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Analyzing Reproductive Policy: Patriarchal Legitimization and Women in Latin America

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I. Introduction

An 8-year-old Nicaraguan girl was raped in Costa Rica. Shortly after her 9th birthday, upon returning to Nicaragua, her Church and government together denied her an abortion that would save her life (Kampwirth 2006). In Argentina after being abducted, tortured and interrogated, a woman was paraded naked down the halls of a clandestine torture facility, and repeatedly raped by soldiers of the Argentine Government (Argentina Comisión Nacional sobre la Desaparición de Personas 1986; 49). In Peru María Mamérita Mestanza, a mother of seven died from substandard medical care just eight days after being coerced into a tubal ligation surgery (Godenzi, & Galleno 2011). Aside from heart wrenching tragedy, what do all three women have in common? All three women were victims of violence as the institutions of the Church and state exerted control over these capacities.

Reproductive rights are contentious issues that are ever-present in political spheres spanning the world from the United Nations to small clinics serving miniscule populations in rural areas¹. In the United States the abortion debate is one that addressed almost immediately by candidates seeking election. The divisive issue frequently creates a wedge between conservatives and liberals, Republicans and Democrats. It is always brought to the spotlight to highlight the morality or progressiveness of a prospective candidate. In fact, the “pro-life” vs. “pro-choice” debate is frequently mentioned before notions more relevant to a candidate’s capacity to rule as foreign policy or economic strategy. The politics of reproduction have taken on many forms within the United States and around the world. The forced sterilizations of certain segments of

¹ While medical clinics are not traditionally considered political spheres, given the politicization of female reproductive rights, politics has found its way into even the smallest of medical facilities, as evidenced by the examples.

the population (Schwarz 2014) (Stern 2005)², birth control implants for welfare recipients (Roberts 1997), and the condoned³ rape of immigrant women on the U.S. Mexican border (Falcón 2006) are just a few examples. These programs all aim to control reproduction, spinning it as a moral and political charge rather than a personal or medical concern. Unfortunately, the United States is not alone in its preoccupation with the politics of reproduction.

Cultural conceptions of reproduction vary significantly because while reproduction itself is of course universal, the notions behind the “miracle of life” are not. The miraculous capacity to produce life puts women in a position of reverence in many cultures, but also, unbeknownst to them, puts them at great political, religious, and physical risk. Governments, religious groups, community leaders, medical professionals and armed forces alike have, for centuries, targeted women all over the world to control their reproduction. Why is reproduction so important? Why target women’s reproductive capacity?

The reproductive capacity of women is the ultimate object of control because it is the key to the proliferation of the community. When one structure has control over women’s reproduction it in effect has control over the production of the next generation of the community, and therefore its future. This enables structures such as the church or the government to control the reproduction of one group with preference over another, as will be seen in the cases in Peru and Argentina. More importantly, the ability to control the reproduction of a group or a nation is in many ways the definitive expression of hegemonic control over a population. When one structure has a power monopoly over reproduction it shows the ultimate dominance of that

² These segments of the population included, for example, California state prisoners as recently as 2010. It wasn’t until September of 2014 that a bill was finally signed into law forbidding the forced sterilization of inmates unless in the case of dire medical emergency. (Schwarz 2014)

³ The rape of immigrant women was condoned by the border patrol system and the justice system. The border patrol didn’t remove the men who assaulted women, they simply relocated them, and the investigations were superficial, incomplete, and closed quickly. (Falcón 2006)

structure. When two structures agree to cede some of their power and form a power coalition they work together to control reproduction and share influence over the community. This type of coalition affirms collaboration between the structures and demonstrates a political alliance.

As these power coalitions or monopolies are played out, the women are targeted as political landscapes. Female bodies are no longer just their own but are the objects upon which patriarchal tensions are fought and claims to power are legitimized. As a result, women are left out of crucial discussions about the fate of their own reproduction. They are targeted for state sponsored rape or sterilization, or forced into parenthood by the denial of access to contraceptives or abortion services.

This paper will examine three case studies in which the Church and formal state have negotiated power using the female body. While there are a plethora of examples for this pervasive trend, the cases examined will be those that occurred in Nicaragua, Argentina and Peru. In all three of these cases tensions are examined through policies or actions by the government or church that regulate women's reproduction⁴. In these cases the Church or State both figuratively and literally invade the female body in an effort to legitimize their claim to power and demonstrate their pervasive control over the population. We need to first recognize that these events are part of a pervasive problem, a pattern in which women are robbed of their agency. Their bodies are reduced to political platforms upon which the patriarchal structures of Church and State can legitimize their claims to power. Without recognition that these are not simply isolated incidents, there can be no hope of stopping this structural violence in the future.

⁴ It is absolutely imperative to point out that while power has historically been exerted over female reproduction, it has manifested in very different ways. There is by no means a universal female experience as intersecting identities and hegemonic forces shape individual experiences. One example is the period of the 1960's and 1970's in the United States. While white women were fighting for abortion rights under the feminist flag, black women in the same country were experiencing forced sterilizations and abortions (Roberts 1997).

In order to reject the power structures that continue to this very minute to vie for power using women's bodies, we first need to acknowledge that it is happening. The voices of the women themselves are drowned out as the state and church decide how to use their bodies, and whose bodies are fit to reproduce. In some cases, the women are not even aware of the loss of control over their bodies or family planning decisions. While the reproduction of the community is of course important, the fact that these are personal decisions that deeply and gravely impact the lives of individual human beings in these communities is forgotten and overlooked when the conversations are framed as political concerns.

The structures that lay claim to the reproductive rights of women are hyper-masculine, patriarchal structures. It is imperative to recognize them as such because hyper-masculine, patriarchal structures lack the voices of women, limiting their scope of understanding of the female experience.

Merriam Webster defines patriarchy as a family, group, or government controlled by a man or a group of men, or a social system in which family members are related to each other through their fathers. This definition distinctly excludes women. Patriarchy is a structure in which men wield power and women are excluded from it. When men make decisions for society or sections of society, they are naturally less inclined to do so with a feminine perspective, because the perspective is not included. The absence of women sitting around the table to give their input results in decisions or legislation that negatively impact women because their experiences differ from those of men. The more concentrated the power of the structure is in the hands of men, the more patriarchal the structure. The more patriarchal the construct, the more likely it is that women's opinions and struggles will not be taken into account in the drafting or negotiation of power dynamics or underlying operational decisions such as legislation. The same

absence of women applies to power negotiations in which multiple patriarchal structures vie for power over either segments of a population or the entirety of a nation.

