THE NATIONAL CAMPAIGN FOR THE RIGHT TO LEGAL, SAFE AND FREE ABORTION IN ARGENTINA: A WALK THROUGH ITS MAIN PROPOSITION AND ITS POLITICAL STRATEGIES.

María Alicia Gutiérrez
Professor, Communication Sciences
Faculty of Social Sciences, University of Buenos Aires.
Av. Córdoba 5594 2º (1414), Buenos Aires (Argentina)
Email: mariagut27@yahoo.com.ar
Tel +5411 47725463
Abstract
The National Campaign for the Right to Legal, Safe and Free Abortion is an argentine network of women's organizations that was created in 2005, and has been carrying out different actions. The story for the legalization and / or decriminalization of abortion has significant experience in the country, with its moments of boom and decline, in line with the political, social and cultural process. In this regard an important collection of actions and reflections make up a significant background to address alternatives. Work has been done from the perspective of public health, of the conditions of social inequality as well as from the perspective of human rights of women towards the consolidation of a substantive democracy.

Women and other sexual / social groups have demanded their rights under the umbrella of human rights by appealing to the notion of autonomy and freedom to decide.

In this paper we will try to provide account of the National Campaign’s path, the debates and problematizations that appeared after the proposition of a bill to legalize and decriminalize abortion in Argentina.

Keywords
Gender – Sexuality – Abortion – Autonomy – Freedom – National Campaign for the Right to Legal, Safe and Free Abortion
Acknowledgments
To the members of the National Campaign for the Right to Legal, Safe and Free Abortion, for their permanent and tireless struggle to conquer a largely overlooked demand for women in Argentina.

1. Approaches to the Issue

Autonomy and freedom, two key aspects of liberal theory, are the non plus ultra of women’s struggle for their rights. The right to legal abortion is a paradigmatic demand since it introduces the principle of freedom to decide about the own body. The body, territory where biology and culture find each other, is marked by the discriminations of the lack of rights.

Abortion is illegal in Latin America and the Caribbean, except for Cuba, Puerto Rico, Mexico D.F and recently Uruguay. ¹

There is a large number of organizations that have been raising this claim. In Argentina, since 2005, we find the National Campaign for the Right to Legal, Safe and Free Abortion (Anzorena C. y Zurbriggen R., 2013). Among its main principles, they include the notions of freedom and autonomy to decide, and the ideas of justice and democracy as a debt with society (de Souza Santos, 2006).

2. Making History

In the 60s and 70s, different groups and independent feminists introduced in Argentina the discussion about abortion. This happened in the context of a political struggle where there was not much place for individual demands. Those were times of great projects and supreme goals, like the radical change of the political and economic system. However, some women did not forget about the demand for legal abortion, and they included them in their declarations, articles and publications.

The transitions to democracy in the region increased political involvement. In Argentina, 1983 was the end of seven tragic years of military dictatorship and the issue of human rights became central in this context. Pioneer activists in the country, together with women returning from the exile (many of whom had a close relation with the Anglo-Saxon world), introduced feminism as a theoretical, philosophical and political matter. This movement had an expression in several organizations of the civil society and, for the first time, in the state structure with the creation of the Secretariat for Women’s Affairs, with ministerial level.

Many of the problems that feminism pointed out became visible in the society and among the demands from and to the state. Issues like violence (focused on the concept of “what is personal is political”), work, the logic of care, education, discriminations and politics related to the body started to have a notorious presence in argentine reality. In 1986 the first National Women’s Meeting took place, it became annual and started
bringing together a great number of women from different sectors of society. Its national dimension decentralized the movement and lessened the hegemony of Buenos Aires’ activism (Alma y Lorenzo, 2009). This method of organization was going to be implemented by the National Campaign.

