



Parenting the Nation: State Violence and Reproduction in Nicaragua and Sweden

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BETWEEN PROGRESSIVE AND REPRESSIVE: EXPLORING STATE VIOLENCE

Control of its citizens is evidently a fundamental principle for the nation-state: the imagined homogenous nation governed by its own sovereign state (Anderson, 1983). Reproduction is a core question for the state and as such a site of struggle between the reproduction of the nation and the reproduction of liveable lives. Activists around the world have a complicated relation to the state, as they struggle for extended forms of community and the abolition of state boundaries on the one hand and for a reformed state and changing the very definitions of lives and citizens on the other. One of the constants in scholarly and activist conversations

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around reproductive justice, spanning time and place, is the role of the state. Is the state facilitating people's access to safe reproduction, or is it hindering it? What is at stake in struggles for reproductive justice?

At the centre of this chapter are two countries, two states, with a history of international cooperation, both claiming to be social democracies, but with very different types of connotations attached to them when it comes to the state's role in reproductive justice (see Berg & Alm, 2021). Rather than comparing the countries as such, we place them next to each other in order to explore power relations and frictions manifested in the governance of reproduction. On the one hand, there is Nicaragua, the second-poorest country in the Western hemisphere with one of the most repressive and punitive legislations on abortion in the world; a state marked by (neoliberal) developmentalism without a functioning welfare apparatus (Walters, 2021), where the population has long been dependent on familism of care (Franzoni et al., 2010). Nicaragua was once well known for the socialist uprising in 1979, with a strong women's movement that succeeded in their fight for women's positioning in the labour market and laws against inter-family violence during the 1990s (Collinson 1990; Mulinari, 1995; Kampwirth, 2008; Heumann, 2014). The country is also known for the strong influence of the Catholic Church with anti-feminist messages where the struggle for an equality law has been accused by a bishop of being 'designed to impose the radical gender ideology promoted by the United Nations and other international organisations' (Berg, 2007: 169). In Nicaraguan governmental decision-making, it is clear how religious institutions and politics are intertwined, and how current personalist leadership with an anti-feminist agenda is affecting the situation regarding reproductive rights (see Blofield et al., 2017).

On the other hand, there is Sweden, a country that is well above the average when it comes to levels of living standards (by some accounts among the highest-scoring countries) (OECD, 2017), with its reputation as one of the pioneering nations in matters of gender equality and reproductive justice: a reputation, and self-image, based not only on its politics on abortion—so-called free abortion was instated in 1975—but also on its agitation for affordable contraceptives and mandatory sexual education in schools from the 1950s and onwards (Lennerhed, 2017; Elgán, 1994) and in contemporary times for recognising the right to gender recognition and gender-affirming care (Alm, 2019). But it is also a country that has come under sharp international and national critique for not having made proper amends for its settler-colonial history vis-à-vis the indigenous Sámi,

for its eugenic sterilisation programme spanning the 1930s to the 1970s that targeted both ethnic others and sexually diverse citizens (see, e.g. Selling et al., 2015; Broberg & Tydén, 2005), and for its contemporary lack of support systems for refugees and migrants (see, e.g. Nielsen, 2016; Lundberg & Strange, 2017; DeBono et al., 2015; Lind, 2019).

We take our departure from our shared interest in how state power is exercised through the governance of reproductivity and use Nicaragua and Sweden as two examples where debates about reproductive justice highlight tensions in the projection of a state that cares for its citizens. Hence our approach is not first and foremost grounded in a detailed analysis of the conditions for reproductive health and justice in the Nicaraguan and Swedish contexts as such, but in the governance of them. In other words, this chapter draws on a very particular formulation of this centrality of the state in theories and practices of reproductive justice: that of the notion of the state as a parent, with a particular responsibility to protect and foster, but also discipline and subjugate, its citizens. Both Nicaragua and Sweden have a history marked by socialist ideas. During the 1980s, after the Sandinist insurrection, education, health and care services expanded significantly in Nicaragua. With a socialist vision of a strong state serving the population as a whole, Nicaraguan welfare was very much dependent on international aid and a large number of volunteer workers. The liberal governments of the 1990s abandoned the idea of a centralised state and turned towards increased marketisation. Services are generally something each citizen must pay for today, with women taking the main responsibility for reproductive as well as productive work (Franzoni et al., 2010), thus reproductive care is dependent on economic resources and contacts. By contrast, Sweden is almost defined by its strong welfare system. The social democratic notion of the *Folkhem*—the people’s home—takes its departure from the ideal that society as a whole ought to function as a family, where everyone contributes according to their inclinations and abilities, and where the state provides parental care. Scholars have pointed out that the notion of the Swedish *Folkhem* is inherently paternalistic, and that a paternalistic approach sows seeds for state control and state violence, not least in relation to reproductive rights and the struggle for reproductive justice (see, e.g. Lennerhed, 2017; Hirdman, 1989).

Written in neoliberal times, when the role of the state and state sovereignty is highly debated in transnational discussions about reproductive justice, this chapter takes its point of departure in an effort to explore the complexities of how states formulate biopolitical regimes that target

reproduction and how the same states negotiate struggles for reproductive rights. The seemingly narrow focus on the figuration of the state as a parent allows us to study these complexities in an open-ended, but context-specific, way (see section ‘Notes on Methodology’).

GOVERNING REPRODUCTION: REPRODUCING THE NATION-STATE

Two strands of theoretical inquiry into the role of the state in matters of reproduction in general, and the governance of reproduction as a way to reproduce the nation-state in particular, inform us in our understanding of the figuration of ‘the state as a parent’.

