

PERSPECTIVES ON THE LIMITATION OF THE RIGHT TO ABORTION DURING 1966-1989. CASE STUDY: TELEORMAN COUNTY

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Abstract: *The main purpose of this paper is to give an account of the legislative and aspects related to the ban on abortions during 1966-1989. Starting from the motivations behind this decision, the paper aims to make a detailed analysis of Decree 770: context of issuing, analysis of the provisions and of the subsequent changes. The last section offers a comprehensive framework of debate regarding the limitation of the right to abortion, based on the perspectives and experience of the women from the period of Ceausescu.*

Keywords: *abortion, divorce, fertility, family policies, birth rate*

1. Introduction

In the developing countries, the problem of family planning policies is developed in close connection with the achievement of demographic objectives and less by focusing on the family itself. Consequently, in these states the growth of population slowed down because the birth rate decreased (United Nations, 1990) or because they encouraged or deterred migration to specific areas of a particular country (United Nations, 1981).

The confusion between the family policies and the demographic policies appeared because of a family planning policy oriented towards demographic factors that were included in the public discourse of the 1960 years.

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The demographic policy is a system of measures taken with the purpose to influence the demographic variables into the direction which the state finds desirable, on the short-term and, particularly, on the long-term, in agreement with the general interests of the state, in observance of the fundamental human rights and of the rights of the couples of people (Trebici V., 1994). However, if the state interests in the demographic growth are sometimes aligned to utopian ideals, the demographic policy can be implemented through coercive measures bearing adverse effects on the population.

An emblematic model in this direction is the communist period of Nicolae Ceaușescu when one of the toughest and most repressive demographic policy was enforced between 1966-1989, based mainly on the ban on abortions, by Decree 770, and on the limitation of divorces, by Decree 779.

Immediately after Romania reviewed the restrictive policy regarding the abortions and contraception (December 1989), the abortion on demand became the main way used to manage fertility, while the use of the modern contraceptives remained very low. Thus, after 1989, Romania witnessed a fast decline of the birth rate: about 35% in 1992 compared to 1989. In all countries from the former communist block, this process was deep and the decline of the birth rate was stronger than predicted by the long-term demographic trends (except for Albania). In Romania, the crash of the birth rate was so serious, that the natural growth of the population turned negative in 1992 (Zamfir E., Zamfir C., Pop E.A., 1994, pp. 13-15).

As fertility decreased below the limits of the natural growth of the population, the abortion on demand reached unprecedented rates in the early 1990 years (the rate of abortion was eight times higher per one thousands live births in 1990 than in 1989). The proportion of abortions decreased from 182 abortions at 1,000 women aged 15-49, in 1990, to 123 abortions at 1,000 women aged 15-49, in 1994, but in 1990 and 1993, less than one women of fertile age in ten was using efficacious contraceptive methods to prevent unwanted pregnancies. The proportion of illegal abortions recorded before 1990 explains the fact that Romania had the highest incidence of maternal death in Europe (Zamfir E., 1995).

The wide availability of abortion and the acceptance by the public opinion, amplified by the limited access to efficacious contraceptives and by the dominant prejudices regarding the modern methods continued to put abortion on the first place as the most important method for family planning in Romania, trend present among the young people too (Nicolăescu, V., 2010, p. 156).

This study is constructed around two main axes: the legislative perspective and the social perspective on the limiting of the access to abortion during the period of Ceausescu regime, 1966-1989.

The section dedicated to the legislative aspects includes the regulations regarding the abortion: the context of Decree 770 issuing, the analysis of its provisions and of the subsequent changes.

The second axis of the paper, the social perspective of the pro-birth policy, aims to present and identify the consequences felt by the individual people after the abortion was included among the penal infractions.

Even though the population of Teleorman County and of the whole country increased spectacularly in the early years after the adoption of decree 770, as the time went by, the people started to find methods to get rid of the unwanted pregnancy; the consequence was the decrease of the birth rate, which was in contradiction with the plans of the leader.

2. Decree 770. Legislative aspects

In 1965, the birth rate had decreased dramatically in Romania. According to the census of March 15, 1966, Romania had a population of 19,105,056. (Dobos C. et al, 2010, p. 115)

The birth rate didn't cover even the simple reproduction of the population, i.e. one female child from every woman during her fertile period (15-49 years old). (ANIC, File 101/1966, p. 106)

Thus, on the background of a dramatic decrease of the birth rate, the communist leadership was determined to take coercive measures to stop this fall.