The decade of 1990 was a turning point in both the national and international context. The implementation of a neo-Liberal model in Latin America, following strictly the imperatives of the Washington Consensus, resulted in a period of confusion and disquiet when facing a deep economic crisis and the exponential increase of unemployment and poverty (Williamson, 1999). However, in the heat of the first critics to the dismantling of the country (the piqueteros movement in 1995), the organizations that claimed for “particular” rights started to take shape, and the references to body and sexuality gained importance. Paradoxically or not, many of these rights were conquered in this period, at the same time that most of the economic and social rights of the previous fifty years were being lost.

The demands of organized women also took shape in the international conferences of the United Nations (Cairo, 1994 and Beijing, 1995). These conferences provided impetus to the community-based organizations, but also to the activity in the parliamentary lobby. The Self Convened Women to Decide Freely (MADEL) was formed in the context of the Constitutional Reform of 1994 and the discussion of a law on sexual and reproductive health in 1995. They formed an alliance with legislators, social communicators and groups of activists for sexual diversity and tried to place the issue of autonomy and freedom to decide in the center of public debate. In this case, the discussion was about the reproductive stages and it included not only assistance but also information at the public health services with no discrimination of age or social class (Gutiérrez, 2002).

This struggle had no happy ending, but it produced a domino effect in some provinces (Argentina is a federal country where provincial states have a significant degree of autonomy). The debate was moved from a national agenda to the districts, with more luck in some of them. Among the actors that blocked the demands we find the medical corporation, some actors of the justice system and the most conservative sectors of the Catholic Church (Gutiérrez, 2002, 2003).

Even though the demand for the right to abortion was silenced in MADEL as the result of a (challenged) political decision, the struggle was never abandoned and it moved to other channels, different than the institutional ones. The Commission for the Right to Abortion acted in the streets, the community-based organizations and NGOs, the labor unions and social movements, and it successfully installed a strategy for the issue of abortion with the slogan “contraceptives to avoid abortion, legal abortion not to die” (“anticonceptivos para no abortar, aborto legal para no morir”)

The new century started with a deep economic and political crisis that produced an institutional breakdown (five presidents in a few days) and a popular resistance that appeared on the streets and soon expanded to several channels of participation such as neighborhood assemblies, recovered factories, organizations of unemployed workers, etc. The demands for human rights, including those referred to sexuality, grew quickly in these
spaces. The discussion about the bill for sexual and reproductive health, the issue of abortion and the demands related to sexual diversity exceeded the women’s movement and became a subject of debate in these organizations.

The National Campaign for the right to Legal, Safe and Free Abortion grew with the heat of a growing political involvement when, in 2003 an Assembly for the right to abortion brought together most of the activists of this demand. In 2005, the 28th of May was declared the International Day of Action for Women’s Health, which meant a broad and diverse federal alliance that articulated the struggle for legal, safe and free abortion (Estrategias, 2002). The slogan that had and still has is “Sexual education to decide, contraceptives to avoid abortion and legal abortion not to die”, and it points to emphasize the multiplicity of denied rights, which form an indivisible whole. Many activists, academics, intellectuals, social communicators, artists and popular organizations joined this new experience. In 2010 it was presented at the Congress, for the fourth time, a bill on Voluntary Interruption of Pregnancy (IVE). It was supported by 45 legislators from diverse political blocs. However, despite some initial progress in the institutional steps (public hearings in a commission) the project did not succeed and lost its parliamentary state. In March of 2012, with the sign of 58 deputies, the project of the National Campaign was presented again (www.abortolegal.com.ar).

In 2012, a verdict of the Supreme Court of Justice established the implementation of the postulates of the Criminal Code of 1921. This means that every woman who has been raped and provides a sworn statement requesting an abortion must have access to it in the public health system. However, there has been widespread criticism and legal actions trying to interfere with this resolution (www.cij.gov.ar/nota-8754). Without abandoning the struggle for the legalization of abortion, the National Campaign acts in defense of the cases of non-criminalized abortion. These actions gave visibility to the issue in the public agenda and the media. Most opinion polls and surveys show the support of the population especially for the situations that the Criminal Code contemplates as not punishable (Petracci, M. 2007, Mallimacci, 2008).

