

Familialism in Nicaragua: Reproductive and Sexual Policy Regimes, 1979-2002

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This paper contributes to the emerging comparative scholarship on familialism, gender relations, and welfare states by examining the social policies on reproduction and sexuality that have been imagined and enacted by the three political regimes that have held power in Nicaragua since the 1979 revolution. Using the construct of familialism, I argue that the rapid transition in political regimes and their policies exhibit contradictions in both symbolism and the material consequences in the lives of Nicaragua's gendered citizens. Familialism not only emanates from the state in an attempt to direct the popular imagination, but also produces a response to the state from the populace. State practices of familialism create opportunities for resistance and collective action, and in the case of Nicaragua, a vibrant and diverse women's movement.

Studies of welfare states have turned strongly comparative in recent years and are primarily concerned with understanding the qualitative differences in the origins and trajectories of social policy within and among various states. In particular, the impact of feminist theory on some branches of this research is quite notable. Only a few years ago, mainstream comparative research and gender-sensitive work on welfare states were almost mutually exclusive (O'Connor et al 1999; Orloff 1996). Recently, comparative scholarship on gender relations and welfare states has proliferated and now forms a coherent body of work (Adams and Padamsee 2001; Adams et al forthcoming; Fraser 1989; Haney 1996, 2000; Haney and Pollard 2003; O'Connor et al 1999; Orloff 1996, 2003). Much of this literature, which I and others characterize as feminist, has focused on Western welfare states (Adams 1994; Gordon 1990; Orloff 1996; Pedersen 1993) and has done so frequently through the lens of maternalism (Brush 1996, Koven and Michel

1993, Gordon 1995). Gender-state relations have long been of interest to feminist scholars and their attention to women, mothers, and femininity has produced valuable and much-needed scholarship that serves – at the very least – as a corrective to “mainstream” comparative scholarship on states that ignores (past and present) the significance of gender in practices of state formation. In recent years, feminist scholars have widened their gender-sensitive lens to examine non-Western contexts. In particular, attention to relations between the state, politics and the family in comparative scholarship can now be identified under the banner of “familialism” (Haney and Pollard 2003).

In this essay, I offer a contribution to the growing feminist comparative scholarship on familialism by examining Nicaragua, a state that is neither “Western” nor straightforwardly in possession of a “welfare apparatus.” The Nicaraguan state has changed rapidly in a short period of time. Since the 1979 revolutionary overthrow of the Somoza dictatorship, three political parties have held office. During these three political regimes, social policies on a wide range of issues have varied greatly, influencing the everyday lives of Nicaraguans. These transitions have led to numerous policy changes and reforms through which gender relations are imagined, reformed, and organized. In particular, “familialist” discourses about reproduction and sexuality embedded in Nicaraguan state policies have far reaching implications for gender relations. Policies on contraception, maternal and child health, sex education, abortion, sexual orientation, and sexual violence advanced by the Sandinistas (1979-1990), the UNO government (1990-1996), and the Liberal Party (1996-present) are part of a larger ideological and political landscape of state building and reform in Nicaragua. What makes the Nicaraguan case compelling is not only the rapid shift in political – and hence, policy – regimes but also

the contradictions embodied in both the symbolism and material consequences of such familialist policies. When a state's goals embody contradiction in policy formation and outcomes, this opens cleavages of opportunity for collective action and resistance, which has been the case in Nicaragua. Familialism in this case not only emanates from state structures in an attempt to engage, reform or redirect the popular imagination, but also produces a response to state structures from the populace. These factors make Nicaragua a particularly interesting case study in which to examine the enactment and consequences of familialism on the reproductive and sexual lives of its citizens.

Gender, Family and the State

Feminist theorists of the state have sought to bridge the chasm between mainstream comparative and historical research and gender-sensitive feminist research on the state, which have been until recently almost mutually exclusive groupings (Gordon 1990; O'Connor et al 1999; Orloff 1996). Taking gender seriously in mainstream comparative and historical research on the state is long overdue, despite the offerings of feminist scholars.¹ I borrow from O'Connor et al (1999: 10) in that "'feminist' is used here to describe scholarship that uses gender as an analytic category and/or focuses on the situation of women; 'feminist' also describes political orientations in favor of (diverse visions of) gender equality." I also share their view that gender relations cannot be understood apart from the state, politics, and policy. States influence gender relations and are in turn influenced by gender relations.

State-centered scholarship has endured significant criticism from Foucauldian scholars who argue that the state is not the most relevant site for investigating gender and

¹ For an expanded discussion of gender segregation and gendering patterns in historical sociological scholarship, see Adams et al (forthcoming.).

other social relations, and prefer instead to investigate local discursive, disciplinary or cultural manifestations of power. The assumption implicit in such an approach is that centralized state power is of decreasing importance and of less significance compared to localized mechanisms of power which are diffuse, coercive and normalizing. I argue that while discursive and cultural dimensions of power are significant, the state should still be understood as a crucial site for gender and sexual politics, and that investigations of local power should be linked with an understanding of centralized state power (O'Connor et al 1999). As such, all state institutions are gendered. Therefore, it is important to integrate discursive analysis with institutionalist analysis because the centralized power of the state is linked with local sites of power. One of the ways in which such a linkage is made is through a state's social policy regimes. According to O'Connor et al (1999), social policy regimes are institutionalized patterns in state social provision that establish systematic relations between the state and social structures of conflict, domination and accommodation (see also Shaver 1990). 'Regime' should be understood as broader than 'welfare state' because it connotes the full range of domestic policy interventions as well as broader patterns of provisioning and regulation (O'Connor et al 1999). 'Welfare state' by contrast means "interventions by the state in civil society to alter social and market forces," including not only income maintenance programs but also a state's regulatory apparatus and public services (O'Connor et al 1999: 12). Such understandings allow analysts greater flexibility in mapping social policy patterns within and across particular states.