Reproduction of lives and struggles for reproductive justice are at the core of life and death, and hence also at the core of the governance of life. So, in one sense we are interested in exploring what Michel Foucault talks about as biopower, that is, modern nation-states’ regulation of their subjects through ‘an explosion of numerous and diverse techniques for achieving the subjugations of bodies and the control of populations’ (Foucault, 1978: 140). The governance of reproduction is an aspect of the political rationality that takes the administration of life and populations as its subject: the forms of power that have a focus on fostering the population, managing biological life, through (a) institutions such as hospitals, schools and prisons and (b) via regulations regarding birth, mortality, reproduction, life expectancy and health (to name a few).

Theorists of biopolitics have argued that state violence sometimes takes the form of neglect. With reference to Achille Mbembe (2003, 2019), we are interested in the link between state politics and life-sustaining and life-obstructing situations of reproduction as they take form in Nicaragua and Sweden. The concept of *necropolitics* makes clear that life and death are state-surveilled and regulated events, and that nations exercise their power over the people. It is concerned with ‘those figures of sovereignty whose central project is not the struggle for autonomy but the generalised instrumentalization of human existence and the material destruction of human bodies’ (Mbembe, 2003: 14). Not having access to medical help undeniably has violent effects on human bodies, and actively pursuing a policy that does not offer help with abortion or gender-affirming care has devastating consequences, with a prolonged suffering, or ‘slow death’ as Lauren

Berlant (2007) has called it, and the end of lives. Some bodies are ‘kept alive but in a state of injury’ (Mbembe, 2003: 21).

THE NATION AND THE WOMAN

In line with previous feminist scholars, we see how the woman, and especially the mother, has been used extensively as a symbol in nationalist discourses. Anne McClintock (1995) has shown that the use of *Woman* as a gendered image of the nation has a long history. It is a story where the nation itself has been connoted as masculine through the figuration of the nation coming into being through the conquering of the earth, earth being connoted as feminine (Mother Earth). With reference to Elleke Boehmer (1991), McClintock shows how men generally had a metonymic role and thus became one with the nation, whereas women, on the other hand, were often represented in ‘a metaphorical or symbolic role’ (McClintock, 1995: 354). In Nicaragua, for example, a photograph of a breastfeeding woman with a machine gun on her back has been extensively used as a representation of the Sandinist revolution and Nicaragua itself as a newly proclaimed democracy. This use of a militant woman as a symbolic image can be understood in relation to other revolutionary movements where women asserted their right to political activity and access to militant struggle. Male martyrs like Augusto Sandino, who died in the name of the nation, have a similar function as a symbol of the revolution and of Nicaragua after the fall of the Somoza dictatorship. However, there are significant differences between the two: Sandino and other contemporary male martyrs are often named, while the women often remain nameless (Berg, 2007: 266–267). Nira Yuval-Davis points out in *Gender and Nation* (1997) how the position of fighting and risking their lives in the name of the nation was expected mainly of men, while women in various ways were expected to embody and reproduce their country.

In Nicaragua people who become pregnant are forced to give birth regardless of the consequences. In Sweden trans people have been forced to give up their right to reproductive sovereignty and bodily integrity to obtain their right to be recognised by the state as legitimate subjects. In line with this we can see how politics regarding reproduction returns to the *symbolic values* of bodies as objects that represent and reproduce the nation.

NOTES ON METHODOLOGY

In terms of approaching feminist transnational research, this chapter is inspired by the methodological reflections in Kath Browne et al.'s article 'Towards transnational feminist queer methodologies' (2017), especially in its insistence on not approaching transnational studies as comparative. Browne and colleagues problematise the form of transnational studies that attempts to construct comparable units of data for analysis through, for example, using the same type of methods of gathering and analysing data for similarities and differences (Browne et al., 2017). So, the methodological approach of this chapter cannot be abbreviated as a multi-sited ethnographic study, or a discourse analysis with comparable case studies, but ought rather to be understood as an engagement with context-specific expressions of the figuration of 'the state as a parent'. We hope to contribute to an understanding of the complexity of state control and state violence that resists a priori categorisations of one context, Nicaragua, as reducible to an example at one end of the scale—that of the authoritarian state—and the other context, Sweden, as reducible to an example at the other end—that of the benevolent, tolerant state. While we contextualise the contemporary expressions of state governance of reproduction, a detailed walk-through of the histories of Nicaragua and Sweden (or Latin America and Europe), respectively, falls outside of the scope of this chapter. We sketch the entanglement of political discourses expressed in legislation, media and popular culture and activist mobilisation and resistance to these political discourses in the Nicaraguan and the Swedish contexts. In other words, the focus of the chapter is not to track influences in terms of presumed causality, but rather to outline entanglements and frictions (Tsing, 2005, 2015).

Empirically this study focuses on reproductive rights through the issue of abortion in Nicaragua and reproductive sovereignty and bodily integrity in general, and the compromising of trans people's right to reproductive sovereignty and bodily integrity in particular, in Sweden. The study is anchored in different types of material. For the Nicaraguan case the material consists of interviews with feminist activists conducted during the past ten years and media material regarding the political leadership of Nicaragua in matters of the total ban on abortion. For the Swedish case the material consists mainly of governmental reports and political discussions concerning reproductive sovereignty and bodily integrity for trans people in Sweden.

