From Social to National Issue: Abortion Debates in Serbia in the 1990s

During the socialist era in eastern Europe, abortion had been a medical or social issue, not a politicized women's issue. This has changed in post-socialism after initiatives to criminalize or restrict availability of abortion were put forward in newly elected multi-party parliaments. Abortion debates inside and outside the parliaments became a forum of political competition in which much broader issues were at stake, like anti-communist morality, nationhood, and demographic trends. Being associated with socialism and its project of women's emancipation, abortion became a symbol of socialist gender relations. These relations were perceived as a nunatural and detrimental for the national well being and its survival. Thus the female (non)reproductive body also came to symbolize annatural gender relations which threaten the very survival of the nation. Since high abortion rates in eastern Europe are commonly perceived as a direct cause of low birth rates and vice versa, abortion debates were tied with the population discourses related to the differential birth rates of ethnic/national groups, purporting that the abortion debate focused on demography and population politics.

In this article I analyse abortion debates in Serbia in the early 1990s. I identify three discursive events that triggered and intensified the debate: the first was the bill to ban abortion submitted to the Parliament of the Republika Srpska by an Orthodox Bishop, who was also a member of the parliament; second, the parliamentary debate of the new law in Serbia and the subsequent veto by then-President Milošević of the version passed in the Parliament; and third, the 1994 Christmas message of the Patriarch of the Serbian Orthodox Church. I focus here on the second event.

Several years passed between the first multi-party elections in Serbia and the beginning of the discussion of a new abortion law in the Parliament. The first elections took place in late 1990, but the bill was introduced in 1994. In the 1990 elections, the *Socialist Party of Serbia* (SPS) won a massive parliamentary majority and Slobodan Milošević was elected the President. Serbia had another parliamentary and presidential election in 1991 when Slobodan Milošević was re-elected as the President, and the *Serbian Radical Party* (occupying the far right, nationalist end on the political spectrum)² made substantial parliamentary gains. In late 1993 Milošević dissolved the Serbian parliament and called new elections which took place in December. In the elections

both the *Serbian Radical Party* and Milošević's SPS suffered losses. After a round of unsuccessful negotiations with several bigger opposition parties, the *Socialist party* made a coalition government with the small *New Democracy Party*³ in February of 1994.⁴

This constituted the immediate political context within which the abortion debate was opened in parliament. As long as Milošević's SPS had an unchallenged majority in parliament, the old >socialist< abortion law remained unchallenged as well. As heirs of the *Communist Party*, the Socialists adhered to the pro-choice ideology. The issue of abortion was brought to the fore by new players on the Serbian political landscape, religious leaders being the primary example. The attempt of the Orthodox Church to regain influence in the public and private spaces in post-socialist Serbia has been similar to that of the Catholic Church elsewhere. The parliamentary debate started in early 1994, and the first version was passed in May 1994, but was vetoed by Milošević in June. He explained that the version of the law as adopted ran against the basic human right to decide freely about offspring.

After Milošević's veto, the new abortion law was back in the hands of the government, which started working on a new version rather than changing individual acts. It took six months for the government to come before parliament with another version of the abortion law. This version of the law is more restrictive than the old socialist law and than the first version that was vetoed by Milošević. First, it does not include any social reasons for obtaining abortion after the 10th week of gestation. Second, the law requires minors between the ages 16-18 to obtain parental consent for having an abortion. Finally, the law does not specify procedures for obtaining late gestation abortions and does not require explanation of the decision. Moreover, the decisions are final and cannot be appealed.⁵

The limitations introduced in the abortion law potentially affect mostly those age cohorts that do not contribute significantly to the overall birth rates. It is thus difficult to see a population policy motive behind them. Rather than being informed by a coherent social policy, the new abortion legislation was shaped through a political struggle for a hegemonic status of specific ideas about individual and society, gender and nation.

The Nation's Rights versus Women's Rights

The character of the abortion debate in Serbia is best illustrated through the argument that unfolded on the pages of *NIN* magazine between December of 1994 and March of 1995. It started after *NIN* published an article by Zorica Mršević, one of the leading feminists in Serbia, entitled »Who is going to feed us, who is going to defend us?« (»Ko će da nas hrani, ko će da nas brani?«), which critiqued the new abortion law under discussion in the Serbian Parliament.

