

The Discourse and Control of Reproduction in Communist and Post-Communist Romania

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This article analyzes the prevalent discourse and policies in the field of reproduction in Romania starting with the 1966 ban on abortions and culminating with recent public statements and proposed regulations. It will argue that the severe control on women's bodies exercised during the communist regime was primarily motivated by nationalist ethos and traditional attitudes towards sexuality. Meanwhile, contemporary political discourse and proposed measures are often shaped by a mixture between nationalist and conservative ideology. The ethnic dimension of these doctrines is also being discussed in the paper, as well as the social impact of the regulation of reproduction upon gender relations.

I. Introduction

This paper explores the evolution of discourse and policies regulating reproductive behavior in Romania during the communist period and afterwards. The question it aims to answer is: "Which were the main arguments for regulating reproduction presented in the discourse on the topic, and is there any difference between these arguments before (1966-1989) and following the collapse of communism, in contemporary discourse (2010-2013)?" The main thesis of the paper is that the discourse on abortion is based on two main axes. First, both during the communist period, and after the transition to democracy the dominant discourse regarding reproduction was of nationalistic

orientation, regarding giving birth as a "patriotic act". Up to the fall of communism, abortion was prohibited for the collective goal of increasing the population, which was equated with a strong nation. After the regime change, nationalist tendencies inherited from the previous period were mixed with elements of neo-conservative influence. This ideology equates abortion with murder, and emphasizes personal responsibility for reproduction. It claims that abortion can be forbidden based on the right to life of the unborn fetus.

The first part of the paper analyzes the regulation of reproduction in communist Romania, following Decree 770/1966 until the revolution of 1989. It features speeches and regulations as well as the social reaction to Decree 770. The second part refers to the post-transition period (2010-2013), analyzing the contemporary political discourses which reflect the societal and demographic consequences of repealing the decree immediately after the fall of communism. This period selected for analysis, has been chosen for two reasons. First, there were no significant developments in this area in the beginning of the transition, after the lifting of the abortion ban. Secondly, this time gap (1989 - 2010) allowed for a full reflection on the long-term consequences of the previous regime's intense control of reproduction, as well as for political responses to the current social context.

Through discourse analysis, the paper discusses the main features of nationalist and neoconservative discourse, providing a grid for analysis which can be further used in other contexts. In terms of data, the paper analyzes demographic statistics, the key regulations in the field of reproduction and childcare as well as public statements of prominent politicians on these topics.

The paper first presents the key elements of the nationalist and neoconservative discourses and attitudes on reproduction. It thus provides a grid for analysis which can be further used in other contexts. Then, the paper employs demographic statistics, analyzes laws regulating reproduction and childcare and political speeches on these topics through the lens of these concepts.

II. The post '66 communist period

The literature on the regimes existent in Central and Eastern Europe between 1945 and 1989 names them in several ways. Different authors call these regimes either communist, or state-

socialist or real-existing socialism. All these terms are used to denominate the political organization of the Central and Eastern European Countries. On the other hand, the discourses that politicians in power employed to legitimate their rule varied dramatically. A properly communist or Orthodox Marxist discourse echoed the official canonization of Lenin's interpretation of the works of Karl Marx. It featured highly the theory of history, which claimed that the Communist party was entrusted with leading each country through the intermediary phase of socialism, to the bright communist future, one of significant material abundance. The rule of the party was legitimated through its historical mission. On the other hand, the orthodox Marxist discourse was complemented and at times, supplemented, by the nationalist discourse. This had the ethnic nation as a lynchpin and saw its aggrandizement in competition with other nations (or citizens of another ethnicity) as the goal. Thus, the ruling parties legitimated themselves by their coordination of the efforts towards this goal. Romania represented a particularly interesting case of a blend of orthodox Marxism and ethnic nationalism, culminating with a cult of personality which presented Nicolae and Elena Ceaușescu as both embodiments of best of Romanian history and as leaders towards the glorious communist future.

The article will employ the term communist or state-socialism for the regime existent in Romania between 1945 and 1989 and nationalist for its discourse during the rule of Ceaușescu. Concerning the regulation of abortion, no orthodox Marxist arguments were offered, especially because they would recommend its liberalization.

1) Theoretical background

The literature on nationalism has differentiated between ethnic nationalism and civic nationalism. Ethnic nationalism aims for a political community composed of citizens who share a common ancestry, language and religion. It is especially problematic for minorities, be they ethnic, linguistic or religious, who are not seen as properly belonging to the nation. On the other hand, civic nationalism opens membership to anyone "residing in a politically defined territory"¹. Ethnic nationalism is particularly interested in gender roles, imagining and idealized past, in which

¹ Leslie King (2002) "Demographic trends, pro-natalism and nationalist ideologies in the late twentieth Century", *Ethnic and Racial Studies*, 25:3, pp. 367-389.

traditional gender divisions exist and where women are relegated to the “role of mothers and guardians of cultural identity, symbolizing stability in the face of change”².

Žarkov has shown that the nationalist discourse frequently employs engendered feminine symbols to depict the nation as a wife or mother³. This narrative emphasizes the conservative ideal of gender norms, and places the patriarchal family at the core of the social organization, the former shaping the latter. Within this structure, women’s role is primarily related to child bearing and child-rearing, and is best performed in the private sphere, within the family, while denying them any meaningful role in the public life⁴. Meanwhile, men are responsible for deciding on the key political issues and defending the nation. In such a gendered representation of the nation, “the family is the best place to foster the ‘moral cleanness and willingness to sacrifice’ necessary for [its] survival and growth”⁵.

Vojvodic has analyzed the public discourse related to the instrumentalization of women during the armed conflict in former Yugoslavia. She emphasizes the “gendered construction of the nation” as originating from a woman; identifies the gendered factors for ethno politic resentment through woman as traitor, and its “gendered consequences of ethno political violence through woman as victim”. In order to express the “dependence” of the Yugoslav women, Vojvodic also cites the view of the man as analogous to “a political party” and woman comparable to the “country over which the party exercises its power”⁶.