THE TOTAL BAN AND THE FAMILY REGIME: CONTEMPORARY CAUDILLISMO IN NICARAGUA

Throughout the long period of colonialism (1523–1821) as well as the time until the Medellín Conference and independence (1821–1968), the Catholic Church in Nicaragua developed in similar ways as in other Central American and Latin American countries. After independence a more hierarchical Church developed, including an increased political power which turned into a social force in Nicaragua (Berntzen, 2012). Here, the position of reproductive rights has been situated at the epicentre of national politics in Nicaragua. According to a law from 1837, abortions were allowed *if* the life of the woman was at risk or if the foetus was not viable. This long-driven ‘protection’ of the foetus comes from the notion that life is sacred and should be protected from the moment of conception—a conviction held within the Catholic and Evangelical Churches. Abortion was declared illegal under the Criminal Code of 1974, during the leadership of Anastasio Somoza Debayle, but ‘therapeutic’ terminations could be obtained, hence the grounds had to be of a strictly medical nature (Molyneux, 1988).

During the 1960s into the 1980s, the Catholic Church in Nicaragua was influenced by and contributed to Liberation Theology. The Somoza regime ended with the insurrection led by the Sandinistas (FSLN) in 1979, a revolution that gathered radical Catholics, secular socialist ideas and prominent representatives of the women’s movement. Nicaraguan women participated side by side with men, but the long tradition of Nicaraguan machismo made its clear marks (Randall, 1981; Cappelli, 2017). The Sandinistas generally supported the idea of gender equality as part of social equality, but when the FSLN formed a government, their female comrades witnessed a disparity between early rhetoric and sexist machismo attitudes held by a range of Sandinista politicians who hindered initiatives towards gender equality. The vision regarding a new model of gender relations turned rather into a new patriarchal leadership in exchange for what had been overthrown (Heaton, 2017: 29).

The socialist regime (1985–1990) made some social reforms that increased the rights of women, and the literacy campaign had a significant impact on women’s (as well as men’s and others’) lives. However, no reforms that radically bettered the situation for women regarding reproductive rights were implemented. Efforts from the women’s movement to decriminalise abortion were met with resistance, as well as reforms for

homosexual rights, against domestic violence, rape or sexual harassment. One of the reforms made towards gender equality was the Nurturing Law in 1982, which imposed an obligation of domestic duties on men and women including equal parental responsibilities (Broadbent et al., 1990: 99). The Nicaraguan state was able to exist as supporting women without being feminist, ‘as the government pursued female benefit without advancing the cause of female emancipation’ (Heaton, 2017: 31).

It also became clear that the conservative phalanx of the Catholic Church gained more impact than many of the representatives of the women’s movement had wanted. Part of the reason as to why the liberals won the election in 1990 was the exhaustion of a horrible war (Contras vs Sandinistas), but another contributing reason was the liberal appeal to religion with messages of stability and family values being asked for by the many. It can be referred to a colonial history (brought in by Spain, etc.); however, it was an inevitable fact that the Nicaraguan state during the 1990s was highly influenced by the most conservative sectors of the Catholic Church—such as Opus Dei.

After three decades of liberal and right-wing state leadership, the FSLN campaigned in a new shape at the beginning of the new millennium. Daniel Ortega, the revolutionary hero, had previously conflicted with the religious leadership and had lost the presidency three times since the socialist period. During the campaign, Rosario Murillo, wife and member of the party, declared in interviews that the Sandinistas ‘love God above all things’, that they fully agreed with the churches and stated that the Sandinista coalition ‘says no to abortion, yes to life!’ (Kampwirth, 2008: 125). Murillo strengthened a pact between the Church and a much-reformed Sandinista party with a new Christian rhetoric, neoliberal economic plans and agreements with other leaders on the continent.

The Church representatives staged a demonstration of power by gathering 200,000 signatures, presented to the Nicaraguan National Assembly, and mobilised an anti-abortion march with around 50,000 Catholics and 20,000 Evangelicals on October 6, to urge the rescission of abortion being allowed only on therapeutic grounds (Kampwirth, 2008: 8; Berntzen, 2012: 173).

Days before the election on November 5, 2006, the Sandinistas supported the criminalisation of abortion after pressure from the churches. The decision was a successful strategy whereby representatives for both Catholic and Evangelist Church expressed their confidence in FSLN and its leader, and Ortega was elected as President (Getgen, 2008). The

absolute abortion ban became a symbol for a Nicaraguan culture that has a continual focus on so-called family values, with the tradition of Marianismo, referring to the spiritual devotion to the Virgin Mary, where women are valued for their faith, purity and reproductive abilities as mothers (Ellsberg et al., 2000; Salazar & Öhman, 2015). An ideal of domesticity had been reinforced in Nicaragua, made up of control of women's fertility and sexuality in lockstep with a narrowly defined public morality, functioning as a form of biopower (Lacombe, 2013). According to the Penal Code (Law 641, Article 143), women and girls who terminate pregnancies can face a judgement of two years in prison. Doctors, nurses, midwives and so on, as medical professionals, can be sentenced for up to six years for providing abortions and must report when suspecting abortions. This is evidently not the case for 'all women'. It is crucial to understand that an emphasis on Marianismo is not to equate women with being passive victims of sexism, destroyed by religion, colonialism and imperialism. And legislation and sanctions strike completely differently depending on class (peasantry in particular), race and indigeneity. Economic as well as cultural and social capital is crucial. Local feminist activists emphasise that the possibilities to access information differ enormously and a minority of women can travel to other countries for private and safe medical assistance. The law causes fear and an intensified culture of shame, guilt and severe challenges for women to relate to their bodies as their own. Fear sticks to their bodies, and in a classic divide the flesh becomes a threat to their lives as the body can be occupied and of national concern (cf. Ahmed, 2014).

