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Spanish state

Precarity as contraceptive: conversations on the situation of abortion in Spain

- Features - Sexual politics -

Publication date: Saturday 8 March 2014

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The last years have seen strong mobilizations around the right to abortion in Spain: justice minister Alberto Ru -z Gallardon announced the criminalization of abortion in 2012, now the law has been voted through congress. As 8th March 2014 approaches, protests against the re-insertion of abortion into the domain of criminal law are intensifying in Spain as well as internationally. Based on conversations in March 2014 (with Silvia Gil from Vidas Precarias) and November 2012 (with Marcella Arellano from the Feminisms Commission of Sol, and the feminist researcher Emanuela Borzacchiello), this text gives an overview of some of the social, legal, discursive and political matters at stake in the struggles around abortion in Spain. Republished from [LeftEast](#).

In 2012, the Popular Party's justice minister Gallardon announced a reform in abortion law, which means that effectively all abortions in Spain will become illegal, except in cases of grave medical risk for the mother or of rape. In February 2014, congress held a secret vote over whether to revise the proposed reform, with 183 votes in favour of the reform and 151 votes for revising it. Gallardon noted that 'no right is absolute'. What is the situation with this 'reform' and how is it being implemented?

EMA: Well – I have to say that on the level of communication, the political discourse of Gallardon is supersmart. He picks up the words of feminist and left movements. When he came to power during a period of full blown crisis, he soon suggested that 'the legal situation around abortion will change'. But he said it with the words of feminists: 'Today, women can no longer decide freely [to have children], because precarity has taken away their possibilities of having children'. That discourse is genius in its communicational effect, as it finally allows the political right to say 'oh, but aren't we all against precarity, it really concerns us all'.

And what is the response of feminist and non-feminist women? I have the feeling that we keep using the same words, without noticing that the discourse of the right is changing, in perverse ways in fact. We shouldn't just react to their discourse, but we need to take it into account – above all because precarity is something that women in their 30s and 40s live with their very bodies.

How would you respond to this discourse of 'oh these poor women have no other choice, they have to give up their main role in society, that is motherhood', and to the rhetoric of crisis that goes with it?

EMA: I would say 'Yeah, you're right! Precarity is the contraceptive of the future. But first of all we have to make sure to get out of precarity, to talk about it – because it stops us from developing as free persons in all kinds of domains, not just in relation to abortion. Let's first talk about that, and then tackle other issues. You're right that precarity deprives me of my freedom to decide on many occasions. But my body is another matter.'

So back in 2010, Zapatero got rid of laws from 1985 that only permitted abortions in specific situations and during specific times. Since 2010, the only condition for aborting is the 3-month limit, apart from that women can freely decide why they abort...?

MARCELA: Exactly. When the conservative government of Rajoy came to power in 2011, they tried to bring back the old law and make the system a bit tougher still. They also proposed to consider abortion a crime, meaning they wanted to completely remove the right for women to decide for themselves. They presented a project that was supported by a pretty big lobby of anti-abortion groups as well as by the catholic church... pretty fundamentalist organisations basically. These platforms want to introduce educational mechanisms that will promote the issue of

motherhood in schools. Gallardon is happy to give in to the pressure of these lobbies – his government features a few ministers that are themselves part of radical religious groups, not to say fundamentalist groups.

Can you tell me about the mobilisations that emerged to contest this reform?

MARCELA: A lot has been done (2012). In relation to the family for instance – the ‘reclaim the family’ [toma la familia] forum has worked a lot on the issues of motherhood and abortion. A lot of demos have taken place, as well as forums and meetings of feminist groups and organisations that featured lots of debate. In September 2012 there was a meeting of all feminist groups within the 15M movement, which proposed to develop shared positions and strategies in order to put pressure on the government. A huge amount of activities have taken place – amongst them a campaign to denounce pharmacies that don’t sell the morning-after pill or condoms. We try to create strategies and alliances across groups in order to keep up the pressure.

As “Feminismos Sol” you addressed many topics relating to abortion, you had a big meeting in September 2012 where you spoke about the family, sexuality, the church, and I guess there were workshops and actions?

MARCELA: Sure, we ran workshops on these issues and developed a series of short-, medium- and long-term actions. We basically demand the right that any woman be allowed to decide for herself whether she wants to be a mother or not, when and under what conditions she might want to do that, and that she is not only free to have an abortion but that that abortion can take place within the public health system and thus be free of charge. There’s been a huge number of initiatives that draw attention to this issue: actions in the street and elsewhere, film screenings, video forums, a city map showing where the morning after pill can be bought, info-campaigns around what to do in the case of undesired pregnancy.

It’s astonishing to see how intensely those fundamentalist religious neoconservatives and those ‘anti-choice’ movements, or whatever you want to call them, are being supported by the government. While our rights are being drastically cut in the name of the financial and economic crisis – essential institutions for women have been closed under the auspices of austerity, such as centres that shield women from machist violence – those anti-abortion groups are getting a lot of money for their campaigns. These groups have easy access to public space for their events, while civil society is being prohibited from demonstrating, from assembling in the street, experiencing strong and violent attacks by police. Meanwhile the anti-abortion lobbies organise concerts, talks and congresses with great ease, funded with public monies.