Another example, coming also from the post-Yugoslav space is offered by Wendy Bracewell. She discusses the radical reversal of gender roles which took place in Serbia around the period of the break-up of Yugoslavia. As ethnic nationalism was used as the lynchpin of political mobilization,

² King (2002) “Demographic trends, pro-natalism”

³ Dubravka Žarkov (1995) “Gender, Orientalism and the History of Ethnic Hatred in the Former Yugoslavia” in Helma Lutz, Ann Phoenix and Nira-Yuval Davis (eds.), *Crossfires: Nationalism, Racism and Gender in Europe*. London: Puto Press, p. 113.

⁴ Carol S. Lilly and Jill A. Irvine (2002). ‘Negotiating Interests: Women and Nationalism in Serbia and Croatia, 1990-1997’ in *East European Politics and Societies*. 16:109, pp. 111-112.

⁵ Lilly and Irvine, “Negotiating Interests: Women and Nationalism in Serbia and Croatia”, p. 112.

⁶ Nastasja Vojvodic, “Gender Discourse and Ethnic Nationalism: The Case of Yugoslavia”, p. 4, https://www.academia.edu/1644292/Gender_Discourse_and_Ethnic_Nationalism_The_Case_of_Yugoslavia, Accessed 15.12.2013

Serbian women were affected. From the official policy of gender equality practices under Tito, the discourse changed to conceptualize women as “mothers of the nation”. Especially, it was claimed that Serbian women are shirking their duties to the country and allowing the Kosovar Albanians (who had much higher birth rates) to “squeeze” the Serbs out of Kosovo. Communism and individualism were blamed for making women believe they could be equal to men and avoid motherhood⁷.

2) Public discourse and policies regarding reproduction

An extensive literature has been written on the ban on abortions instituted by Decree 770/1966. Most authors focused on the horrors of the Ceaușescu regime or on population growth, while less attention has been paid to the discourse supporting it. Both the language and the official implementation of the decree were an expression of a civic form of nationalism. The law did not distinguish between ethnic groups in Romania, and there is no evidence to suggest otherwise. (As will be seen below, the relatively scarce data does not show an overrepresentation of Hungarian or Roma women among those who received legal abortion easier.) Nevertheless, Ceaușescu’s justifications of the Decree point to a degree of ethnic nationalism. Given that the regime was also undertaking ethnic assimilationist policies, Ceaușescu’s emphasis on a numerous population could be understood as implying a nation of many (ethnic) Romanians.

In September 1966 when the banning of abortion was first discussed at the top levels of the Romanian Communist Party, doctors were invited to give their opinion. They expressed reservations, but these were easily dismissed by Ceaușescu himself. He argued that a 14.6 per thousand inhabitants was an unacceptably low birthrate and that something has to be done to restore it. Moreover, he stated that collectivist goals of a numerous nation trumped individualist claims by women to liberty. He rejected the arguments of the National Council of Women (a mass organization of women, supervised by, but outside the Communist Party itself) which claimed that liberalizing abortion had been a significant achievement. Nevertheless, Ceaușescu considered that the 1957 decree liberalizing abortion had been an „antinational measure” which had done “much damage”. He concluded that “everybody must understand, men and women alike, that the problem

⁷ Wendy Bracewell (1996), “Women, motherhood, and contemporary Serbian nationalism”, *Women’s Studies International Forum*, 19: 1–2, pp 25–33.

of raising the birthrate is a duty for each citizen of the country and that liberty must be understood as the responsibility each has for the future of the nation”⁸.

The ban on abortions was established by Decree 770/1966. It stated that abortion was illegal unless: “1) the pregnancy was endangering the woman’s life 2) one of the parents was suffering from a hereditary disease 3) the pregnant woman was severely physically or mentally disabled 4) the woman was older than 45; 5) the woman had given birth to four children and is taking care of them 6) the pregnancy was the results of rape or incest”⁹.

The Romanian example of intense pro-natalist policy evades the traditional legal debate between the right to life and the right to choice. The widely encountered contemporary argument against abortion, results from “juxtaposing the civil rights of the pregnant woman with those of the *unborn child*”¹⁰ (emphasis added). This rationale did not play any role in Ceaușescu’s decisions to outlaw abortion on demand. While the final goal was to stimulate population growth, for the regime, the policy was also branded as one contributing to women’s empowerment, not in the detriment of their independence. Every year, on International Women’s day - reinterpreted by the regime as “Mother’s day” - Ceaușescu would pay special homage to women’s contributions to the nation. This contribution was centered, but not limited, to their maternal role. They were encouraged to have four or more children order to achieve the national population target of 25 million by 1990¹¹.

According to Keil and Andreescu, the pro-natalist policy of the Ceaușescu regime was puzzling to Western academics and observers who expected post-war economic recovery to be associated with a decline in birthrates and an increase in human welfare. Yet, in the view of the two authors, the communist planners followed an “essentially Physiocratic” way of thinking. They

⁸ The Presidential Commission for the Analysis of the Communist Dictatorship in Romania, Final Report, Bucharest, 2006, http://www.presidency.ro/static/ordine/RAPORT_FINAL_CPADCR.pdf

⁹ Decree 770/1966, Official Gazette, <http://www.comunismulinromania.ro/Legislatie-comunista/1966-decret-770-intreruperea-sarcinii.html>, Accessed 15.12.2013

¹⁰ Amar Jesani and Aditi Iyer (1993) “Women and Abortion”, *Economic and Political Weekly* 28: 48, 2591-2594, p. 2591.

¹¹ The Presidential Commission for the Analysis of the Communist Dictatorship in Romania, Final Report, Bucharest, p. 412

believed a large population was the solution for reducing labor shortages, for creating a large military and for offsetting an aging population¹².