Several national as well as international women's organisations have lobbied the Nicaraguan government to rescind this stricter legislation (see Vigil, 2006; Bradshaw et al., 2008; Heumann, 2014). To push ideas regarding women's rights to their bodies has turned into an impossible struggle as the political regime has forged a close tie with anti-feminist religious leaders (Howe, 2012). In interviews feminist activists repeat that the political 'battle must be against the state' and argue for the need of the state to become secular, for the importance of political 'decisions made based on sufficient valid arguments' (CR 20191121). By doing this they articulate the hope of a democratic state, based on an idea of a just and caring state. Most of the interviewed Nicaraguan activists define themselves as Catholics, but with an aspiration for other interpretations of Christian values than the conservative ideas expressed via the regime and intertwined with the anti-feminist religious representatives.

Control over the family, sexuality and fertility has been crucial to the continuing success of the Church as a moral authority, and the presence of the churches became irrefragable after the campaign regarding Article 143. So, it is impossible to fight for reproductive justice without relating to religious leaders: feminist activists as well as the government and all citizens in general must take their influence into account (Reuterswärd et al., 2011). The struggle for reproductive justice thus becomes a struggle over values, rights and the definition of a (democratic) state in itself.

Through the last decade the representative democracy has been severely undermined in Nicaragua. Changes in the Constitution have been made: instead of power being divided in the (a) legislature, (b) executive power, (c) judiciary and (d) electoral authority, it is centred on the executive—that is, the President—and thus gives the military more power.¹ This is accompanied by repeated messages about what the Nicaraguan nation is. As such it is not surprising that regulation of reproduction, and more specifically the state's control of women's (and girls') bodies/biological functions, play a key role in the ongoing dream of a homogeneous nation-state: a nation as a family, represented by a family.

As the heterosexual Christian family is situated at the core of the Nicaraguan nation, the figure of the parent becomes central in a variety of ways. The struggle for the democratic state, by civil society, is the struggle against the family in power, and the feminist struggle here becomes the most threatful one for the Ortega-Murillo regime (cf. Lacombe, 2013).

The contemporary position on reproductive rights and justice, by the Nicaraguan government, is closely connected to political pacts (Martí i Puig, 2010; Tercero, 2003) and the President's conflicting relationship with the women's movement in the country (Heumann, 2014; Kampwirth, 2008; Neumann, 2018). There has been a history of disagreements, one of which is particularly significant. In 1998, Zoilamérica Narváez, the stepdaughter of the President and daughter of his wife Rosario Murillo, accused her stepfather of having sexually abused her for over 11

¹In spring 2019 there were severe restrictions on freedom of expression: demonstrations and other signs of opposition were no longer permitted. In 2018 protests started against cut-downs on social security, critique which expanded into broader complaints against the government. Protests were responded to with force, as police and paramilitary groups attacked protesters. Some 320 people were killed, more than 2000 wounded and over 600 arrested—and by 2020 over 100,000 had fled the country (see UNHCR, UN News (2020, March 10), <https://news.un.org/en/story/2020/03/1059051>).

years (Narváez, 2002). Murillo supported her husband, while the feminist movement took a stand for Narváez. Amongst others, writer Margaret Randall published an open letter saying that she as well as others had known about the abuse but had kept silent for the Sandinista cause (reprinted in Huerta, 1998: 98; Kampwirth, 2004: 213). Ortega denied everything, claimed parliamentary immunity and escaped prosecution on a technicality (Aznárez, 2008). Narváez faced political persecution and eventually fled from Nicaragua to Costa Rica in 2013, from where she and several feminist activists continue their struggle for sexual and reproductive justice for women.

In Nicaragua the leadership was strengthened as Murillo officially showed her loyalty to their bionuclear family. During a regional summit in Costa Rica in January 2015, she was called the ‘Foreign Minister at Large’, subsequently appointed Vice President, and two of their daughters were named Special Advisors and a son as one of the Ministers. On the journey the Ortega-Murillo regime invited the international community to see the extent to which nepotism operates in the Nicaraguan government (Salinas, 2015).

But why focus on a singular politician? The reason for the importance of unfolding the circumstances around this particular leader and the current abortion legislation is precisely because Daniel Ortega has been a master of political pragmatism rather than an ideologue. With his leadership the socialist party has turned into a chameleon or, rather, an invertebrate creature that shapeshifts as far as possible to maintain power. Ortega has managed to use his reputation as the hero from the socialist revolution and become popular as a capitalist leader who initiates programmes for the poor and exploits the nation’s position as a low-wage manufacturing resource. By incorporating the Church (both Católicos and Evangélicos) and the right-wing elite, the party changed the ‘people’ into being everyone—a populist move whereby the rhetoric about love and support for the strict abortion law became a violent strategy to retain power. With the slogan ‘El Pueblo Presidente’ (‘The People are the President’), the aim has been to portray the leader of FSLN—policies and discourse—as representing the Nicaraguan majority culture and the President himself as ‘an embodiment of the people, and vice versa’ (Capetillo, 2019: 31).

Nepotism is nothing new for the Nicaraguan state; the Somoza regime (1936–1979) was defined by power concentrated within the family.

