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THE 1966 LAW CONCERNING PROHIBITION OF ABORTION IN ROMANIA AND ITS CONSEQUENCES. THE FATE OF ONE GENERATION.

From the ancient times, abortion appeared as a method of controlling the fertility. But starting with XIX century, modern states used the abortion as a mechanism of demographic policy, the state intending to adjust the fertility of population by this. It is worth underlining the ethical and moral aspects of abortion, which determined strong debates on the political scene and further at the level of civil society and mass media. So, in the last decades there have been questioned not only ethic and moral implications of abortion, but also practical outsets. A responsible demographic policy should take into account the whole set of socio-economic and cultural factors that condition a society.

An illustration of a failure in the demographic policy could be the Ceausescu's regime policy regarding abortion. It is the aim of this paper to present a case of aberrant state policy that no way took into account the socio-economic and cultural determinants. So, more precisely, I will discuss on the law prohibiting the abortion - issued in 1966 - and its social consequences. The intended, but especially, unintended consequences of this measure still have been visible even nowadays, after more than 30 years, and they will persist further for a long time.

1. Historical background

During the first two decades of communism in Romania (1945-1965), the socialist State paid a special attention to the mother and child, trying to provide them the best conditions of development. Defining itself as the representative of workers and peasants,

the State was interested to encourage a high birth rate of these social classes and to avoid their pauperisation. In order to maintain the low level of salary, the State supported the families with numerous children, providing them substantial direct transfers of economic resources as well as consistent subsidies or gratuities of goods and services. These measures were also determined by the party's need to create a strong social ground, as a basis for sustaining the communism and for selecting new communist leaders.

But, step by step, starting with '60s, the situation of family and, especially of mother and child, depreciated substantially, leading to a continue decline of the birth rate. The main causes of this phenomenon were the following:

- modernisation and urbanisation of the Romanian society,
- the very high rate of woman participation in the labour force,
- a low level of the life standard
- changes of the traditional system values.

Cooperativisation of agriculture (made quickly and by force) and the industrial development – two of main objectives of the Communist Party during these years – determined a large migration of population from rural to urban area.

Table 1: Evolution of urbanisation in Romania

(Percentages of the total population living in urban and rural areas, at the Census)

	1930	1948	1966
Urban	21.4	23.4	38.2
Rural	78.6	76.6	61.8

Source: Romanian National Commission for Statistics -- The Census of 1992, vol. II, 1994; Romanian Statistical Yearbook 1996.

If in 1930 almost 80 per cent of population lived in countryside, in 1966 rural population decreased with almost 20 per cent. By migration these 20 percentages of population contributed to increasing of urban population.

Socialist industrialisation was closely connected with urbanisation. The old cities were extended and new urban settlements appeared in the places where new industrial centres were created. In record time there were constructed districts of blocks of flats for the working class. Since the demand was higher than the supply, there were built rapidly small apartments (having 1-3 rooms, plus bathroom and kitchen), and their quality was frequently unsatisfactory, being often “finished” without running plumbing or heating systems.¹

On the other hand, creation of the socialist industry supposed a large number of labour force. The socialist State –encouraging the equality of rights for women and men – offered to women the possibility of involving actively on the labour market. Socialist ideology evaluated negatively the private space, and granted a low economic and social status to woman as a housekeeper.² Therefore – as in all communist countries – in Romania also the rate of women participation at labour force was very high.³ Equality of women with men meant the women access to occupations that traditionally were performed by men. That is why, women working as welder, builder, tractor driver, mechanic etc. could be frequently met during that period.

The large migration of peasants from village to town had as a consequence the change of their mentalities, attitudes and behaviours. The high participation of women to labour force led to modifications of their demographic behaviour. During the past woman was especially housekeeper. Her main occupation consisted of solving the private space problems (bringing the children up, cleaning the house, cooking, breeding domestic animals etc.). In the new conditions created by socialism, woman had the possibility to enter actively into the public space. She had to work 8 hours per day out of home. Especially during ‘80s, when production plans imposed by Ceausescu reached aberrant values, impossible to be fulfilled, there were numerous cases when women had to work in the night shift, without having any free weekend.