At the public level, the first such mention made by Nicolae Ceaușescu was at the National Women Conference of June 23-25, 1966: "It is necessary to fight firmly against the retrograde attitude, against the manifestations of carelessness towards the family, whose consequence is a higher number of divorces, shattered families, neglected child education, the children are no longer prepared for life. (ANIC, File 44/1966, p. 13) (...) We must also say that the legislation has gaps which favour the decrease of the birth rate; the courts of law show no exigencies when approving divorces, and some legal provisions are indulgent towards the attitude of desconsideration of the family and child education" (ANIC, File 44/1966, p. 14)

The ban of abortions on demand in communist Romania was not sudden, rather the result of almost nine months of discussions and negotiations between the technocrats and the political power (Dobos C. et al, 2010, p.115).

The starting point of the demographic policy during the time of Ceaușescu was the proposal of the Ministry of Health to prevent the adverse effects of the abortions. Due to the involvement of the political class, this measure turned in time in a demographic strategy in which the women had the patriotic duty to give birth to as many children as possible.

Thus, several studies were issued at the end of 1965, and in the early months of 1966 (*Some problems on the dynamics of the natural gain of the Population in the Socialist Republic of Romania; Medical aspects of the abortion; Medical assistance of the population of the Socialist Republic of Romania and measures for improvement and Study on the situation of the birth rate in the Socialist Republic of Romania and measures to revive the birth rate in our country*) (Dobos C. et al, 2010, p. 116) whose purpose was to increase the birth rate and to decrease the number of abortions.

The regulations on the ban of abortions were debated during several meetings in August-September: meeting of the Executive Political Committee of August 2, 1966 (ANIC, File 102/1966), Meeting with the medical staff of September 20, 1966 and the meeting of the Executive Political Committee of September 27, 1966 (ANIC, File 127/1966).

At these meetings, N. Ceausescu exposed firmly his intention to limit the number of abortions by changing the 1957 law which had liberalized the abortion: "In my opinion, by the Decree which legalized the abortions, we legalised prostitution by allowing abortions and by lenience towards divorces" (ANIC, File 102/1966, p. 24). Furthermore, willing to restore the situation of the birth rate he proposed "to think and take out from the material the problem of the birth control means." (ANIC, File 102/1966, p. 25)

Thus, on October 1, 1966, the State Council issued Decree 770 which banned abortions, published in the Official Monitor no. 60.

2.1. Analysis of the Decree text

Decree 770/1966 had 8 articles and an introductory part which said that "Abortion is an act with dramatic consequences on the health of women, which harms seriously the birth rate and the natural growth of the population" (C.P.A.D.C.R., Final Report, 2006, p. 64).

The eight articles approached three basic problems: exceptions from the law, institutionalization of the provisions and sanctions for breaching the law (C.P.A.D.C.R., 2006, p. 64).

Only a few exceptions were allowed from this rule, when due to medical, eugenic, social, legal and ethic causes, abortion is allowed, provided the legal conditions are observed. (Loghin O., Filipas A., 1983, p.55)

The cases of exception from the law are stipulated in article 2: when pregnancy was endangering the life of the mother; when one of the parents had a disease which was transmitted by heredity; when the pregnancy is the result of rape or incest; when the

women has disabilities; when she is above 45 and she already has four children which she raises. Same as in the present legislation, the abortion could be performed only during the first three months of pregnancy. The next section was stipulating that abortions could be performed only by the specialist doctors in hospitals.

The other articles were stressing that the authorization of abortions was to be issued by a medical commission and that failing to observe the legal provisions was sanctioned according to the Penal Code. Article six of Decree 770/1966 mentioned that “in cases of extreme medical emergency, when the abortion has to be performed immediately, the doctor has the obligation to announce the authorities before the intervention or, when this is not possible, no later than 24 hours after”.

The equivocal and general expression of this section and the classification of the spontaneous abortions within the category of extreme emergency situations, allowed the doctors and women to justify some abortions.

For instance, in 1971, more than 66% of the total abortions were recorded as spontaneous abortions, most of them performed during the night shifts or outside the working hours, when surveillance and control are lower, which yielded the conclusion that many abortions were intended, not fortuitous. (C.P.A.D.C.R., Final Report, 2006, p. 518)

If a woman was affected by one of the exceptions stipulated by the law, she had to justify her initiative of abortion in front of a commission, which approved or denied the abortion. If the abortion was denied, the file was sent back to the doctor, who had to monitor the pregnancy in order to avoid a possible abortion.

Along with Decree 770, the Official Monitor of the Socialist Republic of Romania published Decree 771, which reviewed the Penal Code, particularly the content of Article 482: “The person who, by any means, causes the abortion outside the conditions admitted by the law, is guilty of the infraction of abortion.” (Ministry of Justice, 1967, p. 31)

2.2. Subsequent modifications

a. Period 1972-1983

Despite the efforts of the communist leader to increase the number of the population, the strategies used by the population to block access to their private life were increasingly efficient.