Already in the days of colonialism the colonial governors had identified ‘power of the nation’ as their own and instead saw it as natural to share it with family members. During the period towards independence from colonial systems (1798–1858), patriarchal families and folk communities played important roles in a region characterised by weak structures (Burns, 1991). The Caudillo system in Nicaragua (as well as in the region) is often referred to as an important part of the foundation for the hard patriarchal structure (cf. Lancaster, 1992)—the forceful machismo, in a country where male leaders keep a strong grip of political power (Telleria, 2011).

The staging of Ortega as a religious and revolutionary leader and as a defender of the people during the first few years of his mandate can be summed up by the slogan displayed throughout the whole of Nicaragua in the year 2009: ‘To fulfil a promise to the people is to fulfil a promise to God.’ The projection of Ortega as both defender of the poor and defender of Catholic faith in this slogan is a well-orchestrated effort to project him as a religious person whose religious and political principles correspond to those of the Nicaraguan majorities. (Guevara, 2014: 383)

Ortega became the ‘Father of the Nation’ and the symbol of the revolution. And as the revolution is associated with the end of the dictatorship of Anastasio Somoza, he represented the evident leader of an imagined democracy. The FSLN and their supporters are in control of the National Assembly, and serious criticisms regarding family members in several important positions are not met by attempts to address or increase democratic elements. Rather, Ortega is proud of his competent close circle, with declarations such as his family being a powerful one. So, despite the prohibition of popular protest decreed by the government, it was not surprising to hear anti-government chants on the streets of Nicaragua in 2018 and onwards saying: ‘Ortega, Somoza, son la misma cosa!’ (‘Ortega and Somoza are the same thing!’) (Anderson, 2018).

The absolute criminalisation of abortion thus should not be interpreted as the Sandinistas being especially engaged in the issue of the abortion ban, but rather that this was a turn towards a more cynical stance and political power being concentrated within the Ortega regime and a patrimonial-authoritarian state (cf. Kampwirth, 2010; Berntzen, 2012).

‘THE STATE HAS A SPECIFIC RESPONSIBILITY FOR ITS
VULNERABLE CITIZENS’: PATERNALISM AS STATE VIOLENCE
IN SWEDEN

As already stated, Sweden has a long history of describing itself as a bastion of reproductive justice, as a nation where the state steps up and takes responsibility for its citizens’ reproduction. This rhetoric was the backbone of the regulations on abortion and sterilisation issued in the 1930s and spanning, more or less unaltered, into the 1970s; legislations that took departure in the notion that reproduction was far too important of an issue, for national well-being and prosperity, for individual citizens to have sovereignty over their own reproductive capacities. Scholars have detailed how the politicians in parliament in the 1930s and 1940s, led by the Social Democrats, evaluated different strategies to strengthen and manage population growth. The end result was the work of social engineers such as Nobel Prize winners Gunnar and Alva Myrdal, combining a strict regulation of abortion, aimed at keeping the number of abortions down, an extensive sterilisation practice, targeting the parts of the population not deemed suitable for parenthood—that is, the poor and so-called asocial, racialised others, and citizens with psychiatric or physiological diagnoses—and an investment in social reform programmes with the purpose of bolstering childbirth rates in the respectable working class and middle class through making it possible for mothers to stay in the labour market (with reforms like communal nursery schools, parental insurance and parental leave) (Palmlblad, 2000; Hatje, 1974). This was the biopolitics of the Swedish Folkhem during its heyday.

The 1960s and 1970s saw a refashioning of the Swedish state’s politics of reproduction. Following conversations between public intellectuals and politicians about the need to limit the influence of the state on the private realm of its citizens—conversations focusing on, for example, the right to abortion and the benefits of reforming sexual education to be based on facts from the fields of sociology, sexology and psychology of sexual behaviour rather than on Christian sexual morals and mores (Zetterberg, 1969)—the abortion and sterilisation legislations were subjected to over-view. The governmental preparatory reports that suggested revisions put forth sharp critique towards the state paternalism from the 1930s and 1940s and argued for legislations that sprang from the principle of all citizens’ right to bodily integrity and reproductive sovereignty. In the words of the commissioner behind the report on sterilisation: ‘the natural point

of departure is that an individual, in principle, ought to have the right to decide over their own body' (SOU, 1974:25: 84).

The preparatory reports described a shift in societal views on sex, sexuality and reproduction: giving birth was no longer considered a societal duty; instead the relationship between state and citizen, when it came to reproduction, was described as one of trust and responsibility. It is the state's, and by extension society's, responsibility to make sure that its citizens can exercise their bodily sovereignty, the commissioners proclaimed. In the words of the final legislative proposition on the right to abortion: 'No one can assess the situation and her ability to care for a child better than the individual woman herself. A new legislation ought, hence, to build on trust in the woman's ability to decide for herself' (Proposition 1974:70: 61).

It has been argued (Alm, 2006; Edenheim, 2005; Östberg, 2002; Sandström, 2001) that the changes that took place during the 1960s and 1970s mainly affected the governance techniques of the state, that two types of technique—punitive legislations and explicit state surveillance—were abandoned for other types, in line with the birth and growth of a neoliberal state apparatus. The discourse of the state's responsibility for its citizens' reproduction was preserved, but rearticulated. The nexus of reproductive and sexual rights, as articulated in the regulation on abortion and sterilisation, also included assumptions about sexual and gender identity (Butler, 1990), and it is not a coincidence that the new legislation on gender recognition, Act Concerning Recognition of Gender in Certain Cases 1972:119, was introduced in 1972. The Gender Recognition Act can be understood as an expression of the legislative focus on bodily integrity already described. The legislation itself departed from the notion that trans people suffer, that the state contributes to this suffering through its administrative systems that demand that each and every one of us can be fitted into the juridical category of man or woman, and hence that the state also has a specific responsibility to alleviate said pain (Alm, 2021). The assumption was, and is, that it is beneficial to the state, society and the individual if a congruence of sexed and gendered expressions (i.e. juridical gender-marker, gender identity, primary and secondary sexual characteristics, gender role etc.) can be maintained.

