



FAMILY AND POPULATION REPRODUCTION DURING COMMUNISM*

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This text represents a short review of the state policy in what concerns the reproductive life during communism, emphasising the main pieces of legislation regarding the abortion and their consequences on the fertility trend. Our conclusion is that at the end communist period, not only the level but also the pattern of fertility had come very close to the situation from before the 1966 measures, the restrictive and punitive policies causing only damages, pain and deaths, being far from their intended purpose.

Keywords: abortion, Romania, Decree 770, demography, population policies.

In the 20th Century, in Europe and elsewhere, the modern state, irrespective of its democratic or fascist-communist forms, often leaned towards essentially authoritarian politics in order to expand its control over the sphere of private life, by guiding the family, sexuality, reproduction, paternity, and so on.¹

The period 1966-1989, is the only one that was unquestionably characterized by the adoption of measures with an officially acknowledged demographic target: population growth. The ambitions of Nicolae Ceaușescu, transposed in 1974 into the *Romanian Communist Party's program of building the multilaterally developed socialist society and advancing Romania on the path toward communism*, concerned the size of Romania's population and envisaged a highly consistent increase over the next 25 years. After the fall of the communist regime, even when fertility rates reached a very low level, governments never adopted again – probably also in light of the sinister spectre of prior periods – any explicitly demographic measures, attempting rather to conceal these goals (if there were, indeed, any) under the blanket of family policy measures, devoid of substance, vigour and consistency, which

have been less than effective in redressing fertility, managing, at most, to stop its decline to even lower levels.

The postwar period witnessed the emergence of a “culture of abortion,”² as this was considered an alternative method of family planning.³ This situation was due to the fact that the population rejected modern contraception and family planning, all the more so since access to contraceptives had been preceded by free access to abortion, given its liberalization in 1957.

The abortion has a long history in Romania and we will overview only some of the important dates in this history. Thus, the Criminal Code of 1865, under Article 246 (as amended by the Law of 17 February 1874), introduced a punishment for anyone who, deliberately, by any means whatsoever, caused a woman's miscarriage, with or without her will. It goes without saying that the law punished the physicians, surgeons, midwives, apothecaries (pharmacists) and all those who were proved guilty of complicity to the abortion. Subsequently, the Criminal Code of 1937, adopted under the reign of Carol II, punished (under the same Article 482) “the crime of abortion irrespective of whether it was committed with or

* An extend version of this text was presented at XXII CISH Congress, Jinan, 2015.

without the consent of the expectant woman.” To a large extent, the explanation for such an attitude resides in the fact that the Romanian society of the 19th century and the first half of the 20th century was deeply entrenched in a traditionalist outlook. The position of the Orthodox Church in Romania was influential in this regard, as it fundamentally condemned any recourse to birth control. Article 482 of the Criminal Code stipulated the exceptions in which ending a pregnancy was allowed. First, the prosecutor could authorize an abortion “following the physician’s request, to remove an imminent danger which threatened the woman’s life.” Second, abortion was permitted if the pregnancy risked aggravating an existing disease, which, again, placed the woman’s life in danger; and third, if one of the parents suffered from a disability that might have been transmitted to the child. A distinction was made between: “abortion committed without the consent of the woman” – punishable with correctional imprisonment from 2 to 5 months; “abortion committed by the unmarried pregnant woman herself, including when she consents to have it induced by someone else” – punishable with correctional imprisonment from 3 to 6 months; and “that committed or consented by a married woman” – punishable with correctional imprisonment from 6 months to a year. Under the Criminal Code of 1937, abortions authorized by a physician were not liable for punishment. Again, it was up to the physicians to decide on the opportunity of terminating a pregnancy. Thus, the 1948 amendments did not introduce any new provisions in the legislation on abortion, but simply reinforced the rule, which had probably become too lax in those years, through correctional imprisonment punishments, which went from 3 months to 5 years.

By contrast, Decree 456 of 19 October 1955, which ceased to regard abortion as a crime, provided that it was carried out by a doctor and that it was applied to those categories of pregnancies that posed risks for women, introduced a rift in the tradition of Romanian law: this was the first time abortion had been removed from the delictual sphere and accepted as a medical act implemented in order to save the woman in question. This was the very year when abortion was legalized in the USSR, after the 19 years of practice prohibition that Stalin had imposed.