A critical response to her article was signed by Slobodan Grković, president of the Christian-ecological movement and appeared in the same magazine under the title »Don't bear children« (»Ne radjajte decu«). Apparently for strategic reasons, a comment to this article came from another prominent feminist, Nadežda Ćetković, under the title »Bear only wanted

children« (»Radjate samo željenu decu«).⁷ The polemic ended with a letter to the editor, titled »Biological war and self-defence« (»Biološki rat i samo-odbrana«).⁸

The initial article had the headline »Abortion to be banned«, which was an exaggeration. Mršević never specifies that her criticism refers to restrictions proposed for late abortions. The proposed law restricted access to abortion after ten weeks to medical reasons, unlike the old socialist one which allowed termination of later pregnancies for socio-economic reasons. While her criticism is well placed, particularly given that the majority of requests for late abortions were based on socio-economic reasons, the article should have been more specific if the author wanted to represent the proposed law accurately. But accuracy, apparently, was not the primary goal of the article. The criticism of the new abortion law here had a broader agenda. It served as a critique of the existing social and political order and to offer guidelines for better ones.

The author argued that the proposed law was motivated by »mercantile population theory which was born towards the end of the middle ages«. This type of pronatalism, argues Mršević, has characterized every totalitarian regime, and she mentioned Hitler, Mussolini, Stalin, Pinochet and Ceausescu as examples. Moreover, she argues that legal abortion has been a long-standing women's right, which was another exaggeration. Finally the author claims that the current treatment of the abortion law in eastern Europe stands as »indisputable proof for how far away from democracy these societies still are«. Applying this standard, most of the West European countries would not have passed the democracy test before the 1970s, and a few would not pass it today, e.g. Ireland, Malta and Monaco, where abortion is still illegal, and Portugal, Spain and Germany, where abortion is allowed under specific, narrowly defined conditions.

Mršević is more accurate in discussing some possible social consequences of the proposed abortion law. For example, she predicts an increase in health and life threatening illegal abortions because »women always have their own ways and methods«.¹³ Her prediction of an increase in the number of unwanted and abandoned children as the consequence of the new abortion law, however, is unfounded.

Had abortion been banned and criminalized, Mršević would have had ample historical evidence in support of her argument, but that simply was not the case. There is little doubt that Milošević's regime was in many ways detrimental for Serbian society, leading it to an unfore-seeably austere future. The new abortion law, however, passed in the parliament controlled by his Socialist party, was hardly a part of that picture and was certainly not going to produce an army of unwanted and abandoned children.

The new abortion law was restrictive as compared to the old socialist law, but all restrictions applied to late abortions. ¹⁴ Considering that over 95 percent of all abortions in Serbia are done before the tenth week of pregnancy, ¹⁵ it was going to affect a very small percentage of women and mostly those age groups that have low reproductive rates (teenagers and women over 45). While the possible consequences of the new abortion law were not insignificant, they were not as dramatic as Mršević's article depicts them.

The text in a separate box which accompanied the article informed on precisely what kind of changes the new law introduced and at which point during the pregnancy; Mršević's text, read by itself, suggests more drastic changes. This made her article an easy target for criticism from those who wanted to see a more restrictive abortion law or argued for banning it. Grković, the president of the Christian-ecological movement, begins his response to Mršević by blaming her for deliberate misrepresentations of the new law.

Grković accuses Mršević of feigning humanism and for forging the facts, claiming that the proposed draft law introduced only limited restrictions and that under it, the »genocide of the Serbian babies will continue«.¹6 He also points to the fact that 95 percent of abortions were performed within the first ten weeks of pregnancy, which makes the feminist response look blown out of proportion. Grković believes that the proposed changes in the abortion law came about in response to population trends. He believes that the regime simply »could not ignore (any more) the NATAL CATASTROPHE of the Serbian nation and its main reason: infanticide« (original emphasis).¹7 He compares abortion with Jasenovac, the concentration camp in which many Serbs, Roma and Jews were detained and executed during World War II in the Independent State of Croatia, suggesting that women who have abortions are murderers. Moreover, he argues, these women are committing genocide on their own nation. Grković recreates a common perception, according to which abortion is women's method of contraceptive choice, and thus he holds them responsible for »mass killings« of the »Serbian babies«.