This is the core of the state paternalism in matters of gender recognition: since sexual and gender expressions are relevant not only to the individual but 'to other individuals and to society' (SOU, 1968:28: 39), any legislation that addresses the right to change one's juridical gender and

access gender-affirming care also needs to take into account the effects of such a practice on society as a whole, and it is of importance that ‘the result is [not] in too sharp a contrast to foundational values among the general public’ (SOU, 1968:28: 40). As has been argued (Alm, 2006, 2021), the fact that the Swedish state stresses that sex and gender are important identificatory categories for the state to recognise and register its citizens through—in formulations borrowed from psychology and psychiatry, the commissioners of the 1968 report described gender identity as the core of individuality and of personhood—is indicative of how sex and gender are sites of differentiation and subjectivation, in processes of governance. Sex and gender are transposed as discernible, fundamental, individualising properties of the person and as regulated properties of the state: in a person marked with sex and gender, as categories of scientific knowledge, bureaucracy and juridical registration, the state has (in the possessive sense of the verb) a citizen and a political subject that can be governed. So, while the legislators acknowledged that the governance techniques of the state play a part in the plight of people who do not conform to societal norms (SOU, 1968:28: 24), the legislation demanded, and still demands, assimilation, in the sense that citizens who want to exercise their right to gender recognition have to comply with a set of criteria in order to be viewed as eligible, as respectable and trustworthy subjects that can exercise this right. From 1972 until July 2013, these criteria included a sterilisation demand: that is, in order for someone to have their gender recognised by the state, they had to give up their right to reproductive sovereignty.

There is a parallel between the arguments for the sterilisation demand as a condition for the right to gender recognition and a very specific line of reasoning put forth by the commission tasked with reforming the old sterilisation legislation: namely, the wish to make an exception to the principle that the initiative for a sterilisation operation has to come from the individual, to make it possible to sterilise those without legal capacity, due to mental illness or mental incapacitation. The logic was that in order to gain access to certain rights—the right to self-definition and adequate care to alleviate ill-health, or the right to an active sexual life—other rights need to be sacrificed. In the case of citizens without legal capacity, the argument was that allowing them to be sterilised without consent would be a way to secure their right to an active sexual life: ‘To the extent that those that lack legal capacity have or ought to have the possibility for a free sexual life, they ought also to have the possibility to be sterilised’ (SOU,

1974:25: 91). By extension this right to be sterilised was used as an argument to forgo the principle of reproductive sovereignty and bodily integrity, since the decision about sterilisation had to be taken by someone other than the affected individual, a legal guardian or custodian. This particular aspect of the legislative proposal for a new sterilisation act received sharp criticism during the round of referrals. Among those voicing critique was Sveriges Advokatsamfund (Sweden's Association of Lawyers) and Handikappförbundens centralkommitté (The Central Committee for Disability Organisations), who both pointed out that initiating an irreversible, non-essential operation without the consent of the patient was 'a considerable interference with personal integrity' (Riksdagsarkivet, Justitiedepartementet, diarienummer 1624/74, referral response from Sveriges Advokatsamfund). The paragraph that regulated such an exception to the general rule of reproductive sovereignty and bodily integrity was omitted from the final legislative text.

In light of the reformed Swedish legislations on abortion and sterilisation, that put such emphasis on the ethos of the individual's reproductive sovereignty and bodily integrity and their right to a sexually active life, the Gender Recognition Act seems anachronistic, out of touch with its liberal, tolerant time. While the other legislations appear to be formulated on the basis of an unambiguous individual right, the Gender Recognition Act is formulated as a legislation of exception. The right to gender recognition is formulated as a state-sanctioned exception to the general rule that an individual *belongs to* (in the ontological and epistemological sense of the word) the sex assigned at birth. It can be understood as a way to adapt the state's regulative techniques to a landscape of governance where gender-variant people were visible and demanding state support in the form of care and juridical amendments; instead of proposing ostracisation, the legislators proposed an assimilation into the normative model of sexed and gendered citizenship: an enfolding into the Swedish Folkhem as a, if not *the*, nation of progressive reproductive justice politics, gender equality and sexual citizenship.

However, if we look more closely at the arguments behind all three legislations, similarities appear, similarities that stem from the notion that the Swedish state has a particular responsibility for its citizens' reproductive sovereignty and bodily integrity. In matters of abortion and sterilisation, this ethos was expressed in discussions about the practicalities of making sure that all citizens had sufficient possibilities to exercise their sovereignty, that is, to make use of the rights they had been granted by the