Ceaușescu's over-preoccupation with obtaining a large sized population was mainly rooted in a brand of "right" political ideology which was a component of the regime. By democratic standards, opposition was virtually inexistent in communist Romania; therefore the values of the "right" were not officially represented by the Party. However, the Romanian type of communism under Ceaușescu departed from Marxist orthodoxy and even from the Moscow-model. Ceaușescu had his own version of communism combined with strong nationalism, which advocated the greatness of the Romanian people and their culture, history and pure ethnicity. As citizenship was defined in terms of ethnicity, and the Romanian "blood" had to be carried on into the "glorious future of popular proletariat" women happened to play an important role in this process. Hence, right-wing ideas were present in the ideological mix of the Ceaușescu regime. It is this source of Ceaușescu's doctrine, which placed family and motherhood at the core of the Romanian nation.

This vision then translated into the regime's opposition to abortions, contraception, homosexuality, and even abstinence, thus exercising pressure on both men and women to conform to the "compulsive heterosexuality" and mandatory parenthood. According to Articles 200 of the Romanian Penal Code, homosexuality had been classified as "socially deviant behavior"¹³ and legally sanctioned. Otherwise said, "heterosexuality, as a cultural (and political) norm engaged men and women in the reproduction of the family"¹⁴. Sex education lessons were offered to employees in state enterprises, in view of the state interest in reproduction. As part of this program, people were offered "instructions about *normal* sexual relations"¹⁵ (emphasis added). It was presumed and stated as a fact that "non-sexually active adults would fall victim to psychological conditions such as depression and anxiety"¹⁶, while somewhat similar health risks were considered to be posed by the

¹² Thomas J. Keil and Viviana Andreescu, "Fertility Policy in Ceaușescu's Romania", *Journal of Family History*, 1999, 24: 478, 478-492

¹³ Gail Kligman, *The politics of duplicity: Controlling Reproduction in Ceaușescu's Romania*, Berkeley, University of California Press, 1998 p.143.

¹⁴ Gail Kligman, *The politics of duplicity*, p.148.

¹⁵ Gail Kligman, *The politics of duplicity*, p.143.

¹⁶ Gail Kligman, *The politics of duplicity* p 143.

practice of *coitus interruptus*. In addition to the latter practice, the calendar method and abstinence were the only widespread contraception methods available to all citizens.

Under Romanian state socialism, the family was considered to be the “basic social cell” and therefore an ideal to which each and every citizen should aspire to. By the nature of their body, as well as of the traditional division of labor in addition to compulsory employment, women were, to a much larger extent victims of the pro-natalist policies. In addition to the permanent scrutiny upon their bodies, negative experiences with botched abortion procedures, and sometimes death, emphasizing motherhood as women’s primary mission “reinforced the already strong patriarchal values of Romanian society. This contributed to their continued subordination to men in the household and in the larger society”¹⁷.

Ceaușescu's nationalism could suggest that the ban on abortions would treat women of different ethnicities differently, either formally or informally, by granting them differentiated access to abortion. However, there is no clear evidence to support either top –down instructions in this regard, nor statistical data showing such a pattern¹⁸. On the contrary, annual reports on the number of abortions country-wise revealed that rate was “significantly below average” in the Harghita County (where ethnic Hungarians are the majority population)¹⁹. Moreover, statistic data from 1979 on legal abortions from medical causes revealed that women of Romanian ethnicity had 93.3% of the total number of procedures, while, Hungarian and “Gypsy” (Roma) women had 5.6% respectively, 3%²⁰. Thus, we could conclude that, the prevalent discourse on reproduction is best characterized by ethnic nationalism, while the laws and regulations in practice would support a civic type of nationalism.

3) Social context

¹⁷ Keil and Andreescu, “Fertility Policy in Ceaușescu's Romania”, p. 489.

¹⁸ The Presidential Commission for the Analysis of the Communist Dictatorship in Romania, Final Report, Bucharest, p. 521.

¹⁹ The Presidential Commission for the Analysis of the Communist Dictatorship in Romania, Final Report, Bucharest, p. 521

²⁰ The Presidential Commission for the Analysis of the Communist Dictatorship in Romania, Final Report, Bucharest, p. 521

In 1966, Romania was experiencing a severe drop in birthrates, which was characteristic for many European countries. By the mid 1950's, the birth rate in Romania was approximately 25 per 1,000 persons, following a sharp and gradual decline until reaching the number of 14.3 in 1966. Meanwhile, the death rate had only decreased from 22.0 in 1947, right after the war to 8.1 in 1964²¹. It is important to note that within this period of time, both contraceptives could be found on the market and abortion on demand was available since 1957²². Methods of avoiding or terminating and unwanted pregnancy were soon held responsible by the Ceaușescu regime (1965-1989) for standing in the way of the “natural” augment of the Romanian people to his target of 25 million²³.

The regime placed no value on individual life and health, but only on the overall numbers. While great importance was placed on the need for the creation of new life, the preservation of already existing life carried very little weight. “Dystrophy, characterized by inadequate nutrition...was among the principal causes of infant death, representing 33.1 deaths per 1000 live births; its increased incidence has also been linked to maternal malnutrition”²⁴. The same could be applied in the case of soon-to be born life - the situation of pregnant women who did wish to give birth. “The absence of adequate nourishment for pregnant mothers may have contributed to the number of premature births which in 1989 constituted 7.3 percent of all births”²⁵. This situation was, of course, contrary to the official propaganda and official “public opinion” that chose to record only the normative aspects of “blissful maternity” at the detriment of stating the existing state of affairs. Overall, in 1989 Romania “had one of the highest infant mortality rate in Europe and the highest maternal mortality rate in Europe”²⁶.

²¹ Statistic annual bulletin of the Romanian Socialist Republic, p. 23.

²² William Moskoff (1980), “Pro-natalist Policies in Romania”, *Economic Development and Cultural Change*, 28: 3, 597-614, p. 598.

²³ Guttmacher Institute (1980), “Romania Raises Birthrate by Restricting Abortion, Birth Control Access” *International Family Planning Perspectives*, 6:1, 36-37.p 36.