Both popular and expert discourses in Serbia often present abortion as women's method of choice due to its high rates. ¹⁸ Nationalist oriented discourses additionally argued that women use abortion and limit the size of the family for selfish reasons with little concern for the interests of the father or society, i.e. the nation. Nothing can be further from the truth. Far from being the method of choice, abortion has become a rescue method when *coitus interruptus*, the method chosen by a majority of couples, fails. This method of pregnancy prevention, while highly unreliable, results from and reinforces patriarchal gender/sexual relations. ¹⁹

The control of female procreative sexuality is an integral part of many nationalist projects and aims to ensure and maintain not only continuity, but also the »purity« of a nation. Within the marriage, abortion serves to limit the family size while maintaining »proper« gender roles, i. e. husband's domination and the wife's submission, in the domain of sexual relations. From the perspective of nationalist ideologues, however, abortion appears to undermine the patriarchal order at the broader, societal level, preventing the state control of the citizens' sexuality and reproductive practices.

Restricting access to abortion in the context in which a small family is both social standard and a necessity, creates a tension between the patriarchal family on the one hand and the patriarchal state on the other. The tension, though, is concealed by the oppositional/contrary consciousness created during socialism, according to which abortion is primarily associated with women and moreover with women's emancipation. The only difference is that in the post-socialist, nationalist context this equation has received a negative connotation for allegedly destroying the patriarchal order within the family while endangering the nation.

While Mršević associates free access to abortion with democracy, Grković identifies it with socialism, totalitarianism and moreover with communist conspiracy against the Serbian nation.

The nationalist discourses reproduced the popular view, created during the socialist era and supported by the official communist ideology, that feminism simply aims to replace male domination by female domination. Unlike the old communist ideology, nationalist discourses did not distinguish between the socialist project of emancipation and western, liberal feminism. Moreover, according to nationalist narrative, socialism itself was a feminist project which emasculated individual men and the nation. Liberal abortion legislation and high abortion rates were thus perceived as an expression of women's domination over men and the nation. Moreover, as Grković suggests, women's rule is not different from a blind rule of instincts. Thus it is anti-modern and retrograde, unlike reason-driven male rule.

For Grković, both Milošević and abortion symbolized the dark and destructive communist past. Mršević, on the other hand, takes up both Milošević and restrictive abortion laws in order to project a future even darker than the present. While Grković sees in Milošević a communist and hence anti-nationalist, Mršević uses the new abortion law to portray him as a nationalist.

A response to Grković's article came from another prominent feminist and the mother of three, Nadežda Ćetković's. She accused the author of misogyny and the text itself as an incoherent jumble that should not have been published, because the statements it contains are stupid and dangerous. She stated that »abortion is neither genocide nor infanticide (...) but a legitimate method of birth control«.²² Challenging this right undermines »women's human rights and goes against existing laws in FR Yugoslavia. These rights and laws are protected by the United Nation's Convention and by the Constitution of this country«.²³ – In response to Grković's indirect defence of the rights of the foetus, Ćetković, together with other feminists, puts forward an old liberal feminist argument: »It is ridiculous to treat the foetus' and woman's rights equally – it turns woman into an incubator«.²⁴

This approach, however, makes the feminist position vulnerable to criticism because »(t)he individual-right-to-choose argument unwittingly reinforces the powerful rhetoric of antifeminism (...) By definition, rights pertain to every individual. The foetus as a person or a potential human has a right to life, to be protected by the government. This sets up a conflict of competing rights (...) and the debate is framed as a clash of absolutes«.² For that reason some feminists in the west moved »from the idea of rights to the idea of reproductive freedom«.²6

It is argued that the concept of reproductive freedom has the advantage of being applicable to individual women, as well as to women as a group. In addition, freedom entails the concern for a set of women's needs including those related to social relations of reproduction with access to abortion being one of them.²⁷

Indeed it is not difficult to argue that safe, legal, medical abortion is even more than a need for women in Serbia. It is a necessity which comes about as a result of unequal gender power relations in general and unequal social relationships of sexuality and reproduction in particular. Ćetković, however, like the other Serbian feminists based her pro-choice arguments on the liberal ideology of women's rights. Her final blow to her Christian opponent, however, came

in the form of a reminder that the ideas he professed had originated in the Catholic Church and the USA, both viewed as agents of anti-Serbian conspiracy by the nationalists.