You pointed out that conscientious objection is a big problem when it comes to realizing the right to abortion. And yet in current movements around the universal access to healthcare, such as the Yo SÁ-Sanidad Universal campaign, this very objection is key. There, objection is a means to practice civil disobedience in the face of the exclusion of all those who recently lost access the public health system...

EMA: The fundamental problem I have seen in the countries I know best – Italy, Mexico, central America and Spain – concerns the de facto application of the law. I think that it’s important for any doctor to have the right to conscientious objection if they consider a situation extremely problematic, and they should thus also be able to exercise that right in relation to abortion. But we have to get more radical still on this position and affirm that doctors and staff should have a right to refuse certain things – this is an important claim in relation to the campaigns for access to public health, where the Yo SÁ-Sanidad Universal campaign brings together patients without a health card and doctors willing to treat them nevertheless, considering the law that excludes them illegitimate (even if legal). But at the same time, every state has to respect abortion law and make sure that there are at least two doctors per hospital who won’t refuse to do an abortion.

I think we have to get these abortion-related laws out of all this chaos and radicalise them. Because women are dying and we risk falling back ten steps if we don't emphasise the importance of basic rights – and not just the basic rights of women! We also have to move beyond the individual dimension: I really want to stop saying 'my body is mine', I'm not interested in that anymore, after all why will the person opposite me care? I want to move the issue of abortion away from the individual level, because even if it's an individual matter too it's also a problem of public health and of fundamental rights.

Statistics show pretty clearly that legal and public as well as free access to abortion not only protects the health of women, but that it also corresponds to fewer abortions taking place – because along with laws come educational policies that address contraception, that put the morning-after pill at disposal of women...

EMA: The best example we have on the level of statistics is the Italian case, because it leaves the importance of abortion law crystal clear and also shows how important the application of the law is for the reduction of women's death rates. Abortion has been legal in Italy for 30 years, up until the 3rd month of pregnancy and for whatever reason a woman may have. Between 1981 and today the number of women who died from abortion has gone down to zero! Nil. There is not a single country and statistic that indicated that abortions in a legal situation, at a hospital, and with free access to public services make the level of female death due to abortion increase. Not a single country in the world. That's a statistical fact. So there's no other law in the world that protects life in this kind of way, for real!

How do you see the impact that the protests against this reform have had, publicly and in relation to social movements? What do you think will happen with this law?

SILVIA: In order to understand what impact the responses to the abortion reform have had, we need to see struggles beyond the single perspective of women's right to decide. This might sound like a contradictory statement when it's the anti-abortion groups that speak of defending life, but I think what's at stake is the right to life in a more profound sense. How so? Whilst in the 70s and 80s, Spanish struggles for abortion took place in a broader context of new democratic freedoms, at the current moment they're taking place in a context of precarization of life and of the extension of processes of exclusion to many people – who see their capacity to make a living as well as their rights dwindle and who can't rely on any kind of state support. In a context where the social ties that old institutions had sustained come to break, the new reform insists on the fragility of the material and symbolic conditions of the reproduction of life. Even though the proposal of this reform is filled with moral messages of the old sort – limiting sexuality, resituating women in domestic work and in the home, protecting them or defending the right of the unborn – it can't hide the fact that beneath this reality there are shattered lives and a state that avoids the responsibility to care for its population. Most of society knows this because people experience it every day. And from this point of view the struggle for abortion comes to appear as something more general: it affects each and every one of us.

In this way – and this is the second element that seems key to me – the processes of politicization that occurred in the last years have produced a shift in what we actually mean when we speak of 'life'. When an eviction is stopped, when the different social and sectorial movements [mareas ciudadanas] fight for universally accessible healthcare or education, we're seeing a new concept of life being affirmed: one that's about the search for a dignified and livable life in conditions of equality. Today we know that in order to rebuild the life destroyed by neoliberalism we have to work with criteria different to those we had in the past, making sure we don't fall for nostalgia (for an idealized community for instance). The fight to defend abortion says three key things about life: that women have the right to a full sexuality, under conditions of equality and without culpabilization; that they have the right to not be mothers, in the same way that they have the right to be mothers independently of their sexual orientation or identity; and that all future life has to be desired and to enjoy adequate conditions for its development. So the question that's at stake in the struggle for abortion is this: what kind of society are we building? One that goes in the direction of guaranteeing these rights or one that goes against them? This question also concerns Europe.

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From this perspective of the defense of life – since this is where the individual right to decide meets something else that concerns us all – struggles for abortion are unstoppable. Especially when these struggles remain connected to the broader situation of cuts, of violence and the rise of poverty. The reform might go ahead. But even in the worst possible scenario we can imagine, there's something we have learned that will remain alive in many ways: the necessity to build a life worth living. And in order to achieve this, respect for women's right is fundamental.