Hyper-masculinity also plays a significant role in patriarchal structures in the extent of the violence exercised by the government on women. While scholars such as Judith Butler would argue that concepts such as masculinity are socially constructed, traditionally masculinity has been defined by characteristics typically associated with men. These include strength, aggression, dominance and a lack of emotion, which is seen as feminine. It has been illustrated repeatedly that in societies or social spheres in which hyper-masculinity dominates, violence against women also governs. Hyper-masculinity frequently results in the degradation and objectification of women. When women are seen as objects they are therefore seen as less than human, while interactions between men or groups of men take precedent. This results in brutal violence against women and transgression of their human rights of privacy, security of person and freedom from physical and psychological torture. Women become a stage upon which male communication can take place. Women are used as a tool through which men can express camaraderie or brotherhood, as seen in instances of gang rape by groups of men as a form of bonding, which has taken place on the U.S. Mexican border between corrupt police officers and gang members (Funari, de La Torre 2006) in fraternities on college campuses, and in organized sports teams (Buchwald, Fletcher and Roth 2005; 23-42). On the other hand, the female body can also be the platform upon which competition and male dominance are expressed, as seen repeatedly during the civil rights movement in the United States. Black women were frequently targeted by sexual assault to prove the impotency of black men while simultaneously expressing the dominance of white men (McGuire 2011). Hyper-masculine structures reduce women to

subordinate place in society while elevating men and masculine interactions to a superior standing.

Patriarchy and hyper-masculinity are compounded to create the indifference that allows for the violation of rights seen in all three of the countries explored in this essay. Patriarchal systems lack a female voice, emphasizing the power, control and importance of male perspective over that of the female perspective. In societies where little credence is given to female perspective, the criminality of the robbery of her agency is deemphasized as a crime. Violence is normalized. Male dominant relationships are then emphasized as women are pushed to the background, and patterns of male competition and brotherhood emerge into the political sphere. With this emergence, the female role is reduced within the society and her body is delegated to the object upon which power is exerted, rather than having a significant (if any), part in the power. In this intersection between patriarchy and hyper-masculinity, we find the violence seen in the interactions between various hyper-masculine patriarchal structures such as the Catholic Church and the formal, male-dominated state.

Clear evidence of the hyper-masculine, patriarchal character of these structures can be found when looking at the recipients of state sponsored violence. In all of these cases an easier way to control reproduction could be the sterilization of men. Men's reproductive capacity is physically easier to control. The procedure to perform a vasectomy on a man is faster and far less invasive⁵. In the case of Peru, for example, the medical professionals and government authorities recognized the facility of the procedure. Although they recognized it, those making the decisions (including but not limited to the President, Minister of Health, regional directors of the program, medical professionals themselves) were more concerned with preserving the masculinity and

⁵ The facility of the procedure is in no way intended to suggest that male reproductive capacities should be controlled; it is simply intended to highlight the gendered nature of the violence.

potency of men in the communities than either the preservation of female reproductive capacity or the medical safety of their citizens. As a result of the male dominated culture and legislation, women were targeted as the vast majority of the recipients of sterilization procedures (Latin American Committee for the Defense of Women's Rights 1999).

Each of the structures examined: the Church, and the three formal state structures of Nicaragua, Argentina and Peru, fit the categorization of hyper-masculine patriarchal structures.

The Catholic Church is a famous example of patriarchal structure for the simple fact that they do not allow women into the ranks of the hierarchal structure of the church. While women can occupy roles such as nuns, they aren't incorporated into the positions that wield power such as priests, deacons, bishops, cardinals and most certainly cannot be considered for the elected position of Pontiff (Neely 1996). The Church is definitively hierarchal with clear delineations between different levels of power beginning with the congregation and culminating in the pope, the figure that is supposedly 'the bridge'⁶ directly to God. The Church is hyper-masculine for the same reasons. Women are excluded from any positions of power with the exception of abbeys, education and medical positions within the Church. All rungs of the ladder and the highest position of leadership are all male with no opportunities for female input into the leadership and power of the Catholic Church.

Governmental State structures as a whole are very frequently patriarchal and very heavily male dominated. By the end of 1990, the United Nations reported

Of the 159 United Nation member states, only six (3.8 percent) were headed by women at the end of 1990: Iceland, Ireland, Nicaragua, Norway, Dominica and the Philippines.

⁶ The term "Pontiff", the technical term for the pope, means "bridge" as according to Catholic beliefs the Pope is the bridge to God, connecting the masses to the Lord.

Only 3.5 percent of the world's cabinet ministers are women, and women hold no ministerial positions in 93 countries of the world." (United Nations 1991)

The same report by the United Nations also stated that only three countries have women in more than 20% of ministerial level positions and only in five are there enough women in positions of power to have a strong influence on legislation (United Nations 1991). These statistics show the lack of voice women have in government especially at the time during which the three case studies examined took place.

The case studies will show specific examples of cases in which the government and Church controlled reproduction. There are two types of control strategies seen throughout the case studies. The first type of power claim is collaborative. The church and state collude, combining their spheres of influence and sharing power. They use this collaborative relationship to control the population and reach a shared objective. Collaborative relationships require both forces to cede claims to absolute power. In these cases, the spheres of influence of the state, the legal and political forces can be combined with those of the church, which involve moral authority and spiritual influence. Together these forces powerfully control the reproduction of women. Nicaragua and Argentina control reproduction through these types of collaborative relationships.

Another type of power claim is that of a power monopoly; in which two institutions contend for complete control. The church and state are then pitted against each other as they vie for control over female reproduction. Tensions between church and state are visible countless times in history from Henry VIII of England to the United States Constitution and debates surrounding marriage equality today. In the case of Peru, the government and the church fought against each other, the Peruvian government trying to lower the population and targeting specific

segments of the population for sterilization. On the other hand, the Catholic Church strongly denounced the actions of the government and the use of any form of “unnatural” birth control. Both structures denounced the actions of the other, employing diversionary tactics to distract critics and condemn the actions of their opponents.