For all the participants in the abortion debate it served as a forum for contesting the existing and projecting a more desirable social and political order. For feminists and their Christian opponents alike, the proposed abortion law was a metaphor of Milošević's rule. For feminists it symbolized an undemocratic, totalitarian regime. For Grković it symbolized a continuation of not only socialism, but also of communist and fascist conspiracy against the Serbian nation which, according to him, had resulted in its biological, moral and spiritual degradation.

While for Grković the liberal abortion law stood for a retrograde society and degraded nation, for feminists the proposed restrictions symbolized the future that was to come as a result of the regime's politics. At a broader level the polemic was yet another expression of irreconcilable differences among various actors on the political scene in Serbia. While most of them were critical of the regime, their criticisms were based on opposing ideologies and projections of society. Like in unified Germany, the abortion discourses in Serbia in the 1990s were »(a) key conceptual element in both forms of post-socialist discourse (...) the definition of democracy and its relation to reproductive politics«.²⁸

Abortion legislation, in a way, illustrates how citizens of eastern European counties have experienced new democracies, politically. In Poland, Hungary and Serbia, public opinion was predominantly against banning or restricting the existing laws. Still all three parliaments passed laws which went counter to the popular view. The same paradox between the ideology of democracy as the rule of the majority and the reality of party-dominated political life exists in most western democracies. Unlike the western societies, the eastern European ones have not had enough time to create myths, which would help reconcile the paradox, to paraphrase Henry Levi-Strauss. That is why reformed communist parties won the second parliamentary elections in many eastern European countries. By giving their votes to the former communists, the citizens of these countries expressed, among other things, their disappointment with representational democracy. The G.D.R. citizens imagined democracy as something other than a clash of parties and party interests. The abortion decision thus became emblematic of the democracy deficit and this welficit was felt in almost all other areas of political and social life, throughout post-socialist eastern Europe.

Men's Rights and the Nation's Rights

Some legal commentators in Serbia, however, focused on different aspects of the new abortion law and joined the religious leaders in addressing the issue of not only the right to life, but also the rights of men and national collectivity, opposing these rights to women's rights.

Personal autonomy is not an absolute right and it can be exercised only as long as it does not interfere with the rights of others. And others (in this case) are the commu-

nity, the men (and) the unborn child. We cannot discuss the population replacement as an issue related only to (individual) human rights and freedoms.³²

The order of priorities here is not incidental. Abortion threatens first, the survival of the community i.e. the nation, second, men's rights to offspring, and only thirdly, the right to life of the unborn. All three, however, have been overpowered by women.

Discussing the question of when life begins, which in many legal systems serves to determine the gestation period during which abortion is available on request, Ponjavić takes the position that life begins at conception and that the foetus' rights should also be protected. While elaborating his position, the author not only defines "biology as women's destiny" but also argues that this "destiny" should be reinforced by (human) laws.

The mother offers a sanctuary, warmth and food to this (new) life, because such are the laws of nature. Why then, (should) we hesitate to impose on a woman (the mother) the respect for life of the conceived child (which would be) an expression of a general duty of all to protect life of others.³³

Taking up the legal status of the father Ponjavić claims that »the rights of men are completely neglected«,³⁴ and while defending the interests of the community, he argues that »in these times of transition we have to search for a new balance between the respect for human rights and freedoms, on one hand, and for a social project aimed at increasing the number of births, i.e. at decreasing the number of terminated pregnancies, on the other«.³⁵

While the pro-life discourses in the west are embedded in the rhetoric of universal, individual, human rights (including that of a foetus), the anti-abortion discourses in Serbia were primarily concerned with the collective rights, or the survival of the nation. As the analysis above shows, even religious leaders in Serbia were superimposing the national survival to the right to life in their arguments against abortion. For that reason, I distinguish between the prolife and anti-abortion discourses. Save for Bishop Vasilije, the creator of the bill for banning abortion in Republika Srpska, almost no one else really argued that abortion should be banned. More than a few, however, did call for sharp restrictions in the existing law, primarily in order to prevent the alleged dying out of the nation.

