the need for ‘family planning’ in areas with many ‘foreign-born’ and asserted that family planning could be a way to ‘give the power back to foreign-born women’ (*Ekurivren*, 2020). The Social Democratic government argued for the need for ‘family planning’ among foreign-born women to ‘increase their labour market participation and economic autonomy supplement’ (*Aftonbladet*, 2022), suggesting among other things a reduction of the ‘multi-child support’. Minister of Labour Eva Nordmark, presenting the new directives, in

summary declared, as stated in the introduction to this chapter, 'One should not have more children than one can provide for' (*Expressen*, 2022).

Arguments for advancing equality and women's rights are increasingly common when introducing more demanding requirements and disciplinary reinforcement towards alleged integration or assimilation (see Farris, 2017; Kofman et al., 2013). A problem with such a simplified view of integration is that the socio-economic dimensions of integration and structural inequality, in this case in Sweden, are downplayed (cf. Kirk & Suvarierol, 2014; Kofman et al., 2013). As Davis contended, the argument that fewer progeny would increase availability of jobs or better housing conditions makes invisible the fact that those societal problems are embedded into the economic political system, and are not caused by migrants and their children.

### CONCLUDING REFLECTIONS

The argument in this chapter is simple. The debate around family planning and other forms of social welfare restrictions in relation to parenthood that target only 'foreign-born' women needs to be understood as arguing for or against forms of reproductive racism, a racism that in different ways not only restricts but also controls the reproductive practices of the racialised other. We argue for the need to read these Swedish policies through the lens of the historical practice of the Swedish state, which through processes such as sterilisation has controlled who is worthy of reproducing the nation. While people today often condemn the sterilisations and family planning practices of the early 1920s and 1930s, it seems as if the new but similar policy practices are detached from their historical continuity, creating a form of collective amnesia where it is considered legitimate to—once again in the name of modernity, gender equality, the nation and its future—determine who can reproduce. Even though family planning and other reforms are presented as feminist and leading to greater gender equality, in practice what they do is create greater racial, gender and class inequalities, legitimised through gender-equal rhetoric. Through the lens of an RJ framework, one should argue for the need to create circumstances whereby a woman can choose not to have children, while at the same time being able to choose and retain the possibility of having and enjoying them. This right is questioned in Sweden today when it comes to migrant mothers, who are suddenly identified as the cause of all forms of

problems that a racist, capitalist society creates, from poverty to unemployment and crime. But there is another challenge we want to address.

Among welfare professionals in both research and practice, issues of racism and reproduction are often marginal issues. However, as we have discussed, these welfare professionals (midwives, nurses, social workers) in many ways are central actors when interpreting and acting upon how new policies and forms of legislation in relation to issues of reproduction will be implemented. The powerful response from medical professionals (Axelsson et al., 2022) under the title 'Healthcare must defend reproductive rights', published in one of Sweden's most established journals within the health profession, demanding more resources in racialised neighbourhoods and resisting any state intervention as family planning that threatens their professional ethics, is a promising and hopeful beginning.

It will surely be social and healthcare workers who will be tasked with providing information about family planning and similar practices. It is crucial, therefore, for these professionals to more actively engage in the defence of reproductive rights around reproductive justice as Axelsson et al., three medical professionals, argue as a response to family planning policies, powerfully asserting that these kinds of state policies threaten their professional ethics.

Finally, a point of departure is reproductive justice in a European political context, where the category of women is located at the core of the nation, a location that excludes all other forms of undesired femininities that do not conform. Reproductive justice bridges a theoretical and political agenda linking the struggles and the resistance against *both* the construction of specific groups of women as the reproducers of the nation and the construction of others as a threat to the nation. Reproductive justice illuminates how and in which ways the control and focus of majoritarian women's reproductive capacities by ethnonationalists and religious fundamentalists are embedded in the restriction of migrant women's and LGBTQ communities' reproductive rights. Different forms of reproductive racism need to be confronted and named, because at their core they challenge the possibility of creating reproductive justice for all, which in the end is the only reproductive right that is just.

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