Examining case studies in Nicaragua, Argentina and Peru, examples of unilateral power monopolies and collusive power relationships can be seen expressed on the female body. These hyper-masculine, patriarchal structures collaborate to share power over the reproduction of the population in the cases in Nicaragua and Argentina. In the case of Peru, the state seized complete control over female reproduction, excluding the church from the decision-making processes until the end of the program and the election of President Toledo.

II. Nicaragua

Beginning in Nicaragua, the nature of the state must first be examined. In Nicaragua today, the state apparatus is male dominated; led by a small group of men. Revolutionary leader Daniel Ortega was elected president following the success of the Sandinista Revolution in 1979. He lost the presidential election in 1990 to Victoria Chamorro. However, as of 2006, the Sandinista president is back in power and male leadership has been reinstated since 1997. There are many accounts of Ortega becoming very authoritarian, including limiting freedom of press (The Economist 2013) accusations of election fraud (Hernández 2011). He has since won another consecutive election, which was formerly illegal in Nicaragua but the Nicaraguan Supreme Court, which he controls, overturned the legislation so that he could run again (Hernández 2011). There have been many issues having to do with the personal character of Ortega. Allegations include a corruption scandal in the final days of his presidency in 1990 (Christian 1991), and

allegations from his adopted stepdaughter of long-term sexual abuse (Narvaez 1998). Like many authoritarian Latin American leaders, Ortega made changes to legislation to both facilitate his reelection by lowering the vote percentage required to win (Hoyt 2004) and to legalize his campaign.

While all of this evidence may simply illustrate poor character of a single man, the fact that they are actions by the head of state show the way in that power has been concentrated into the hands of a single corrupt man. President Ortega has become increasingly authoritarian. The alleged long-term sexual assault of his adopted daughter, Zoilamérica Narváez reflects his utter lack of concern for the female body and agency. The allegations by his adoptive daughter highlight the character a man who represents the head of the state.

The profile of the Nicaraguan government today does display a power hungry, male dominated government, but it is important to point out that they have had a female president, Violeta Chamorro. As the book “Women in the State in Post-Sandinista Nicaragua” by Cynthia Chavez Metoyer argues, while she is female, Violeta Chamorro didn’t exactly promote feminist ideals in the Nicaraguan government during her time. In fact, Chamorro publicly rejected feminism and based her campaign on her abilities as a wife and mother willing to reconcile the Nicaraguan family (Kampwirth 2006). She promoted her position as the wife of her famous anti-Somoza husband and not as an empowered woman herself⁷. While it shouldn’t be argued that she won the election without merit, her access to the presidency was largely facilitated through her connections to powerful men and the popularity. She also had contacts with anti-Sandinista

⁷ Many women do choose, with complete personal agency, to reject feminism and adhere to “traditional values” based on traditional gender roles. Rather than rob her of her right to support those values and beliefs, this section intends to highlight the way in which women in Nicaragua cannot gain access to the patriarchal government sphere without adhering to the anti-feminist, male dominated rhetoric and values set in place by the hyper-masculine political climate.

forces (such as the United States) that she acquired through her counterrevolutionary newspaper “La Prensa” (Metoyer 2000) and the heroic story of her husband. The historic presence of a female president did little to sway the patriarchal nature of the Nicaraguan state, especially as Chamorro played into and supported all conservative views of women aside from her actual position as the president. In 1997, the presidency was placed back into the hands of a man. As Chavez Metoyer’s book asserts, the Nicaraguan government was strongly machista, including during the president of Violeta Chamorro and the presidency of Enrique Bolaños who was the president during the time of the case that will be examined.

Directing attention first towards collaborative relationships, a closer look can be taken at reproductive politics in Nicaragua. The case of a 9-year-old girl, a victim of rape, clearly shows the circumstances under which the Catholic Church and the Nicaraguan State collaborated to assert their power over female reproduction, even if that female happens to be a young child.

In November of 2002 a Nicaraguan girl known as “Rosa” was raped shortly before her ninth birthday while living with her migrant parents in Costa Rica. She became pregnant and contracted two venereal diseases as a result of the rape. Both Costa Rican and Nicaraguan law allow for abortion when the life of the mother is at risk. At nine years old and suffering from the infections of venereal diseases, Rosa’s pregnancy was deemed extremely risky by Costa Rican doctors (Reyes 2006). Unable to attain an abortion in Costa Rica⁸, the family returned to Nicaragua where their quest to obtain a legal abortion became an international scandal. A network of more than 120 feminist organizations called the Red de Mujeres Contra la Violencia (Network of Women Against Violence) in conjunction with another network called the Red

⁸ This paper will be focusing on the Nicaraguan state rather than that of Costa Rica considering that much of the international attention was focused in Nicaragua and the family itself was Nicaraguan.

Feminista (Feminist Network) garnered international support for Rosa and her family as they sought abortion services.

In response to requests from various human rights organizations that came to the defense of Rosa, a commission was sent to Costa Rica by the PPHD (Nicaraguan Human Rights Ombudsman's Office). At this point, the family returned to Nicaragua and requested a therapeutic abortion. The PPHD requested that a commission be made to evaluate the circumstances of Rosa's request for an abortion (Reyes, Hord, Mitchell, & Blandon, 2006). This commission was made up of four medical professionals and the Ministry of Family attempted to have a well-known anti-abortion activist lead the commission. However, the request was denied by the PPHD. The Nicaraguan Minister of Health and the Minister of Family both publicly denied the requests made by Rosa's family, claiming that they were protecting the life that begins at conception. While the testimony of the two ministers was not required for the investigation, they did publicly represent the state's claim of morality that came from the Catholic Church and the influence it had (and still has) in politics. The committee ultimately arrived at the conclusion that "Rosa's health and life would be at equal risk whether she continued or terminated the pregnancy, then at 16 weeks gestation" (Reyes, Hord, Mitchell, & Blandon, 2006).