The pro-choice feminist discourses, on the other hand, framed by the rhetoric of women's rights, freedom and autonomy, were embedded in the liberal political ideology and strongly antinationalist. The expert's pro-choice arguments focused on the issues of women's and public health, and espoused a broad spectrum of political ideas from very conservative, nationalist, to ultra liberal. Only a few experts, however, regardless of their political inclinations, failed »to claim (that they) >know better<<a href="mailto:know better<">know better<<a href="mailto:know better<">know better<<a href="mailto:know better<a href="mailto:know better<">know better<<a href="mailto:know better<a href="mailto

Conclusion

The abortion debate in Serbia began and unfolded as an argument between the Orthodox clergy and feminists, while both were (re)appropriating space on the political and social scene. Unlike in Hungary, where feminists had a marginal role in the abortion debate, or Germany and Poland, where it created divisions in the feminist movement, in Serbia, feminists had a prominent role in the debate. Moreover, the abortion issue served as a centrifugal force for the feminist movement rather than a point of division. As in other post-socialist countries, however, the debate did not mobilize larger numbers of women.

Other participants in the debate in Serbia were experts from various fields (cf. demography, medicine and law) and members of newly formed, small and often obscure political and religious organizations (for example the Christian-ecological movement).

Like in other places (cf. Hungary, Poland) all the participants in the abortion debate in Serbia used it as a forum for addressing broader social/political issues. Approached from this angle, discourses on abortion appear to be a commentary on society and the state, their past, current and future relationships, and about the nation. In as much as the debate was about abortion, it was about demography and public health, about women and gender, with men being conspicuously absent.

Men were only rarely mentioned in relation to abortion, and even then they would be assigned a passive role or that of a victim of women's power to decide on their own. Women having abortions were presented either as selfish egoists; as victims of their own ignorance while holding on to traditional values and behaviour; or as victims within the hierarchically organized gender relations of power.

There were few common denominators of the abortion debate in Serbia. First, abortion was perceived as a measure of women's autonomy and as a symbol of their emancipation; second, high abortion rates were linked directly to the low birth rates; finally abortion was represented as women's method of choice. These denominators had different meanings for various participants in the debate, but they were not disputed as such. All of them, however, are a legacy of the socialist abortion politics.

Throughout the 20th century, abortion had been simultaneously liberalized and prosecuted by most totalitarian regimes and criminalized by some of the longest standing democracies in Europe. For that reason it could be treated as a prerequisite and as a symbol of democracy by feminists, and as a symbol of totalitarian regimes in the anti-abortion campaign of the 1990s in Serbia.

Notes

See Eva Maleck-Lewy and Myra Ferree, Talking about Women and Wombs: The Discourse of Abortion and Reproductive Rights in the G. D. R. During and After the *Wende*, in: Susan Gal and Gail Kligman, eds., Reproducing Gender: Politics, Publics and Everyday Life in Socialism, Princeton 2000, 92-118.