¹ Johnson Alice K., Edwards Richard L., Puwak Hildegard (1993) – **Foster Care and Adoption policy in Romania: Sugestions for International Intervention** – Child Welfare League of America, vol. LXXII, no. 5/September-October 1993. p. 492

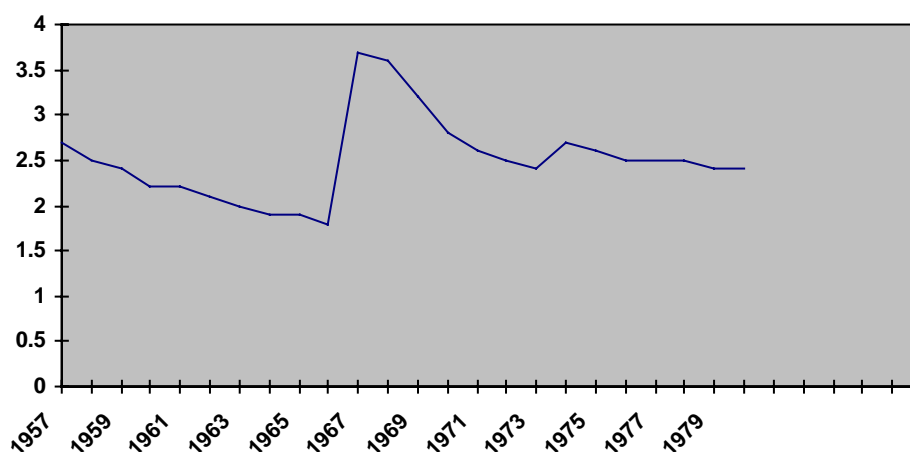
² Lataianu (Stefan) Manuela (1994) – **Review of Barbara Einhorn’s book “Cinderella Goes to Market” (Verso, London, New York, 1993)** – published in Review of Romanian Sociology no. 5/1994., p. 537

³ Einhorn Barbara (1993) – **Cinderella Goes to Market** – Verso, London, New York, p. 157

If we can talk about equality of man and woman on the market labour, we cannot say the same thing about equality of man and woman in the domestic space. Rather in less educated families the traditional model of work division between genders was maintained. Woman preserved all her obligations as housekeeper, even if she had to work daily out of home in the same way like her husband. In conditions of increasing the responsibility and exigencies concerning children future, and of reducing the woman's time for solving house duties, bringing the children up became a serious problem for her.

Since the period of compulsory education became larger, and exigencies for a higher education increased, the age when a person can earn her/his living by her/himself increased as well. Therefore, until that age, parents must support her/him. The child – who was considered as a source of incomes in the traditional society – became only a consumer in the modern one, based on salarial economy. Thinking in economic terms, it became less profitable to have a large family with numerous children. Therefore, women adopted rather the modern familial pattern, having one or maximum two children. This fact meant an accentuated decreasing of the birth rate, which reached in 1966 the lowest level (14,3 births at 1000 inhabitants).⁴ [See Chart 1]

Chart 1: Sintethic Index of Fertility



Source: UNICEF (Romanian Representing) and Department for Child Protection of the Romanian Government (1997) -- **Situatia Copilului si a Familiei in Romania** – Bucharest.

⁴ Trebici Vladimir (1991) – op. cit. p. 74

Having a look of this chart, it can be noticed that the value of fertility index during 1962-1966 was situated under the level of replacing the generations (under 2.1). Analysing the situation, the political staff afraid that a continue decreasing of the absolute number of inhabitants in the same rhythm, could determine the phenomenon of depopulation on long term. They considered this accelerate decline of birth rate during 1958-1966 as a consequence of adopting in 1957 of a decree stipulating the liberalisation of abortion. In fact this decree was rather a favourable condition than a cause of the birth rate decreasing. In absence of other contraceptives, woman used abortion in order to realise the desired dimension of family, it means the number of welcome children.⁵

2. Decree no. 770/1966 concerning prohibition of abortion

Taking into account the State's need of labour force in order to realise the extensive industrialisation program, the Communist Party decided to increase the population from 23 to 30 millions of inhabitants. Therefore in 1967 it was adopted the Decree 770 by which the abortion and using of contraceptive means were prohibited. This pro-natalist law had a *constrictive* character, violating the woman right to decide her family dimension. The harshness and the brutal way of applying this law had negative consequences on long term for Romania. Some specialists consider that methods used by Ceausescu's pro-natalist policy were those specific for animal breeding⁶.

According to the Decree adopted in 1967 every woman under 45 years old had the patriotic duty to give to the homeland at least 5 children⁷. In order to fulfil this objective the political power created a strong apparatus for controlling the whole system. *Securitatea* (the Secret Political Policy) founded in maternity-hospitals a specialised service for controlling the activity of gynaecologists and nurses.

⁵ Trebici Vladimir (1991) – op. cit. p. 122.

