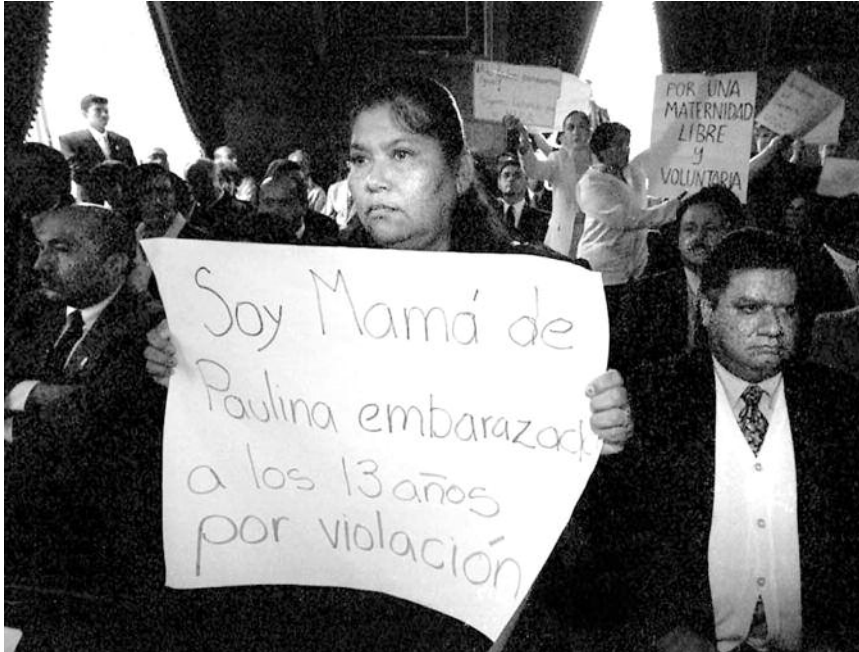


Abortion and Politics

Marta Lamas*



The mother of 13-year-old Paulina, impregnated by a rapist.

In Mexico public debate about how to deal with abortion in the law is glaringly absent. Since it is feminists who exert pressure to change the law while the women who have clandestine abortions are silent because speaking up means being stigmatized, no political party proposes decriminalization.¹ For that reason, even though a broad range of actors is involved in the debate, the circumstances have led to a fictitious polarization in which the feminists appear to be on one side,

the only force interested in changing the law, with the Catholic Church hierarchy and the National Pro-Life Committee on the other, the defenders of intrauterine life.

What is the situation of abortion in Mexico today? Mexican citizens enjoy reproductive freedom, ensured by Article 4 of the Constitution. In contrast with canon law, our legislation gives us the right to make fundamental decisions about abortion: throughout the country it is legal if the woman's life is in danger or the pregnancy is the result of a rape; in some states, it is legal if the product is malformed, if the wom-

an's health is in grave danger and for economic reasons.² However, the fact that each state has its own penal code makes for serious inequalities: Mexican women living in most of the country are discriminated against vis-à-vis those who live in states which permit abortion for modern legal reasons. It would be only fair to harmonize the penal codes taking the states with the most advanced legislation as the common reference.

Estimates of the number of abortions performed every year in Mexico go from 220,000 (the official figure from the Ministry of the Interior's Na-

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Octavio Nave/AVE

Former Mexico City Mayor Rosario Robles introduced a controversial bill last year to broaden the grounds for legal abortion in the nation's capital.

tional Population Council) to 850,000, the figure cited by Dr. Raúl López García, assistant medical director of the National Perinatology Institute when he made the statement. New York's Alan Guttmacher Institute's research about illegal abortions in four Latin American countries estimated that 565,000 abortions are carried out in Mexico a year. No matter which figure seems the most convincing, this panorama means that the voluntary interruption of pregnancy must be decriminalized, whether by legalizing it altogether or by broadening out the conditions under which women may legitimately seek abortions.