According to Violeta Delgado, a representative of the Red de las Mujeres Contra la Violencia (Network of Women Against Violence), "Lucía Salvo (Ministra de la Salud) sabía que la salud de la niña se estaba deteriorando y ella no actuó", afirmó Delgado." (Reyes, Hord, Mitchell, & Blandon, 2006). According to this statement by Violeta Delgado, the Ministry of Health, whose function is nominally to protect and advocate for the health of its citizens rather than their moral standing with the church, chose to ignore the degradation of Rosa's health rather than to sanction an abortion (Sevilla & Pantoja, 2003).

The incident concluded with the family obtaining an abortion at an unnamed medical clinic in the middle of the night (Kampwirth 2006). The family was then criminally investigated but found free of any wrongdoing based on the committee's ruling. The arms of the formal state, the Ministries of Health and Family, attempted to bring conservative Catholic morality into the politics of the discussion by publicly proclaiming their disapproval on the grounds of the protection of the fetus. After the completion of the procedure, the Catholic Church supported the moral claims made by the Ministers of Health and Family by condemning the actions of the family and all of those involved (with the notable exception of the rapist). Following the procedure Cardinal Obando y Bravo of Nicaragua announced the excommunication of all of those involved. Cardinal Obando y Bravo stated,

El hombre que no tiene principios de cristiandad, matar a un hombre o un niño le importa un pito, pero sí, el Código de Derecho Canónico [expresa que], la persona que realiza un aborto provocado y a los que son cómplices [les] cae una pena que se llama excomunión. Ellos al cometer un aborto, les cae ipso facto una excomunión, no es que yo los voy a excomulgar (Sevilla & Pantoja, 2003)

The cardinal claimed that it wasn't his own personal decision that the family and doctors should be excommunicated but the ruling of Cannon Law. He went on to urge the police and justice departments of Nicaragua to investigate and prosecute those responsible for the abortion. The families and doctors involved in the procedure that saved a nine-year-old child's life not only faced a legal, criminal investigation, but additionally faced a spiritual attack by the hierarchal forces of the Catholic Church.

The article "Resisting the Feminist Threat: Antifeminist Politics in post-Sandinista Nicaragua" by Karen Kampwirth offers an in depth analysis of the case of Rosa. Kampwirth

examines the history of feminism and what she dubs “antifeminism” in Nicaragua beginning with the emersion of feminist organizations in the Sandinista Revolution in 1979. Kampwirth describes the three branches of feminism that emerged over the course of the Sandinista rule. The first was the Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza, or AMNLAE. This branch was a group in support of the FSLN but was limited by it’s support of the male dominated movement in that when they came to power they were politically muzzled by their support and couldn’t challenge gender inequality. The second movement was part of a women’s labor union that was incorporated into the government and also lacked the ability to speak out against the dominant political force. The third was an independent women’s movement that was autonomous from the state. This third movement was the one that sparked change and was able to effect change in Nicaragua during the reign of the FSLN up until the antifeminist president Violeta Chamorro. After the election of Chamorro, when the FSLN were no longer in power, ties were cut between the government and the feminist organizations previously supported by the incumbent party. This was both negative, in that they lost a powerful ally, but also positive in that it enabled them to more directly challenge gender inequality in the government.

Kampwirth goes on to explain the emergence of antifeminism in Nicaragua, frequently argued as a form of anti-Sandinista political views. Antifeminist forces frequently see feminism and Sandinismo as catalysts for the degradation of social morals. Antifeminists who didn’t associate Sandinismo with feminism did still see it as the dissolution of morals, increased promiscuity and the loss of family values and gender roles. Oddly enough, the other driving force associated with feminism besides the Sandinista revolution (a revolution heavily dependent on anti-imperialist rhetoric) was imperialism itself. Many anti-feminist activists saw feminism as

an imposed movement from foreign sources⁹. These antifeminist organizations claimed that the spread of feminism was an externally imposed population control program and were supported by Christian religious organizations from the United States. Most relevant to the arguments made in this paper, Kampwirth points out the role of the conservative Catholic Church in countering feminism and mobilizing the community against feminism. Not only were the conservative Catholic views so pervasive in Nicaragua large motivators for individuals acting against feminism in Nicaragua, but the church's hierarchy itself also helped to mobilize against it.

In the context of these two opposing, organized forces of feminism and antifeminism in Nicaragua, the plight of one 9-year-old girl, the victim of pedophilic rape was made into an international, criminal, and religious spectacle.

The incidents that took place surrounding the case of Rosa are just one example in which the collaborative relationship between the church and state can be clearly observed. The case was, of course, unusual due to the age of the victim. However, the greater factors of rape, reproduction and abortion are not unique to this particular case. The collaboration between the Church and State can be seen in the actions of the government. The reticence to grant the victim an abortion in the first place, and the further rejection of the findings of the committee and medical professionals, affirms the state's loyalty to the Church and the state's utter disregard for the health and wellbeing of its citizens. The Church defended and rearticulated the stance taken by the state by exerting its spiritual and religious power over the situation. The glaring collusion between the two structures allows them to share control over the situation. Far from diminishing their power, high profile cases such as this showcase the dominating power of the church-state

⁹ This view is not unheard of and is historically justified as the unjust treatment of women has been used as a rallying point for imperialist forces and a justification for violent imperialism.

alliance and sends a powerful message throughout the nation, affirming the structural power over reproduction in Nicaragua.

III. Argentina

Reproductive control in Argentina took a different form from that of Nicaragua. While not explicitly controlling reproduction, the state did exert dominance over women's bodies and reproductive capacity through the state sponsored rape of women deemed "subversive" and through the seizure of any children produced thereafter.

The context of the crimes against women is crucial to their comprehension and analysis. The Argentine State of the 1970's was similarly concentrated and patriarchal, like Nicaragua. The state was lead by a military junta from 1976 until the restoration of its constitution in 1983. The notorious former president Juan Perón, who had reached near celebrity status in Argentina died and his wife, Isabelita Perón filled the presidency. During the presidency of Isabelita Perón, a radical leftist terrorist guerrilla group called the Monteneros, performed acts of terror around Argentina, focusing largely in Buenos Aires. The group targeted the usual suspects: politicians, business and factory owners of the right, but also the organized left, such as labor leaders (Herrera 2014). In an effort to quell the terrorist activities of the Monteneros, Isabelita Perón encouraged the military to step in and stop the violence, ceding more power to the military generals. Utilizing their increased power and the necessity of the military, several military leaders, led by Jorge Rafael Videla ultimately executed a coup d'états and removed Isabelita from power, instilling a military dictatorship that lasted for 7 years.