state. The commissioners emphasised the need for a societal structure that could support citizens in their decision-making: state-financed and organised reproductive guidance centres, obligatory sexual education in schools and so on. During the referral processes, when the legislative proposals were read and commented on by governmental agencies, NGOs, professional organisations and the general public, concerns were raised from both socialist and conservative quarters about the effects that reproductive sovereignty might have. One recurring argument was that a liberalisation of the regulation on abortion would be the same as admitting that Sweden had failed as a welfare state and that the levels of abortion ought to be kept down with social and economic assistance to pregnant citizens (Proposition 1974:70; Lennerhed, 1994). Another argument declared that the state had to ensure that citizens did not make hasty decisions, and insisted that experts had an important role to play in safeguarding systems of guidance, evaluation and assessment; this argument was often put forth by professionals involved in the practices around abortion and sterilisation: physicians, jurists, civil servants. Combined, as they often were, these arguments formed the core of a paternalistic approach to questions about reproductive sovereignty and bodily integrity, at odds with the rhetoric of individual rights in the legislative texts. The anomaly of the Gender Recognition Act lay in the fact that the very formulation of the legislation relied on the explicit presumption that citizens needed to be protected from their own impulsiveness or lack of knowledge. Trans people who wanted to exercise their right to gender recognition and gender-affirming care needed to have documentation, from a psychiatric and psychological evaluation, stating that their gender identity was stable and reliable (SOU, 1968:28: 48, 50). The right to self-determination was dependent on one's identity being legitimised by experts and came at the cost of reproductive sovereignty and bodily integrity. The Swedish situation is by no means unique—queer and trans scholars such as Wendy Brown (1995), Jasbir Puar (2007), Dean Spade (2011) and Toby Beauchamp (2019) have shown that policies of sexual and gender equality are used to underpin the liberal nation-state and legitimise its violence—but Sweden was the first country to instate a comprehensive legislation that aimed at integrating gender-variant citizens, and the Swedish legislation became the model for legislations in various European countries.

The rhetoric from the late 1960s and early 1970s is traceable in the most recent legislative texts on the issue of gender recognition. Activists have pushed for reform, through lobby work and litigations against the

state (Alm, 2021). In 2014 a governmental report argued, with reference to the critique that the Swedish state has attracted from international organisations such as the European Union and Amnesty, that a reformation of the Gender Recognition Act is needed to ensure that people can exercise their right to gender recognition without having to go through any psychiatric or psychological evaluations (SOU, 2014:91: 280). The very same report, that put such weight on the right to self-determination, still argued for an exception to the right to reproductive sovereignty and bodily integrity in matters of genital surgery. Echoing the 1968 report, the commissioners argued that genital surgery is ‘a life-changing act’ (SOU, 2014:91: 276) that the individual cannot be left alone to decide upon; rather, such procedures ‘require rigorous medical examinations and evaluations’ (SOU, 2014:91: 292).

Activists, and scholars (Alm, 2019; Linander, 2018; Bremer, 2011), have argued that the Swedish state’s paternalistic approach to trans people must be understood as a form of state violence. The past couple of years have seen a debate about trans youth’s access to gender-affirming care, brought about in Sweden, as in other parts of the Global North and West, by the fraudulent pseudo-diagnosis of ‘rapid onset gender dysphoria’ (see, e.g. the original paper proposing the term ROGD; Littman, 2018; and the critique against it, Restar, 2019). Critics of the established protocols on trans youth care are invoking the standards of medical evidence and carefully tested experience, arguing that the protocol for care is supported neither by medical evidence—longitudinal studies with control groups—nor by carefully tested experience, due to its being a fairly new practice. A moral panic about trans youth not being protected from making decisions they later might regret is stirred up by a coalition of concerned parents, clinicians and journalists. In the Swedish context the critics have zoned in on the responsibility of the Swedish state to safeguard its most vulnerable citizens—the very ethos of the welfare state (see, e.g. Gillberg et al., 2019; Häggström et al., 2019). One of their main arguments for restricting youth’s access to gender-affirming care is that the state would be depriving these young citizens of their reproductive futures. In other words, both those that claim that access to gender-affirmative care ought to be *less* dependent on medical expertise and juridical regulations (and instead depart from the model of informed consent) and those that claim that it ought to be *more* dependent on medical expertise and juridical regulations describe the current model as a practice of state violence enacted on vulnerable citizens. One of the long-term effects of the exceptionalisation

and conditioning of the right to gender recognition and access to gender-affirming care is that there is no stable ground for reproductive sovereignty and bodily integrity for gender-variant people to build on, since they continuously must prove their right to be treated as exceptions to the general rule. State violence will either be enacted through gatekeepers who evaluate if the individual is eligible to be included or not, or it will be exercised through misrecognition and neglect.

GOVERNING REPRODUCTION: A PERMANENT STATE OF EMERGENCY?

In the Nicaraguan case the political project of the government is quite clear, and the patrimonial-authoritarian state has harsh ramifications as the legal and political institutions are justifying and promoting religious ideas with violent effects on fertile bodies. Here we can talk about patriarchal power which subsumes the maternal function of being able to autonomously birth a nation, including a ‘show of protective solicitude over the national offspring’ (Heng & Devan, 1992: 202), as well as the aggressive control of difference in the national body and the ongoing threat against the nationalist political fantasy: bodily transmogrifications and lost control of reproduction.

The notion of the state as a parent has conditioned other viable formulations of the state’s role and responsibility and launched the argument that critics of the state have to be understood as threats against ‘democracy’ and against the nation, since they question the foundational thought that the state (and leaders of the state) wants to do good for its citizens (see Berg & Alm, 2021). Critical voices are demonised as liars, bandits and wicked. The history of conflict between the Sandinistas and the women’s movement continues (Heumann, 2014; Cappelli, 2017), as the feminists in Nicaragua and in exile insist on being heard with the ambition to influence politics with international support. The total ban against abortion was a strategic move by FSLN, witnessed by a range of national and international feminist and human rights organisations—and has become a symbol for the alliance between the Church and the State as well as the current populist politics. The struggle for reproductive justice turns into a disturbing element for a leadership calling itself socialist but which, to appease the Church, rearticulates the issue and calls its representatives traitors.