We may ascertain, however, that although in Romania, during either the interwar period or the aftermath of the war, abortion was performed in

medical surgeries or in other conditions, representing a fairly widely used method for regulating fertility, this practice could not have had such a huge impact that might explain the halving of fertility rates during the first half of the 20th Century (going from almost 6 to only 3 children/woman). That is why the impact of the measures adopted in 1948 and 1955 should also not be overestimated. In the context of multiple pressures and constraints that was characteristic of the first years of the new regime and in view of the reorganization and nationalization of the health care institutions, it is possible that the 1948 Law produced a restrictive effect on the practice of abortion, but in no case can it be held solely responsible for increasing the birth rate between 1948 and 1955.

Two years later, the Grand National Assembly issued Decree no. 463 of 30 September 1957, concerning the legalization of abortion. In no more than two articles, the decree stipulates that “the termination of pregnancy can be carried out at the request of the pregnant woman” (Art. 1) and that the “interventions shall be performed in medical-sanitary state institutions, in keeping with the Instructions of the Health Ministry and the Social Provisions” (Art. 2). This liberalization of abortion was to turn the medical act into an important method of regulating fertility. The fact that Decree 463 of 1957 had authorized abortion on request, without conditions,⁴ was virtually equivalent with a genuine liberalization. Why was this gesture made by the communist regime in Romania? It seems that several reasons had stood at the basis of this decision. After the legalization of abortion in the Soviet Union, several of the satellite countries inspired themselves after the model set forth by Moscow. Moreover, in 1956 there were organized vast protests against the communist regimes in Hungary, Poland and the German Democratic Republic. In Romania, there were manifestations of sympathy with the events in Hungary and student demonstrations, so the legalization of abortion could be an “incentive” offered to the people to iron out the tense state of affairs.⁵ Bearing in mind that at that time, the majority of Romania’s population was still rural and had a low level of education, it is unlikely that recourse to liberalized abortion occurred suddenly and massively; certainly, older practices will have first come out of illegality and then, within a few years, the category of women who began practicing the voluntary termination of pregnancy will have significantly widened.

Undoubtedly, the most infamous measure regarding abortion in Romania was the one taken by N. Ceaușescu in 1966, shortly after his coming to power: since this measure was aimed at the radical restriction of this practice, it was the rough equivalent of a prohibition. At the same time, because of its very serious consequences for the normal life of the individuals entailed by this restrictive legislation, the moment 1966 became a unique case in the history of the family in Romania (and in Europe). In short, Decree 770 banned pregnancy termination for all women who were under 45 or had given birth to 5 children, with a few exceptions: abortion could be induced if it endangered the woman's life, if one of the parents suffered from a hereditary disease, if the mother was afflicted by serious disabilities, if the woman had already given birth to four children and if she was a victim of incest or rape.

This decree was subject to several amendments, the first of these being brought in 1972, when the threshold at which a woman could resort to abortion was lowered to 40 years and 4 children. In 1982, the threshold was elevated by two years (42), while in 1985, due to the decrease in fertility down to the generation replacement threshold, Decree 411 was adopted, raising again the age at which a woman could resort to abortion to 45 years and the number of children to 5. It should be added that prior to 1985, there had been no formal decision prohibiting contraceptive means, but they could not be found in drugstores (condoms had gradually disappeared and contraceptive pills were not imported) and were only available for purchase on the black market. In 1985, bans were imposed on both the import and the use of contraceptive means, including the fitting of intrauterine devices.

This situation, in which the growing number of abortions exceeded by far the number that would have compensated the decline in births, raises the following question: what categories of women replaced contraception with abortion and why? The answer to the second part seems simple enough. At that time, there were few contraceptives available to the Romanians. Moreover, as it is well known, in the early 1960s, the contraceptive pill had barely made an appearance and was accepted with rather great difficulty into practice, even in the United States. The previously known contraceptive means, including the ordinary condom, were hard to come by on the Romanian market, so it may be assumed that the main contraceptive means remained the *coitus interruptus*, to which was added the calendar

method, vaginal lavage and several other means of this kind.

Compared to clandestinely performed pregnancy termination, legalized abortion, which was conducted by doctors in hospitals, offered higher guarantees for the life and health of women, and if we add its low cost (roughly the equivalent of 2-3 dollars), we may understand why it was quickly adopted. The only negative effect perceived as most serious by the population resided in the notion that abortion (and especially the repetition of this act) could cause sterility in women; hence, the practice was viewed with more caution by people who wanted to have (more) children. This attitude was reflected in the fact that recourse to abortion increased with age; therefore, *abortion was essentially a practice of limiting procreation rather than of spacing out births*. The sentence above was valid primarily for married women; naturally, unmarried young persons also resorted to abortion if they got pregnant accidentally and did not want to live the traumas of a celibate parent's life, a status that, during that time, was still hard to accept even in Western Europe, not to mention in a country with an authoritarian regime that sought to regulate in detail the private lives of its citizens.