Within this context, on February 17, 1972, the first modification was done to the anti-abortion legislation by Decree 53, according to which the age at which a women could make abortion decreased from 54 to 40.

The reason behind this decision pertained mostly to the low fertility of the women aged 40-45. Noticing that the decrease of the birth rate was not halting, in 1974, the content of the Decree was altered again. The changes to Decree 770/1966 were included in 47 articles, assigned to 7 sections, on a total of 21 pages (Kligman G., 2000, p. 72). They were supplemented by another 11 pages which presented the “medical reasons for abortions” and had the title of “Instructions for the enforcement of Decree 770/1966 regarding the regulation of abortions, of the incomplete abortion and to improve obstetrics-gynaecological medical assistance.” (Kligman G., 2000, p. 72)

Several previous articles were affected: the commission which approved the abortion had to be appointed by the Director of the Sanitary Directorate, by a prosecutor and by the head inspector of the county department of the Ministry of the Interior; the meetings of this commission were to be assisted by a representative of the prosecutor’s office and by a representative of the Ministry of the Interior, too (Kligman G., 2000, p. 72). Also in 1974, was established a new Commission assigned to analyse the monthly sales of the drugstores; the purpose of this measure was to block the access of the population to medicines that could start an abortion.

By these measures, the state tightened its grip and consolidated its control over the human reproduction. Initially, the two changes to Decree 770 supported the increase of the birth rate, but shortly after it displayed a consistent decreasing trend.

b. Period 1984-1989

The decrease of the birth rate coincided with the degradation of the living conditions, because N. Ceaușescu decided to pay back all foreign debt and thus all production was heading for export.

The meeting of the Executive Political Committee of February 1985, witnessed an angry N. Ceaușescu: “I saw that we have the highest number of abortions in Europe, higher than in Federal Germany, France, England, the socialist countries included. Nowhere else there is such a high number of abortions. Although we banned abortions, we still have a very large number of cases... This situation is inadmissible. We need to discuss with the women about this, with the population and with the doctors.” (CPADCR, Final Report, p. 520)

New modifications to Decree 770 are made on December 26, 1985. This time, the alterations are much more restrictive: the minimal age for abortion was brought back to 45 from 40, while the number of children in care was increased from 4 to 5 (Decree 411/1985). It also introduced the compulsory gynaecological surveys for the women at the optimal age for child birth. One year after revision, a system of taxation is introduced to discriminate the childless couples over the age of 25. The marital age for girls decreased from 16 to 15.

3. Decree 770. Social aspects

Classifying the abortion among the penal infractions as of October 1st, 1966, was one of the coercive measures of the communist regime which affected particularly the feminine population.

In order to restore, as far as the analyses allow, the aspects of the private life during the communist period, we decided on the structured interviews as working method to complement the information we tracked in the archives. By this we aimed to see how the people perceived the ban on abortions, how much this ban affected the family life and whether, by limiting the access to abortions, the state interfered with the private sphere. The interview also analysed the opinions of the women about the titles and privileges offered by the communist state as incentive for giving birth to children, as well as their opinion on the liberalization of abortions after 1989.

Our survey was conducted in Teleorman County, on a sample of 60 women aged 45 to 71. In order to get an image as clear as possible, the respondents were selected both from the rural areas (communes of Frumoasa, Cervenia and Draganesti Vlasca), and from the urban areas (towns of Alexandria, Zimnicea and Turnu Magurele). From the very beginning of the survey we noticed the reticence and fear of the women to speak about this period, particularly in the case of the women which were confronted with unwanted pregnancy, the adverse print left by the communist regime still being visible.

Although the discussions on the ban of abortions last for about nine months, the publishing and adoption of the Decree took most of the population by surprise, as shown mainly by the spectacular raise of the birth rate both in Teleorman County, and in the whole country. M.D. (public official, 56) said that: "I was shocked by this Decree 770. I didn't know any means to avoid a pregnancy, other than the calendar method, which was not always accurate".

F.U. (nurse, 55) said that in medical terms "the decree was a tragedy for women, particularly from the rural areas". C.R. (professor, 62) said that "immediately after the decree was adopted, I didn't think it would be that bad and that the provisions of the decree will be observed entirely. Sometime later I saw that my neighbours, my friends, were investigated by the police and sometimes sentenced for abortion. At that moment I realized that the situation was dramatic and that us, women, would have a lot to suffer".