⁶ Trebici Vladimir (1991) –op. cit. p. 78

⁷ Idem. p. 44

All women were forced to go for a gynaecological control every month, this monthly health control representing the requirement for receiving medical care⁸. The pregnancies detected were monitored until term. In this way, the possibilities to provoke an empirical abortion were almost totally annihilated. The law was extremely severe, numerous gynaecologists as well as women who resorted to this method paying with years of prison their trial to avoid it.

At the same time the law punished the sale of modern contraceptive means which, as a result, disappeared from the specialised shops. All persons over 25 years old who did not have children (excepting those who had valid medical infertility problems) were punished for celibate, paying 30 per cent tax on income.⁹

There were only a few situations when the abortion could be provided in legal conditions: if the pregnancy put the mother's life in danger, if a chronic disease of mother could endanger the child health, or if the pregnancy resulted from rape. Specialised commissions composed of gynaecologists assisted by a public prosecutor and a Secret Political Policy officer were charged to approve the abortion.¹⁰

On the other hand, the sexual education was almost non-existent. In the official discourses on this topic, the accent was focused on the happiness of being mother, on the satisfactions of being a "heroic mother" who gives many and healthy children to the homeland. Mass media and movies always presented the relationships between men and women only in a platonic, idealistic way, without saying anything about how to detect in time an undesirable pregnancy, or about how to avoid it.

At least during the first years after implementation of this law, it proved to be extremely efficient. In the next year, immediately after coming in force of this law, the number of babies born almost doubled (being 93 per cent more than in the previous year). The generations 1967 and 1968 are the largest in Romanian history, the children born during this period being informally called "*ceausei*" (Ceausescu's babies).¹¹ This law affected in a negative way especially the poor families, with a low access to informal

⁸ Johnson Alice K., Edwards Richard L., Puwak Hildegard (1993) – op. cit. p. 492.

⁹ Idem. p. 492

¹⁰ Trebici Vladimir (1991) – op. cit. p. 78

¹¹ Trebici Vladimir (1991) – op. cit. p. 85

social resources, which could not find proper means for controlling the number of births, they adopting rather an attitude of total abandon of the family planning.¹²

But along the time people got used to the restrictive settlements, they adapted themselves to the conditions imposed by law, looking for new contraceptive methods. In this way illegal networks of places where the abortion could be provided appeared. The hygienic and medical conditions, as well as the methods used were frequently quite primitive, leading to large bleed, infections, sterility and sometimes even to the woman death.¹³

This was usually the situation of poor and uneducated women. The rich ones could solve the problem of unwelcome pregnancies either buying contraceptive means from the black market or paying a very high price for obtaining the legal right to make abortion in a specialised clinic. There were doctors who – in change of a high amount of money – agree to put one of the diagnostics that could allow a legal abortion. Information about the places where abortion was available circulated, of course, in an informal and secret way.

That is why the birth rate started again to decline more and more during the 1970s. This fact proves that prohibition of abortion cannot produce positive and sure effects on fertility for a long time. It is true that the birth rate could increase also as a consequence of prohibiting abortion, by undesirable fertility. But, after a short period of time, people adapt themselves to the new situation and discover new means of avoiding the law, and then, the birth rate drops again.

3. Consequences of the Decree no. 770/1966 concerning prohibition of abortion

However, on long run the consequences of applying this law were not at all favourable to Romania.

¹² Zamfir Catalin, Zamfir Elena (1977)– **Pentru o societate centrata pe copil** (For a society centered on the child), Editura Alternative, Bucuresti., p. 63

¹³ Lataianu (Stefan) Manuela (2000) – **Aborcja w Rumunii przed i po roku 1989** (Abortion in Romania before and after 1989) – in the review Problemy Rodziny no. 1/2000, Warszawa.

Firstly, **the rate of maternal mortality** – and especially that of maternal mortality caused by abortion – **reached in Romania the highest position in Europe**. As it could be noticed into the table 2, in 1980 in Czechoslovakia this index was 9.2. This value is the lowest in comparison with Romania, where this index reached the level of 132.1. After almost 10 years, in 1989 it can be noticed that generally, the woman's situation – at least from this point of view – knew a substantial improvement in this part of Europe, excepting Romania, which registered a substantial increasing of it (169.4), maintaining the top position.

Table 2: Maternal Mortality Rate (per 100 000 live births)

COUNTRY	1980	1985	1989
Czechoslovakia	9.2	8.0	9.3
Hungary	20.9	26.1	15.4
Poland	11.7	11.0	10.6
Albania	45.2	57.6	--
Bulgaria	21.1	12.6	18.7
Romania	132.1	137.4	169.4
Russia	68.0	54.0	49.0

Source: UNICEF; International Child Development Centre. Central and Eastern Europe in Transition; Public Policy and Social Conditions. – **Children at Risk in Central and Eastern Europe: Perils and Promises** – Economies in Transition Studies. Regional Monitoring Report; no. 4, Florence 1997.