In 2014, the bill for Voluntary Interruption of Pregnancy was presented in the Chamber of Deputies for the fifth time. This time, about 70 deputies supported the project and are currently meeting with the Campaign in order to promote the discussion in the different commissions where it was sent to (Penal Reform, Health and Education). However, many factors make it difficult for the bill to be discussed: the resistance of the governing party (also the majority in the Chambers), the reluctance of the political opposition and the presence of an Argentine Pope, which has emboldened the “pro-life” groups. The debate about abortion has gained a great importance and has become a much extended debate in the society, building a broad consensus. What is missing now, in order to conquer this much desired and denied right, is the political will of the representatives.

Meanwhile, the National Campaign is growing exponentially. The incorporation of groups from all over the country and new generations of women and men has given the organization a remarkable dynamism. Among several actions and initiatives, it is worthy to highlight Socorrismo Rosa (socorristasenred.blogspot.com/) a network of women that, in the context of the Campaign, and almost at a national scale, pursue accompanying actions to women who want to have an abortion, trying to find a way around the legal
boundaries. The alliance with physicians that share the sensibility for this issue and with medical research as a background, the abortion with medicines has become a possibility. However, the illegality of the medicines and the hard access to them is still an obstacle. In summary, the main goal of the Campaign coexists with the development of strategies that point to the empowerment of women. If the law is conquered, this would become substantive in order to pass through the implementation process with the necessary social support.

3. Basis of the National Campaign

The Campaign intends to demand the right to abortion from a holistic perspective. For this reason, it establishes the importance of considering sexual and reproductive rights as basic human rights for everyone. They state:

We are committed to the integrity of human rights and we support the right to abortion as a just cause to recover the dignity of women and, with them, of all human beings. (www.abortolegal.com.ar)

The slogan, “sexual education to decide, contraceptives to avoid abortion, legal abortion not to die” emphasizes several aspects of the issue. Firstly, it points out the relevance of the access of the population to information about sexuality, the related cares and the enjoyment of it. This is only possible through education from an early age. In this aspect, the Law of Sexual Education has had some obstacles for its implementation due to the refusal of some sectors of the government or the society. The demand for “contraceptives to avoid abortion” implies all this and also the freedom and autonomy of women in order to decide about their own bodies, and the possibility of choosing not to procreate. To accomplish this, the government should guarantee, through the National program for Sexual Health and Responsible Procreation (and its regional variants), the availability and the access to all officially recognized contraceptive methods. Finally, by looking at the numbers of maternal morbidity and mortality, we can see that the need of legal, safe and free abortion is a requirement to prevent these deaths.

This slogan has a great importance because, not only it refers to a tragic situation, it also shows the reality with emphasis on a public health issue, which has a great impact on the society, and helps building consensus.

The decision of performing an abortion is not only linked to the idea of death, it is also closely related to the possibility for women to have a full life when they become owners of their decisions and their bodies.

This slogan emphasizes the central role of the State in the welfare of the population in general women in particular. The issue of abortion shows a singular relation between State, market and society. This relation is asymmetric for women, due to the restrictive conditions and the illegality of abortion. With the legalization, it might be possible to articulate a different logic.

Finally, the slogan also recovers a long tradition of women’s struggle for the right to abortion, in Argentina and the world.
The National Campaign deals with this issue from a triple perspective: as a matter of public health, of social inequality and as a restriction of fundamental democratic rights (Durand, Gutierrez, 1999).

By placing the issue in the field of health, there is a direct interpellation not only to the state but also to the medical corporation, which in most occasions has been reluctant to accept the progress of women’s rights. (Ramos et al, 2001) Every year, about 500,000 abortions are performed in Argentina. The number reflects the magnitude of the problem (Checa, Rosenberg, 1996). This is only an approximation, since it is based in the admissions in hospitals for post abortion complications. If the successful cases and those women who do not go to the health system to treat the complications were also considered, the number would be even larger. We are dealing with an average of more than one abortion for every two births (Romero, Abalos, Ramos, 2013).