Feminist work on welfare states often uses maternalism as an analytical tool with which to examine gender relations and patterns of state social provision, with particular

attention given to relations between women and the state. Maternalism has two central meanings in feminist scholarship on the state; one, it describes particular groups of women as political activists in welfare states and two, it refers to an ideology that discursively constructs meanings about women as mothers. In the first instance, maternalist women exalt a feminine “ethic of care” through which they claim positions for themselves in political life in newly emerging welfare states and enter political-institutional spaces previously occupied solely by men (Haney and Pollard 2003: 2).² In the second instance, maternalism is a term used to identify discursive and ideological movements that specifically target women as mothers. The emphasis in these analyses shifts from the political agency achieved by some women to the lack of agency experienced by mothers vis á vis the state. Maternalism in this latter case is not linked to any particular political grouping or form of activism, but rather, a political vision based on women's gendered roles as caregivers and nurturers. This is a vision that can be embraced by both women and men and it is a view that extols the virtues of domesticity (Haney and Pollard 2003: 2).

Recent efforts by feminist scholars of welfare states seek to move “beyond maternalism” and its narrow emphasis on women as mothers by expanding and in some cases developing an entirely new approach to thinking about gender relations and the state. Scholars such as Lynne Haney and Lisa Pollard (2003) recognize the limitations of maternalist analyses and have broadened the lens through which they view welfare states by simultaneously shifting attention to non-Western states, frequently examining state socialist and colonial contexts – and in some cases, post-socialist and post-colonial states

² For an example of analyses of maternalist women, see Skocpol (1992) and of the Nicaraguan case specifically, see Bayard de Volo (2001).

– and away from conventional definitions of the modern state. Haney and Pollard (2003) argue that such moves allow scholars to consider areas and times in which there was no welfare state to speak of, such as societies under colonial occupation, or at moments when the state itself was being imagined and contested. In such contexts, there was no “welfare apparatus” through which the state provided benefits to mothers, and mothers were hardly in a position to use the welfare system to gain political or professional authority (Haney and Pollard 2003: 3). By working with a wider lens, Haney and Pollard (2003) show that state intervention in family life does not always occur exclusively, or even primarily, through mothers. In fact, many of the policies, laws, and public campaigns explored in this burgeoning literature on gender-family-state relations redefine a wide variety of domestic roles and responsibilities, including male familial responsibility. Haney and Pollard (2003) have grouped this emerging scholarship under the construct of “familialism.”

As a metaphor and an institutional agenda, familialism takes many forms and varies in its meanings across particular state types and political regimes. Usually associated with patrimonialism, familial states merge family lineage and political authority; they are regimes in which actual familial norms and principles constitute the political structure and elite (Haney and Pollard 2003; see also Adams 1994). Attention to state intervention in family life in a wide range of state forms and regimes demonstrates a variety of founding ideologies and motivations that resist generalization across states. In addition, family reform is not always primarily about the family itself, but in many cases may serve as a vehicle for other agendas (Haney and Pollard 2003), such as the regulation of reproduction and sexuality. Since families are frequently a central site for the

organization and regulation of reproduction and sexuality by the state, examining how both the discourses embedded in policies about reproduction and sexuality and the effects of such policies on gendered subjects illuminates linkages among state reform, political movements, and families. Families are viewed by many as a central institution organizing social life; because families are frequently seen as a beacon of stability and comfort, especially in times of turmoil, the state may mobilize certain discourses about the family as way of pushing other agendas.

The role of the state in the sexual and reproductive lives of its citizens and the responses of gendered citizen-subjects to this regulation have received surprisingly little attention in comparative studies of welfare states, despite the fact that historically, welfare states have concerned themselves with maternal and child health; birth legitimacy and the moral character of the unwed mothers; natalism, eugenics and the peopling of the nation; with the regulation of contraception, abortion, adoption, wet-nursing, homosexuality, and incest (O'Connor et al 1999). Such concerns are connected to questions of legal personhood, or citizenship, through the regulation of reproduction and sexuality. Gender ideologies concerning the rights, roles, and responsibilities of differently situated citizen-subjects are frequently linked to nationalist and religious ideologies, and an examination of social policies concerning reproduction and sexuality provide a site for engagement with such discourses and their consequences.

Brief Historiography of Nicaragua

Nicaragua is a state that has been imagined, envisioned, and contested since the 1979 overthrow of the Somoza dictatorship. In the past twenty-five years, the Nicaraguan state has been subject to three distinct parties of rule, all of which purport to

be democratic but demonstrate significant divergence in their understandings of meanings of democracy and citizenship. This is evident in the laws and policies passed and enforced under the rule of each political party.

Under the dictatorial Somoza family regime (1936-79), the people of Nicaragua were subject to oppressive rule and foreign intervention, to which many responded with social unrest. The Somoza regime was paternalist and as such citizens did not have rights, but rather concessions from an arbitrary ruler (Saint-Germain 1993: 74). The National Legislature, election councils, and municipal governments were all merely façades for the dictator and any other organizations that attempted political action were forcefully suppressed. Prior to 1979, Nicaragua's social policy reflected the country's pervasive poverty and the Somozas' control of the state. Very few services existed and those which did were concentrated in urban areas and focused on the needs of the wealthy rather than of the poor. There was certainly no welfare state in Somocista Nicaragua (Close 1988).