- 2 Vojislav Šešelj, the leader of the Serbian Radical party, is charged with war crimes committed during wars in Bosnia and Croatia in the 1990s and is currently awaiting a trial in the Hague.
- 3 New Democracy later left this coalition and joined the opposition coalition which toppled Milošević in the 2000 Presidential and Parliamentary elections. The leader of the New Democracy is currently Serbia's Minister for Interior Affairs.
- 4 See Robert Thomas, Politics in Serbia in the 1990s, New York 1999.
- 5 Slobadanka Konstantinović-Vilić, Nevena Petrušić, u Vesna Nikolić, Pravo na abortus zakonodavstvo i praksa, u V. Nikolić-Ristanović, ur., Ženska prava I društvena tradicija u SRJ, Beograd 1997, 17-36.
- 6 NIN, February 17, 1995.
- 7 NIN, February 24, 1995. Unlike the author of the initial article who does not have children and is not married, Ćetković is a mother of three. This fact served to fortify and give moral justification to her argument. In Serbia, like in other patriarchal societies, women's public roles are premised on their nurturing roles, particularly on motherhood. This prerequisite is even more prominent in political struggles over reproduction. Needles to say, parental status of men engaged in abortion/demographic debates in Serbia was rarely questioned.
- 8 NIN, March 24, 1995.
- 9 NIN, December 30, 1994.
- 10 The history of legal abortions is relatively short and haphazard. Abortion was first legalized in the USSR, right after the October revolution, only to be criminalized by Stalin in 1930s. It was legalized again in the 1950s after Stalin's death, and other socialist states followed suit. Almost all socialist states, however, revised their abortion laws in the 1970s introducing some restrictions. The most drastic example was Romania under Ceausescu, where abortion was banned. Yugoslavia, however, had uninterrupted liberal legislation between 1950s-1990s.
- 11 NIN, December 30, 1994.
- 12 Joyce Outshoorn, The Stability of Compromise: Abortion Politics in Western Europe, in: Marriane Githens and Dorothy McBride Stetson, eds., Abortion Politics: Public Policy in Cross Cultural Perspective, New York and London 1996. 145-165.
- 13 NIN, December 30, 1994, 24.
- 14 The new law grants a free access to abortion upon a women's request up until the end of the first trimester (10 weeks) of gestation,
- 15 Mirjana Rašević, Ka razumevanju abortusa u Srbiji, Beograd 1993.
- 16 NIN, February 24, 1995.
- 17 Ibid.
- 18 In 1989, for example, there were 193.800 legally induced abortions in Serbia. With live births of 145.00, the abortion ratio (number of abortions per 1000 live births) for this year was 1,338. See Nila Kapor-Stanulović and Henry David, Former Yugoslavia and Successor States, in: Henry David, ed., From Abortion to Contraception: Resources to Public Policies and Reproductive Behavior in Central and Eastern Europe from 1917 to the Present, Westport, Connecticut and London 1999, 293-315.
- 19 See Helen Paxon, Rationalizing sex: family planning and making of modern lovers in urban Greece, in: American Ethnologist 29/2 (2002), 307-334; Miriana Morkokvašić, Sexuality and Control of Procreation, in: Kate Young, Carol Wolkowitz and Roslyn McCullagh, Of Marriage and the Market: women's subordination in international perspective, London and Boston 1984, 127-143.
- 20 Ibid.
- 21 This negative image of feminism was rather widespread throughout the socialist world (on Czechoslovakia see Alena Heitlinger, Marxism, feminism, and sexual equality, in: Toya Yedlin, ed., Women in Eastern Europe and the Soviet Union, New York 1980; on Poland see Eleonora Zielinska, Between Ideology, Politics and Common Sense: The Discourse of Reproductive Right in Poland, in: Gal and Kligman, Gender, as in note 1, 23-58; on the DDR see Barbara Einhorn, Socialist Emancipation: The Women's Movement in the German Democratic Republic, in: Sonia Kurks, Rayna Rapp and Marylin B. Young, eds., Promissory Notes: Women in the Transition to Socialism, New York 1989. It was produced by the official communist ideology and widely accepted across the society.
- 22 NIN February 24, 1995.
- 23 Ibid.
- 24 Staša Zajović, in: Politika, March 3, 1993, 16.

- 25 Dorothy McBride Stetson, Feminist Perspectives on Abortion and Reproductive Technologies, in: Githens and McBride Stetson, Abortion, as in note 13, 211-225.
- 26 Ibid.
- 27 Ibid.
- 28 Maleck-Lewy and Ferree, Women, as in note 1.
- 29 See Eleonora Zielinska, Recent Trends in Abortion Legislation in Eastern Europe, with Particular Reference to Poland, in: Criminal Law Forum 4 (1993), 39-47.
- 30 A reference is to the decision of the parliament of the unified Germany which passed one of the most restrictive abortion laws in Europe (save for Ireland and Luxemburg) in 1992, despite sharp public criticism that was voiced by many political actors, as well as the general public in the eastern part.
- 31 Maleck-Lewy and Ferree, women, as in note 1.
- 32 Zoran Ponjavić, Pravo na prekid trudnoće, in: Miodrag Draškić, ed., Aktuelni pravni problemi u medicini, Beograd 1996, 53-72.
- 33 Ibid.
- 34 Ibid.
- 35 Ibid.
- 36 Susan Gal, Gender in the Post-socialist Transition: The Abortion Debate in Hungary, in: East European Politics and Societies 8 (1994), 256-286.