Under the military dictatorship approximately 20,000 to 30,000 people (Knudson 1997) were tortured and disappeared. On December 10, 1983, the constitution was restored and a

democratic president was elected, who then attempted to carry out the prosecution of military junta leaders. During this military dictatorship, however, a small number of military generals took over the state, dismissing congress. They removed the president and imposed a military junta as the law of the land, dismissing any system of power regulation or balance. The military is a notoriously male-dominated, aggressive and hyper-masculine apparatus of the state.

One of the many problems with the installation of a military dictatorship during a time of urban guerilla warfare and internal turmoil in Argentina was the framing of any citizens with leftist tendencies as the enemy. This instituted a war-like atmosphere in the nation and resulted in countless violations of human rights. As a result of this attitude, the militaristic government turned on its own citizens, turning the nation into a battlefield and instilling in society the mentality of war.

Manifestations of wartime violence were prevalent in the thousands of cases in which citizens were tortured and disappeared by the government. An utter disregard for human rights and the militarization of systems of justice within the country led to the dehumanization of those marked “subversive”. During the period of military power, the Argentine state experienced Ultramontane Catholic nationalism (Osiel 2001), meaning that there was a strong sense of the authority of the Catholic Church incorporated into the political sphere. This is evidenced by the complacency of the Church during the war and the silent support it offered to the military dictatorship. The Catholic Church was not only complacent in its silence but also in its direct support of the military junta. The Church disapproved of the populist, Peronist left. Among other reasons, the Peronist Party had seen the transition of education from Church-run to public education, taking away some of the Church’s power and influence (Herrera 2014).

During this time, the military dictatorship with the complacency and support of the Church began using brutal torture tactics to obtain confessions and to supposedly fight the terrorist forces. While a variety of different vicious tactics were used to torture victims, state sponsored rape is the most relevant to the discussion of reproductive control. The use of rape as a torture tactic is far from unique to Argentina. Rape has historically accompanied armed conflict wherever it appears, and serves a specific purpose in doing so.

In her article “When Soldiers Rape”, Cynthia Enloe lists a variety of reasons why armed forces commit ubiquitous and flagrant acts of sexual violence in times of war both upon enemy populations and within the ranks of their own forces. She describes factors that effect what gives a soldier the sense of a license to commit acts of rape,

First, the male militarized rapist in some way imposes his understanding of ‘enemy,’ ‘soldiering,’ ‘victory,’ and ‘defeat’ on both the woman to be raped and on the act of sexual assault. Second, consequently, the militarized rape is harder to privatize than the non-militarized rape is, since it draws so much of its rationale from an imagining of societal conflict and/or the functions of a formal institution such as the state’s national security or defense apparatus...(Buchwald, Fletcher, & Roth, 2005; 120)

Enloe eloquently summarizes much of what distinguishes rape in times of war from arbitrary acts of sexual violence. The rape that occurred in torture centers during a time of undeclared civil war in Argentina cannot be privatized because it was in essence an act of aggression by the hyper-masculine militarized dictatorship working with sanction from, and in conjunction with the Catholic Church.

This use of rape in Argentina was a multidimensional offense to women and the community targeted for torture. Beyond the robbery of agency implicit in the act itself, it reduced

women to an object and tool for exerting the power of men through the degradation, shame and violation of women. In raping a woman, it is “Emptying the sexual structure of affection and filling it with brutality, annulling reciprocity and replacing it with unilateral domination.”

(Graziano 1992; 153) No longer an intimate act it becomes public: the woman is violated simultaneously by the state and her torturer, making a spectacle out of her suffering and her perceived loss of worth (on a level widely accepted by her society at the time).

The social stigma is one of the greatest purposes that wartime rape serves. Rape marks a woman within the community, driving a separating force between her and the community. In describing genocidal rape in her book “Rape, Genocide, and Women’s Human Rights,” Catharine MacKinnon states,

It is specifically rape under orders. This is not rape out of control. It is rape under control. It is also rape unto death, rape as massacre, rape to kill and to make the victims wish they were dead. It is rape as an instrument of forced exile, rape to make you leave your home and never want to go back. It is rape to be seen and heard and watched and told to others; rape as spectacle. It is rape to drive a wedge through a community, to shatter a society, to destroy a people. It is rape as genocide. (MacKinnon 1994; 11-12)

Within Argentina during the Dirty War this was definitely the goal. In her article “Sexual Abuse as a Crime against Humanity and the Right To Privacy” Elizabeth Jelin describes the acts as being based on

...the almost “scientific” knowledge of the devastating effect on personality that such acts cause and were part of a political strategy to destroy the enemy by annihilating the cultural basis that defines women as part of a community.”(Jelin 2012; 344)

These descriptions of motives and political strategies involving rape support the notion that the use of rape in Argentina was strategic and an act on the part of the state. The act itself aimed not only to shame and degrade the woman and the men who were expected to protect them, but also to divide the community and control its reproduction.

The expulsion or alienation of a victim of rape from the community neutralizes her capacity to produce future members of the community, making the community itself less able to reproduce¹⁰. Rape has been considered a genocidal act as a result of its power to limit the reproduction of a certain group through the violation of cultural norms, the psychological and cultural alienation from the community and of course the physical repercussions that prevent victims from reproducing.