Feminists have attempted to open up a space for public discussion by dealing with the two main arguments: social justice and public health. Although it is rather inappropriate to talk about "a" feminist position—leaving aside the particularities and differences that constitute the very diversity of the movement—in this case there is clear

agreement. The social justice argument underlines the fact that women with economic resources are able to have illegal abortions in the best of sanitary conditions. The public health argument involves the women who swell the maternal mortality and morbidity rates, while at the same time generating high costs for medical attention in public hospitals.

In Mexico, the feminist strategy has been to talk about voluntary maternity or motherhood. For voluntary maternity to be a reality for women, four indispensable conditions must be met:

- 1) The availability of a thorough, broad sexual education directed specifically at different age groups and social levels.
- 2) Generalized access to safe, cheap contraceptives.
- 3) Abortion as a last resort.
- 4) Putting a stop to forced sterilization or sterilization without informed consent by women.

Until today, these four points continue to be the basic prerequisites for carrying an integral defense of reproductive rights and achieving the goal of motherhood being a voluntary, joyful decision.

Recently, a new petition has been added to this discourse: free access to medical abortion services as a democratic right. This is based on the recognition that Mexico is a plural society with a secular state which respects different beliefs but which also distinguishes public decisions from private ones. The current aspiration of transforming our political order requires a review of state-societal relations and the recovery of the idea of what is public with society as the protagonist.

When we redefine the borders of what is public from society's point of view, we also delineate the new outlines of what is private. This is essential for reforming the criminal treatment of abortion. The principle of personal privacy is based on the concepts of the inviolability of the personality, intimacy and the integrity of the body. The defense of privacy consists of the individual's right to not suffer unwarranted governmental intrusion in matters that affect him/her decisively, such as sexuality and reproduction. Love, sexual desire, the decision to share one's life with another person, paternity and maternity are not public decisions: they are individual decisions that frequently require the exercise of civil rights to be carried out.

From this perspective, the question of whether the state should penalize the voluntary termination of a pregnancy is clearly answered in the negative. Regarding abortion, there is unanimity on only one point: everyone, regardless of political positions or religious beliefs,

agrees that our goal should be that no woman ever again face the need to have an abortion. There are two contradictory positions about how to attain that goal: that of those who think this can be achieved by criminalizing abortion and that of those of us who think that it can be achieved by decriminalizing it. Often this topic sparks clashes with no dialogue. For that reason, we must seek a way out that jibes with democratic political aspirations and introduce a reflection based on arguments.

Everyone believes that an ounce of prevention is worth a pound of cure, but in our country, hundreds of thousands of women opt for correcting the error of an unplanned pregnancy. This brings us back to something very basic: abortions take place because unplanned pregnancies occur as the result of several causes:

- contraceptives fail;
- violence (rape inside and outside of marriage); and
- ignorance.

Taking a pregnancy to term is a decision that implies a brutal personal and family adjustment with serious economic and psychological consequences that not all women or all families can deal with. Given that it is the woman and her partner alone —if she has one— who will assume the emotional and economic cost of an unplanned, unwanted baby, up to what point should the state interfere in that decision without taking any responsibility? And, from another perspective —that of the concern shared by all political positions that the rule of law be established in Mexico— the law-breaking is reaching unexpected proportions. Despite the fact that hundreds of thousands of Mex-



The head of Mexico's Pro-Life Group holds a flyer denouncing condoms as unsafe in fighting AIDS.

ican women have illegal abortions voluntarily every year, none of them go to jail as stipulated by law. Will there be an attempt to enforce the law and put hundreds of thousands of Mexican women in jail every year for having illegal abortions? Will we have to build more jails to lock up these women and the people who perform the abortions? What good is a law that is not obeyed and that at the same time generates serious public health and social justice problems?

To unblock the much needed debate about the right to decide on matters of sexuality and reproduction, some basic, usually disregarded, questions must be reviewed. Rather than repeat here the irreconcilable positions of Catholic fundamentalism and libertarian feminism, we should explore what should be done if neither the state nor society guarantee the indispensable, loving attention that unwanted children need. Should the state support the unwanted children of women who it

would not allow to have legal abortions? Or perhaps the creation of a huge national orphanage is the responsibility of the organizations that fight against women's private decision to end their pregnancies. Why should we not demand, like French psychoanalyst Françoise Dolto, that those who are concerned about intrauterine lives should make effective their position by paying child support for these "innocent little souls" until they come of age?