In 1961, the Frente Sandinista de Liberación Nacional (FSLN) – named for Augusto César Sandino who led a popular resistance movement against U.S. occupation forces in 1932 – was founded by three young Marxists, Carlos Fonseca Amador, Tomás Borge Martínez, and Silvio Mayorga. After two decades of planning and preparing a revolutionary strategy that combined rural guerilla warfare and urban mass-based insurgency, the FSLN was able to overthrow the Somoza regime in 1979. The Sandinistas implemented numerous reforms in their efforts to build a socialist state committed to the three principles of revolution: political pluralism, a mixed economy, and non-alignment (Close 1988; Molyneux 1985). Social policy formation and implementation in the areas of health, education, housing, social welfare, and gender

issues were far-reaching and ambitious. For example, the Sandinistas brought public health care services to all Nicaraguans, launching a vaccination campaign against measles and polio and an anti-malaria campaign. Efforts in education included a widespread literacy program and rapid expansion of the educational system. By 1982, all Nicaraguans – regardless of whether or not a person contributed to the scheme – were eligible to receive benefits from the Nicaraguan Social Security and Welfare Institute (INSSBI), which included pensions and workers' compensation (Close 1988: 159-160).

The massive popular insurrection and high rates of women's participation in the revolution contributed to a transformation in women's conditions and opportunities to organize, resulting in part from the fact that the Sandinista leadership explicitly supported gender equality (Chavez Metoyer 2000). While this represented a significant shift in ideology compared with the repressive Somoza regime, it quickly became clear that the Sandinistas' commitment gender equality was less important than other considerations in the FSLN's formation of a social-democratic welfare state (Chavez Metoyer 2000). Nonetheless, women's legal status under the Sandinista government improved dramatically because principles such as gender equality were consistent with the revolution. But as the FSLN's tenure wore on through the 1980s, the actual practices of the FSLN vis á vis women's rights proved lacking in many ways.

In 1984, free, democratic elections were held and Sandinista candidate Daniel Ortega was elected president. Relations with the United States had an early and pronounced effect on Nicaraguan politics during the decade the Sandinistas were in power. The Carter administration accepted the revolutionary government with cool resignation and a policy of nonintervention (Hoyt 1997), whereas the Reagan

administration, who came to power eighteen months later, viewed the Sandinistas as an extension of Soviet communism and therefore, a threat to U.S. national security (Babb 2001). Interventionist politics prevailed throughout the decade, as the United States trained and supported a Nicaraguan counterrevolutionary (*contra*) army to wage war against its own government and cut off aid and trade relations with the country (Babb 2001). The war and the trade embargo made it increasingly difficult for the Sandinista government to enact their social programs and a less democratic and progressive stance became favored under the pressures from the United States.

The cumulative effect of rising inflation rates, a deteriorating economy, the U.S.-imposed trade embargo, denial of credit from the International Monetary Fund and the World Bank because of U.S. veto, and the persistence of violence throughout the nine-year *contra* war all contributed to the defeat of the FSLN in the 1990 presidential election. In 1990, Violeta Barrios de Chamorro (1990-1996), representing the United National Opposition (UNO) coalition of fourteen parties, was elected president.³ Chamorro was affiliated with pro-United States factions and was the first woman ever directly elected to the presidency of any Central American nation (Saint-Germain 1993). 1990 marked the first year that Nicaragua experienced a peaceful transfer of government between the group in power and the opposition, which marked a significant shift in the political culture. The UNO government introduced stabilization and adjustment measures as part of an agreement with the International Monetary Fund (IMF) in order to reduce inflation and modernize the economy. Cutbacks in the state sector and the

³ For various explanations for why the initially successful revolutionary government of the FSLN was not re-elected by the Nicaraguan people, see Chavez Metoyer (2000), Mulinari (2000), Babb (2001), and Bayard de Volo (2001).

development of a market economy quickly began to take their toll on a broad base of the population and unemployment soared (Babb 2001).

Despite the worsening conditions for the majority of the Nicaraguan people under the UNO government, much has been made of the fact that leading up to the 1996 presidential elections, Nicaragua was the only country in the world in which executive power was controlled by two women, President Violetta Chamorro and Vice President Julia Mena Rivera (Chavez Metoyer 2000: 116).^{4,5} The symbolic significance of two women in power of the Nicaraguan state, however, did not have a positive material impact on unequal gender relations or improve the quality of many women's lives, due in part to their commitment to a conservative gender ideology strongly affiliated with the Catholic Church.

The FSLN attempted to regroup in an effort to reclaim the presidency in 1996, but they were unsuccessful. Arnaldo Aléman, the Liberal Party candidate and former mayor of Managua, was elected with 45.97% of the vote, despite the presence of twenty-four candidates bidding for the presidency and the 45 percent required to obtain a first-round victory (Chavez Metoyer 2000: 117).⁶ Allegations of fraud arose and issues of legitimacy plagued the country but it was not enough to alter the outcome.⁷ Aléman carried on the tradition of neo-liberal economic policies established by the Chamorro government and implemented a variety of policies that further exacerbated the worsening conditions of social welfare for the majority of Nicaraguans.

⁴ By law, Vice President Virgilio Godoy had to resign in order to make a bid for the presidency (Chavez Metoyer 2000: 126).

⁵ Lest this fact be misleading, overall, few women held elected positions during the Chamorro administration and few sought public office in 1996.

⁶ This essay does not consider policies enacted following the 2002 election of Enrique Bolaños Geyer, but it is important to note that he is also a member of the Liberal Party and served as vice-president to Aléman (1996-2002).

⁷ For a discussion of these electoral problems, see Chavez Metoyer (2000).