Notions of nationhood, reproduction and protection of the nation perpetuate these crimes. In Argentina during the period of the Dirty War, the military dictatorship was leading the nation, and in doing so was in a position of power to proclaim and advocate national values. As Jelin describes,

“[T]he nation’ naturalizes constructions of masculinity and femininity: women physically reproduce the nation, and men protect and avenge it... In this complex game... the female body becomes the mother who gives birth to the sons of the nation, but also the place where the Other can be penetrated; hence the necessity of protecting and disciplining women, keeping a watch on them and controlling them.” (Jelin 2012; 343)

In a period of civil unrest and the extermination of the political foe, the militarized forces aimed to penetrate the “subversive” left. As Jelin describes, not only were the women raped due to their

¹⁰ It is important to note that the Argentine Dirty War did not constitute genocide, however the motives and methodology were the same. While not targeting a religious, ethnic or racial group, the Dirty War did target a group based on political affiliations and carried out mass murder in an effort to eliminate the group. For this reason, despite the fact that it was not defined as genocide, the nature of the rape of “subversive” women was the same as that of genocidal rape.

own political beliefs, but also as a way of fracturing their community. The intended penetration of the left was seen in the way that many women were raped as a form of torture for men. In several accounts, the bloodied undergarments of the wives and daughters of tortured victims were shown to men being tortured (Argentina Comisión Nacional sobre la Desaparición de Personas 1986; 23). Actions such as these clearly demonstrate the use of rape as a way of rupturing ties within a community or family.

Militarized rape also marks the entrance of the state into a woman's body and personal space. "For the perpetrators, the process in all cases is reflexive, with the State and the torturer both directing their actions towards themselves via the agency of a subject made into an object." (Graziano 1992; 157) Both the state and the perpetrator himself were given more ferocity and power by the forced submission of the woman in mind and body to the state. Additionally, it demonstrates the dominant power of the state-church alliance over the men of the targeted community, or the "subversive men," in the case of Argentina. The act of rape is not only an aggression on women, but also an affirmation of the impotency of the "subversive" men because of their inability to protect the women of the community from rape. While differing from the use of reproductive control to legitimize power, the sexual aggression of rape adds to the power extracted from state sponsored rape.

The rape of "subversive" women in Argentina highlights a moment in which the state and church structures, working together, entered the female body. This infiltration was very literal as a soldier acting on behalf of these structures, as an extension of the state, raped her. By entering her personal sphere, her body, the soldier acts as an extension of the state and carries out a violent, sexualized crime against her and the community. This was a way of not only exerting

sexual dominance, but also control over the reproductive capacity of the woman and the community.

IV. Peru

Alberto Fujimori, the president of Peru from 1990 to 1999, dismissed congress on April 5, 1992. He was backed by the military in the “autogolpe” or self-coup when he seized complete power, suspended the constitution and dismissed the legislative and judicial branches of the government designed to provide checks and balances of executive presidential power (Levitsky 1999). Like many other presidents or leaders in Latin America with dictatorial tendencies, he rewrote the constitution to enable his own reelection and retainment of his power. While he did reinstate a new constitution after ruling by decree for several years, he was able to stack congress with members of his own party. This enabled him to still retain nearly executive control while maintaining the international appearance of democracy. Peru was reclassified as a democratic government while functioning under the concentrated power of Alberto Fujimori (Levitsky 1999). Once again a nation was led by one individual and backed by the hyper-masculine military arm of the government. Power was concentrated into his hands with few women even close to the top. There were certainly no women with any sort of power to counter the executive power of the president.

In a similar fashion, beginning in 1995 the Peruvian state infiltrated female bodies and surgically destroyed their reproductive capacities. While the population control program that led to these egregious violations of human rights was intended for the Peruvian population as a whole, it disproportionately targeted rural indigenous women.

In the years leading up to the forced sterilization policy that impacted the lives of 300,000 women, Peru had seen a fairly high birth rate; the average was between five and six children per woman (Mathilde Damoiseil 2010). As a response, there had been several programs intended to curtail the rate to no avail. While birth rates were high in Peru, the country also saw an economic crisis following years of internal terrorism by Sendero Luminoso and other factors, including governmental corruption. The program to control the birth rate that Fujimori initiated in 1995 that led to the forced sterilizations of so many Andean women was not the first of its kind. Under the government of Alán García in 1985 the first National Population Policy was established (Gribble, Sharma, & Menotti 2007; 176-181), however there were deeply rooted economic issues in the country and the program lacked the financial backing to be effective. The program under Alán García used (or planned to use) different strategies than that of Fujimori, providing a variety of contraceptive methods. While it was in fact illegal for women to undergo a tubal ligation surgery, condoms, oral contraceptives and other types of contraceptives were distributed. While the earlier program did have international funders, they were insufficient to maintain the program. During this period the amount of money spent on the health of each citizen rose from S/.59 per capita to S/.934 (Gribble, Sharma, & Menotti 2007; 176-181). The lack of funding proved to be a problem, as it required them to charge the majority of the population for services. In the countryside the services were offered for free, and it proved effective in lowering the birthrate, however without funding the program was discontinued.

In 1991 with more international donors, another attempt was made to implement a program similar to the one in 1988. The program once again was unsustainable and culminated in 1995 when donors stopped the flow of money. As a result, in 1995 a new program was developed that was viewed as more sustainable, less expensive, and more effective. Although the

initial costs of the program that led to the ubiquitous tubal ligations under the Fujimori regime were higher (averaging \$28 million USD in 1998 (Gribble, Sharma, & Menotti 2007; 176-181)), the program was favored due to its permanency and the longevity of the effects. Although the initial costs were higher than the Peruvian government could afford, the World Bank offered funding in support of lowering the birthrate through this permanent program.

In 1995 Alberto Fujimori attended The United Nation's Conference of Women in Beijing. He was the only male president to attend the conference and received a great deal of praise for his attendance and for the project that he presented before the assembled leaders with worldwide coverage (Giffard 1999; 327-341). He announced a program that would help the women of Peru to finally have control over their own bodies and decide for themselves when they wanted to have children, and how many. Finally, he claimed, the average Peruvian woman would have control over her own body. Fujimori managed to strike many key talking points of feminist rhetoric and was able to promote the program in a way in which women around the world lauded him for his progressive program. The use of this rhetoric and the support he garnered from feminist and women's rights organizations around the world served as a smoke screen for the Fujimori government (Vasquez del Aguila 2006). The program upheld a public reputation for being pro-women, boasting independence and autonomy, while in the remote mountains of Peru doctors were sterilizing women without consent to reach monetary incentives.