Lastly, can Mexico disregard the reformulation of legislation carried out in democratic countries in light of the international laws about reproductive rights, and the advance of science, which give women the right to decide about their own bodies and lives?

This series of questions, which go beyond the arid debate about whether a fertilized egg is or is not a person, situates us at the center of the debates about quality of life, individual responsibility and freedom of conscience. These debates are part of the modern

conceptualization of sexual and reproductive rights as intrinsically democratic rights since they are based on freedom (particularly sexual freedom) and require equality (a level playing field of information and access to health services). It is in the equal access to health and educational services—to economically accessible, quality health care, to timely, understandable sex education, to a decline in infant and maternal mortality, to the reduction of teen pregnancies, to abortion as a health service—that the arguments of social justice and public health take on weight.

In our country, guaranteeing the exercise of sexual and reproductive rights requires, first of all, simple changes in the law, and then, setting up sufficient and appropriate services to make it possible. The current challenges to political development in Mexico make a modern conception of equality, including sexual and reproductive matters, impossible to postpone. Mexico's political framework, characterized not only by weak democratic institutions and scant public participation, but also by the tenacious custom of avoiding conflict, has not favored public discussion about all the implications of voluntary maternity, an issue profoundly intertwined with the democratic project.

Therefore, from the point of view of respect for democracy, the goal of equality between women and men, the defense of tolerance and diversity and the concern for sustainable growth, the decriminalization of abortion becomes a necessity of the first water. For that reason, a public debate on the issue is urgent. One problem posed for this debate is that there are no rules guaranteeing equal time to both positions in the media. Another, though lesser,

difficulty is that many people who privately think the demand to decriminalize abortion is legitimate are not willing to say so in public. Abortion inverts the current paradigm of normality that dictates that a woman is a mother. It also challenges the Catholic Church's teachings, so deeply rooted in society. This is why the demand to decriminalize abortion has not enjoyed the political acceptance that it should. No party wants to make an enemy of the Catholic Church and, precisely for that reason,

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despite the fact that political and philosophical aspects of feminism have filtered into people's daily lives, the defense of sexual and reproductive rights has not been openly and clearly taken on board by groups or parties significant in the nation's political life.

The right to abortion is an ultimate aspiration of women for their freedom and autonomy. The cultural sexism and political authoritarianism of broad sectors of the country are serious obstacles to making that aspiration a reality. Questioning the infallibility of the Church representatives and exposing the blindness of government authorities and politicians is a democratic task that involves us. In addition, in the

framework of sexual and reproductive rights, the defense of the right to interrupt an unwanted pregnancy also establishes a series of ethical-political values needed to face the advance of religious fundamentalism.

The right to interrupt a pregnancy is part of the definition of modern citizenship as the ability to exercise the right to self-determination. For that reason, citizens' adopting basic modern values and attitudes leads to respect for women's sexual and reproductive self-determination. The fostering of social freedom is based on the respect for individual freedom. Sexual and reproductive rights take on fundamental importance in people's real lives, that is, in the bodies of all citizens, both men and women. The initial launch of modern citizenship in Mexico, then, favors a process of change in society, change in which modernity, as an aspiration to a way of living together, plays a determinant role. The message is simple: a more democratic society must also be more democratic in matters of sexuality and reproduction. **MM**

NOTES

¹ I am referring here to legally registered parties. The surprising exception during the 2000 elections was Social Democracy, which did not retain its legal status, but whose candidates Gilberto Rincón Gallardo and Tere Vale publicly defended the decriminalization of abortion.

² A pregnancy can be terminated in all 32 states when it is the result of a rape; in 29 if it occurs through some carelessness of the woman (for example, a fall); in 28, when the woman's life is in danger; in 13 when the fetus is malformed; in 10 when the woman's health is in serious danger; and in one state, Yucatán, for socioeconomic reasons, when the woman already has three children. Source: GIRE, 2000.