The figure of the state as a parent in a Nicaraguan context could hardly be any clearer: the Father and the Mother are leading their children. It is an authoritarian ‘parenthood’ that controls the lives of reproducing bodies as such, given that their lives are put on the line with every pregnancy—citizens who might survive but also be severely harmed or even die. The combination of a powerful influence of religion and high rates of sexual violence, with data indicating that young women and adolescent girls are at particular risk of unwanted pregnancy from rape, results in a culture of fear and shame—where bodies become threats with consequences such as illegal abortion, often performed through dangerous methods, and attempted suicides. Women with financial means can pay for a safer abortion, illegal within Nicaragua or undertaken outside the country. So, the decision affects women in general, but most of all poor women who do not have the funds to pay a doctor for a (illegal) safer procedure or leave the country (Bradshaw et al., 2008). An example of necropolitics is that the state forces a range of girls and women into life-threatening situations, or to being ‘alive but in a state of injury’. However, it is important to remember here that Nicaraguan girls, women, gender-variant people are not inherently vulnerable but, rather, it is the state that creates the vulnerability through the legislation that affects their bodies (Berg, 2012).

The Swedish context provides a very different concretisation of how the exceptionalisation of reproductive rights functions to reproduce the nation-state, in that it offers an example of how the state can make use of its self-image as a bastion of progressive reproductive justice politics to cover up the fact that it is conditioning trans citizens’ reproductive sovereignty and bodily integrity. The separation of the issues of abortion and sterilisation from the right to gender recognition creates an illusion of radical incommensurability between the cisgender citizens’ relatively unconditioned right to reproductive sovereignty and bodily integrity and the conditioned, exceptionalised right to reproductive sovereignty and bodily integrity for their gender-variant counterparts. This illusion of incommensurability is vital for the nation-state of Sweden’s understanding of itself as progressive and tolerant on issues of reproductive justice; it is instrumental in how this self-image—this projection of the state—is presented not as a matter of political positioning but as a historical fact (reflected, for example, in the trope being used by politicians from the opposing sides of the political scale).

Sweden’s self-image as the benevolent parent who secures its citizens’ rights has been challenged throughout the years in ways that make it clear

that the question of governing reproduction *is* political at heart. As already described, trans activists and international organisations such as the WHO and the European Union have made the case that the restricted access to gender-affirming care, and the compromised right to reproductive sovereignty and bodily integrity, contribute to the mental ill-health of trans people living in the country, and that this has discredited Sweden's reputation as a liberal welfare state. Through describing trans people's harsh living conditions as necropolitical effects of state negligence, Swedish trans activists are politicising the harmful consequences that the governance of reproduction has had, and still has, for gender-variant people (Alm, 2021).

Another way in which the notion of Sweden as the bastion of reproductive justice is challenged, and the governance of reproduction is addressed as a deeply political question that speaks to the Swedish state, can be found in the attempts to reform the abortion legislation, launched from conservative quarters. Political efforts have been made, in parliament, to instate a fixed time limit above which no abortions are to be performed (see, for example, motions by the Christian party, the Christian Democrats, and the nationalist party, the Sweden Democrats: Skånberg & Eklind, 2018; Kronlid et al., 2017). The current legislative text lacks such a fixed time limit; the eligibility criterion has been, and still is, that if the foetus is viable outside of the womb abortion is forbidden, and the praxis for late-stage abortions has since 1975 been lowered from 24 weeks of gestation to 22 weeks, following the medical developments. The motions for reform have argued that Sweden has one of the least restrictive abortion legislations in Europe, and that 'society also has a juridical duty to make sure that children are not killed' (Skånberg & Eklind, 2018). Conservative politicians argue that the current legislation on abortion has necropolitical effects. In other words, the effects of governance are turned against the state and politicised from positions and contexts that ideologically share very little when it comes to interpretations of the individual's right to reproductive sovereignty and bodily integrity, but with a common repercussion: the notion of Sweden as a benevolent parent is contested.

Previous research, from a range of different countries, has shown how control of reproduction is a key component in the superimposition of the state and national identities (see, e.g. Yuval-Davis & Anthias, 1989; Verdery, 1994; Kozłowska et al., 2016). We can see how the governance of reproduction exceeds practices of counting and regulating when and how reproductive activities are to be allowed or prohibited; reproduction becomes instrumental in state-sanctioned systems that condition both

citizens' and noncitizens' rights to health, integrity, a sense of belonging and a meaningful life.

State governance over reproductive sovereignty and bodily integrity can be explicitly violent, manifested in punitive or restrictive legislations and the lack of access to care, or it can take more subtle expressions; there are different tools in the biopolitics of population control. Political leaders, Fathers and Mothers of the Nation, interact with and regulate their imagined children, the citizens; citizens who in turn are identified, or dismissed, as potential parents to the subsequent population. As such the governance of reproduction is a vital aspect of the political fantasy about the nation-state and its futurity. This chapter illustrates through the exploration of the notion of the state as a parent, expressed in the cases of Nicaragua and Sweden, how the exceptionalisation of reproductive rights still has very specific functions for the reproduction of the nation-state, whether that be of the nation as a bastion of Christianity and traditional family values with a political leadership that metonymically becomes the founding family of the nation, or of the nation as a tolerant home in a world of turmoil and anti-gender movements.

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