²⁴ Gail Kligman, *The politics of duplicity*, p. 141.

²⁵ Gail Kligman, *The politics of duplicity* p. 141.

²⁶ Gail Kligman, *The politics of duplicity* p. 147.

Despite its self-proclaimed communist character, the regime's strong control of reproduction had a disproportionate effect upon working-class women. The main reason for the death of so many women was their desperate attempt to seek illegal abortions which led to health complications. As one of the doctors interviewed well pointed out "those [women] unable to pay for the medical expertise – that is, working class women or housewives – accounted for the majority of maternal deaths. Intellectuals who died as a result of an abortion were few in number"²⁷. Operations carried on by untrained personnel or performed without the adequate instruments – which were not easy to reach as they were closely supervised by the police – often resulted in health complications for women.

The precarious socioeconomic condition of most citizens, contributed to the perceived illegitimacy of the abortion ban and a certain degree noncompliance. However, as many of the gynecologists interviewed declared: "doctors tried to help women, but no one would risk his or her own life... those who continued to do it [after having been arrested] do so for profit". Accounts have also revealed that those women who were themselves – or had family members - in the Communist Party or otherwise had the necessary connections and financial resources could generally obtain a safe abortion performed by a doctor or a medical assistant²⁸. Other groups of women, who had their family support and who could manage to promptly obtain significant amounts of money required for the bribe, also had access to an abortion but often not performed by a person with medical training²⁹. Generally, abortions were performed in hospitals – under some alibi – or at the house of the doctor or other person hired to perform, if there was no time or room for finding a credible explanation³⁰.

Another way in which some doctors manifested their resistance to the pro-natalist policy of the state was through the masked communication of family planning information during the sex education courses they were required to deliver. This type of relative noncompliance was provided free of charge, but implied a significantly smaller risk for doctors. The state-provided sexual education courses strongly advocated against contraceptive methods (in addition to them not being

²⁷ Gail Kligman, *The politics of duplicity*, p.153.

²⁸ Gail Kligman, *The politics of duplicity*, p 190-191.

²⁹ Gail Kligman, *The politics of duplicity*, p. 182-194.

³⁰ Gail Kligman, *The politics of duplicity*, p. 189-194.

available on the market)³¹. Many doctors admitted to indirectly promoting ideas contrary to official guidelines when conducting these classes. Tacit resistance was a common practice, yet there were limits to what could be said, since they were always accompanied by “representatives from the prosecutor’s office, from the state police or [by] a party secretary”³². Yet, the manner in which instructions for a “normal” sexual life were presented allowed employees to obtain information which was relevant to them. For example, one doctor recounts that he would tell women “that if they wanted to have a child, they should have sexual relations during this recommended period” and that “they were not to douche or use weak vinegar solution or use contraceptive or spermicidal tablets”³³. Thus, women could easily deduce what could be done in order *not* to become pregnant.

In an attempt to increase the degree of application of the decree, the state had also tried to address the socioeconomic factors hindering reproduction. Accordingly, fiscal incentives both in favor of reproduction, as well as discouraging childlessness had been introduced. Since the beginning of 1967, families with children were granted allowances, in inverse proportion to their salary and higher with the birth of every living child. Another axis of classification was urban vs. rural³⁴, in which city life was considered more costly and this was reflected in the allowance. Additionally, women were also being granted various material compensations similarly to the general allowance, but also as “birth bonus” that was increased progressively. There were also state offered allowances and benefits for an extra family member, but they hardly matched the monthly expense of a child³⁵. Such benefits were mostly nominal and did not significantly increase the purchasing power, or standard of living of families, thus having a limited effect towards Ceaușescu’s goal of encouraging reproduction.

Additionally, tax disincentives for being childless were also established. Both men and women, over the age of 25 who did not have children, were progressively taxed regardless of their marital status. For salaries of under 2000lei citizens paid 10%, while those earning over 2000 owed

³¹ Gail Kligman, *The politics of duplicity* p 142.

³² Gail Kligman, *The politics of duplicity* p 152.

³³ Gail Kligman, *The politics of duplicity* p152.

³⁴ Gail Kligman, *The politics of duplicity*, p 72-73.

³⁵ Gail Kligman, *The politics of duplicity*, p. 74.

the state 20% in taxes³⁶. The only exceptions are people who have had children who died, certain invalids, and persons who marry someone who has children by a previous marriage”³⁷.

All in all, the ban on abortion and the lack of access to contraceptives did manage to delay the manifestation of the demographic decline in Romania, until the end of the communist period. The original impact of the prohibition of abortion was significant, but the effect was lower in later years. As Keil and Andreescu have shown, the policy was resisted as much as possible. According to their time-series study, whenever official controls were relaxed, the fertility rates dropped immediately. Conversely, when stronger controls were applied, the birthrate rose, but never to the same extent as the increases achieved by the initial introduction of the policy³⁸. For example, the birthrate increased immediately after 1966, reaching 27.4 births per thousand in 1967 and 26.7 in 1968, after a low of 14.3 in 1966. Yet, between 1980 and 1989, the birthrate oscillated between 18 and 19 births per thousand³⁹. Fertility rates (the average number of children per woman) rose to about 3.00, after oscillating around 2.26 between 1956 and 1966. Between 1984 and 1989 it was 2.29. As a comparison, immediately after the collapse of the communist regime, it plummeted to 1.42⁴⁰.

The rate of legally obtained abortion (under a real of false pretense) was also an indicator of the relative failure of the illegitimacy of the policy. According to the statistics provided by the Ministry of Health, the rate of abortions per 1,000 live births increased significantly between 1970 and 1980 and subsequently declined in 1989. After 1989, it reached a peak in 1990⁴¹. Thus, in 1970,

³⁶ Decree no 1086/1966 –“Increasing taxes for Childless people”, Official Gazette, <http://www.legex.ro/Decretul-1086-1966-371.aspx>, Accessed 14.12.2013

³⁷ William Moskoff “Pronatalist Policies in Romania”, p. 605.