The illegality of abortion is one of the causes of maternal mortality, which is significantly high compared to other development indicators of the country. The fulfillment of the Millennium Goals will be hindered if there is no progress in the legalization of abortion. There have been a large number of actions to support the demands of women and the society in general, and also to make effective the existing regulations of the Ministry of Health. Federalism, strongly rooted in our country, allowed some sectors to develop strategies that ignore the basic human rights of women. Despite this, the last numbers, show a sensitive downward tendency of maternal mortality. This is due to the implementation of social programs that take care of certain situations related to pregnancy, labour and puerperium, when they are institutionalized.

This issue requires a cultural shift, only possible in a long term, which will allow reformulating the common sense and incorporating the importance of complying with the existing regulations and the rights they enshrine. What the Campaign demands is that every woman can have access to a safe abortion at the public hospital or through the social security system.

When we reflect about this problem from the perspective of social inequality, the intersection between gender and class becomes central. Abortions in Argentina are practiced in every social class, but morbidity and mortality only happen in the disadvantaged classes. The cost of the intervention and the access (monetary and symbolic) to care are only affordable for women with more resources. Discrimination and injustice are flagrant in this situation. In terms of the Campaign:

To work for the right to abortion as a matter of social justice means to acknowledge that in the Latin American social reality, crossed by poverty and inequality, poor women are who suffer death because of clandestine abortions, as they are excluded from other cultural and material goods. The illegality of abortion enables practices that discriminate according to the socioeconomic condition of women and their lack of access to information (www.abortolegal.com.ar)

The illegality of abortion is a “debt of democracy” since it denies basic human rights to women. Human reproduction lies on women, but it is of vital importance for the
society. For this reason, the illegality of abortion is an issue that involves the society as a whole. The Campaign resumes this problem and it considers it as a social injustice, asking for the legalization/decriminalization of abortion as the only way towards social inclusion. Sexual and reproductive rights must be considered as basic rights of all people. The idea of justice implied here, is a step towards extending democracy. If the body is the territory of freedom, the absence of the right to decide about it means that a basic democratic principle is being violated. If there is a considerable sector of the population that is excluded of a basic right, what we have is a restricted democracy (de Sousa Santos, 2006; Gómez, 1995; Mouffe, 1993; Avila, 1999). Discrimination appears clearly in this context: facing the illegality of abortion, only women with more economic resources have access to it.

As Silvia Fedirici (2011) explains, the control of bodies starts in the transition from feudalism to capitalism, with the “witch hunt” in Europe and America as a stabilizing element of the primitive accumulation of capital. This control guarantees the access to the process of human reproduction, cornerstone of the reproduction of the labour force. The woman/nature has the special function of establishing balance between demographic growth and the “quality” of reproduction. For this reason, the struggle against the prohibition of abortion and the claim for the right to decide about the own body became central in the struggle of women for the recovery of their autonomy (Gutiérrez, 2012). Regarding this issue, the Campaign is explicit:

*We want to expand the democracy by guaranteeing this right to women who are affected by a patriarchal society that diminishes and subordinates 52% of population. A real democracy should take care of our health, protect our lives and enable us to make a decision when facing the dilemma of an unwanted pregnancy.*

(www.abortolegal.com.ar)

The Catholic Church is one of the main actors that interfere with this right. Due to a long tradition of involvement in the political system, it has a great influence (Gutiérrez, 2004, Mallimacci, 2008 Vaggione, 2011). This is why the Campaign demands a secular state as the condition for this and other rights. Legal abortion must permit, never force.

In close relation with the concept of democracy, we will introduce the problematizations around the ideas of autonomy and freedom to decide about the own body.