The measures adopted in the fall of 1966 had immediate and far-reaching effects, as it is well known, because the situation regarding births in Romania acquired notoriety at world level (and not only among demographers). While by 1966, the number of live births had fallen to 273,678, the crude birth rate to 14.3‰ and the synthetic index of fertility to 1.9 children/woman, the values rose, during the next year, 1967, to 527,764 births, the birth rate to 27.4‰ and fertility to 3.7 children/woman: this was practically a leap from simple to double, regardless of the form in which we may choose to express the intensity of this phenomenon⁶ (see Rotariu, Dumpnescu, Hărăgus, 2018).

In 1974, the instructions for enforcing Decree 770 of 1 October 1966 were reviewed and detailed. Thus, in 1974, not only the number of the articles had doubled (from 22 to 47), but also that of the pages: there was elaborated an additional document entitled *Application Instructions for Decree 770/1966 regulating the interruption of pregnancy, the resolution of incomplete abortion and the improvement of obstetric and gynaecological care*.⁷

It should be noted that the 1974 revision of the legislation on abortion entailed an increase in the control exerted by the state over human

reproduction, as it led to an intensified presence of repression institutions in people's lives. The medical boards that authorized pregnancy terminations were appointed not only by the county medical bodies, but also by the county heads of the prosecution and the police. The medical board meetings ruling on the legality/illegality of abortion had to be attended by a representative of the prosecution and by one from the Ministry of Interior. The presence of the members of the repressive apparatus at the meetings of the medical boards represented not only the expression of an obvious exercise of state control over women's bodies, but it also questioned the scientific authority of the medical profession in Romania.⁸

The negative results recorded in the sphere of demographic policy led Ceaușescu to inaugurate, in 1984, a new stage in his pronatalist campaign. According to the Demographic Report prepared by the Superior Health Council, by March 1984 fertility had dropped below the level of generational replacement, and for each live birth, 1.3 legal abortions were performed, despite the restrictive legislation in the field. The speech Nicolae Ceaușescu delivered on 7 March 1984, at the Enlarged Plenary Session of the Superior Health Council, strongly asserted that the political and health bodies should assume greater responsibility in implementing the decree against abortion.⁹ In addition to this, on 26 December 1985, anti-abortion legislation was revised, further restrictions being introduced. A woman had to be at least 45 years old and to have given birth to at least 5 children, now in her care, to request a legal abortion. Demographers, physicians, women and youth organizations were called upon to participate in mass campaigns supporting the pronatalist propaganda.¹⁰

The measures taken during this period caused a decrease, in 1984, by over a quarter of the total number of abortions, followed by a second decrease, at least as high as the previous one, visible since 1986. Thus, towards the end of the period (1986-1989), less than 200,000 abortions were performed. This decline is important, if we consider that the number of abortions during those years was below 40% of that recorded in the first years of the 1980s. There was also a visible increase in the number of births, but certainly not with the magnitude expected by the regime, especially since it ceased in the last two years (1988-1989). Overall, the amount of births and abortions decreased from over 800,000 to a level

of about 560,000, which means that approximately one quarter of a million pregnancies disappeared from the statistics. These, for the most part, no longer happened, which suggests that the population was passing, at this time, through a new phase of prevention. The hypothesis is plausible because the fertile female population of this period was entirely different qualitatively from the one that had suffered the consequences of the Decree issued in 1966 (being already concentrated in the urban areas and having a higher educational level).

We arrive, therefore, at the same finding based on the analysis of the rates, albeit expressed in different terms: *at the end Communist period, not only the level but also the pattern of fertility had come very close to the situation from before the 1966 measures.*

The downward slope of the average age at birth, across the long interval 1969-1983, shows that older women were more likely to cease their procreation, either because those who had birthed a sufficient number of children ("the target figure") required the state achieved that more quickly, benefiting from abortion afterwards, or because they were, in general, more determined and managed slightly better than the younger women to prevent pregnancy. However, in this regard, the measures taken by the communist regime after 1966 disturbed and even reversed a "natural" trend – namely, the *gradual increase of age at motherhood* – which would have been sensed in Romania too, ever since the 1970s, if the fertility transition had been completed.

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