As the time went by, the people started to find methods to get rid of the unwanted pregnancy, and the consequence was that the birth rate decreased in the 1970 years, which was in contradiction with the plans of the leader. The clandestine abortion was a method that used empiric methods. The illegal abortions were the seen as the only chance to limit the number of children in a family.

However, there were situations when the abortion was performed in the medical-sanitary institutions, by gynaecological doctors, which classified an illegal abortion as spontaneous abortion, as M.D. (nurse) told us. The records tell us that in January 1968, in Teleorman County, there were 74 spontaneous abortions and one illegal one. The average monthly number of abortions performed in the Teleorman County Hospital was 60 to 70 (D.J.T.A.N., File 8/1968, pg. 1); very seldom, the woman who had an abortion was 45+ or had 4 children in care.

From the analysis of the interviews with the 60 respondents, it results that the main causes leading to an abortion were material (no economic means), "We didn't have a home of our own and we were living with the parents of my husband"(M.C., 63, public officer), followed by marital problems "Even though we got married at an early age, we were not yet ready to have children, we just wanted to wait a little more."

Without taking into consideration the material difficulties of a family with many children, the state was encouraging childbirth in different ways: state allocations according to the number of children and to the order of birth, allocations for the families in which one of the parents was employed by the state, early retirement depending on the number of children (at the minimal age of 50). The incomes could be increased by the donation of the mother milk (Decree 100 of the State Council). Also depending on the number of children in a family, the women could be awarded decorations and minor privileges «heroine mother», «maternal glory» and «maternity medal» (Decree 940, October 7, 1967 – Legal Monitor, 1967, Accessed on May 3, 2012).

These incentives which the state offered to women were not enough to determine them giving birth to children. E.V. (pensioner, 60), said that "the state didn't care how much money was needed to bring up a child." M.O. (gynaecologist, 72) said that "a medal cannot compensate for the birth of a child and after all, you give birth to a child because you want it, not for material reasons. The communist regime was trying to buy children from us, the women becoming surrogate mothers of the state."

From the information we collected from the interviewed subjects we may infer, depending on the methods of avoiding the unwanted pregnancies, two large groups: the women who had access to birth control means and the women who used abortions.

The first category consisted of women privileged due to their place of work (for instance, F.U. nurse, 55, was saying: "I didn't have problems with unwanted pregnancies because of my profession which gave me general information, I had other possibilities because of the relations with the doctors") and the women with a good financial status (G.D. public official, 51, who had 7 abortions during that period).

The second category consisted of the women who were doing the abortion themselves or who were asking a different person to do it using empirical means.

The women who were starting the abortion themselves usually had a poor financial situation, lived in rural areas, but there also were women advised by doctors on how to do the abortion.

Significant to this situation, is the statement of S.T. (economist, 68) who told us that she was going to the hospital, she recorded the pregnancy, and was waiting until the second month before starting the abortive manoeuvres.

S.T. described the stages of an abortion. "First, I was introducing an empty probe, and after 2-3 days, the actual abortion started. During the 2-3 days I was using a brick heated on the stove, which I was putting in a bucket with boiled water. I was staying about one hour wrapped in a towel above the bucket. I was doing this until the pregnancy was out. After elimination, I was taking an antibiotic and Ergomet for couple of days". After the foetus was eliminated, she was going to the hospital where she was declaring a spontaneous abortion. Generally, the method used by S.T. didn't leave visible lesions which the doctors could notice.

Some women tried to get rid of the pregnancy through physical work. F.U. told us about such a case: "she had two children and at the third one she tried to have an abortion. She crossed a river carrying a heavy load on her back in order to start the abortion. She didn't succeed. She also went to a woman to try an abortion but this didn't work either. I failed to tell you that the woman was in the second quarter of pregnancy, almost 6 months. After three months she gave birth to a girl who had encephalopathy. The woman didn't care about the child, wanting to get rid of it. After one and a half months of breastfeeding she didn't try to find methods to feed her, which caused protein-caloric malnutrition of level II-III." Other complications appeared in time and finally the child died.

The women were asking other people to perform abortion for a fee and this was associated to a double fear: the fear of complications and the fear of being discovered by the authorities.

R.D. (accountant, 72) had an abortion in 1974. "I already had two children and I was pregnant with the third one. After long discussions with my husband I decided to go to an acquaintance about whom I heard that was performing abortions. What marked me was that when I got to that woman, she invited me in the kitchen where she did it. It was horrible. I was very frightened. She inserted something in my uterus, some kind of draining device, through which she poured some kind of solution, I don't know exactly what. My luck was that I didn't have complications or haemorrhage, as it happened to other women.