Familialist Policy Regimes in Nicaragua, 1979-2002

As a metaphor and an institutional agenda, familism facilitated the building of the revolutionary Nicaraguan socialist state. As noted earlier, patrimonialism best describes the Nicaragua state under the Somoza regime. The Somoza family lineage merged with political authority, resulting in a five-decade patrilineal dictatorship. The political structure privileged the few elite at the expense of a vast majority. During the Somoza era (1936-1979), women's subordinate status relative to men was reflected in Nicaraguan law. For example, prior to 1955, Nicaraguan women were denied suffrage. Also, their rights in marriage and divorce further exemplified their second class status. Marriage was a contract that required a woman to submit to her husband's authority. A man could divorce his wife on mere suspicion of adultery, whereas a woman could only divorce her husband if she could provide his infidelity was public or scandalous (Chavez Metoyer 2000). These examples represent but a few of the discriminatory laws that treated women as subordinate to their male counter-parts.⁸

During the Somoza regime, health care provision favored wealthier citizens' access to services in private hospitals. An estimated 90% of all health care resources benefited just 10% of the population; only 28% had regular access to qualified health care (Collinson et al 1990: 96). State health provision was all but absent in rural areas and less than 20% of children under five and pregnant women received health care; infant mortality was extraordinarily high at 120 per 1,000 live births (Collinson et al 1990). Somoza's birth control program, which was strongly influenced by the United States,⁹ and targeted geographic locations where opposition groups were known to be the

⁸ See Chavez Metoyer (2000) for a more detailed account.

⁹ The U.S. made a major aid package conditional on Nicaragua accepting family planning in 1968 (Collinson et al 1990: 96).

strongest. According to Collinson et al (1990: 116), this program aimed to “kill the guerilla in the womb” by means of enforced contraception and sterilization.¹⁰ Due to widespread public knowledge of this program, many Nicaraguans associated family planning with American imperialism. These widespread beliefs would contribute to a contradictory policy climate on reproductive health when the FSLN came to power. In addition to these facets of state policies on the reproductive lives of Nicaraguans, a criminal code was passed in 1974 which made abortion illegal except in strict medical cases where the life of the pregnant woman was at risk.

The Sandinista Years (1979-1990)

When the FSLN came to power in 1979, the party enacted a number of reforms that represented – at least symbolically – a significant shift in familial politics. The FSLN acknowledged that conditions for women were far worse than for men because they had endured forms of exploitation and oppression that stemmed from the subordinated states within Nicaraguan society (Chavez Metoyer 2000: 20). Some changes were implemented up front, such as the prohibition against the portrayal of women as sexual objects in advertising (Molyneux 1985: 237); others were introduced but never fully ratified and still others were not formally codified until the passage of the 1987 Constitution. AMNLAE, the women's movement organization affiliated with the FSLN,¹¹ drew attention to the issue of *machismo*,¹² which was cited as a central factor

¹⁰ According to Collinson et al (1990), Doris Tijerio, Head of the Sandinista Police, claimed that US volunteers put agents into anti-polio vaccines to sterilize women without their knowledge or consent (116). Collinson et al's source is Jane Deighton's (1983) *Sweet Ramparts: Women in Revolutionary Nicaragua* (London: War on Want and Nicaragua Solidarity Campaign).

¹¹ AMNLAE (The Association of Nicaraguan Women “Luisa Amanda Espinoza”) was formed in 1979, a month after the revolutionary triumph. The organization was named for the first woman Frente member to die in combat and she came to represent a new feminine ideal: childless, autonomous, and Sandinista (Isbester 2001: 48).

that contributed to unequal gender relations, especially with regard to family responsibilities. The FSLN pledged to change discriminatory laws against women and enacted legislation aimed specifically at influencing family relations. New social policies initially downplayed the importance of marriage and family and attempted to change traditional family roles (Chavez Metoyer 2000). At the same time, new laws upgraded women's status within the family, giving women the right to divorce as well as to own and inherit property. The workday was reduced, health and safety provision in the workplace improved, and women received an entitlement of four weeks of paid maternity leave before childbirth and eight weeks of paid leave following childbirth (Chavez Metoyer 2000: 23). Two additional laws were introduced that explicitly addressed gender relations in the family. The first was the *Ley reguladora de las relaciones entre madres, padres e hijos*,¹³ which was intended to remove men's special privileges over custody divorce settlements and recognized the legal rights of all children born outside of civil marriage (Chavez Metoyer 2000; Molyneux 1985). The second was the *Ley de alimentos*,¹⁴ which formally recognized a woman's right to equality within the family and workplace and explicitly affirmed the state's obligations to support women in carrying out their family activities such as housework (Close 1988: 161). Additionally, under the law, all adult family members were liable for the maintenance of their family and required that financial obligations and household tasks be shared (Chavez Metoyer 2000:

¹² *Machismo* is a contested term, but in general, it is understood to signify a particular type of masculinist ideology prevalent throughout Latin America that promotes the view that manhood is defined by one's ability to produce many children by multiple women partners (Close 1988; Collinson et al 1990). *Machismo* is often viewed as a counterpart to *marianismo*, which promotes the view that womanhood is defined by a woman's ability to become a mother. The term comes from the celebration of Mary's conception.

¹³ The Law of Relations Between Mothers, Fathers, and Children was introduced in 1981 and passed in 1982.

¹⁴ This law has been translated from Spanish to English as the Nurturance Law (Close 1988) and the Provision Law (Chavez Metoyer 2000; Molyneux 1985).