³⁸ Keil and Andreescu, “Fertility Policy in Ceaușescu's Romania”, p. 480.

³⁹National Statistics Institute, The Evolution of birth and fertility in Romania
http://www.insse.ro/cms/files/publicatii/Evolutia%20natalitatii%20si%20fertilitatii%20in%20Romania_n.pdf, Accessed 13.12.2013.

⁴⁰ Keil and Andreescu, “Fertility Policy in Ceaușescu's Romania”, p. 483.

⁴¹ Mediafax, “The Ministry of Health: It would be useful if physicians advise women who want to have an abortion”,
<http://www.mediafax.ro/social/ministerul-sanatatii-ar-fi-util-ca-medicii-sa-consilieze-femeia-care-doreste-sa-faca-avort-9500741>, 13.12.2013.

684.7 abortions per thousand live births were recorded; in 1980 the rate increased to 1035.6, reaching in 522.5 in 1989, and rose to 3152.6 in 1990, right after the legalization of abortion on demand.

III. The post-'89 period: consolidating democracy (2010-2013)

1) Theoretical background

A crucial ideological element which defines American conservatism is its close association to religion, either protestant or catholic. According to Bibbee and Viens, conservatives trace their genealogy to disillusioned Marxists of the 1940s and 1950s⁴². When abandoning Marxism, the initial neoconservatives looked to religion as an underpinning of their theories. Thus, they came to establish an ideology centered on a market constrained by moral-religious values. According to this ideology, technological innovation falls into two categories: that which furthers human welfare without interfering with God's plan for humanity and that which does. The first one is to be encouraged, while the second prohibited. In the neoconservative framework, technological innovation and market practices should show a reverence for God's plan and should not abuse the freedom of choice which God gave to humans. Abortion and in vitro sterilization are definitely such technologies⁴³.

Similarly to Bibbee and Viens, Wendy Brown analyzed the, not always functional, alliance between neo-conservatism and neoliberalism. While the latter glorifies the market and believes the outcomes of a free market are not only natural but normatively desirable, the former wishes to employ state power for achieving moral-religious aims. Neoliberalism, according to Brown, wishes to extend market mechanisms to all spheres of life and judges an individual's success as the ability to care for himself, either as welfare recipient, medical patient or university student. On the other

⁴² Jeffrey R. Bibbee & A. M. Viens (2007) „The Inseparability of Religion and Politics in the Neoconservative Critique of Biotechnology”, *The American Journal of Bioethics*, 7:10, pp 18-20.

⁴³ Bibbee and Viens, „The Inseparability of Religion and Politics”

hand, Brown cites Fukuyama, who defines neo-conservatism as the “possibility of linking power and morality”. Morality, of course, is defined in religious terms. Neo-conservatism opposes such policies as affirmative action, poverty reduction and integration and looks to older social patterns, where women were relegated to cooking and caring for children while men took on “the burden of manliness”⁴⁴.

Fertility and reproduction has been a staple of neoconservative discourse. It aims to promote „family values” and relatively large families, but only for the middle class population. In situations in which a generally poorer racial minority exists, it is required that its reproduction be controlled. Because neoconservative ideas center on the market and individual responsibility, it is believed that only middle class individuals have a sufficiently high standard of living to raise children on their own. A study in the U.S. found that the reproduction of ethnic minorities is condemned. One object of fear was the „Black welfare mother”, which has been accused of „perpetuating social problems by transmitting defective genes, irreparable crack damage, and a deviant lifestyle to their children”⁴⁵. Another was the belief that Latina women were having many more children than white Americans and then using this to claim welfare benefits and to overuse public medical services, as opposed to working and paying private healthcare. As opposed to rational white women, discourse constructs Latina women as „irrational, illogical, chaotic, and, therefore, threatening”⁴⁶.

From the point of view of empirical research, several studies have shown that conservative attitudes are strongly correlated to opposition to abortion. In one particular study, the impact of several interrelated concepts on abortion attitudes was measured. Not surprisingly, it was found that those who are socially conservative believe that life begins at conception, are frequent churchgoers and support traditional gender roles (either separately or all together) are those most likely to oppose legalized abortion. On the other hand, people subscribing to an individualist, liberal or feminist ideology are most likely to support it⁴⁷.

⁴⁴ Wendy, Brown (2006), “American Nightmare: Neoliberalism, Neo-conservatism, and De-Democratization”, *Political Theory* 34: 690

⁴⁵ Leo R. Chavez (2004), „A Glass Half Empty: Latina Reproduction and Public Discourse”, *Human Organization*, Vol. 63:2

⁴⁶ Chavez, „A Glass Half Empty”, p 175.

⁴⁷ Joseph B. Tamney, Stephen D. Johnson and Ronald Burton (1992), “The Abortion Controversy: Conflicting Beliefs and Values in American Society”, *Journal for the Scientific Study of Religion*, 31:1, pp. 32-46.

As potential replies to neoconservative criticisms of biotechnology, including stem cell research and abortion, a progressive reply has been articulated. Firstly it centers on education and explanation of the crucial aspects of biotechnology, in order to rebut over simplistic definitions offered by neo-conservatives. It also aims to acknowledge the burden on women's well-being due to their being the primary caregivers and the suffering brought on the poor due to expensive medicine being protected by patents. Thus, informed individual agency as opposed to state sanctioned morality is seen as the proper way to defend from conservative critiques of abortion⁴⁸.

The theoretical framework presented above could be criticized for its limited applicability to the region, as it was developed in the United States to describe the reality there. However, as it will be seen, the influence of the neoconservative discourse in Romania has been tremendous. Neo-conservatism fared extremely well as a lens through which the communist past could be understood and condemned. It also served as a discourse of justification for the pro-market policies adopted in transition and for the reduction of social benefits, including childcare services and financial support. The discourse on abortion came as an offshoot of this prevalence.