A significant example is that of S.S. (who died on December 12, 1977), admitted to the hospital of Turnu Magurele with "hypogastrum pains, metrorrhagia, tachypnea, agitation of abdomen felt upon palpation" (D.J.T.A.N., File 1/1974-1981, p. 43). Due

to the abundant haemorrhage, the doctors performed uterine curetting, but the health state of the women didn't improve. In order to stabilise the patient, the doctors did a «laparotomy with subtotal hysterectomy, but the patient died during the surgery» (D.J.T.A.N., File 1/1974-1981, p. 43). They considered that the woman was pregnant in the third month and she wanted to have an abortion using empirical methods.

When a woman was performing an illegal abortion and the doctors reported this situation, the case was taken over and investigated by the Prosecutor's office. Some women were sentenced for their act.

The documents of the Sanitary Directorate of Teleorman County include a list with the names of the women who were involved in abortions and whose cases were to be investigated by the Prosecutor's office. (DJ TAN, File 26/ 1985-1986, pg. 1)

I checked the records of the county population and I managed to find and interview one of the women on that list. She is N.N., 71, from Cervenia commune, Teleorman County (in the file, the information about her address was wrong).

As she told me, she got involved because her daughter (21 at that time) have had an abortion. "They had set the wedding date and she got pregnant meanwhile. Her mother in law didn't want to keep the child". In the rural areas, a pregnancy before weeding was casting a bad image on the family and daughter. Thus, N.N. went together with her daughter to the person who did the abortion. The case was investigated by the police because a neighbour had complained. "We were summoned to the police for statements. There, the police officers P. And N. asked us whether we had an abortion and I said no. Then N. slapped me and asked me to confess. After their statements to the police they were sent to the hospital for a gynaecological check-up. M. remained in the hospital because they discovered she was pregnant but the foetus was dead". After her daughter was released from the hospital, they were sent to Alexandria court of law, where they were told that there would be no punishment because it was their first time.

The information we obtained from the interviews with several gynaecologists who had worked during the communist period reveal the dissatisfaction of the medical staff about the ban on abortion, because "it was against the will of the woman"(Dr I.G. gynaecologist, Zimnicea).

Most doctors said that the limitation imposed on abortions only intensified the use of empirical methods to terminate the pregnancy. They were surprised by the multitude of used methods, from the introduction of various objects into the vagina (hair pins, knitting needles), of pills (vitamin C, 10-15 minutes before the intercourse), various plant stems and roots (country mallow) to washes using vinegar (1 teaspoon to 1 litre of water) and lemon juice.

Although there were women who had access to birth control methods, all of them acknowledged that the state intervention in the life of the couple was negative because of the control on sexuality (F.U. nurse – “I was feeling more than subordinated, the state didn’t give me the liberty to run my own life as a couple”). Thus, a state of permanent tension occurred between the partners, and many of the male partners were affected by the abortions did by their female partners. As it results from the interviews, the state cancelled the public-private border, the daily activities of the people being monitored constantly.

Another purpose of the interviews was to obtain the opinion of the subjects about the liberalization of abortion after 1989. Thus, all women agree with the abrogation of Decree 770, some of them because of their profession don’t agree with abortions performed in medical institutions, much less with the illegal ones.

They proposed the use of contraceptive methods first, while the abortion must be just an emergency means to terminate the pregnancy. “They had to be allowed to decide for themselves on the contraceptive methods which they wanted to use. But before all, these methods had to be available. The system compelled the women to illegal abortions” (M.C. 68, nurse).

4. Conclusions

The demographic policy from the period of Ceausescu managed, through the system of coercive measures, to blur the border between the private and public sphere, the respondents agreeing unanimously on this issue. Consequently, many of the state policies at that time focused on the private life of the citizens. The demographic policy aimed within this context to increase the size of the population and to create a new type of citizen and new social norms, mainly by banning the abortions and limiting the divorces. The vision of the country leader is significant to this extent: “A birth rate-increasing policy will be enforced consistently; the children and the families with many children will be assisted, so that the population of Romania reaches at least 25 million by 1990, and 30 million by 2000 (Program of the Communist Party of Romania to construct the developed many-sided socialist society and for the advancement of Romania towards communism, 1975, p. 92).

One of the main consequences of these intrusive policies was the stigma thrown over those people who didn’t obey the rules which ordered their daily life. This policy affected all citizens over 25, both men and women. The physical body of the people was the property of the socialist state and if had to be shaped and modelled into the political body of the socialist state (Kligman G., 2000, p. 13).

Romania of the period of Ceausescu is a true answer on empiric bases to the question of how far may go the blind faith in utopian ideals to reconstruct humanity.

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