24). Although the latter law was passed by the Council of the State, it was never ratified by the Junta¹⁵ and efforts were all but abandoned in 1983 (Molyneux 1985: 240). Other policies granted women the right to adopt children and made children born out *situaciones conyugales*, or unmarried cohabitation, the legal responsibilities of both parents (Chavez Metoyer 2000: 24).

In 1979, the FSLN established free health care as a right for all, which included reproductive health care. In terms of contraception, there are conflicting and contradictory accounts concerning the FSLN's policies and practices. Under the FSLN, contraception was free and, in theory, available to everyone. By 1983, 22.1% of women between the ages of 15 and 49 were using contraceptives provided by government health facilities.¹⁶ According to Collinson et al (1990), many women chose to purchase contraceptives from market stalls rather than obtain them in public view through a state health clinic (117). Pills were frequently past their expiration dates and were often sold by vendors with little knowledge of how the pharmaceuticals worked, which decreased the effectiveness of the contraceptives, despite their availability. In 1985, it became possible for women over twenty-five to be sterilized and in 1988, it became possible for women to do so without their husbands' permission; however, in 1989 government cuts in health spending led to limited provision to women over thirty-five, except in cases of emergency (Collinson et al 1990: 117). From 1992 to 2002, the acceptance rates of

¹⁵ The Junta is shorthand for the "Governing Junta of National Reconstruction" (JGRN) and was one of the three branches of the Sandinista's centralized governing body between 1979 and the inauguration of the newly elected government in January 1985. The other two were the Council of State and the courts (Close 1988: 120-121). The Junta was the key instrument of state power and the first formation contained five people representing three political factions: two representatives of the "bourgeoisie" (Alfonso Robelo and Violeta Chamorro), one leftist (Moisés Hassan), and two social democratic moderates (Daniel Ortega and Sergio Ramírez). For more on the changing structure and membership of the Junta, see Close (1988).

¹⁶ 75% of whom were using the birth control pill and 15% the IUD and 'other methods' (Collinson et al 1990: 117).

sterilization nearly doubled in Nicaragua (EngenderHealth 2002). Today, sterilization is the most requested form of contraception (IPPF 2004); however, according to one recent report, although it is illegal to deny a woman over twenty-one years of age a sterilization procedure, most doctors will not perform it unless the patient brings a note of consent from her husband or an adult male guardian (Otis 2001). But these facts only tell part of the story. Contraception and sex education, while given lip-service by the FSLN, were not widely promoted (Wessel 1999). A number of possible reasons account for this, including the Catholic Church's anti-contraceptive stance,¹⁷ perceived underpopulation (despite a high birth rate), poverty, *machismo*, and fears concerning repressive population control programs from abroad (Wessel 1991).

In Sandinista discourse, mothers were represented as altruistic and self-sacrificing, an ideology that was strengthened as Nicaragua became militarized in 1982 when the *contra* war began. The FSLN focused on mothers of combatants and their practical gender interests as arising out of traditional gender roles as opposed to more feminist concerns (Bayard de Volo 2000; Molyneux 1985; Randall 1994). The Sandinistas promoted a nationalist, pronatalist discourse, further legitimated by the *contra* war, in which women were praised as reproducers of the revolution and the nation. It was considered a woman's duty to replace the great losses of the war and women's high fertility rates were given new, "revolutionary" meaning (Mulinari 2000: 241). These maternalist discourses redefined maternal work as women's duty to produce soldiers for the nation; motherhood was reimagined as patriotic (Mulinari 2000: 259).

¹⁷ The traditional Church is distinguished from the more radical sectors outside of the Church hierarchy. The "Church of the Poor" – often referred to under the heading of "Basic Christian Communities" or CEBs – was much more flexible on issues concerning sexuality, reproduction, and the family (Collinson et al 1990).

By the mid-1980s, the contra war and the associated effects of the U.S. trade embargo had already taken a significant toll. The economic plight of Nicaraguans worsened and violence was pervasive. The death toll of Nicaraguans as combatants and bystanders continued to rise. Despite symbolic pledges to gender equality, the FSLN was fast becoming restrained in its ability to enact its progressive platform. Reproductive rights and low-cost contraceptives in particular became major demands of women actively involved in the Nicaraguan women's movement. Such activism was primarily enacted through AMNLAE. In particular, despite the progressive reformist rhetoric of the FSLN on contraceptives and sex education, abortion remained an extremely controversial issue. By the end of the 1980s, maternal mortality figures showed that one third of all maternal deaths were the result of self-induced abortions (Wessel 1991). It is significant, however, to note that despite the anti-abortion stance of the FSLN, within a year of the revolution, the police stopped prosecuting women for having illegal abortions (Chavez Metoyer 2000: 28). Although the Sandinistas made it clear that they would not change the laws prohibiting all but therapeutic abortions, they were lenient in allowing therapeutic abortion services in hospitals. In 1989, elective, first-trimester abortions at a European-funded nongovernmental agency became available for a moderate fee (Wessel 1991). But because the FSLN was focused on building a new society for the collective good, individual rights – such as the feminist view of a woman's right to control her body – were never promoted, and in fact, were often seen as bourgeois and counter-revolutionary (Wessel 1991). Although the Sandinista ideology supported women's rights in terms of access to education and to employment outside the home, ultimately,

the government did very little to challenge existing patterns of gender relations within the home.