4. Autonomy and Freedom: an Individual/Social Dilemma

Many actors have systematically blocked the access of women to the right to abortion. Different researchers have been trying to analyze and explain these actions, their content and meaning. The existing resistance did not prevent the organization of groups that have been pushing for a demand that is even bigger than the right to abortion itself: they right of women and all society to decide about their bodies, as a basic human right. However, not many researches focused on the contradictions inherent to these organizations. We intend to develop the notions of autonomy and freedom and also their
contradictions, in order to understand if there are some ideas of the National Campaign that encourage the resistances against it. As we stated in a previous work, “political struggle is, among other things, a struggle of ideas and words” (Gutiérrez, 2002).

The Campaign, in the context of the presentation of the bill to the Deputies Chamber, states the following: “we demand the right of women to decide about their own body and their right to autonomy” (www.abortolegal.org). To legalize and decriminalize abortion would admit that there is no only one valid way to deal with the ethical dilemma of an unwanted pregnancy; it means to recognize the dignity, the full authority, the capacity and the right of women to work out these dilemmas and direct their own lives; it means to accept that the right to decide about the own body is absolutely personal since the body is the first territory of citizenship for every human being.

If one of the central values of the Campaign is focused on the notion of free choice and right to autonomy, we should ask about the potentialities and limits of an individual and liberal right, when it becomes the demand of a collective development that is questioning these same principles. How is the concept of autonomy (as an individual-moral subject) resignified (or not) into an emancipatory concept?

Our notion of autonomy comes from the modern political thought. Since the French Revolution, the organization of the society needed the individuals to be free to establish their own contracts with autonomy. These free subjects were, at the same time, subjected to the system. The concepts of autonomy and freedom exist since the individual is rational and has the ability to discern.

The theory of social contract addresses the autonomous individual, which is the one that can be a part of the contract. For Hobbes, Locke and Rousseau, the individuals had specific characteristics. Slaves, women and non- proprietor s were left out of the different definitions. Carole Pateman (1995) analyzed the reasons why women were excluded: according to the logic of patriarchy, there is a previous sexual contract that restrains women to the privat sphere, being excluded from the possibility of establishing contracts.

In this logic, women are not considered as autonomous subjects. Through the long history of the women’s movement, the claim for the autonomy to decide about the own body has always been central.

The concept of autonomy also assumes that the subject has all the necessary skills to make their own rational decisions. This denies the existence of dark areas, those that not even the subject itself knows, as Freud and Lacan explained. The unconscious, articulated as a very complex language, affects many decisions. Therefore, the autonomous individual is conditioned in their capacity to make their own decisions mainly by the context and its cultural elements.

Kant’s formula about moral and autonomy, and Max Scheler’s idea about autonomy only existing in the context of a “community of values” can give as a first approach to the contradictions of the concept of autonomy.

The concept of autonomy, key to the liberal theory, has been challenged by
communitarian theories (Nozik, 1991; Walzer, 2004; Sandel, 2005) and some strands of feminist theory. However, addressing the vulnerability of human condition (Butler, 2006), it is important to deal with this concept critically and with the focus on the transformation of social relations, establishing the relation between the moral and individual dimension of autonomy and its political and collective aspect (Gutiérrez, 2010, Cohen, 1999). The notion of autonomy has its limits. These limits do not inhibit the decisions of women, but they establish the need of a free and autonomous society (Castoriadis, 1990). Autonomy, with its personal and collective dimensions, turns into an “endless movement”, a continuous process of construction and deconstruction, placing interrogations about the individual and the social order.

For this reason, the legalization of abortion is an issue that involves the citizenship as a whole, not only women.

In this regard, it is important to analyze if the “community” senses the same values that the Campaign supports. According to public opinion studies, there is a “community of values” around the idea of decriminalization of abortion in situations when there is a life risk for the woman (physically and psychologically), when the woman has been raped and even considering economic conditions. Except for the last one, these exceptions are included in the Criminal Code, but they are not implemented due to religious principles or actions of the medic or the justice corporations. This community of values, however, is not close to the idea of “free and autonomous decision of women”, which is included in the definition of the right in countries where abortion is legal.