In this sense, Vladimir Trebici shows also that only between 1982 and 1988 (years for which there are available statistical data) 3 360 women died, leaving 6 880 orphans children; it means an average of two children per every demised mother. In numerous cases these orphan children remained in residential care till they reached the age of 18 years.

Another consequence of this law was **a high increasing of the infant mortality rate**. Between 1967–1989 there were born almost 10 millions children. 340,000 of them died before reaching the age of 1 year. Demographers estimate that 20 per cent of

children born in this period were under-weight or with congenital malformations¹⁴, this fact affecting negatively the biological quality of population.

Not less important it was **the appearance of a great number of unwelcome children**. Liberalisation of sexual life, associated with the lack of sexual education and contraceptives, led to the increasing of birth rate, especially among families with a lower standard of life and education. It appeared a generation of unwelcome children: *ceauseii* [the Ceausescu's babies]. Some of them, born in unclear and unstable familial conditions, were abandoned from the beginning in maternity hospitals, or later, in hospitals for disable children. This can be one of explanations for the large number of children in social care institutions from Romania.

Excepting these consequences, visible on short term, there were another ones whose effects appeared later. And probably the most affected by this political decision have been the generations 1967-70.

Along the time, it was proved that the State managed indeed to increase the number of children, but without creating for them the proper conditions for a normal development. Demographic policy was not correlated with adequate sectorial policies (such as health, education, housing policies). For example, when these huge generations started the compulsory education, the number of schools and teachers proved to be insufficient for such a great number of children. Therefore, in numerous cases the time per lecture was reduced in order to make possible the attendance of school in three shifts. Classes were over-crowded (in numerous cases, more than 40 children per class), the quality of education decreasing substantially in such conditions.

Later on, the number of places in high schools and faculties for "ceausei" remained as large as for the generations born before the Decree, this fact determining a strong competition at the admission exams.

Following up the destiny of this generation, another important moment represented the falling down of communism in 1989 when these people were 20-23 years old. At that age they were either relatively recently involved in the labour market or studying. Changing of the political regime represented also the transition to the market

¹⁴ Trebici Vladimir (1991) – op. cit. p. 87

economy. Among others, this meant the reduction of personnel or closing up of inefficient enterprises and, implicitly, the appearance of unemployment. Taking into account that in numerous situations the applied rule was “the last arrived, the first who leaves”, often those belonging to these generations became unemployed, being considered too young and without enough professional experience.

Important changes were produced also in other demographic aspects, such as the difference of age between partners. According to statistical data, the average age at the first marriage in Romania is about 25 years for men and 22 for women, with a constant difference of three years.¹⁵ As an example, the women born in 1967 should be married generally with men born in 1964. But having a look of the chart 1, it can be easily discovered that the number of men born in 1964 is almost half of that of women born in 1967. Of course, the men in this example found themselves clearly in a more advantageous position, having a wide range of possibilities to choose a wife. But examining the situation of women in this case, it could be noticed an alteration of the traditional pattern, numerous women born in 1967 being married with younger men or of the same age. Still I do not have empirical evidences, but it is probable that the celibate among women from this generation to be higher than in others.

Going further, it could be predicted that more problems could appear when “ceauseii” will reach the retirement age. Taking in consideration the accentuated decrease of the birth rate, it is predictable that the rapport between the active and retired population will put then in difficulties the system of social insurance. [see annexes 1 and 2].

As a conclusion I can say that prohibition of abortion and of using the modern methods for birth control met only in an unsatisfactory measure the “specialists” expectancies. Indeed, for a very few years it was registered an increasing of population. But it must be reminded that the biological quality of these generations registered a substantial regress. The rudimentary endeavours to interrupt the pregnancy affected strongly the health of mothers and children. The number of handicapped children, the rate of maternal mortality and of infant mortality reached the highest level in Europe.

¹⁵ Trebici Vladimir (1991) – op. cit. p. 45

This law affected in a negative way especially the poor families, with low access to informal social resources, that could not find proper means for controlling the number of births and could not offer proper conditions of development to their children. This category of families adopted an attitude of total abandon of the family planning. As a result, a huge number of unwelcome children, born in precarious familial and social conditions, appeared and this fact determined an increasing of the number of abandoned children in residential institutions.

Weighing the advantages and disadvantages produced by this law, I could say in the end that the costs were too high for Romania.