The Chamorro Years (1990-1996)

Just as the transition to Sandinista state socialism embodied familialism, so too has the post-revolutionary transition from socialism to neo-liberal capitalism. Haney and Pollard (2003) outline two narratives of the family that underlie the post-socialist transition that are applicable to Nicaragua. The first can loosely be termed “re-traditionalization,” which is closely allied with political opposition to the practices of the socialist state. Proponents of “re-traditionalization” in Eastern Europe heralded the “traditional” family as a mode of political resistance and as such advanced a vision of the family that clearly demarcates the private and the public, valorizing hierarchical family relations. The second narrative, which coexists with the first, posits a relation between state and family that is characterized by a historically specific division of labor whereby social duties and functions are divided up according to the state’s needs (Haney and Pollard 2003: 7). This narrative, in the context of post-socialist Eastern Europe, has been used to justify the redistribution of social responsibilities from the state to the family as state subsidies for childrearing and related unpaid domestic labor are withdrawn. Carework is restored to its “proper” place in the home and women are returned to their “rightful” roles as nurturers in the domicile (Haney and Pollard 2003: 7-8; see also Gal and Kligman 2000).

Following the defeat of the FSLN in the 1990 elections, a number of changes occurred with regards to familialism. Various policies were enacted that signified “re-traditionalization” of the post-socialist state as well as a shift in specific responsibilities from the state to the family as part of UNO’s adoption of neo-liberal economic policies.

The gender symbolism at the heart of Violeta Chamorro's successful presidential bid paved the way for a familialist politics of "re-traditionalization" that persisted throughout the 1990s. As the widow of Pedro Joaquín Chamorro, a man widely respected for his moderation in Nicaraguan politics during the revolution, she was the female head who held together a divided family, in which two of her four children were committed Sandinistas and two were not, that symbolized a divided country (Saint-Germain 1993: 84). During the campaign, Chamorro's image was modeled after that of the Virgin Mary, the valiant, self-sacrificing, and suffering mother, and positioned as the maternal savior of the Nicaraguan people (Saint-Germain 1993: 85-86; Bayard de Volo 2001: 157). She spoke often of returning women to the home, of strengthening the family, of reestablishing traditional values (Saint-Germain 1993: 97). This imagery was positioned in opposition to the FSLN incumbent candidate, Daniel Ortega, who played out traditional masculine values of Nicaraguan political culture: aggression, intransigence, military might, and virility (Saint-Germain 1993: 86; Bayard de Volo 2001: 158). Reliance on traditional gender identities were reified throughout the campaign, particularly in the press.

Chamorro's campaign speeches were often centered around the "nuclear family," which was presumably an effort to court women's votes. As noted previously, *machista* ideology did not encourage men to engage monogamy and enter into civil marriage. Under the Sandinistas, nearly 50 percent of Nicaraguan families were headed by single women (Close 1988: 160) and during the Chamorro years, women headed approximately 40 percent of households (Chavez Metoyer 2000: 45). This is particularly relevant to the "re-traditionalization" thesis of postsocialist familialism because the bourgeois nuclear

family was not a reality for most Nicaraguans. Not only was (and is) it quite commonplace for a couple to live together as a common-law married couple but without the formal recognition of the state, but furthermore, Chavez Metoyer (2000) observes that “not only is it common for women to have children by more than one man, but doing so does not carry the same pejorative connotation about women’s virtue that is so typical throughout the rest of Latin America” (45). The call for a “return” to “better days” and the “nuclear family” were not only out of sync with the lived realities of many Nicaraguans but such an image was also not a historical reality. Women could not afford economically to “return to the home” and allow men to be the economic providers in part because that was not how families (or economic conditions) were structured in the first place.

A new female president for Nicaragua was no guarantee of improved conditions for women in the country. There was little in the UNO platform to benefit women, and the gendered effects of structural adjustment and the privatization process began to severely impact women under the Chamorro government (Chavez Metoyer 2000). State budget cuts in funding for child-care centers, health programs, and school milk programs, among many others, had a disproportionate effect on women, especially those with dependents and by the early 1990s, the phrase “feminization of poverty” began to be applied to Nicaragua (Bayard de Volo 2001: 161). Once in office, Chamorro was vocally anti-feminist and promoted her traditionalist conceptions of gender relations (Kampwirth 1996). Her perspectives on women, sexuality and the family became more concrete as the FSLN was blamed for the “moral decay of the country for promoting loose sexuality, a high divorce rate, and the increase in women working outside the home” (Chavez

Metoyer 2000: 52). Chamorro's government restricted women's access to reproductive control and the birthrate, maternal mortality, and illegally induced abortions increased, compounding the difficulties women faced in their efforts to escape poverty (Isbester 2001: 112).

The neoconservative values of the Chamorro administration on the subjects of reproduction and sexuality were articulated and implemented through state mechanisms such as law and education, and through the Catholic Church, and the media. For example, in 1990, the government removed primary school texts that had been donated by the Norwegian government because they contained information on the human reproductive system and sexuality (Isbester 2001). The books were replaced with ones that promoted a specific family form – nuclear families in which mothers worked without compensation within the home and fathers worked at salaried jobs. These new texts emphasized civil, consecrated marriage as the only legitimate form of marriage, the Ten Commandments, and abortion as a sin (Kampwirth 1996; Isbester 2001).

The law also served as a powerful mechanism through which the Chamorro government enacted familialism. In 1991, the government opposed a law enforcing paternal child support despite the fact that female-headed households comprised the majority of family households, although in 1992, an alliance of Sandinista and *laissez-faire* feminists were able to move the legislation through the National Assembly, despite the resistance of the Chamorro government (Isbester 2001: 113). That same year, the government reformed the Penal Code through Law 150, which regulated previously unregulated behavior. The law created definitions of licit (moral and legal) and illicit (immoral and illegal) sexual behavior, wherein only sexual activity identified with

procreation was sanctioned. The same law made rape a public crime for the first time, meaning that the state could charge an alleged rapist rather than leaving the victim to sue for private redress (Isbester 2001). But the new legal concept of rape also protected the “inviolacy of the family and the reproductive basis of the male-female relationship” (Isbester 2001: 113). Therefore, a man could not be charged with raping his wife, including his common-law wife, and rape victims who became pregnant as a result of rape were not allowed access to abortion. Instead of the state assuming financial responsibility for the child since pregnant rape victims were denied the legal opportunity to terminate their pregnancies, the law determined that rapists would not only be the legally recognized fathers of children resulting from their attacks but they would also be held financially responsible, thus establishing a legal and permanent relationship between rapist and victim (Bayard de Volo 2001: 162; Isbester 2001: 114).