2) Public discourse and policies regarding reproduction and childcare (2010-2013)

While there have been no significant initiatives aimed at restricting abortion, in the first twenty years following the 1989 Revolution⁴⁹, the predominant public discourse on reproduction in the post-communist period, continues to be characterized primarily by nationalist ideology. The Orthodox Church also condemned the voluntary termination of a pregnancy but did not advocate its outlawing. As demographic trends became more evident in the early 2010s, this has triggered a series of political stances and legislative proposals aimed at regulating reproduction.

⁴⁸ Kathryn M. Hinsch & Robin N. Fiore (2007) "Responding to Neocon Critiques of Biotechnology: A Progressive Agenda", *The American Journal of Bioethics*, 7:10, pp. 14-15.

⁴⁹ Ovidiu Voicu "Abortion: recognized right, morally rejected and widespread practice"
<http://www.soros.ro/sites/default/files/Romanii%20sustin%20dreptul%20la%20avort%20Analiza%20studiului.pdf>,
Accessed 05.03.2014.

The ethnic element which had been overshadowed by the communist assimilationist thinking has also become more evident in the post-transition years. This trend has been increasingly complemented by a conservatism of American inspiration, which includes religious morals, individual and family responsibility for reproduction, as well as the idea of the “undeserving minorities”. Romanian politicians relied on some claims grounded in conservative rationales, such as the over-use of public services by disadvantaged groups and ethnic minorities⁵⁰. The mixture between the Romanian type of ethnic nationalism and the conservative notion of the “underserving minorities” have also taken a new turn on the public discourse, especially in regard to the predominantly poor Roma population.

In terms of general attitudes, a 2011 survey⁵¹ revealed that most Romanians either support or are neutral to abortion, while only about one third would potentially support banning it. When asked if abortion on demand is morally acceptable when parents do not want the child, only 31% of Romanians firmly disagreed, condemning such action, half of the respondents were “neutral”, while the remaining about 20% agreed. Similar percentages apply with regard to the legal regime of abortion: 60% of respondents support the right to have an abortion; a similar 30% of the population believes abortion should be restricted on moral and religious grounds, while 10% have no opinion on the subject. While the percentage of conservative responses has been decreasing over the years, such attitudes are most prevalent among women, persons with low-income, low level of education and living in rural areas. At the opposite side of the spectrum, liberal approaches to abortion are more often held by persons with high incomes, high educational achievements, residing in large cities.

In this section, a series of public statements made and policy proposals formulated by politicians will be analyzed and discussed. The information was selected by monitoring the press releases of the National Council for Combating Discrimination (the main authority responsible for sanctioning cases of hate speech and discrimination) as well as by monitoring policy initiatives in the field of reproduction, after 2010. While not all discriminatory statements were selected for analysis (many were targeted against other groups), those including views on the role of women

⁵⁰ Chavez, „A Glass Half Empty”, 177

⁵¹ Ovidiu Voicu “Abortion: recognized right, morally rejected and widespread practice”
<http://www.soros.ro/sites/default/files/Romanii%20sustin%20dreptul%20la%20avort%20Analiza%20studiului.pdf>

and reproduction were chosen. Mostly made by prominent politicians, these statements reflect, to a wide extent, certain stereotypes and conceptions which society holds and which are reinforced.

One formulation of the economic argument of responsibility has been offered by President Traian Băsescu in 2010. He was aiming to justify austerity measures which implied a radical cut of parental allowance and a reduction in maternal leave. He appealed to the individual responsibility each has for their own children, deriding women who use public maternity benefits, as opposed to going back to work quickly after giving birth. Traian Băsescu declared in an interview with public television: "Lately I have noticed that Romania no longer has women, but mothers. It doesn't have children, but babies. This country has become a one of mothers and babies"⁵².

Yet, almost three years later, when the burden of justifying tough budgetary cuts was no longer on him, Traian Băsescu could afford to use nationalist rhetoric, pointing to women's patriotic duty to give birth, and the necessity of having a large and populous ethnically Romanian nation. While the two statements might not be contradictory (one can imagine a large nation coming about without any maternity benefits), the idea that women should give birth and raise children without any state support, just out of "patriotic duty" harks back to the policies of the communist regime.

In June 2013 President Traian Băsescu expressed his concerns regarding the current pace of population decline in Romania, which is estimated to reach 15 million inhabitants in 2030 (from 19 million in 2012). Moreover, Băsescu fears that the ethnic structure of the population will also change, as the Roma minority is, on average, more fertile than the majority ethnic group.

During a meeting organized by the magazine "Business Woman", Băsescu estimated that Romania will have only 15 million by 2030, which he labeled as "a huge loss", further amplified by the existence of the Roma minority, which is "extremely productive", according to the president. Our big problem is not the economic migration, which characterizes this process for Romanians at present, but the birth-rate. Thus he wonders: "How on earth can Roma women have five or six children, and [ethnic] Romanian women cannot?' Sure, the first is not a manager". Then adding: "I wouldn't want to ask how many of you have any children. Listen, I have been working hard to convince my daughters to have children, whether married or unmarried, 'Girls, have at least one child, after all it's a patriotic act". Well, eventually I managed to convince my younger daughter, but

⁵² Adevarul.ro "Traian Băsescu: "Romania has become a country full of mothers and babies", http://adevarul.ro/news/eveniment/traian-Băsescu-romania-devenit-tara-plina-mamicute-bebelusi-1_50ae2aaf7c42d5a6639a45c1/index.html, Accessed 14.12.2013

not the older one (...). I think giving birth is one of the key missions of women in Romania, which they should uphold. Please excuse me for saying this so bluntly.”

Romanian ethnic nationalism can be easily combined also with the mantra of the “undeserving poor” as can be seen in the statement of Rares Buglea, a local councilor of Alba-Iulia. He posted the following on his Facebook profile, in February 2013:

“It will be too difficult to enter the mindset and education there especially in my opinion, sex education I know that I will be criticized by false humanists, but I argue for the sterilization of Roma women, if after a first child, the social investigation concludes that they do not have the material conditions, or the intention to look after the child in decent conditions!”⁵³

He added that Roma women should not be allowed to give birth to their second or fifth child, while “collecting state welfare benefits”⁵⁴.