Following Castoriadis (1993), we may think that there are no autonomous subjects since there is no autonomous community. Therefore, the concept of autonomy would acquire relevance when demands place it in the context of a broad social struggle, which would turn individual and liberal autonomy into an emancipatory concept. He states: “autonomy is not a fence but an openness, an ontological openness. The possibility of overpassing the fence of information, knowledge and organization characterizes self-defined individuals as heteronomous. To alter the fence means to alter the existing system of information and knowledge, it means to rebuilt a new world according to different laws. This is a possibility that people have because of their human condition, which entails the possibility of questioning its own laws and its own institution (society)”.

In order to be autonomous and to be appealed by the claim for autonomy, we should be inserts in a society that is radically questioning its own roots and institutional forms. As Judith Butler says, “freedom and the capacity and the ability to act are not abstract and do not precede the social, but they are established inside a power relations matrix” (Butler 2002a, 64). Therefore, the issue is autonomous individuals in an autonomous society. We can find theoretical frameworks, actions and political strategies toward the construction of a society based on the principle of autonomy.

“The issue of autonomy – Castoriadis says- appears, as a seed, when the unlimited and explicit question is posed, focusing not on the ‘facts’ but on the imaginary meanings and their possible foundations” (Castoriadis, 1993). At this moment, it creates not only a different kind of society, but also a different kind of individual. Autonomy is a project.
This is not related to Kant’s autonomy, which expresses itself in front of an immutable Reason, a law that appears once and for all. Autonomy is the reflexive acting of a reason that is created in an endless movement, in a social and individual manner.

Castoriadis wonders in what way an individual can be autonomous: in an external and internal way. The internal aspect is the relation between the subject and its psyche, its unconscious, its reflectivity, letting the history and the present to flow, and not allowing to be affected by the established rules. This state never arrives to a definition because it is the nature of reflectivity itself. To be autonomous means that freedom and the pretention of truth have been entrusted.

The external aspect is related to history. A subject cannot be autonomous by itself, or in any society. For individuals to ask for autonomy, it is a requisite that the social context had already been altered in a way that creates a space for unlimited interrogation. To Castoriadis, autonomy is a project that brings to the scene the institution of a new power. How would this be possible? By “creating institutions that are internalized by the individuals, which would facilitate the access to individual autonomy and the possibility of effective participation in every explicit power existing in society” (Castoriadis, 1993). This may expose the distinction between public and private as indiscernible spaces of the exercise of power.

**Autonomy as a public and collective dimension**

If, according to Castoriadis, a subject (both men and women) requires an autonomous society, where should the demand be focused on? If we live in a world where autonomy is far from the reality, in a globalization stage, on what basis may we call upon autonomy without it being no more than a declamation?

At this point, we should take into account the reference to human rights, because is in that context where the demands of women related to their bodies are placed, and where it exists a “community of values” that may accompany those individual demands. The human rights perspective will make the principle of discrimination visible, especially through the marks on the bodies. From this angle, the National Campaign defines the relation between the right to abortion, freedom and autonomy.

*Our motto – as our work – is integral: “sexual education to decide, contraceptives to avoid abortion, legal abortion not to die”. This means that reforms should be made to Education, Health and Justice Systems, together with a deep cultural shift.*

*The defense of the right to abortion is a just cause because of its democratic content, and because it is related to social justice. It aims to ensure the enjoyment of human rights to women that are now excluded from them. (www.abortolegal.com.ar)*

Legitimate demands that ask for the extension of democracy are based on the concept of individual autonomy and freedom, since they consider the right as individual.
However, when they speak of cultural shift, they are suggesting another kind of autonomy, like the one that Castoriadis defines which is only possible together with the autonomy of the society as a whole.

Speaking in this language is the key to gain legal protection and rights (Butler 2006). But it also implies that we should be questioning the subject and the “we” that we are using when we speak legally, since it is not what we are because it is where –in Butler’s terms – passion, grief and rage are hidden. It is what connects us with the others, in lives that are not ours (precarious life). It is also related to what Castoriadis states as necessary and Kant denies, to that “dark world” or the unconscious that governs us.