The primacy of procreation as the basis for “moral and “natural” sexual relations was further emphasized when homosexuality was criminalized for the first time in Nicaraguan history. In 1992, the National Assembly passed Article 205 of the Penal Code stating,

The concubinage between persons of the same sex or against nature constitutes sodomy and those who practice it in a scandalous manner or offending the public modesty or morality will suffer the punishment of one to three years prison; but if one who of those practicing it, even in private, had over the other disciplinary or authoritative power, like a relative, teacher, boss, guardian of in whatever other concept that implies influence of authority of moral direction, then sentence will be for him from two to four years, the same when practiced with a minor of fifteen years or through use of force or intimidation (Bayard de Volo 2001: 161-162).

Homosexuals were legally defined as criminals along the same lines as rapists, pedophiles, and sexual harassers (Bayard de Volo 2001: 161-162; see also Kampwirth

1998). Sandinista women and emerging gay and lesbian groups led the protests against these two laws (Bayard de Volo 2001: 162).

Law 150 further articulated an ideal of the family by *not* modernizing certain aspects of the original penal law that supported a heterosexual and paternalistic family (Isbester 2001). For example, a woman was still defined as belonging to her parents while she was single and once married, she became the possession of her husband; the bill also refused to criminalize spousal abuse (Isbester 2001: 114).

As previously mentioned, under the FSLN not a single doctor, midwife, and patient was prosecuted for violating abortion statutes. Control over sexuality was further heightened by including, for the first time, a legal punishment for procuring or performing abortions. Doctors and midwives were explicitly denied the legal right to provide an abortion (Isbester 2001). The government moved against abortion clinics that insisted on remaining open and in April 1991, a poor, single mother with five children was arrested by the police for having an abortion (Quiros 1991).

Decreases in health care spending lead to a general decline in health care, which disproportionately impacted women in the area of reproductive health. The rate of maternal deaths is estimated at 160 per every 1,000 live births but this statistic is not reliable because it is estimated that less than half of the births and deaths that occur are known by the Nicaraguan Ministry of Health (MINSAs), which supplies official statistics (Isbester 2001: 117). In addition to poor maternal health care, the rates of death from clandestine and self-induced abortions began to rise in the 1990s. Despite these circumstances, women continued to get pregnant and the population growth rate rose to 3.2 percent per annum, which was the highest birthrate in Latin America and one of the

highest in the world (Isbester 2001: 117-118). This occurred despite the fact that studies showed that the vast majority of married women did not want to get pregnant and that 55 percent of women who already has one child did not want more. The government's response to women's demands for contraception was to advocate abstinence (Isbester 2001: 117).

These conditions propelled the women's movement, now autonomous from the FSLN, into action. In 1993, the Chamorro government renamed the defunct Sandinista women's organization, the Nicaraguan Institute for Research on Women (INIM), a new name, the Nicaraguan Institute for Women, leaving the familiar acronym unchanged. INIM recognized both gender-based inequality and the complexity of women's lives; officially, the INIM was charged with counteracting that reality. Slowly, the Chamorro government entered into dialogue with the women's movement through INIM, which culminated in 1996 in the passing of Law 230, which reformed the penal code to criminalize domestic violence (Isbester 2001: 119). Additionally, INIM represented Nicaragua at the Fourth World Conference on Women in Beijing, China in 1995¹⁸ and implemented the Women's and Children's Police Stations (Isbester 2001: 119-20). The Police Stations were started in 1993 at the behest of two prominent activists in the women's movement to serve as a policing/social services response to violence against women and children; by the time Chamorro's tenure ended in 1996, there were ten Women and Children's Police Stations throughout the country (Isbester 2001: 120). While the stations were rife with problems in practice, their formation highlights the complicated and at times, contradictory, approach the Chamorro government undertook

¹⁸ For an elaborated discussion of events surrounding Nicaragua's participation in both the 1994 Cairo Conference on Population and Development and the Beijing Conference, see Isbester (2001).

with regard to gender relations in social policy. But as Isbester (2001) observes, the cutbacks in education, health care, social services, the promotion of idealized motherhood and the heterosexual nuclear family, the refusal of reproductive rights, and the criminalization of homosexuality ensured that the women's movement had a clear target for sustained criticism, thereby assisting the women's movement to develop an equally clear alternative.