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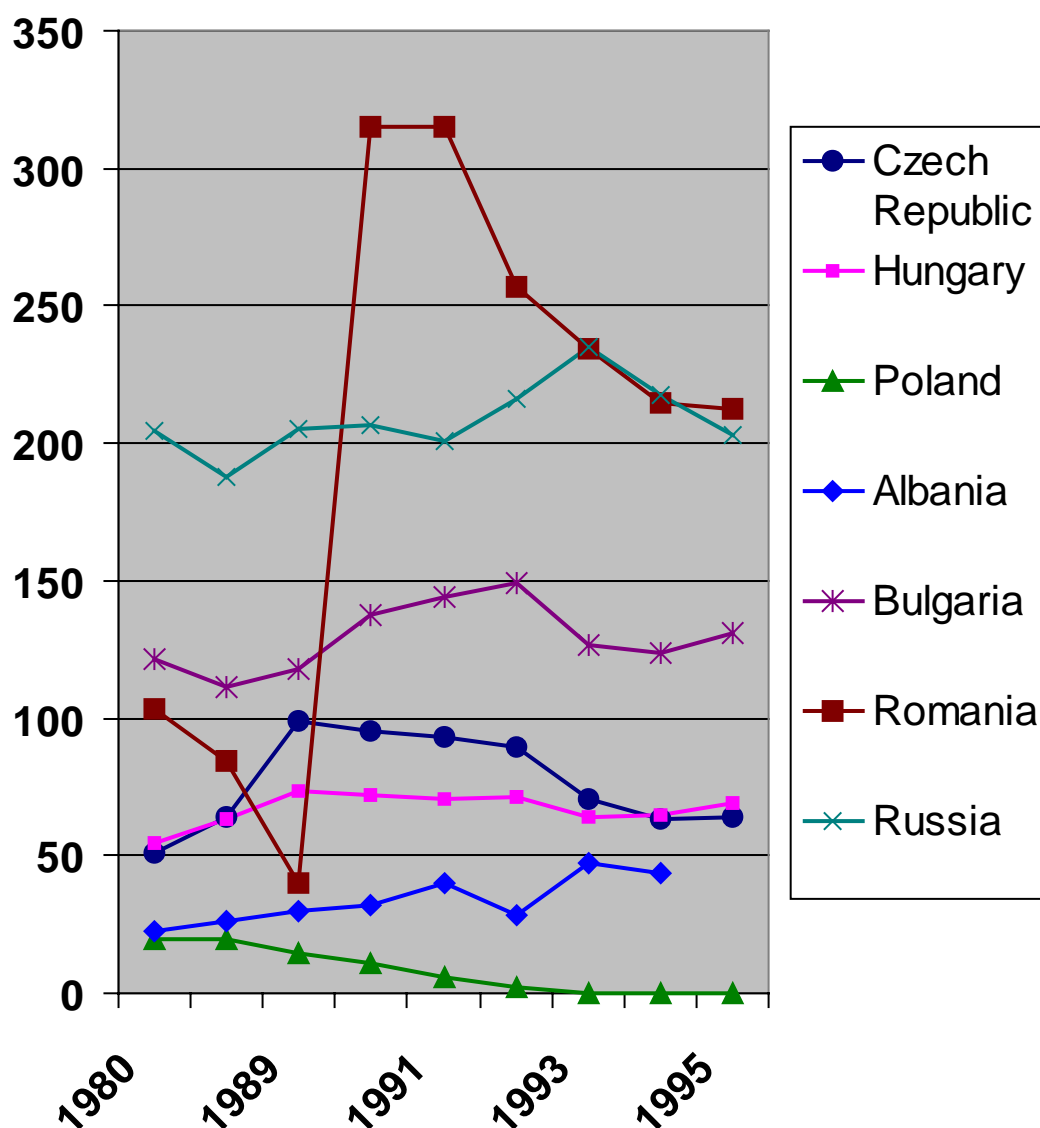
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Annex 1: ABORTION RATE

Source: Unicef International Child Development Centre. Central and Eastern Europe in Transition; Public Policy and Social Conditions. – **Children at Risk in Central and Eastern Europe: Perils and Promises** – Economies in Transition Studies. Regional Monitoring Report; no. 4, Florence 1997



Annex 2: CRUDE BIRTH RATE / CRUDE DEATH RATE IN ROMANIA

Source: Unicef International Child Development Centre. Central and Eastern Europe in Transition; Public Policy and Social Conditions. – **Children at Risk in Central and Eastern Europe: Perils and Promises** – Economies in Transition Studies. Regional Monitoring Report; no. 4, Florence 1997