The community of values would probably subscribe to the human right dimension, but that does not solve the issue of autonomy. Therefore the campaign should not be separated from the context of possibility and from a struggle in the context of the social struggle for autonomy. As Butler says (2006.b, pp.41), “if I am fighting for autonomy, should not I be fighting also for something else, for a concept of myself that lives in community, that carries the mark of others and also leaves a mark on them, in a way that is not always clearly defined or completely predictable?” As bodies, we are always something other than ourselves and something different from ourselves. To articulate this as a right is not always easy, but it may not be impossible.

5. For Further Reflections

The controversy about abortion is related to a radical questioning to the way we think about the social order and the power since it discusses a moral (and religious) issue and its sliding to the legal dimension, it questions the patriarchal order, it brings into discussion the gender inequality, it exposes the problems of public health, it reformulates the dimension of public and private, it makes explicit the distinction between placer and reproduction, it questions the hegemonic family model, it redefines the freedom of women to decide about their own destiny and to make their own choices and, especially, it reverts the logic of a normative and “natural” sexuality. This struggles forced the reformulation of the notion of citizenship not only for women but also for men.

Let’s take a look at these postulates. We say that it questions the patriarchal order since it underlines the autonomy of women to decide about their own body. This principle has a degree of complexity: if we all are, as Butler says, vulnerable and immerse in the precariousness of life, our life is in relation to others, is with others. We should deal with this concept critically and in the perspective of transformation of social relations, passing from the moral and individual dimension of autonomy to its political and collective dimension.

Therefore the concept of autonomy, originally from the liberal corpus, has its limits. These limits do not support that the freedom of choice of women is taken away. On the contrary, as Castoriadis states, it introduces the importance of a free and autonomous society. This way, autonomy is defined as a project on its double dimension: personal and collective. This leads us to rethink if it is a state or an “endless movement”, understanding autonomization as a constant process of construction and reconstruction with the other,
opening a space of unlimited interrogation in both the individual and the social order. From this perspective, the claim for legal abortion is a struggle for an emancipated society, and that is why it involves us all. Is not an issue of women exclusively, because if the legalization of abortion revers the logic of a normative and established sexuality, it is reformulating the concept of citizenship that affects us all. For that, and for the complexity of the notion of autonomy, we may think this problem from the perspective of sovereignty over the bodies, which arise from the fight against three key powers: the State, the Church and the economic powers. This three undermine the freedom of women to decide.

As we mentioned before, abortion establishes a distinction between pleasure and reproduction, it challenges the hegemonic family model and the patriarchal and capitalist order. By turning maternity into a choice, the focus is being moved away from the reproduction of the human kind and, more important, of the labour force. We are not autonomous, we are affected by otherness and by the affective dimension, but that does not imply a specific function that each gender should fulfill. If women say NO to maternity, they are saying NO to the reproduction of the normative order and to the control device that reproduction imposes.

Autonomy and self-sufficiency are fictions of the liberal modern individual. Modern democracies are based on these fictions. On the other hand, vulnerability and mutual dependence of the subjects must be constituting factors of the social bond, in terms of mutual responsibility and solidarity, facing the precariousness of the historical circumstances.

The Campaign, through its history, learned that building alliances and shared strategies with other social struggles are vital to accomplish their goals. Autonomy may transcend the individual dimension and become a collective experience.

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In Argentina, abortion is classified by the Criminal Code as a crime against life and people, and the punishment is imprisonment for those who perform it and for the women that causes it or consents the practice. Article 86 establishes a number of exceptional situations in which abortion is not punishable when it is practiced by a licensed physician and with the consent of the woman: (1) if the abortion “has been performed when the pregnancy endangers the woman’s life or health, and this risk could not be avoided in any other way”, and (2) “if the pregnancy was originated by rape or an indecent molestation to an idiot or demented woman. In this case, the consent of the legal representative of the woman is required”.