The Aléman Years (1996-2002)

The 1996 election of Liberal Party candidate Arnaldo Aléman led to a number of measures that further exacerbated the familialist politics of the Chamorro government. Shortly after he was elected, Aléman attempted to reorganize INIM. Aléman proposed replacing INIM and the Institute of the Family with a "superministry," the Ministry of the Family (Isbester 2001: 212). As can be inferred from the name, it was apparent that the ministry would relegate a woman's role to one held only within the family. The explicit mandate of the proposed superministry was to restore the "traditional family," which it defined as "a man, a woman, and their children" (Isbester 2001: 212). Despite the outcry from foreign governments, NGOs, and the women's movement, in 1998, the government replaced the INIM and the Institute of the Family with the Ministry of the Family. The Ministry's mission is to protect and promote the family as an institution, along with traditional family values and customs.¹⁹ At the time of its establishment, Umberto Belli was appointed as head of the Ministry. As a descendant of the Catholic Archbishop, Belli was charged with promoting conservative Catholic ideals through the Ministry, including the promotion of abstinence among unmarried people, and in particular, adolescents, as well as fidelity. Marriage for all unmarried couples, particularly those

¹⁹ Personal communication, Cecilia Sanchez, FONIF, July 30, 1998.

who are cohabitating, was also strongly promoted and continues to be.²⁰ Not surprisingly, the Ministry espouses the Liberal Party's strict opposition to abortion in all cases. Similarly, the government is opposed to sex education and family planning methods other than "natural methods" (Pizarro 1998: 24).

By 1997, a number of measures had been taken by the Aléman government that illustrate its familialist politics. Many alternative health centers and women's clinics were closed by the new administration, which were accompanied by public denunciations of nongovernmental organizations dedicated to improving women's health throughout the country. Two groups committed to the promotion of women's reproductive and sexual health needs, the National Commission to Fight against Maternal Mortality and the Women's Health Network, were excluded from the National Commission on Health (Pizarro 1998: 24).

The maternal mortality rate rose 59% between 1993 and 1998, reaching 200 deaths per 100,000 births (Pizarro 1998; UNICEF 2004). In 1995, the Chamorro government estimated that the annual number of illegal abortions each year was 36,000 (Leonhard 2000). Today, that ratio is estimated at 246 deaths per 100,000 live births (Ipas 2004). Despite the prevalence of clandestine abortion as a central cause of maternal mortality, the Aléman government launched a new campaign the outlaw all abortions and intervene in Nicaraguan nongovernmental organizations' funding from international contributions²¹ (Leonhard 2000). In particular, women's health centers were the target of the campaign and the government threatened to revoke their legal status, which would make them ineligible to receive foreign donations (Leonhard 2000). Shortly thereafter,

²⁰ Personal communication, *Hombres contra la violencia*, July 30, 1998.

²¹ For an expanded discussion of Aléman's attack on NGOs, see Kampwirth (2002).

Dorothy Granada, a U.S nurse living and working in a women's heal clinic in rural community of Mulukuku, Nicaragua, was charged with performing abortions and failing to provide care to anyone who was not a supporter of the Sandinistas. The clinic at which Granada worked was shut down, leaving 25,000 people without medical care. Aléman attempted to have Granada deported, a bid that was ultimately unsuccessful (Kramer 2001). The Liberal Party's rigid anti-abortion politics brought Nicaragua to international attention again in 2003 when the parents of a nine-year old rape victim who had become pregnant by her attacker petitioned for permission for an abortion for the child. The procedure was performed at a private clinic on February 20, 2003 despite the fact that the Ministry of Health decided it would not allow the interruption of the pregnancy.²² Initially, the Ministry of the Family said that it would prosecute anyone who helped the girl obtain an abortion, however, all charges were later dropped against the parents of the girl, the doctors, and organizations involved.²³

These examples illustrate both familialist discourses and practices of "re-traditionalization" embedded within the post-socialist policies of both the Chamorro and Aléman governments. The Liberals continued to shore up the turn toward conservative familialism in policies on reproduction and sexuality initially promoted by the Chamorro government, and began to roll back the more progressive measures by dismantling INIM and further integrating Christianity into state polices. Additionally, in 1999, former opponents Daniel Ortega of the FSLN and then-president Arnaldo Aléman made a pact to protect both their personal and political interests. The pact was timely in that it shielded both from charges of corruption and sexual abuse and protected them from prosecution

²² Nick Miles, "Abortion Ruling Splits Nicaragua," BBC News. March 4, 2003. (<http://news.bbc.co.uk/1/hi/world/americas/2817051.stm>).

²³ Ibid.

(Isbester 2001; Kampwirth 2002).²⁴ The agreement has further stalled open debate and national reconciliation, and has strengthened the Liberal-FSLN-church alliance that the women's movement opposes (Kampwirth 2002).

Rapid changes in political regimes in Nicaragua since 1979 have led to numerous and frequently contradictory shifts in social policy on contraception, maternal and child health, sex education, abortion, sexual orientation, and sexual violence. These policies, which I have grouped under the categories of reproduction and sexuality, communicate multiple discourses about gender relations, families, and the state that are an important part of the ideological, economic, and political landscape of state building and reform in Nicaragua. Many of the policies discussed here exhibit severe contradictions as well as consequences for many Nicaraguans and women in particular. While these contradictions, along with the defeat of the FSLN in 1990, have led to increased opportunities for organizing, resistance, and transnational coalition-building for those in the women's movement (Babb 2001), the effects of such policies continue to undermine efforts to achieve gender equality. Denying women access to adequate reproductive health care and control over their fertility, narrowly circumscribing the meanings of moral, "natural," and licit sexuality, barring young people's access to medically accurate knowledge about reproduction and sexuality, and promoting a heterosexual nuclear family model in which women are unrealistically expected to remain in the home while men work in wage labor all create a climate of unequal gender relations and therefore, power relations. While familialism has the potential to be aligned with feminism by promoting equitable gender relations through social policies on reproduction and

²⁴ In June 1998, Daniel Ortega's adopted daughter, Zoilamérica Narváez Murillo, accused him of sexually abusing her for twelve years since the age of 11 (Goldman 1998).

sexuality, thereby influencing family life, the familialism emanating from the post-socialist Nicaraguan state continues to remain at odds with such a vision.

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