In theory this program would be comprehensive, similar to the program in 1988 but with more choices, offering all types of contraception to the entire population of Peru. The women were going to decide. It would have been an ideal program if it had worked that way. After the conference many women supported the program because they believed the claims that Fujimori

had made. It wasn't until years later that the voices of the women were finally heard. The U.N. called the program "an example to follow" (Damoiseil 2010).

In practice the program was unethical. The sole option made available to women living in poverty was tubal ligation. Provided with no other options that would have less permanent results, women were in a way coerced into obtaining the surgeries in an attempt to produce fewer children. One problem that led to the violation of the women's rights by many medical professionals was the quotas they were forced to meet. The problem that led to many of the violations by doctors, were the quotas they were forced to meet. The fact that there were quotas implicates a system in which women are pressured to undergo the procedures and a system in which medical professionals are coerced into applying this pressure.

The guidelines for sterilizations formulated by the International Federation of Gynecology and Obstetrics (FIGO) released in 2011 clearly delineate the requirements of any sterilization program to ensure that patients give consent. The article is entitled "Global health federation issues ethics guidelines on forced female sterilization". This article is brief however it outlines very concretely all of the criteria that qualify sterilization as forced. While the article is from 2011 the qualities that make sterilization forced have been the same. The article outlines that "such decisions must also be accompanied by counseling and be free from exploitation, harassment and any other external pressure" (Arkin 2011; 36-37). It also stresses the important of fully informed consent, the information and availability of other contraceptive methods and the absence of additional incentives such as money or food products. These guidelines fully frame the concept of forced sterilization and therefore qualifies the arguments surrounding the process in Peru, as the women were coerced in several of the ways listed in the guidelines and were certainly not offered any counseling services.

The doctors in Peru received economic incentive of between \$4 and \$10 USD for each woman on whom they performed the tubal ligation procedure (Tamayo 1999). Additionally, doctors reported professional repercussions for not meeting the quotas established by the government and the ministry of health (Portal 2013). These quotas and professional consequences influenced doctors and put pressure on them to forgo ethical procedures to ensure consent. Additionally, the clinics that offered free tubal ligations or “Family Planning Festivals” were set up specifically in poor, rural areas, where the majority of the population was of indigenous decent. In one of the documents from the tribunal on November 8, 2013, Godenzi and Galleno describe the population that medical professionals were instructed to target.

...estuvieron dirigidas a las mujeres de escasos recursos económicos, las cuales en su mayoría viven en zonas rurales o urbanas periféricas, son indígenas y/o tienen una lengua materna diferente al castellano, trabajan en el campo, tienen en su mayoría un grado de educación formal primario (Godenzi, & Galleno 2011: 3)

The medical professionals were specifically targeting uneducated, rural, indigenous women with little education. In execution the program is definitely a eugenics program. In this case, the Fujimori government was dictating who could and could not reproduce. Peru is a state that has historically lauded the Incan ancestry while simultaneously devaluing and abusing the indigenous population. By sterilizing many indigenous women who were seen as the carriers of indigeneity (del Aguila 2006; 119) was a way for the state to promote the production of a less indigenous future generation. In this particular example the power of controlling reproduction from an authoritative standpoint is abundantly clear. Whichever power manages to control reproduction controls the composition of the future generation.

In her article “Free Choice or Poverty Alleviation? Population Politics in Peru under Alberto Fujimori” Jelke Boesten examines how it was possible for such policies were implemented in Peru despite participation by the Fujimori government in reaching agreements regarding sexual and reproductive rights in international conferences (Boesten 2007; 3-20). Her paper provides an interesting background that is omitted by many other sources. She delves into the history of reproductive rights starting more than fifteen years prior to the sterilization policies and incorporates the role of the Church and tensions between the Church and the Fujimori regime. Boesten examines prejudicial factors in the policies and their implementation and the involvement of other forces such as the U.S. government, foreign investors and even women’s rights groups. Boesten holds a currently works as a lecturer in Emerging Economies and International Development and focuses on social policy and politics of development and emancipation in Andean Latin America. Her perspective is layered and is apparent in her writing, which is very valuable for this topic. She is able to incorporate various different aspects of the politics surrounding this issue including constructions of masculinity, the guise of gender equality created by Alberto Fujimori and the racism and sexism that comprise the Peruvian experience of indigenous Andean women.

María Elena Reyes wrote an incredible article titled “Intentando Redefinir la Justicia: El Caso de las Esterilizaciones Forzadas en Perú”. María Elena Reyes works at CLADEM, or the Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer. An activist working in defense of the rights of women, María Elena Reyes approaches her work with a feminist lens. In this article, Reyes provides an entire timeline of events in Peru, including some discrepancies in different accounts. While an employee of CLADEM, she manages to seem somewhat partial and includes information gathered not only by CLADEM but also by Flora

Tristan, Movimiento María Ramos, and Giulia Tamayo and highlights points of disagreement and accord of the multiple accounts. After providing an in depth timeline, Reyes argues that while the Peruvian government was forced to concede some reparations for the victims of forced sterilization after a trial by the Comisión Interamericana de Derechos Humanos, they continue to fail the women of Peru by controlling reproduction through limitations on other reproductive materials, including emergency contraception materials and abortion (Reyes 2007; 62-86). This continued control exerted over female reproduction is a symptom of the Peruvian government of Toledo, which was democratically instated after the soft dictatorship of Alberto Fujimori. Reyes emphasizes the collaboration of the Church and State within the new Peruvian regime. During the time of Fujimori the Church and state had been in opposition, however with the new regime their shared power was articulated in the form of limiting access to contraceptives. This article adds a feminist activist perspective to the argument and correlates the past human rights abuses and crimes against women to standing policies in Peruvian politics under a new government that condemns the past violations and collaborates with the Church. While she remains seemingly impartial in her acquisition of sources and information, Reyes still has a left leaning bias as she is a women's rights activist and is currently employed by the organization acting in the ongoing trial in Peru.