A relatively new situation for the regulation of reproduction in Romania occurred due to the legislative initiative of Marius Dugulescu. He was a former Baptist pastor in the U.S. and has a B.A. in Theology⁵⁵. While the Romanian Orthodox Church staunchly opposes abortion it has not attempted to influence regulation on the topic either during the communist period or after. On the other hand, Dugulescu has offered religious arguments, inspired directly by the American religious movement.

In 2012, the Romanian Parliament has discussed a “legislative proposal for the establishment, operation and organization of the Counseling for Pregnancy Crisis”⁵⁶. The initiative required that women seeking an abortion would have to first be counseled by professional

⁵³ Realitatea.net, 4.02.2013 “The shocking statement of a local Liberal politician ‘I support the sterilization of Roma women’ (Declarația Șocantă a unui lider local PNL: “Susțin Sterilizarea Femeii române”),

http://www.realitatea.net/declaratia-socanta-a-unui-lider-local-pnl-sustin-sterilizarea-femeii-rome_1105682.html, Accessed 14.12.2013

⁵⁴ The shocking statement of a local leader Liberal politician ‘I support the sterilization of Roma women’

⁵⁵ Hotnews.ro, Deputatul Marius Cristinel Dugulescu a demisionat din PDL si trece la PNL [MP Marius Cristinel Dugulescu resigned from PDL, passes to PNL], 20 April 2012, <http://www.hotnews.ro/stiri-politic-12044567-fostul-deputat-pdl-marius-cristinel-dugulescu-trecut-pnl.htm>, Accessed 14.12.2013

⁵⁶ Website of the Romanian Parliament, Chamber of Deputies, Pl-x no. 348/2012, “Legislative proposal on the establishment, operation and organization of the Counseling for Pregnancy Crisis”, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=12593, Accessed 14.12.2013

psychologist and watch a graphic representation of the abortion procedure, as well as an echography of the fetus. The draft law also included a mandatory waiting period of 5 days, after the counseling⁵⁷.

The expression of motives annexed to the legislative proposal emphasized predominantly medical and psychological arguments. In terms of social and medical grounds, the initiators note ‘the severe lack of information and sex education, as well as the large number of abortions, highlighting the causal link between the two. Moreover, the initiative was meant to prevent the negative psychological and physical consequences of abortions, such as the post-abortion syndrome, and other medical complications. Finally, protecting the “physical and mental health of our nation”⁵⁸ is also a medically-oriented argument included in the motivation.

In regard to legal grounding, the patient’s “constitutional right to information” was mentioned, as well as the reference to the legal provisions of other European countries that impose a waiting period of 2-7 days before undergoing an abortion⁵⁹. Lastly, the document also included a case-study: the “positive” example of an NGO outreach program which has manage to reduce the number of abortions by counseling and education⁶⁰.

Despite the apparent legalistic motivation, the less publicized ideology behind this initiative was inspired by religious and conservative ethos. This could be observed by the content of the application form attached to the legislative proposal that patients requesting an abortion would be requested to completed, if the law had been adopted. This document included the following terms: “the age of the pregnancy”, “Patient pregnancy and abortions record”, “I have received information (written, photography, video) on the abortion procedure, the risks associated to it [...]”, “I have seen an ultrasound record of the pregnancy and obtained photography of it”, and “I was informed that abortion means the end of a life, because the fetus is a living human being from the moment of its conception”⁶¹. The initiative was rejected by the Parliament in March 2012⁶².

⁵⁷ Pl-x no. 348/2012

⁵⁸ Pl-x no. 348/2012

⁵⁹ Pl-x no. 348/2012

⁶⁰ Pl-x no. 348/2012

⁶¹ Pl-x no. 348/2012

Another way of stimulating the increase of birthrates is to focus on the responsibility of the extended family. Rather than investing in public high-quality childcare, the Conservative Party aimed to mobilize those who have taken a large part of the burden of child-rearing in the late communist and early transition period: grandparents. A policy initiative in the field of childcare came from the Conservative Party in April 2013. The legislative proposal amends the Government Emergency Ordinance no. 111/2010 on parental leave and monthly allowance for raising children, by allowing grandparents to receive a monthly amount for child care in case that the child's parents return to work. Representatives of the party argued that the initiative is meant to determine an increase in the higher birth rates by encouraging young families to have children⁶³. According to Conservative Party MPs, in Bulgaria adopted a new labor law in 2008 "to stimulate employment by establishing a grandparent allowance", as to allow them to take up childcare responsibilities from the parents. As of 2009, grandparents are eligible for receiving the amount of 123 euros per month, in order to look after their grandchildren until the age of 3 years old.

The Conservative Party shows that Hungary is granted "home care allowance" in the amount of 107 euro, parents who care for children up to age 3 years and 10 years for children with disabilities or for grandparents who care for grandchildren aged 1- 3 years at home parents. The Conservatives also added that both in Bulgaria and Hungary are giving grandparents the possibility of earning an amount roughly equal to the minimum old-age pension, while looking after grandchildren⁶⁴. An additional argument in favor of the proposed legislation was that "Romania does not receive a sufficient number of alternative childcare for children ages to 2 or 3 years old". The public nursery system fails to respond to all requests for pickup and childcare alternative private nurseries or nannies services would imply prohibitive costs for most families⁶⁵. While this initiative takes a step forward from the nationalist and neo-conservative paradigms, there is still a certain degree of emphasis on family responsibility for childcare.