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Web

www.csjn.gov.ar National Supreme Corte of Justice (consulted may/june2014)


socorristasenred.blogspot.com (consulted june 2014)

www.abortolegal.com.ar (consulted april/may 2014)
In March 13th, 2012, the Supreme Court of Argentina ruled on the sentence FAL self-enforcing measure about the scope of the non-punishable abortion in cases of rape, which is established on article 82, section 2 of the Criminal Code. The Court reaffirmed that abortion in cases of sexual molestation is a right of women. The sentence of the Supreme Court establishes that: (1) A previous report of the rape must not be required; (2) all institutional and bureaucratic barriers must be eliminated, (3) public health services are forced to perform non punishable abortions; (4) public authorities and staff members must be adequately qualified; (5) the rights of the victims of rape must be publicly disclosed; (6) women who are victims of violence must be assisted.

The following Project was presented at this Chamber by the organizations that integrate the National Campaign for the Right to Legal, Safe and Free Abortion on 2007. The aim of the signatories is that this bill acquires parliamentary state and can be discussed together with other initiatives related to this issue. The project was presented again every two years in case it had not be discussed in the Chamber. The last presentation was on April 9yh, 2014, with the file number 2249-D-2014. The project of the Campaign gathered more support and signatures at the Deputies Chamber (where it has almost 70 signs) and in the public opinion, where the last polls indicate 60% of approval at a national scale.

Article 1º: Every woman has the right to decide about the voluntary interruption of her pregnancy during the first twelve weeks.

Article 2º: Every woman has the right to perform an abortion in the services of the public health system, under the conditions established by this law.

Article 3º: After the time limit established on article 1º, the woman has the right to decide an interruption of her pregnancy in the following situations: a) if the pregnancy is the result of rape, provided a police report or a report formulated at the health system; b) if the woman’s life or health are endangered; c) if there were serious fetal malformations.

Article 4º: Before performing the abortion in the cases this law established, a written consent from the woman will be required.

Article 5º: The public health system shall guarantee the free access to the services established on articles 1º and 3º, and the social security services and the private systems will incorporate them to their benefits in equal conditions.

Article 6º: Those physicians and other staff that wish to manifest a conscientious objection to participate in the medical procedures mentioned in this law must inform to their authorities within 30 days from the promulgation of the present law. Those who are hired after the promulgation shall do it when they start to provide service. In every case, the responsible authority of the health service must guarantee that the practice can be performed.

Article 7º: The professional practices established in this law will be effective without any previous legal authorization.
Article 8º: En case the pregnancy termination must be performed to a woman who is younger than 14 years old, the consent of at least one of her legal guardians (or, in its absence, of an in fact guardian) shall be required.

Article 9º: If the woman involved is declared disable in trial, the consent of a legal representative will be required.

Article 10º: Article 85 section 2 of the Criminal Code is derogated

Article 11º: Articles 86 and 88 of the Criminal Code are derogated.

Abortions practiced in unsafe conditions caused 20.5% of maternal deaths, according to the report of the Ministry of Health in 2010. Based on the official statistics, the number of women who died because of unsafe abortions between 2006 and 2010 is 384, which means an average of 77 women a year dead for this cause. For the past twenty years, unsafe abortion has been the first direct cause for maternal mortality, and it represents one quarter of these deaths, which are register mostly among poor and very young women. Nearly 60,000 admissions a year related to unsafe abortions are registered in public hospitals across the country. 15% of those correspond to teenagers and girls younger than 20 years, and about 50% to women between 20 and 29. In the last decade, mortality generated by abortions grew among women younger than 15 years old and the number of young women dead for abortions was bigger than women of the same age dead for other reasons not related to maternity.

In August 2nd, 2000, the CEA (Episcopal Conference of Argentina) published a document under the title “The good news of human life and the value of sexuality” where it formulates a statement about sexuality and what the legal conditions should be. It refers to marriage as an indissoluble unity, to sexuality as a synonym of procreation, and to the guardianship of parents on their children’s sexuality. At this document are defined a series of ideas that would become strategies against the existing legislation.