In his article "Invisible women: forced sterilization, reproductive rights and structural inequalities in Peru of Fujimori and Toledo", Ernesto Vasquez del Aguila writes about the hegemonic forces of race, ethnicity and gender in Peruvian society. He explores the ways in which the policies of forced sterilization were enabled by, and reinforced these systems. An interesting addition to the topic, Vasquez del Aguila juxtaposes the theft of the women's agency in the execution these policies to the rhetoric used by both the Catholic Church and the Toledo

administration to condemn the acts while also denying women control and access to contraception and family planning services (del Aguila 2006; 109-124). Similar to Reyes, Vasquez del Aguila relates past violations of rights to current denials of reproductive control by the Peruvian government, and even equates them as similar crimes against women. Vasquez del Aguila provides a very interesting analysis on the gendered nature of these crimes and the preservation of masculinity by the Peruvian government, which resulted in women being targeted for sterilization.

Three of these authors emphasize the palpable tensions between the Fujimori regime and the Catholic Church. It is important to examine the role the Church had in these forced sterilizations because while the violations on behalf of the state structure are abhorrent, the violation of rights was not the primary focus of the Church's contempt for the program. As Vasquez del Aguila, Boesten and Reyes all mention, the Catholic Church disapproved of the use of sterilization as a form of reproductive management and instead promoted the use of abstinence and "natural family planning methods". It then stands to reason that the Catholic Church didn't care so much about the fact that the Peruvian state was attempting to control the reproduction of women and eliminate their agency, but that the state was claiming power that was coveted by the Church. Tensions between the Church and state were evidenced by Fujimori's defiance against the Church's ban on contraceptives (Tyler 1995) and the Church's denouncement of his population control program.

After the downfall of the Fujimori regime, the Catholic Church entered into a collaborative relationship with state control; both denouncing the actions of the previous regime and claiming collusive control over female reproduction. The administration of Alejandro Toledo from 2001-2006 used the abuses of the previous program under Fujimori to further his agenda.

Pointing to the violations of human rights, the unlawful tubal ligations, Toledo advocated for the elimination of programs that increased access to contraception. With wide support from the Catholic Church, Toledo limited government funding for the contraceptive programs and promoted the “natural” methods of contraception endorsed by the church. During the same time that he used the memory of the forced sterilizations to his advantage, Toledo also denied the victims any reparations.

Women’s organizations located in Peru such as Flora Tristan, CLADEM, and DEMUS were slow to react and denounce the sterilization programs (Reyes 2007). Despite the slow rallying of these agencies, they did organize to form a case against the Peruvian government. The case was first brought to trial in 2002, but was thrown out because the state attorney claimed that it was outside of the statute of limitations (Salazar 2013). Represented by CLADEM – Peru, the coalition of women’s organizations, brought the case to the Inter-American Court Commission and won, which held the Peruvian state responsible for holding a trial. On November 23, 2012 the trial was opened once again (Salazar 2013). The case represents 2,072 women who were victims of forced sterilizations and the woman mentioned at the very beginning of this paper, the deceased María Mamérita Mestanza is the face of the case. The tribunal on November 8, 2013 showed great promise as testimony was collected. Unfortunately, the case has come to another halt. In an update from Melva Chang, one of the lawyers from the organization DEMUS, on February 13, 2015, she stated that the state has essentially moved the case from one regional court to another. With various technicalities the case has been paused, but the women intend to keep battling the legal system to attain justice for the victims.

The disapproval and public denouncement by the Catholic Church of the population control program carried out under the regime of Alberto Fujimori exemplifies the rivalry

between the two opposing forces. While throwing around public accusations and disapproval, the rights of women in the Andes of Peru were being violated and they were rendered unable to reproduce. During the 1990's under Fujimori's administration, the two structures vied for control of reproduction. Each structure attempted to appeal to various aspects of public opinion.

Fujimori appealed internationally to women's groups advertising female empowerment while simultaneously boasting population decline to program funding sources. The Catholic Church appealed to the conservative Catholic majority in Peru. Vying for control over the female body left uneducated indigenous women in the crosshairs of a government program. In the aftermath of these violations of rights, the Toledo Administration with support from the Church, limited access to contraception once again. Peru exemplifies both the hegemonic power monopoly, under the government of Alberto Fujimori, and then the collusive relationship of shared power.

V. Conclusion

In the examples of the three nations of Peru, Nicaragua and Argentina, power has clearly been concentrated into the hands of a few, all of whom are men. The lack of gender diversity combined with the authoritarian or dictatorial nature of the structures makes them hyper-masculine and patriarchal. Considering this as the nature of the structures that wield power over the population it is then unsurprising that they lacked compassion for the human rights of women while controlling their reproduction. The tactics through which these four structures (the Church and three state governments) have attempted to control the reproduction of women vary greatly. They have attempted to restrict access to abortion, even under the direst circumstances, in Nicaragua. In Argentina, the state used rape by arms of the military to leave schisms in a community wrought with civic unrest. Peru saw the forced sterilization of over 2,000 indigenous

women as part of a population control program that targeted indigenous women, and then quickly stripped the nation's women of any access to contraceptives at all.

These case studies exemplify the notion of structures vying for control and offer historical evidence to demonstrate this paradigm. While there is by no means a universal female experience, women in these communities are pushing back against hegemonic forces. In Nicaragua, while the circumstances were brutal, women's organizations from all over the country and the world came together in support of "Rosa" who did attain an abortion.

Argentina's plight gave birth to the Madres de la Plaza de Mayo, an organization that has earned the reputation of being a force to be reckoned with, led by the mothers of the disappeared and tortured during the Dirty War. DEMUS, CLADEM, Flora Tristan and a myriad of other women's organizations in Peru have come to the defense of the victims of forced sterilizations, while simultaneously fighting for access to contraceptives. The atrocities that occurred in these three countries have become a part of their national histories. Women who partake in these organizations who live in these countries now are working diligently to ensure that they don't happen again and that reproduction can take its place as a personal and medical decision. Structures such as the Church and state have a very necessary place in society; nonetheless, controlling reproduction is not part of their essential functions. Hegemony that manifests surrounding reproductive capacities frequently results in the types of violence seen in these case studies. While a powerful sphere of control, reproduction needs to be removed from political thought as a way of expressing control over one group or another. Gendered violence as seen in these cases can only be reduced or eliminated when reproduction is preserved unilaterally as a personal and medical decision.

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