⁶² Pl-x no. 348/2012

⁶³ Mediafax, 16.04.2013 "Bunicii care au grijă de nepoți ar putea primi indemnizație. Propunerea vine în sprijinul creșterii natalității" [Grandparents who care for grandchildren could receive compensation. The proposal supports the increase in birth rates] <http://www.mediafax.ro/social/bunicii-care-au-grija-de-nepoti-ar-putea-primi-indemnizatie-propunerea-vine-in-sprrijinul-cresterii-natalitatii-10753633>, Accessed 14.12.2013

⁶⁴ "Grandparents who care for grandchildren could receive compensation.

⁶⁵ "Grandparents who care for grandchildren could receive compensation.

3) Social context

The first effect of the transition to democracy was the legalization of abortion. This policy, along with several early- transition social factors such as the degradation of living standards, unemployment, uncertainty and stress led to an accelerated decline in Romania's birth rate. These factors are supplemented by other, more complex, influences which, together, will continue to shape the phenomenon⁶⁶.

Since the initial boom 1990 of the abortion rate per 1,000 live births, which had reached over 3000, the rate decreased steadily during the following transition years. In 1995 it touched 2124.9, and by 1997 - 1465.3, and in 1998 it was 1141.1. The rate remained roughly the same until 2003⁶⁷. In 2004, the number of abortions fell below one thousand per 1,000 live births, totaling only 883.4 in 2004, 684,5 in 2006, 639,1 in 2007, 576,4 in 2008; 522,6 in, and 480.3 in 2010⁶⁸.

The current developments in the birth rate are part of what has been termed the second demographic transition. In addition to a decline in the birth rate, this transition is accompanied by an attitude and behavioral change. Views on marriage, cohabiting couples, divorce, children outside of marriage, contraception and sexuality have been radically altered. On the long term, the way the Romanian pension system was organized (a pay-as-you-go system) can lead to a furtherance of the imbalances in the public pension system. It also poses a great risk to democracy and social cohesion. The factors responsible for the decline in fertility since 1991 are the same as those which, already in the 60s and 70s, had triggered the massive recoil of fertility in most developed European countries. These factors are: economic and social progress which allowed constant emancipation of women, their growing participation in economic activities, increasing social mobility, the high cost of raising children, the diminishing importance of the economic role of the child and particularly its

⁶⁶ National Institute of Statistics, The Evolution of birth and fertility in Romania http://www.insse.ro/cms/files/publicatii/Evolutia%20natalitatii%20si%20fertilitatii%20in%20Romania_n.pdf.

⁶⁷ Mediafax, "The Ministry of Health: It would be useful if physicians advise women who want to have an abortion", <http://www.mediafax.ro/social/ministerul-sanatatii-ar-fi-util-ca-medicii-sa-consilieze-femeia-care-doreste-sa-faca-avort-9500741>, Accessed 13.12.2013.

⁶⁸ "The Ministry of Health: It would be useful if physicians advise women who want to have an abortion"

role in the economic security of the elderly, the advent of modern contraceptives and other factors⁶⁹.

Romania's low birthrates and massive emigration have led to a significant decrease and aging of the population. According to the 2011 census, Romania's stable population is approx. 20 million, dropping over 1.5 million (of which 779 200 women) since the previous census, mainly due to external migration⁷⁰. The age distribution of the population reflects the following age groups: children (0-14 years) account for 15.9% of the total resident population, the young population (15-24 years) represents 12.3%, the mature people (25-64 years old) make up the majority (55, 7%) and people aged 65 and over represent 16.1% of the total. Persons aged 85 and over account for 1.3% of the total resident population⁷¹.

IV. Conclusion

The strong control on reproduction and sexuality predominant public discourse during the post '66 years was dominated by ethnic nationalism, placing the emphasis on building a strong nation by increasing the population for the advancement of national goals. The prohibition of abortions in communist Romania under the Ceaușescu regime was largely perceived as immoral and illegitimate. The consequences of this ideology have had a disproportionate effect upon women - especially those with limited connections or resources. Despite the fact that the discourse on reproduction was rooted in a nationalist ideology, the abortion ban on did not discriminate against women of different ethnicities neither *de jure* or *de facto*.

⁶⁹ National Institute of Statistics, The evolution of birth and fertility in Romania http://www.insse.ro/cms/files/publicatii/Evolutia%20natalitatii%20si%20fertilitatii%20in%20Romania_n.pdf.

⁷⁰ Avocat.net, "Census 2011 final results: Romanian population marginally exceeds 20 million inhabitants", 4.07.2013. http://www.avocatnet.ro/content/articles/id_33662/Recensamant-2011-rezultate-finale-Populatia-Romaniei-depaseste-cu-putin-20-milioane-de-locuitori.html#axzz2pcfVL7nZ, Accessed 15.12.2013.

⁷¹ Census 2011 final results: Romanian population marginally exceeds 20 million inhabitants".

The popular resistance to the decree banning abortion led to its repeal on 26th December 1989, within days after the regime change⁷². Combined with precarious economic conditions and poor family planning services, it determined a massive increase in the number of pregnancy terminations in the initial transition period. As contraceptive methods became available and their use increased in the second part of the transition, the number of abortions decreased. However, birth rates have not recovered due to socio-economic as well as other factors.

By the 2010s, the medium and long term effects of these demographic changes had become very evident, exacerbated by the massive emigration to Western Europe. Thus, the topic of controlling reproduction has resurfaced in the political discourse and new policy proposals have been brought forward. Recent discourse on governing reproduction continues to be characterized by ethnic nationalism, but with an even more pronounced ethnic component. Meanwhile, the ethnic nationalism present in discourses and policy proposals is being increasingly complemented by the conservative ideas of religious influence and free market. Given the experience of the Ceaușescu regime, potential avenues for actions should combine measures aimed at discouraging ultra-religious, populist and right-wing sexist speech; as well as policies and state provided child-care infrastructure.

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⁷² Romania liber, "Cum a ajuns România să aibă 22 milioane de avorturi" [How Romania reached 22 million abortions], <http://m.romanialibera.ro/exclusiv-rl/reportaj/cum-a-ajuns-romania-sa-aiba-22-milioane-de-avorturi-217321.html>, Accessed 15.12.2013

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